ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT
1768	12/7/98	12/11/98	N/A	AN ORD. ACCEPTING DEED OF DEDICATION FOR LAND AT THE CORNER OF COLLEGE BLVD. AND NALL AVE. TO BE USED FOR STREET PURPOSES
1769	12/7/98	12/11/98	N/A	AN ORD. ACCEPTING A TRAFFIC SIGNAL EASEMENT LOCATED AT THE CORNER OF COLLEGE BLVD. AND NALL AVE.
1770	12/21/98	1/26/99	N/A	AN ORD. REZONING FROM CP-0 to CP-1, TOMAHAWK CREEK OFFICE PARK BUILDING #5, APPROX. SOUTHWEST CORNER OF ~~XXXXXXX~~ TOMAHAWK CREEK PARKWAY & COLLEGE BLVD.
1771 C	12/21/98	1/26/99		AN ORD. AMENDING SECTIONS 14-105, 14-301 and 14-302 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO TRAFFIC REGULATIONS ON PRIVATE PROPERTY
1772	1/4/99	1/26/99	N/A	AN ORD. WHEREBY CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR RELOCATION OF A WATER LINE ALONG MISSION RD. FROM SOUTH OF THE ACCESS ROAD ALONG I-435 TO NORTH OF THE I-435 BRIDGE
1773 C	1/18/99	1/26/99		AN ORD. RELATING TO SMOKING REGULATIONS IN THE CITY
1774	1/18/99	6/8/99	N/A	AN ORD. DEANNEXING PROPERTY FROM THE CITY - Laner property 135th & Nall
1775	2/16/99	2/23/99	N/A	AN ORD. AMENDING SECTION 5-5 OF THE "AMENDMENT OF THE LEAWOOD DEVELOPMENT ORDINANCE" SPECIFICALLY PROVIDING FOR CHANGES IN PLAN COMMISSION MEMBERSHIP
1776	2/16/99	2/23/99	N/A	AN ORD. AMENDING SECTION 5-4 OF THE "AMENDMENT OF THE LEAWOOD DEVELOPMENT ORDINANCE" SPECIFICALLY PROVIDING FOR CHANGES TO THE BOARD OF ZONING APPEALS MEMBERSHIP AND PROCEDURES
1777 C	2/16/99	2/23/99		AN ORD. AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 9 (SMOKING) TO CHAPTER 11 (PUBLIC OFFENSES) AND REPEALING EXISTING PROVISIONS
1778	2/16/99	2/23/99	N/A	AN ORD. AMENDING ORDINANCE NO. 1202 AUTHORIZING THE IMPROVEMENT OF THE INTERSECTION AT STATE LINE RD. & 92ND STREET - to amend the total estimated cost and the City's share

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT
1757 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. AMENDING SECTION 1-203 OF THE CODE RE SPECIAL MEETINGS
1758 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. REPEALING SECTIONS 1-304 AND 1-403 OF THE CODE REGARDING BOND REQUIREMENTS FOR THE CITY ADMINISTRATOR AND APPOINTED CITY OFFICERS
1759 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. ADDING PORTIONS OF PROVISIONS OF FORMER CHARTER ORDINANCES 7 AND 9 TO THE CODE - re general penalty for the Code, municipal court provisions, traffic bureau provisions
1760 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. AMENDING SECTION 1-102(j) OF THE CODE REGARDING DEFINITION OF "GOVERNING BODY."
1761 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. AMENDING SECTION 1-108 OF THE CODE RE POWERS GENERALLY OF THE CITY
1762 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. AMENDING SECTION 6-201 OF THE CODE REGARDING DIVISION OF THE CITY INTO WARDS
1763	11/2/98	11/24/98	N/A	AN ORD. WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR A SANITARY SEWER LINE FOR THE VILLAS OF IRONHORSE, 153RD AND NALL
1764	11/16/98	12/8/98	N/A	AN ORD. REZONING FROM AG TO SD(C-R) AND SD(O) - T.G. DEVELOPMENT, 135TH & ROE AVE.
1765	11/16/98	11/25/98	N/A	AN ORD. REZONING FROM CP-0 TO CP-1, TOWN CENTER BUSINESS PARK, 117TH & ROE AVE.
1766	11/16/98	11/25/98	N/A	AN ORD. WHEREBY CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR A WATER LINE FOR THE RESERVES OF IRONHORSE, SOUTHEAST CORNER OF 151ST AND MISSION (Iron Horse Estates, 2nd Plat)
1767	11/23/98	11/24/98	N/A	AN ORD. AUTHORIZING ISSUANCE OF $12,340,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1998-A

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT
1744	8/17/98	8/21/98	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY THE COST OF IMPROVING OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY
1745	8/17/98	8/21/98	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY THE COST OF TOWN CENTER PLAZA IMPROVEMENTS
1746	9/~~28~~ 21/98	9/29/98	N/A	AN ORD. REZONING PROPERTY (TOWN CENTER PARK - HILTON HOTEL)- northeast corner of 117th St. and Nall Ave., from SD-0 to CP-0
1747	10/22/98	~~[illegible]~~ 1/18/2000	N/A	AN ORD. AMENDING SECTIONS OF THE LEAWOOD DEVELOPMENT ORDINANCE RELATING TO ROOFING (COLORS)
1748	10/22/98	11/4/98	N/A	AN ORD. GRANTING A PERMANENT UTILITY EASEMENT (UNTO THE CITY ITSELF) IN THE VICINITY OF TOMAHAWK CREEK PARKWAY AND COLLEGE BLVD. FOR CONSTRUCTION AND MAINTENANCE OF VARIOUS UTILITY FACILITIES
1749	10/22/98	11/4/98	N/A	AN ORD. GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO TOMAHAWK CREEK, L.L.C., IN THE VICINITY OF TOMAHAWK CREEK PARKWAY AND COLLEGE BLVD. FOR THE CONSTRUCTION OF SANITARY SEWER LINES
1750 C	11/2/98	11/6/98		AN ORD. AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 8 (LIGHTING NUISANCE) TO CHAPTER 11 (PUBLIC OFFENSES)
1751 C	11/2/98	11/6/98		AN ORD. ESTABLISHING A PUBLIC ART IMPACT FEE
1752	11/2/98	11/3/98	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 108; COLLEGE BLVD.; $2,900,000
1753	11/2/98	11/3/98	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 151; FIRE STATION NO. 3; $500,000
1754	11/2/98	11/3/98	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 171; MUNICIPAL POOL BATHHOUSE; $300,000
1755 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. AMENDING ARTICLE 1 OF CHAPTER 6 OF THE CODE RE CITY ELECTIONS
1756 C	11/2/98	11/24/98 eff. 1/1/99		AN ORD. AMENDING SECTIONS 1-210 AND 1-211 OF THE CODE RE ELECTED OFFICER VACANCIES

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF 84" PAGES DISTR'D	SUBJECT
1732	6/1/98	6/5/98 eff. 7/5/98	N/A	AN ORD. VACATING THE EXISTING KENNETH ROAD
1733	6/1/98	6/5/98 eff. 7/5/98	N/A	AN ORD. WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT ON LAND (FORMERLY KENNETH ROAD) VACATED BY ORDINANCE NO. 1732
1734	6/15/98	9/1/98	N/A	AN ORD.AMENDING SECTION 4-3 OF THE LEAWOOD DEVELOPMENT ORDINANCE SPECIFICALLY REGARDING ADMINISTRATIVE SPECIAL USE PERMITS
1735	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING THE RECONSTRUCTION OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX AT LEAWOOD CITY PARK
1736	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 124; K-150; $2,200,000
1737	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 137; STATE LINE RD., PHASE IV; $200,000
1738	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 144; MISSION RD., 103RD - I-435; $1,500,000
1739	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 146; TOWN CENTER PLAZA; $1,200,000
1740	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 165; PROJECT 165; KENNETH RD. REHAB.; $1,000,000
1741	7/6/98	7/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 171; MUNICIPAL POOL BATHHOUSE; $100,000
1742	7/20/98	7/28/98	N/A	AN ORD. CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $12,500,000 FOR THE PURPOSE OF PAYING FOR IMPROVEMENTS TO CITY PARKS - Leawood Park, Nall Park, South Park
1743	8/3/98	8/18/98, 8/25/98		AN ORD. EXTENDING SOUTHWESTERN BELL TELEPHONE FRANCHISE

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT
1720	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 128; OLD KENNETH RD.; $600,000
1721	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 144; MISSION RD. IMPROVEMENTS, 103RD ST. - I-435; $400,000
1722	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 146; TOWN CENTER PLAZA; $3,500,000
1723	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 170; MISSION RD. REHAB. SOUTH OF 135TH ST.; $800,000
1724	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 168; MISSION RD., 83RD ST. TO 95TH ST.; $600,000
1725	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 151; FIRE STATION NO. 3; $200,000
1726	4/20/98	4/21/98	N/A	AN ORD. REZONING PROPERTY (VILLAGE AT IRONHORSE) FROM RP-1 TO RP-4
1727	5/4/98	5/5/98	N/A	AN ORD. REZONING PROPERTY (CAMDEN WOODS), SOUTHWEST CORNER OF 143RD & KENNETH RD., FROM AG TO RP-1, RP-4, AND CP-1
1728 C	5/4/98	5/5/98		AN ORD. AMENDING ARTICLE 6 OF CHAPTER 1 OF THE CODE OF THE CITY OF LEAWOOD TO CHANGE THE NAME OF THE LEAWOOD ARTS COMMITTEE TO THE LEAWOOD ARTS COUNCIL
1729	5/18/98	5/19/98	N/A	AN ORD. REZONING FROM AG TO CP-0 - Kansas City Orthopedic Center, south of College Blvd. between Buena Vista & Tomahawk Creek Parkway
1730	5/18/98	5/19/98	N/A	AN ORD. REZONING FROM RP-4 TO RP-1, RP-5 TO RP-1, AND CP-0 to RP-4, FOR The Woods, 114TH & ROE AVE. AROUND TO COLLEGE BLVD.
1731	5/18/98	(1731C 6/9/98) (eff. 6/17/98)	~~N/A~~ Section 3 only	AN ORD. AMENDING SECTION 4-9 OF THE LEAWOOD DEVELOPMENT ORDINANCE RELATING TO ADULT ENTERTAINMENT

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT
1708	2/17/98	5/19/98	N/A	AN ORD. AMENDING SECTIONS ~~OF ARTICLE 6~~ OF THE "LEAWOOD DEVELOPMENT ORDINANCE" relating to Article 6 - housekeeping items only
1709	2/17/98	2/24/98	N/A	AN ORD. AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING PROPERTY IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE CITY AND THE ALTER GROUP, SAID PROPERTY BEING LOCATED ON TOMAHAWK CREEK PARKWAY BETWEEN 114TH AND 115TH STREETS, AND CONSENTING TO THE VACATION OF CERTAIN RIGHT OF WAY AND PARK PROPERTY ON APPROVAL OF FINAL PLAT - re American Academy of Family Physicians
1710 C	3/23/98	3/24/98		AN ORD. DESIGNATING MAIN TRAFFICWAYS - to add 89th St., 115th St., 117th St., Town Center Drive, 133rd St., 137th St.
1711 C	3/23/98	4/14/98	eff. 4/15/98	AN ORD. ADOPTING THE 1997 UNIFORM BUILDING CODE
1712 C	3/23/98	4/14/98	eff 4/15/98	AN ORD. ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
1713 C	3/23/98	4/14/98	eff. 4/15/98	AN ORD. ADOPTING THE 1997 INTERNATIONAL PLUMBING CODE
1714 C	3/23/98	4/14/98	eff 4/15/98	AN ORD. ADOPTING THE 1997 UNIFORM FIRE CODE
1715	3/23/98	3/24/98	N/A	AN ORD. WHEREBY THE CITY CONVEYS UNTO ITSELF 2 PERMANENT DRAINAGE EASEMENTS IN THE ESTATES OF IRON HORSE 2ND PLAT, AT APPROX. 154TH & MISSION RD. FOR THE CONSTRUCTION OF THE CITY'S STORM SEWER ACROSS IRONHORSE GOLF COURSE
1716	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF 89TH ST., MISSION RD. TO WENONGA
1717	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF MISSION RD., 83RD ST. TO 95TH ST.
1718	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 108; COLLEGE BLVD.; $3,500,000
1719	4/6/98	4/7/98	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; PROJECT 124; 135TH ST. (K-150), STATE LINE-NALL AVE.; $3,000,000

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84 PAGES DISTR'D	SUBJECT
1696	11/3/97	11/4/97	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 124; 135TH ST. (K-150), STATE LINE-NALL AVE.; $2,700,000
1697	11/3/97	11/4/97	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 137; STATE LINE ROAD, PHASE IV; $100,000
1698	11/3/97	11/4/97	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 144; MISSION RD., 103RD - I-435; $1,500,000
1699	11/3/97	11/4/97	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 146; TOWN CENTER PLAZA; $1,200,000
1700	11/3/97	11/4/97	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 165; KENNETH ROAD REHABILITATION; $1,000,000
1701	11/3/97	11/4/97	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; PROJECT 172; OXFORD HILLS STORMWATER IMPROVEMENTS; $400,000
1702 C	11/3/97	11/4/97		AN ORD. AMENDING SECTION 11-603 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO DRUG OFFENSES
1703	12/15/97	12/30/97	N/A	AN ORD. REZONING TRACTS OF LAND - VILLAGE ASSOCIATES - approx. 115th & Roe and northeast to College Blvd. (old Spears property)
1704	1/19/98	1/20/98	N/A	AN ORD. AUTHORIZING CONSTRUCTION OF FIRE STATION #3 ON PROPERTY IN LEAWOOD SOUTH PARK
1705	1/19/98	1/20/98	N/A	AN ORD. GRANTING A "RIGHT-OF-WAY GRANT AND CANCELLATION OF EXISTING RIGHT-OF-WAY GRANT" TO PANHANDLE EASTERN PIPE LINE CO. FOR AN EASEMENT IN THE BI-STATE DEVELOPMENT
1706 C	1/19/98	1/20/98		AN ORD. REPEALING SECTION 4-709 OF THE CODE OF THE CITY OF LEAWOOD; REPEALING THE EFFECTIVE SCOPE OR SUNSET CLAUSE OF THE ORDINANCE REGULATING THE CUTTING OF WEEDS AND VEGETATION
1707 C	1/19/98	2/3/98		AN ORD. AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO STREET TREES

ORDINANCE NO. 1778

AN ORDINANCE AMENDING ORDINANCE NO. 1202 AUTHORIZING THE IMPROVEMENT OF THE INTERSECTION AT STATE LINE ROAD AND 92ND STREET, A MAIN TRAFICWAY, WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood has previously by section 14-206 of the "code of the City of Leawood, Kansas, 1984" designated that a portion of State Line Road which is located within this City as 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, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 at 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 way, or other improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any such purposes; and

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

WHEREAS, the Governing Body did by Ordinance No. 1202 determine that it was necessary to improve and reimprove the intersection of State Line Road at 92nd Street within the City of Leawood.

WHEREAS, the Governing Body finds and determines that it is necessary to improve and reimprove the intersection of State Line Road at 92nd Street as provided by and under the authority of K.S.A. 12-689.

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

Section 1. That ordinance No. 1202 is hereby amended by deleting Section 2 thereof in its entirety and inserting in lieu thereof the following:

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative, expenses and expenses of financing the improvements or reimprovements, is $458,040.00, and the City's share, is an amount not to exceed $240,000.00, pending issuance of the bonds of the City are hereinbefore provided and in order to pay the cost of the improvements to the intersection, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 2. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passes by the Council the 16th day of February, 1999

Approved by the Mayor this 16th day of February, 1999

Peggy Dunn

Peggy Dunn Mayor

ATTEST:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Wetzler City Attorney

The Legal Record
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ORD1778

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CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1778--2/23/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

February 24, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1778

First published in The Legal Record, Tuesday, February 23, 1999.

ORDINANCE NO. 1778

AN ORDINANCE AMENDING ORDINANCE NO. 1202 AUTHORIZING THE IMPROVEMENT OF THE INTERSECTION AT STATE LINE ROAD AND 92ND STREET, A MAIN TRAFICWAY, WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood has previously by section 14-206 of the "code of the City of Leawood, Kansas, 1984" designated that a portion of State Line Road which is located within this City as 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, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 at 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 way, or other improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any such purposes; and

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

WHEREAS, the Governing Body did by Ordinance No. 1202 determine that it was necessary to improve and reimprove the intersection of State Line Road at 92nd Street within the City of Leawood.

WHEREAS, the Governing Body finds and determines that it is necessary to improve and reimprove the intersection of State Line Road at 92nd Street as provided by and under the authority of K.S.A. 12-689.

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

Section 1. That ordinance No. 1202 is hereby amended by deleting Section 2 thereof in its entirety and inserting in lieu thereof the following:

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative, expenses and expenses of financing the improvements or reimprovements, is $458,040.00, and the City's share, is an amount not to exceed $240,000.00, pending issuance of the bonds of the City are hereinbefore provided and in order to pay the cost of the improvements to the intersection, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 2. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passes by the Council the 16th day of February, 1999

Approved by the Mayor this 16th day of February, 1999

Peggy Dunn
Peggy Dunn — Mayor

ATTEST:

Martha Heizer
Martha Heizer — City Clerk

APPROVED AS TO FORM:

R. S. Wetzler — City Attorney

ORDINANCE NO. 1777 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 9 (SMOKING) TO CHAPTER 11 (PUBLIC OFFENSES) AND REPEALING EXISTING PROVISIONS PERTAINING TO THE SAME SUBJECT.

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

Section 1. Code Amended. That Article 9 to Chapter 11 (Public Offenses) of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 9. SMOKING ORDINANCE

11-901. PURPOSE. The City Council finds and declares that the smoking and carrying of any lighted smoking material in certain areas accessible to the general public are hazardous to the health, safety, and welfare of the persons and property in such areas. The purpose of this Article is to regulate smoking and the carrying of lighted smoking materials in places of employment and in certain areas commonly used by and open to the general public in order to protect the health, safety and welfare of the community.

11-902. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

(A) "Director of Planning and Development" as used herein shall mean the Director of Planning and Development of the City of Leawood or his or her designee.

(B) "food establishment" shall mean any restaurant, coffee shop, cafeteria, luncheonette or other indoor eating establishment serving food to the general public.

(C) "liquor establishment" shall mean any cocktail lounge, bar or tavern where the annual gross receipts from the sale of food are less than thirty percent (30%) of the total gross receipts of such establishment

(D) "owner" means any person who, alone or jointly or severally with others, shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof.

(E) "person" means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

(F) "place of employment" means any area within a structure under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and rest rooms, conference and class rooms, cafeterias, and hallways, except

(1) a private residence is not a "place of employment" unless it is used as a child care or health care facility;

(2) the area where customers of a food establishment, liquor establishment or a private club consume food and beverages is not a place of employment.

(G) "premises" means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct, including the structures or buildings thereon.

(H) "public place" mean indoor area open to the public or used by the general public, including but not limited to restaurants and other establishments serving food and beverages to the general public; banks, indoor retail operations; discount stores; public transportation facilities; grocery stores; lobbies; barber shops; beauty salons; in home care, health spas, gymnasiums and other similar exercise facilities; indoor theaters; indoor recreation facilities; libraries; museums; concert halls; courtrooms; and municipal, county or state buildings, schools, or other governmental facilities. Notwithstanding anything to the contrary, the term "public place" shall not include: hotel or motel sleeping rooms; private meeting/conference rooms and halls not open to the general public while being used for private functions or located within private clubs.

(I) "smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

11-903. REGULATIONS OF SMOKING AT PLACES OF EMPLOYMENT, PUBLIC PLACES AND OTHER LOCATIONS. The following regulations shall apply to all Places of Employment and public places and other locations in the City of Leawood:

(A) Smoking in private offices. Smoking may be permitted in private enclosed offices occupied exclusively by smokers, if designated as a smoking area, even though such office may be visited by nonsmokers, and provided this exception shall not be construed to permit smoking in non-enclosed offices or areas open to the public including, but not limited to, non-smoking employees.

(B) Restrictions Generally. No person shall smoke within 30 feet of an exit or entrance, other than service entrances or entrances not utilized by the general public, to a public place. No person shall smoke at a public meeting. No person shall smoke in places of employment except in designated smoking areas as provided in this Article; provided said designated smoking areas must conform with the provisions of this ordinance. Ashtrays and other smoking paraphernalia shall be prohibited where smoking is prohibited.

(C) Areas Where Smoking is Allowed in Public Places. This Article allows smoking in the following designated areas, provided smoking in said areas is not in violation of any fire, health or safety code or any other Federal, State or local law: any room, not open to the general public, if designated for smoking by the owner, operator, manager or other person in control of the premises. Said owner, operator or manager may designate a smoking area that is located within 30 feet of an entrance to

said establishment however, said area shall comply with the provisions of section 11-903(E) and 11-904(C) of this ordinance.

(D) Productions Theatrical. Smoking may be permitted in a theatrical production when such smoking is part of the production; provided the responsible person has obtained permission from the local fire official having jurisdiction to allow smoking as part of the production.

(E) Written Smoking Policy shall be Adopted. The owner, operator, or manager of all places of employment shall, within one hundred twenty (120) days of the effective date hereto, or within one hundred twenty (120) days of the effective date of the issuance of a certificate of occupancy, create, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions and requirements:

(1) A statement providing that in any dispute arising between smokers and nonsmokers, reasonable efforts shall be made by the employer to accommodate the nonsmoker.

(2) Prohibition of smoking in areas open to the public, including but not limited to, classrooms, rest rooms, medical facilities, elevators, lobbies, telephone facilities, employee lunchrooms, cafeterias, lounges, conference rooms and meeting rooms, auditoriums, and other common areas.

(3) Prohibition of smoking in hallways.

(4) Any employee may object to his employer about the smoking policy without reprisal.

(5) The owner, operator or manager shall announce its smoking policy within one hundred twenty (120) days of the effective date hereof to all its employees and shall conspicuously post the written policy and provide a copy of said smoking policy upon request.

(6) A designation of smoking and no smoking areas.

(a) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used and enhanced to minimize smoke in nonsmoking areas. All such places constructed after the effective date hereof shall provide functional barriers and ventilation systems between smoking and nonsmoking sections which minimize smoke in nonsmoking sections.

(b) All such enhanced and new barriers and systems shall be reviewed and approved by the Director of Planing and Development or his or her designee for conformity with this Ordinance

(F) Failure to adopt a smoking policy in accordance with the provision of this ordinance or the failure to enforce the provisions of said policy shall constitute a violation of this ordinance.

11-904. ADDITIONAL REGULATIONS OF SMOKING IN FOOD ESTABLISHMENTS. In addition to the provisions of section 11-903 of this ordinance, the City hereby establishes the following additional regulations regarding smoking in food establishments:

(A) Food Establishments. The owner, operator, manager or other person in control of any food establishment shall designate in their plan for compliance provided pursuant to this ordinance an amount of seating adequate to meet the needs of nonsmoking customers and shall inform all patrons verbally or by means of signage that no-smoking areas are available. Signs shall be posted to indicate that smoking in the restrooms of said facilities is prohibited. Designated smoking areas shall not include the only common facilities available for the general public or employee use, such as points of sale or service, telephones and lounges or areas that guests, patrons or employees are required to pass through in order to access non-smoking areas. Employees who are minors cannot be required to work in areas where smoking is permitted.

(B) Liquor Establishments. The owner, operator, manager or other person in control of any liquor establishment may designate smoking permitted areas as deemed necessary if the annual gross receipts from the sale of food are less that thirty percent (30%) of the total gross receipts of such establishment.

(C) Barriers and Ventilation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used and, to the extent financially reasonable, enhanced to minimize smoke in nonsmoking areas. Any such places constructed after the effective date hereof shall provide functional barriers and ventilation systems between smoking and nonsmoking sections which minimize smoke in nonsmoking sections. All such enhanced and new barriers and systems shall be reviewed and approved by the Director of Planing and Development or his or her designee for conformity with this section.

(D) Procedure for Implementation of Regulations Established by this Section.

(1) Within sixty (60) days of the adoption of this Ordinance, or prior to changing an approved plan, the owner, operator or manager of food establishments subject to the regulations of 11-904 shall provide to the Director of Planning and Development of the City with a written plan for compliance with the regulations established by 11-904 of this Ordinance.

(2) Within sixty (60) days of receipt of a plan for compliance as required by the preceding section, the Director of Planning and Development shall inform said owner, operator or manager or operator in writing as to whether the plan submitted is in compliance with the provisions of this Ordinance.

(3) In the event that the Director of Planning and Development determines that any plan for compliance does not meet the requirements of this ordinance the Director shall advise the owner, operator or manager submitting the plan for compliance in writing of the date of denial, the

reasons for denial and of any recommendations for additions or changes to the plan that will be required for approval.

(4) Any owner, operator, or manager whose plan for compliance with the regulations of this ordinance has been denied shall have the right to appeal the decision of the Director of Planning and Development to the Governing Body if said appeal is filed in writing with the City Clerk within twenty (20) days of the date of denial.

11-905. NO-SMOKING SIGNS.

(A) Signs Required. It shall be unlawful for any owner, operator, manager or other person in control of the premises designated in accordance with these provisions to fail to provide and permanently affix conspicuous signs, clearly visible from all major public entrances or within places of employment, advising that smoking is prohibited or advising that smoking is prohibited only in designated areas.

(B) Contents of Signs. All signs which are used to identify a no-smoking area shall use the primary words "No Smoking" and shall also include the international no-smoking symbol and shall also state Pursuant to *Leawood City Ordinance No.*1777C. All signs which are used to identify a smoking permitted area shall use the primary words "Smoking Permitted" and shall also include the international Smoking symbol.

(C) Placement and size of signs. All signs which are used to identify no-smoking areas shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured or obstructed in any manner. All signs and the location of said signs shall be provided and/or approved by the Director of Planning and Development. The absence of proper signage as required in this Section shall in no manner nullify the requirements of this Ordinance.

11-906. COMPLIANCE.

(A) Methods of Obtaining Compliance: The proprietor or person in charge of a public place, public meeting or place of employment shall make reasonable efforts to obtain compliance with this Article is such places by:

(1) Posting appropriate signs.
(2) Arranging seating and work areas to provide a smoke-free area.
(3) Asking smokers to refrain from smoking upon request if a client or an employee suffers discomfort from the smoke.
(4) Giving personal notice to the alleged violator that they are acting contrary to local law and are subject to receiving a citation to appear in court.

(B) Smoking Where Prohibited Constitutes a Violation: Any person smoking in violation of this Article, after receiving an oral or written request to cease smoking, may be prosecuted for violating this Article. Failure to post signs and failure to provide a second request to cease smoking shall not excuse smoking after the first request.

10-907. UNLAWFUL ACTS.

(A) It shall be unlawful for a person to smoke in any area or location where smoking is prohibited under the provisions of this ordinance.

(B) It shall be unlawful for the owner, operator, manager or other person responsible for the operation of a place of employment or food establishment or liquor establishment to permit smoking within said place except as authorized by this ordinance.

(C) It shall be unlawful for the owner, operator, manager or other person responsible for the operation of a place of employment to fail to adopt a written smoking policy or to fail to enforce the provisions of a policy that has been adopted as required by section 11-903 of this ordinance.

(D) It shall be unlawful for the owner, operator, manager or other person responsible for the operation of a business that is subject to the provisions of 11-904 of this ordinance to fail to submit a plan for compliance with the regulations established by section 11-904 of this Ordinance or to fail to operate said business in compliance with the provisions of a plan that has been approved pursuant to the provisions of said section.

11-908. PENALTIES. Any person violating any provision of this Article shall be fined not more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

11-909. CIVIL ACTIONS, INJUNCTION. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include, but is not limited to, seeking a temporary restraining order, temporary injunction and permanent injunction.

11-910. Severability. If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

Section 2. Existing provisions repealed. The existing provisions of article nine of chapter 11 of the Code of the City of Leawood are hereby repealed.

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

Passed by the Council the 16 day of February, 1999.

Approved by the Mayor the 16 day of February, 1999.

(SEAL)

Peggy Dunn

Peggy Dunn Mayor

Attest:

Martha Heizer

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

ORD1777C

Publication Fees: $94.09

The Legal Record
Lewis Legal News, Inc.
213 E. Santa Fe, Suite 2
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CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1777C--2/23/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

February 24, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$94.09

ORDINANCE NO. 1777 C

First published in The Legal Record, Tuesday, February 23, 1999.

ORDINANCE NO. 1777 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 9 (SMOKING) TO CHAPTER 11 (PUBLIC OFFENSES) AND REPEALING EXISTING PROVISIONS PERTAINING TO THE SAME SUBJECT.

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

Section 1. Code Amended. That Article 9 to Chapter 11 (Public Offenses) of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 9. SMOKING ORDINANCE

11-901. PURPOSE. The City Council finds and declares that the smoking and carrying of any lighted smoking material in certain areas accessible to the general public are hazardous to the health, safety, and welfare of the persons and property in such areas. The purpose of this Article is to regulate smoking and the carrying of lighted smoking materials in places of employment and in certain areas commonly used by and open to the general public in order to protect the health, safety and welfare of the community.

11-902. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

(A) "Director of Planning and Development" as used herein shall mean the Director of Planning and Development of the City of Leawood or his or her designee.

(B) "food establishment" shall mean any restaurant, coffee shop, cafeteria, luncheonette or other indoor eating establishment serving food to the general public.

(C) "liquor establishment" shall mean any cocktail lounge, bar or tavern where the annual gross receipts from the sale of food are less than thirty percent (30%) of the total gross receipts of such establishment

(D) "owner" means any person who, alone or jointly or severally with others, shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof.

(E) "person" means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

(F) "place of employment" means any area within a structure under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and rest rooms, conference and class rooms, cafeterias, and hallways, except
- (1) a private residence is not a "place of employment" unless it is used as a child care or health care facility;
- (2) the area where customers of a food establishment, liquor establishment or a private club consume food and beverages is not a place of employment.

(G) "premises" means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct, including the structures or buildings thereon.

(H) "public place" mean indoor area open to the public or used by the general public, including but not limited to restaurants and other establishments serving food and beverages to the general public; banks, indoor retail operations; discount stores; public transportation facilities; grocery stores; lobbies; barber shops; beauty salons; in-home care, health spas, gymnasiums and other similar exercise facilities; indoor theaters; indoor recreation facilities; libraries; museums; concert halls; courtrooms; and municipal, county or state buildings, schools, or other governmental facilities. Notwithstanding anything to the contrary, the term "public place" shall not include: hotel or motel sleeping rooms; private meeting/conference rooms and halls not open to the general public while being used for private functions or located within private clubs.

(I) "smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

11-903. REGULATIONS OF SMOKING AT PLACES OF EMPLOYMENT, PUBLIC PLACES AND OTHER LOCATIONS. The following regulations shall apply to all Places of Employment and public places and other locations in the City of Leawood:

(A) Smoking in private offices. Smoking may be permitted in private enclosed offices occupied exclusively by smokers, if designated as a smoking area, even though such office may be visited by nonsmokers, and provided this exception shall not be construed to permit smoking in non-enclosed offices or areas open to the public including, but not limited to, non-smoking employees.

(B) Restrictions Generally. No person shall smoke within 30 feet of an exit or entrance, other than service entrances or entrances not utilized by the general public, to a public place. No person shall smoke at a public meeting. No person shall smoke in places of employment except in designated smoking areas as provided in this Article; provided said designated smoking areas must conform with the provisions of this ordinance. Ashtrays and other smoking paraphernalia shall be prohibited where smoking is prohibited.

(C) Areas Where Smoking is Allowed in Public Places. This Article allows smoking in the following designated areas, provided smoking in said areas is not in violation of any fire, health or safety code or any other Federal, State or local law: any room, not open to the general public, if designated for smoking by the owner, operator, manager or other person in control of the premises. Said owner, operator or manager may designate a smoking area that is located within 30 feet of an entrance to said establishment however, said area shall comply with the provisions of section 11-903(E) and 11-904(C) of this ordinance.

(D) Productions Theatrical. Smoking may be permitted in a theatrical production when such smoking is part of the production; provided the responsible person has obtained permission from the local fire official having jurisdiction to allow smoking as part of the production.

(E) Written Smoking Policy shall be Adopted. The owner, operator, or manager of all places of employment shall, within one hundred twenty (120) days of the effective date hereto, or within one hundred twenty (120) days of the effective date of the issuance of a certificate of occupancy, create, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions and requirements:
- (1) A statement providing that in any dispute arising between smokers and nonsmokers, reasonable efforts shall be made by the employer to accommodate the nonsmoker.
- (2) Prohibition of smoking in areas open to the public, including but not limited to, classrooms, rest rooms, medical facilities, elevators, lobbies, telephone facilities, employee lunchrooms, cafeterias, lounges, conference rooms and meeting rooms, auditoriums, and other common areas.
- (3) Prohibition of smoking in hallways.
- (4) Any employee may object to his employer about the smoking policy without reprisal.
- (5) The owner, operator or manager shall announce its smoking policy within one hundred twenty (120) days of the effective date hereof to all its employees and shall conspicuously post the written policy and provide a copy of said smoking policy upon request.
- (6) A designation of smoking and no smoking areas.
  - (a) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used and enhanced to minimize smoke in nonsmoking areas. All such places constructed after the effective date hereof shall provide functional barriers and ventilation systems between smoking and nonsmoking sections which minimize smoke in nonsmoking sections.
  - (b) All such enhanced and new barriers and systems shall be reviewed and approved by the Director of Planing and Development or his or her designee for conformity with this Ordinance

(F) Failure to adopt a smoking policy in accordance with the provision of this ordinance or the failure to enforce the provisions of said policy shall constitute a violation of this ordinance.

11-904. ADDITIONAL REGULATIONS OF SMOKING IN FOOD ESTABLISHMENTS. In addition to the provisions of section 11-903 of this ordinance, the City hereby establishes the following additional regulations regarding smoking in food establishments:

(A) Food Establishments. The owner, operator, manager or other person in control of any food establishment shall designate in their plan for compliance provided pursuant to this ordinance an amount of seating adequate to meet the needs of nonsmoking customers and shall inform all patrons verbally or by means of signage that no-smoking areas are available. Signs shall be posted to indicate that smoking in the restrooms of said facilities is prohibited. Designated smoking areas shall not include the only common facilities available for the general public or employee use, such as points of sale or service, telephones and lounges or areas that guests, patrons or employees are required to pass through in order to access non-smoking areas. Employees who are minors cannot be required to work in areas where smoking is permitted.

(B) Liquor Establishments. The owner, operator, manager or other person in control of any liquor establishment may designate smoking permitted areas as deemed necessary if the annual gross receipts from the sale of food are less that thirty percent (30%) of the total gross receipts of such establishment.

(C) Barriers and Ventilation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used and, to the extent financially reasonable, enhanced to minimize smoke in nonsmoking areas. Any such places constructed after the effective date hereof shall provide functional barriers and ventilation systems between smoking and nonsmoking sections which minimize smoke in nonsmoking sections. All such enhanced and new barriers and systems shall be reviewed and approved by the Director of Planing and Development or his or her designee for conformity with this section.

(D) Procedure for Implementation of Regulations Established by this Section.
- (1) Within sixty (60) days of the adoption of this Ordinance, or prior to changing an approved plan, the owner, operator or manager of food establishments subject to the regulations of 11-904 shall provide to the Director of Planning and Development of the City with a written plan for compliance with the regulations established by 11-904 of this Ordinance.
- (2) Within sixty (60) days of receipt of a plan for compliance as required by the preceding section, the Director of Planning and Development shall inform said owner, operator or manager or operator in writing as to whether the plan submitted is in compliance with the provisions of this Ordinance.
- (3) In the event that the Director of Planning and Development determines that any plan for compliance does not meet the requirements of this ordinance the Director shall advise the owner, operator or manager submitting the plan for compliance in writing of the date of denial, the reasons for denial and of any recommendations for additions or changes to the plan that will be required for approval.
- (4) Any owner, operator, or manager whose plan for compliance with the regulations of this ordinance has been denied shall have the right to appeal the decision of the Director of Planning and Development to the Governing Body if said appeal is filed in writing with the City Clerk within twenty (20) days of the date of denial.

11-905. NO-SMOKING SIGNS.

CONTINUED FROM PRECEDING PAGE

(A) Signs Required. It shall be unlawful for any owner, operator, manager or other person in control of the premises designated in accordance with these provisions to fail to provide and permanently affix conspicuous signs, clearly visible from all major public entrances or within places of employment, advising that smoking is prohibited or advising that smoking is prohibited only in designated areas.

(B) Contents of Signs. All signs which are used to identify a no-smoking area shall use the primary words "No Smoking" and shall also include the international no-smoking symbol and shall also state Pursuant to *Leawood City Ordinance No.1777C*. All signs which are used to identify a smoking permitted area shall use the primary words "Smoking Permitted" and shall also include the international Smoking symbol.

(C) Placement and size of signs. All signs which are used to identify no-smoking areas shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured or obstructed in any manner. All signs and the location of said signs shall be provided and/or approved by the Director of Planning and Development. The absence of proper signage as required in this Section shall in no manner nullify the requirements of this Ordinance.

11-906. COMPLIANCE.

(A) Methods of Obtaining Compliance: The proprietor or person in charge of a public place, public meeting or place of employment shall make reasonable efforts to obtain compliance with this Article is such places by:

(1) Posting appropriate signs.
(2) Arranging seating and work areas to provide a smoke-free area.
(3) Asking smokers to refrain from smoking upon request if a client or an employee suffers discomfort from the smoke.
(4) Giving personal notice to the alleged violator that they are acting contrary to local law and are subject to receiving a citation to appear in court.

(B) Smoking Where Prohibited Constitutes a Violation: Any person smoking in violation of this Article, after receiving an oral or written request to cease smoking, may be prosecuted for violating this Article. Failure to post signs and failure to provide a second request to cease smoking shall not excuse smoking after the first request.

10-907. UNLAWFUL ACTS.

(A) It shall be unlawful for a person to smoke in any area or location where smoking is prohibited under the provisions of this ordinance.

(B) It shall be unlawful for the owner, operator, manager or other person responsible for the operation of a place of employment or food establishment or liquor establishment to permit smoking within said place except as authorized by this ordinance.

(C) It shall be unlawful for the owner, operator, manager or other person responsible for the operation of a place of employment to fail to adopt a written smoking policy or to fail to enforce the provisions of a policy that has been adopted as required by section 11-903 of this ordinance.

(D) It shall be unlawful for the owner, operator, manager or other person responsible for the operation of a business that is subject to the provisions of 11-904 of this ordinance to fail to submit a plan for compliance with the regulations established by section 11-904 of this Ordinance or to fail to operate said business in compliance with the provisions of a plan that has been approved pursuant to the provisions of said section.

11-908. PENALTIES. Any person violating any provision of this Article shall be fined not more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

11-909. CIVIL ACTIONS, INJUNCTION. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include, but is not limited to, seeking a temporary restraining order, temporary injunction and permanent injunction.

11-910. Severability. If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

Section 2. Existing provisions repealed. The existing provisions of article nine of chapter 11 of the Code of the City of Leawood are hereby repealed.

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

Passed by the Council the 16 day of February, 1999.

Approved by the Mayor the 16 day of February, 1999.

(S E A L)

Peggy Dunn Mayor

Attest:

Martha Heizer
City Clerk

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

ORDINANCE NO. 1776

AN ORDINANCE AMENDING SECTION 5-4 OF THE "AMENDMENT OF THE LEAWOOD DEVELOPMENT ORDINANCE", SPECIFICALLY PROVIDING FOR CHANGES TO THE BOARD OF ZONING APPEALS MEMBERSHIP AND PROCEDURES; AND REPEALING EXISTING SECTION.

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

Section 1. "Amendment of the Leawood Development Ordinance" Amended. That Section 5-4 of the "Amendment of the Leawood Development Ordinance", is hereby amended to read as follows:

5-4 BOARD OF ZONING APPEALS

5-4.1 Members

The Board of Zoning Appeals shall consist of 7 members, all of whom shall be residents of the City, and who shall be appointed by the Mayor, with the consent of the City Council. None of the members shall hold any other public office of the City, except that one member may be a member of the Plan Commission.

A) Term. Each member shall serve for a term of 3 years and shall be appointed at the organizational meeting of the Governing Body held the first Monday of May of each year. Appointments shall be so staggered that no more than two members' terms shall expire in 1 year. Vacancies shall be filled by appointment of the Mayor, with the consent of the City Council. The appointment shall be for the balance of the unexpired term.

B) Compensation. Members of the Board of Zoning Appeals shall serve without compensation.

C) Officers. The Board of Zoning Appeals shall annually elect one of its members as Chairman, a vice-chairman and a secretary, who may be an officer or an employee of the City.

D) Rules. The Board shall adopt rules of procedure to regulate the conduct of its business. Such rules shall be submitted by recommendation from the Board of Zoning Appeals to the Governing Body in resolution form for approval.

E) Meetings. Meetings of the Board shall be held on the fourth Wednesday of each month and at such other times as the Board may determine to be required or upon call of the chairman. Meetings shall be held at the City Hall unless circumstances make that location impracticable for a particular session, in which case, said meeting shall be held at any convenient place within the City.

F) Records. The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions of the Board shall be filed in its office which shall be in the office of the City Clerk and shall be a public record.

5-4.2 Powers and Duties

The Board of Zoning Appeals shall administer the details of appeals from, or other matters referred to it regarding, the application of the Leawood Development Ordinance as hereinafter provided. The Board:

A) Shall hear and decide appeals by any person, officer of the City, government agency or body affected by any decision of the officer administering the provisions of the Leawood Development Ordinance.

B) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an officer administering the enforcement of the Leawood Development Ordinance.

C) May, when it shall deem necessary, grant variances to the Leawood Development Ordinance to authorize in specific cases, a variance from the specific terms of the Ordinance which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the ordinance, in an individual case, results in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not allow any use not permitted by the Leawood Development Ordinance in the district within which the particular property is located. A request for a variance may be granted in such cases, upon the Board finding that all of the following conditions have been met:

1) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.

2) That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owner or residents.

3) That the strict application of the provisions of the Leawood Development Ordinance on which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

4) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and,

5) That granting the variance desired will not be opposed to the general spirit and intent of the Leawood Development Ordinance.

D) May, when it shall deem the same necessary, grant exceptions to the provisions of the Leawood Development Ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the Leawood Development Ordinance.

In no event shall exceptions to the provisions of the Leawood Development Ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the Leawood Development Ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception as established by the Governing Body are not found to be present.

E) Shall have the power, in specific cases, to modify or vary building or setback lines on streets for which a building or setback line has been adopted by the Governing Body as part of its Master Development Plan in order that unwarranted hardship, which constitute complete deprivation of use as distinguished from merely granting a privilege, may be avoided, yet the intended purpose of the regulations shall be strictly observed and the public and public safety protected.

In exercising the foregoing powers, the Board, in conformity with the provisions of this Section, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or

determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may order issuance of a permit.

5-4.3 Procedure on Application to the Board of Zoning Appeals

A) Appeals to the Board of Zoning Appeals shall be initiated by the applicant within 30 days following the decision. Applicant shall file with the City a notice of appeal setting forth the specific grounds therefor.

B) The officer from whom the appeal is taken when notified by the Board or its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

C) The Board shall fix a reasonable time for the hearing of an appeal or any other applicable matter.

D) Notice of the time, place, and subject of the hearing shall be sent to adjacent property owners by certified notice, return receipt requested, at least 20 days prior to the date fixed for hearing and published once in the Official City Newspaper at least 20 days prior to the date fixed for hearing. A summary of the meeting shall be provided to the Plan Commission on a monthly bases.

5-4.4 Appeal From Order of Board

Any person, official, or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring action in the District Court of Johnson County to determine the reasonableness of any such order or determination.

Section 2. Existing Section Repealed. That existing Section 5-4 of the "Amendment of the Leawood Development Ordinance" 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 16th day of February, 1999.

Approved by the Mayor the 16th day of February, 1999.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

ORD1776

Publication Fees: $62.84

The Legal Record
Lewis Legal News, Inc.
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1776--2/23/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

February 24, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$62.84

ORDINANCE NO. 1776

First published in The Legal Record, Tuesday, February 23, 1999.

ORDINANCE NO. 1776

AN ORDINANCE AMENDING SECTION 5-4 OF THE "AMENDMENT OF THE LEAWOOD DEVELOPMENT ORDINANCE", SPECIFICALLY PROVIDING FOR CHANGES TO THE BOARD OF ZONING APPEALS MEMBERSHIP AND PROCEDURES; AND REPEALING EXISTING SECTION.

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

Section 1. "Amendment of the Leawood Development Ordinance" Amended. That Section 5-4 of the "Amendment of the Leawood Development Ordinance", is hereby amended to read as follows:

5-4 BOARD OF ZONING APPEALS

5-4.1 Members

The Board of Zoning Appeals shall consist of 7 members, all of whom shall be residents of the City, and who shall be appointed by the Mayor, with the consent of the City Council. None of the members shall hold any other public office of the City, except that one member may be a member of the Plan Commission.

A) Term. Each member shall serve for a term of 3 years and shall be appointed at the organizational meeting of the Governing Body held the first Monday of May of each year. Appointments shall be so staggered that no more than two members' terms shall expire in 1 year. Vacancies shall be filled by appointment of the Mayor, with the consent of the City Council. The appointment shall be for the balance of the unexpired term.

B) Compensation. Members of the Board of Zoning Appeals shall serve without compensation.

C) Officers. The Board of Zoning Appeals shall annually elect one of its members as Chairman, a vice-chairman and a secretary, who may be an officer or an employee of the City.

D) Rules. The Board shall adopt rules of procedure to regulate the conduct of its business. Such rules shall be submitted by recommendation from the Board of Zoning Appeals to the Governing Body in resolution form for approval.

E) Meetings. Meetings of the Board shall be held on the fourth Wednesday of each month and at such other times as the Board may determine to be required or upon call of the chairman. Meetings shall be held at the City Hall unless circumstances make that location impracticable for a particular session, in which case, said meeting shall be held at any convenient place within the City.

F) Records. The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions of the Board shall be filed in its office which shall be in the office of the City Clerk and shall be a public record.

5-4.2 Powers and Duties

The Board of Zoning Appeals shall administer the details of appeals from, or other matters referred to it regarding, the application of the Leawood Development Ordinance as hereinafter provided. The Board:

A) Shall hear and decide appeals by any person, officer of the City, government agency or body affected by any decision of the officer administering the provisions of the Leawood Development Ordinance.

B) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an officer administering the enforcement of the Leawood Development Ordinance.

C) May, when it shall deem necessary, grant variances to the Leawood Development Ordinance to authorize in specific cases, a variance from the specific terms of the Ordinance which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the ordinance, in an individual case, results in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not allow any use not permitted by the Leawood Development Ordinance in the district within which the particular property is located. A request for a variance may be granted in such cases, upon the Board finding that all of the following conditions have been met:

1) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.

2) That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owner or residents.

3) That the strict application of the provisions of the Leawood Development Ordinance on which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

4) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and,

5) That granting the variance desired will not be opposed to the general spirit and intent of the Leawood Development Ordinance.

D) May, when it shall deem the same necessary, grant exceptions to the provisions of the Leawood Development Ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the Leawood Development Ordinance.

In no event shall exceptions to the provisions of the Leawood Development Ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the Leawood Development Ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception as established by the Governing Body are not found to be present.

E) Shall have the power, in specific cases, to modify or vary building or setback lines on streets for which a building or setback line has been adopted by the Governing Body as part of its Master Development Plan in order that unwarranted hardship, which constitute complete deprivation of use as distinguished from merely granting a privilege, may be avoided, yet the intended purpose of the regulations shall be strictly observed and the public and public safety protected.

In exercising the foregoing powers, the Board, in conformity with the provisions of this Section, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may order issuance of a permit.

5-4.3 Procedure on Application to the Board of Zoning Appeals

A) Appeals to the Board of Zoning Appeals shall be initiated by the applicant within 30 days following the decision. Applicant shall file with the City a notice of appeal setting forth the specific grounds therefor.

B) The officer from whom the appeal is taken when notified by the Board or its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

C) The Board shall fix a reasonable time for the hearing of an appeal or any other applicable matter.

D) Notice of the time, place, and subject of the hearing shall be sent to adjacent property owners by certified notice, return receipt requested, at least 20 days prior to the date fixed for hearing and published once in the Official City Newspaper at least 20 days prior to the date fixed for hearing. A summary of the meeting shall be provided to the Plan Commission on a monthly bases.

5-4.4 Appeal From Order of Board

Any person, official, or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring action in the District Court of Johnson County to determine the reasonableness of any such order or determination.

Section 2. Existing Section Repealed. That existing Section 5-4 of the "Amendment of the Leawood Development Ordinance" 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 16th day of February, 1999.

Approved by the Mayor the 16th day of February, 1999.

(SEAL)

Peggy J. Dunn — Mayor

Attest:

Martha Helzer — City Clerk

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

R. S. Wetzler — City Attorney

ORDINANCE NO. 1775

AN ORDINANCE AMENDING SECTION 5-5 OF THE "AMENDMENT OF THE LEAWOOD DEVELOPMENT ORDINANCE", SPECIFICALLY PROVIDING FOR CHANGES TO THE PLAN COMMISSION MEMBERSHIP; AND REPEALING EXISTING SECTION.

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

Section 1. "Amendment of the Leawood Development Ordinance" Amended. That Section 5-5 of the "Amendment of the Leawood Development Ordinance", is hereby amended to read as follows:

5-5 PLAN COMMISSION

5-5.1 Creation

A city Plan Commission shall be hereby created.

5-5.2 Membership

The city Plan Commission shall consist of 9 members, one of whom may reside outside of the corporate limits of the City. The members shall be appointed by the mayor, by and with the consent of the Governing Body. The members of the Commission first appointed shall serve respectively for terms of 1 year, 2 years and 3 years, divided equally or as nearly equal as possible between these terms as 1, 2, and 3 years. Thereafter members shall be appointed for terms of 3 years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the Commission shall serve without compensation for their service. The Plan Commission shall adopt bylaws and all action by the Plan Commission shall be by a majority of its membership present unless otherwise designated.

5-5.3 Meetings; Officers

The members of the city Plan Commission shall meet at least once a month at such time and place as they may fix by resolution. The Plan Commission shall select one of its members as chairperson and one as vice-chairperson who shall serve 1 year or until their respective successors have been selected. Such meetings may be called at any time by the chairperson or in his or her absence by the vice-chairperson. A majority of the Plan Commission shall constitute a quorum for the transaction of business. The City Plan Commission shall cause a record to be kept of its proceedings.

5-5.4 Powers and Duties

The Plan Commission shall make plans and maps of the whole and any portion of the City and of any land outside the city which in the opinion of the Plan Commission bears relation to the planning of the City, and to make such changes in such plans or maps when it deems the same

advisable. Such maps or plans shall show the Plan Commission's recommendation for new streets, bridges, parks, playgrounds, or other public ground and public improvements, and the removal, relocation, widening and extension of such existing public works with a view to the systematic planning of the City. The Plan Commission may make recommendations to the Governing Body concerning the location of streets, transportation and communication facilities, public buildings and public grounds.

Whenever the Plan Commission shall have made and agreed upon a plan for the development of the City, or any portion thereof, such plan or plans shall be submitted to the Governing Body for its consideration and action.

Section 2. Existing Section Repealed. That existing Section 5-5 of the "Amendment of the Leawood Development Ordinance" 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 16th day of February, 1999.

Approved by the Mayor the 16th day of February, 1999.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

ORD1775

Publication Fees: $26.44

The Legal Record
Lewis Legal News, Inc.
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1775--2/23/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

February 24, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$26.44

ORDINANCE NO. 1775

First published in The Legal Record, Tuesday, February 23, 1999.

ORDINANCE NO. 1775

AN ORDINANCE AMENDING SECTION 5-5 OF THE "AMENDMENT OF THE LEAWOOD DEVELOPMENT ORDINANCE", SPECIFICALLY PROVIDING FOR CHANGES TO THE PLAN COMMISSION MEMBERSHIP; AND REPEALING EXISTING SECTION.

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

Section 1. "Amendment of the Leawood Development Ordinance" Amended. That Section 5-5 of the "Amendment of the Leawood Development Ordinance", is hereby amended to read as follows:

5-5 PLAN COMMISSION

5-5.1 Creation

A city Plan Commission shall be hereby created.

5-5.2 Membership

The city Plan Commission shall consist of 9 members, one of whom may reside outside of the corporate limits of the City. The members shall be appointed by the mayor, by and with the consent of the Governing Body. The members of the Commission first appointed shall serve respectively for terms of 1 year, 2 years and 3 years, divided equally or as nearly equal as possible between these terms as 1, 2, and 3 years. Thereafter members shall be appointed for terms of 3 years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the Commission shall serve without compensation for their service. The Plan Commission shall adopt bylaws and all action by the Plan Commission shall be by a majority of its membership present unless otherwise designated.

5-5.3 Meetings; Officers

The members of the city Plan Commission shall meet at least once a month at such time and place as they may fix by resolution. The Plan Commission shall select one of its members as chairperson and one as vice-chairperson who shall serve 1 year or until their respective successors have been selected. Such meetings may be called at any time by the chairperson or in his or her absence by the vice-chairperson. A majority of the Plan Commission shall constitute a quorum for the transaction of business. The City Plan Commission shall cause a record to be kept of its proceedings.

5-5.4 Powers and Duties

The Plan Commission shall make plans and maps of the whole and any portion of the City and of any land outside the city which in the opinion of the Plan Commission bears relation to the planning of the City, and to make such changes in such plans or maps when it deems the same advisable. Such maps or plans shall show the Plan Commission's recommendation for new streets, bridges, parks, playgrounds, or other public ground and public improvements, and the removal, relocation, widening and extension of such existing public works with a view to the systematic planning of the City. The Plan Commission may make recommendations to the Governing Body concerning the location of streets, transportation and communication facilities, public buildings and public grounds.

Whenever the Plan Commission shall have made and agreed upon a plan for the development of the City, or any portion thereof, such plan or plans shall be submitted to the Governing Body for its consideration and action.

Section 2. Existing Section Repealed. That existing Section 5-5 of the "Amendment of the Leawood Development Ordinance" 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 16th day of February 1999.

Approved by the Mayor the 16th day of February 1999.

(SEAL)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

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

R.S. Wetzler — City Attorney

ORDINANCE NO. 1774

AN ORDINANCE DEANNEXING CERTAIN PROPERTY FROM THE CITY OF LEAWOOD PURSUANT TO CONSENT OF THE OWNER AND CITY.

Whereas L&F Land, a general partnership [hereinafter L&F] is the owner of the tract of ground that is described in the attached Exhibit A, said Exhibit A being incorporated herein by reference;

Whereas the property described in Exhibit A was annexed on or about April 2, 1997, pursuant to an Annexation Agreement between the City of Leawood and L&F, by Annexation Ordinance of the City of Leawood;

Whereas, the Annexation Agreement between the City of Leawood and L&F was amened by Addendum to Annexation Agreement dated May 11, 1998;

Whereas, in accordance with the terms of the Annexation Agreement and the Addendum to Annexation Agreement, L&F is entitled to request deannexation of the property upon the occurrence or nonoccurence of certain events;

Whereas, the City has received a request for deannexation from L&F.

Whereas, it is the intent of the City, with the consent of the owner, and in accordance with the terms of the Annexation Agreement, to deannex said property from the City of Leawood with said deannexation to be effective as provided by law.

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

Section 1. **Property Deannexed.** The City of Leawood does hereby deannex the property described in Exhibit A and incorporated herein by reference.

Section 2. **Notice of Deannexation.** The City Clerk is directed to furnish a certified copy of this ordinance to 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/Kansas Gas Service Company, Southwestern Bell Telephone Company, and Time Warner Cable.

Section 3. **Effective Date.** 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, 1999.

APPROVED by the Mayor the 18th day of January, 1999.

(SEAL)

PEGGY J. DUNN, Mayor

ATTEST:

MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER, City Attorney

EXHIBIT A

(Property to be Deannexed)

DESCRIPTION:

Part of the Northwest One-Quarter of Section 33, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of the said Northwest One-Quarter; thence North 87°51'30" East on the North line of said Northwest One Quarter a distance of 1173.45 feet to a point; thence South 01°50'17" East a distance of 824.10 feet to a point; thence North 87°51'30" East a distance of 370.00 feet to a point on the West line of the East 68 acres of the said Northwest One-Quarter; thence South 01°50'17" East on the said West line a distance of 238.27 feet to a point on the North Right-of-Way line of 137th Street as platted in the Church of Resurrection Second Plat; thence South 72°11'24" West on the North line of said plat a distance of 28.62 feet to a point of curvature; thence Southwesterly on the North line of said plat and on a curve to the left having a Radius of 650.00 feet, a Central Angle of 34°26'53" and a Length of 390.80 feet to a point of reverse curvature; thence Westerly on the North line of said plat and on a curve to the right having a Radius of 600.00 feet, a Central Angle of 81°18'37" and a Length of 851.48 feet to a point of reverse curvature; thence Northwesterly on the North line of said plat and on a curve to the left having a Radius of 675.00 feet, a Central Angle of 31°08'13" and a Length of 366.82 feet to a point; thence South 87°54'55" West on the North line of said plat a distance of 68.22 feet to the West line of the said Northwest One-Quarter of Section 33-13-25; thence North 02°05'05" West on the said West line a distance of 1309.98 feet to the POINT OF BEGINNING and containing 40.6287 acres, more or less.

3044427

STATE OF KANSAS]SS
COUNTY OF JOHNSON
FILED FOR RECORD

1999 SEP 27 P 3: 18 .0

SARA F. ULLMANN
REGISTER OF DEEDS

ORDINANCE NO. 1774

NO Chg

AN ORDINANCE DEANNEXING CERTAIN PROPERTY FROM THE CITY OF LEAWOOD PURSUANT TO CONSENT OF THE OWNER AND CITY.

Whereas L&F Land, a general partnership [hereinafter L&F] is the owner of the tract of ground that is described in the attached Exhibit A, said Exhibit A being incorporated herein by reference;

Whereas the property described in Exhibit A was annexed on or about April 2, 1997, pursuant to an Annexation Agreement between the City of Leawood and L&F, by Annexation Ordinance of the City of Leawood;

Whereas, the Annexation Agreement between the City of Leawood and L&F was amened by Addendum to Annexation Agreement dated May 11, 1998;

Whereas, in accordance with the terms of the Annexation Agreement and the Addendum to Annexation Agreement, L&F is entitled to request deannexation of the property upon the occurrence or nonoccurence of certain events;

Whereas, the City has received a request for deannexation from L&F.

Whereas, it is the intent of the City, with the consent of the owner, and in accordance with the terms of the Annexation Agreement, to deannex said property from the City of Leawood with said deannexation to be effective as provided by law.

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

Section 1. **Property Deannexed.** The City of Leawood does hereby deannex the property described in Exhibit A and incorporated herein by reference.

Section 2. **Notice of Deannexation.** The City Clerk is directed to furnish a certified copy of this ordinance to 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/Kansas Gas Service Company, Southwestern Bell Telephone Company, and Time Warner Cable.

Section 3. **Effective Date.** 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, 1999.

CITY OF LEAWOOD
4800 TOWN CENTER DR.
LEAWOOD, KS 66211

N/C

BOOK 6336 PAGE 710

APPROVED by the Mayor the 18th day of January, 1999.

(S E A L)

PEGGY J. DUNN, Mayor

ATTEST:

MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER, City Attorney

CERTIFICATE

State of Kansas
County of Johnson
City of Leawood

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing with attached Exhibit A is a true and correct copy of Ordinance No. 1774 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 September, 1999.

(S E A L)

EXHIBIT A

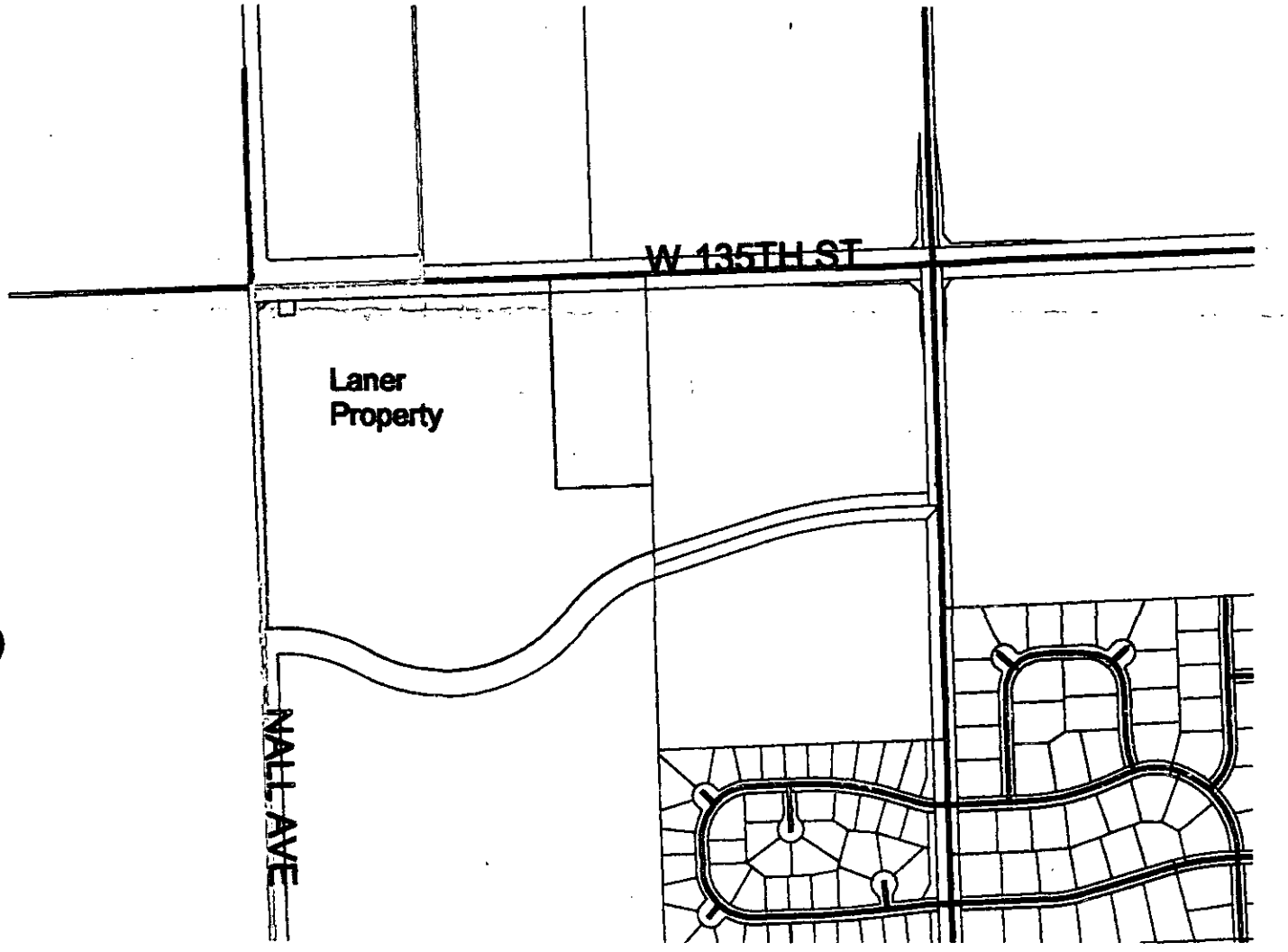
(Property to be Deannexed)

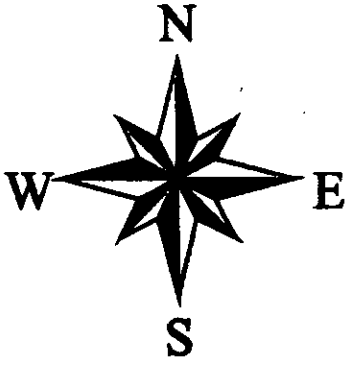
DESCRIPTION:

Part of the Northwest One-Quarter of Section 33, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of the said Northwest One-Quarter; thence North 87°51'30" East on the North line of said Northwest One Quarter a distance of 1173.45 feet to a point; thence South 01°50'17" East a distance of 824.10 feet to a point; thence North 87°51'30" East a distance of 370.00 feet to a point on the West line of the East 68 acres of the said Northwest One-Quarter; thence South 01°50'17" East on the said West line a distance of 238.27 feet to a point on the North Right-of-Way line of 137th Street as platted in the Church of Resurrection Second Plat; thence South 72°11'24" West on the North line of said plat a distance of 28.62 feet to a point of curvature; thence Southwesterly on the North line of said plat and on a curve to the left having a Radius of 650.00 feet, a Central Angle of 34°26'53" and a Length of 390.80 feet to a point of reverse curvature; thence Westerly on the North line of said plat and on a curve to the right having a Radius of 600.00 feet, a Central Angle of 81°18'37" and a Length of 851.48 feet to a point of reverse curvature; thence Northwesterly on the North line of said plat and on a curve to the left having a Radius of 675.00 feet, a Central Angle of 31°08'13" and a Length of 366.82 feet to a point; thence South 87°54'55" West on the North line of said plat a distance of 68.22 feet to the West line of the said Northwest One-Quarter of Section 33-13-25; thence North 02°05'05" West on the said West line a distance of 1309.98 feet to the POINT OF BEGINNING and containing 40.6287 acres, more or less.

Leawood





ORD1774

Publication Fees: $35.49

The Legal Record
Lewis Legal News, Inc.
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Penny Knight, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1774--6/8/99

Penny Knight
Legal Notices Administrator

Subscribed and sworn to before me on this date:

JUNE 9, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$35.49

Sheriff of Johnson County
SUBMITTED BY:
/s/ Timothy A. McNearney
#13037
11350 Tomahawk Creek Parkway #100

Email rlasteli@ink.org
Our File No. 99-0316/rlj
ATTORNEY FOR PLAINTIFF
6/1 6/8 6/15

Attorneys for Plaintiff
6/1 6/8 6/15

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ORDINANCE NO. 1774

First published in The Legal Record, Tuesday, June 8, 1999.

ORDINANCE NO. 1774

AN ORDINANCE DEANNEXING CERTAIN PROPERTY FROM THE CITY OF LEAWOOD PURSUANT TO CONSENT OF THE OWNER AND CITY.

Whereas L&F Land, a general partnership [hereinafter L&F] is the owner of the tract of ground that is described in the attached Exhibit A, said Exhibit A being incorporated herein by reference;

Whereas the property described in Exhibit A was annexed on or about April 2, 1997, pursuant to an Annexation Agreement between the City of Leawood and L&F, by Annexation Ordinance of the City of Leawood;

Whereas, the Annexation Agreement between the City of Leawood and L&F was amened by Addendum to Annexation Agreement dated May 11, 1998;

Whereas, in accordance with the terms of the Annexation Agreement and the Addendum to Annexation Agreement, L&F is entitled to request deannexation of the property upon the occurrence or nonoccurence of certain events;

Whereas, the City has received a request for deannexation from L&F.

Whereas, it is the intent of the City, with the consent of the owner, and in accordance with the terms of the Annexation Agreement, to deannex said property from the City of Leawood with said deannexation to be effective as provided by law.

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

Section 1. **Property Deannexed.** The City of Leawood does hereby deannex the property described in Exhibit A and incorporated herein by reference.

Section 2. **Notice of Deannexation.** The City Clerk is directed to furnish a certified copy of this ordinance to 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/Kansas Gas Service Company, Southwestern Bell Telephone Company, and Time Warner Cable.

Section 3. **Effective Date.** 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, 1999.

APPROVED by the Mayor the 18th day of January, 1999.

(SEAL)

Peggy J. Dunn
PEGGY J. DUNN, Mayor

ATTEST:

Martha Heizer
MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

/s/ Richard S. Wetzler
RICHARD S. WETZLER, City Attorney

EXHIBIT A

(Property to be Deannexed)

DESCRIPTION:

Part of the Northwest One-Quarter of Section 33, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of the said Northwest One-Quarter; thence North 87°51'30" East on the North line of said Northwest One Quarter a distance of 1173.45 feet to a point; thence South 01°50'17" East a distance of 824.10 feet to a point; thence North 87°51'30" East a distance of 370.00 feet to a point on the West line of the East 68 acres of the said Northwest One-Quarter; thence South 01°50'17" East on the said West line a distance of 238.27 feet to a point on the North Right-of-Way line of 137th Street as platted in the Church of Resurrection Second Plat; thence South 72°11'24" West on the North line of said plat a distance of 28.62 feet to a point of curvature; thence Southwesterly on the North line of said plat and on a curve to the left having a Radius of 650.00 feet, a Central Angle of 34°26'53" and a Length of 390.80 feet to a point of reverse curvature; thence Westerly on the North line of said plat and on a curve to the right having a Radius of 600.00 feet, a Central Angle of 81°18'37" and a Length of 851.48 feet to a point of reverse curvature; thence Northwesterly on the North line of said plat and on a curve to the left having a Radius of 675.00 feet, a Central Angle of 31°08'13" and a Length of 368.82 feet to a point; thence South 87°54'55" West on the North line of said plat a distance of 88.22 feet to the West line of the said Northwest One-Quarter of Section 33-13-25; thence North 02°05'05" West on the said West line a distance of 1309.98 feet to the POINT OF BEGINNING and containing 40.6287 acres, more or less.

ORDINANCE NO. 1773 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 9 (SMOKING) TO CHAPTER 11 (PUBLIC OFFENSES) ~~AND REPEALING EXISTING PROVISIONS PERTAINING TO THE SAME SUBJECT.~~ mk 1/29/99

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 Article 9 to Chapter 11 (Public Offenses) which shall read as follows:

ARTICLE 9. SMOKING ORDINANCE

11-901. PURPOSE. The City Council finds and declares that the smoking and carrying of any lighted smoking material in certain areas accessible to the general public are hazardous to the health, safety, and welfare of the persons and property in such areas. The purpose of this Article is to regulate smoking and the carrying of lighted smoking materials in places of employment and in certain areas commonly used by and open to the general public in order to protect the health, safety and welfare of the community.

11-902. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

(A) Owner. "Owner" means any person who, alone or jointly or severally with others, shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof.

(B) Person. "Person" means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

(C) Place of Employment. "Place of employment" means any area within a structure under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and rest rooms, conference and class rooms, cafeterias, and hallways, except

(1) a private residence is not a "place of employment" unless it is used as a child care or health care facility;

(2) the area where customers of a restaurant, drinking establishment or a private club consume food and beverages is not a place of employment.

(D) Premises. "Premises" means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct,

including the structures or buildings thereon.

(E) Public Place. "Public place" means indoor area open to the public or used by the general public, including but not limited to: restaurants and other establishments serving food and beverages to the general public; banks, indoor retail operations; discount stores; public transportation facilities; grocery stores; lobbies; barber shops; beauty salons; in home care, health spas, gymnasiums and other similar exercise facilities; indoor theaters; indoor recreation facilities; libraries; museums; concert halls; courtrooms; and municipal, county or state buildings, schools, or other governmental facilities. Notwithstanding anything to the contrary, the term "public place" shall not include: hotel or motel sleeping rooms; private meeting/conference rooms and halls not open to the general public while being used for private functions or located within private clubs.

(F) Smoking. "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

11-903 PROHIBITED AND DESIGNATED SMOKING AREAS. It shall be unlawful for a person to smoke in any area or location where smoking is prohibited under the provisions of this ordinance. The City hereby establishes the following specific prohibitions and regulations regarding smoking areas where smoking is unlawful:

(A) Restrictions Generally. No person shall smoke in or within 30 feet of an exit or entrance to a public place or at a public meeting or in places of employment except in designated smoking areas as provided in this Article; provided that in places of employment, said designated smoking areas do not supersede the provisions for public places and public meetings. Ashtrays and other smoking paraphernalia shall be removed from any area while smoking is prohibited.

(B) Areas Where Smoking Permitted in Public Places. This Article allows smoking in the following designated areas, provided smoking in said areas is not in violation of any fire, health or safety code or any other Federal, State or local law: Any room, not open to the general public, if designated for smoking by the owner, operator, manager or other person in control of the premises.

(C) Food Establishments. The owner, operator, manager or other person in control of any restaurant, coffee shop, cafeteria, luncheonette or other indoor eating establishment serving food to the general public shall

designate an amount of seating capacity adequate to meet nonsmoking customer need and shall inform all patrons verbally, if seated by a host or hostess, or by means of signage if not seated, that no-smoking areas are available; provided, however that there shall be no smoking in the restrooms of said facilities, and further provided that any designated smoking area does not contain the only common facilities in the premises available for the general public or employee use, such as points of sale or service, telephones, lounges and other such facilities; and is not an area of the premises that guests, patrons or employees are required to pass through in order to access either non-smoking areas of the premises or only available public facilities. Employees who are minors cannot be required to work in areas where smoking is permitted.

(D) Liquor Establishments. The owner, operator, manager or other person in control of any cocktail lounge, bar or tavern may designate smoking permitted areas as he deems necessary if the annual gross receipts from the sale of food are less that thirty percent (30%) of the total gross receipts of the facility.

(E) Productions Theatrical. Smoking may be permitted in a theatrical production when such smoking is part of the production; provided the responsible person has obtained permission from the local fire official having jurisdiction to allow smoking as part of the production.

(F) Barriers and Ventilation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used and, to the extent financially reasonable, enhanced to minimize smoke in nonsmoking areas. Any such places constructed after the effective date hereof shall provide functional barriers and ventilation systems between smoking and nonsmoking sections which minimize smoke in nonsmoking sections. All such existing, enhanced and new barriers and systems shall be reviewed and approved by the Director of Planing and Development or his or her designee for conformity with this section.

11-904. REGULATIONS AT PLACES OF EMPLOYMENT. The following regulations shall apply to places of employment other than food establishments, liquor establishments and theatrical productions, which are separately provided for above:

(A) Smoking in private offices. Smoking may be permitted in private enclosed offices occupied exclusively by smokers, even though such office may be visited by nonsmokers, and provided this exception shall

not be construed to permit smoking in non-enclosed offices or areas open to the public including, but not limited to, non-smoking employees.

(B) Written Smoking Policy. All places of employment shall, within one hundred twenty (120) days of the effective date hereto, adopt, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions and requirements:

(1) A statement providing that in any dispute arising between smokers and nonsmokers, reasonable efforts shall be made by the employer to accommodate the nonsmoker.

(2) Prohibition of smoking in areas open to the public, including but not limited to, classrooms, rest rooms, medical facilities, elevators, lobbies, telephone facilities, employee lunchrooms, cafeterias or lounges, conference and meeting rooms, auditoriums, and other common areas.

(3) Prohibition of smoking in hallways.

(4) Any employee may object to his employer about the smoking policy without reprisal.

(5) The employer shall announce its smoking policy within one hundred twenty (120) days of the effective date hereof to all its employees and shall post the written policy conspicuously around the premises or make it available upon request.

(C) Failure to adopt a smoking policy in accordance with the provision of this ordinance or the failure to enforce the provisions of said policy shall constitute a violation of this ordinance

11-905 NO-SMOKING SIGNS.

(A) Signs Required. It shall be unlawful for any owner, operator, manager or other person in control of the premises designated in accordance with these provisions to fail to provide and permanently affix conspicuous signs, clearly visible from all major public entrances or within places of employment, advising that smoking is prohibited or advising that smoking is prohibited only in designated areas.

(B) Contents of Signs. All signs which are used to identify a no-smoking area shall use the primary words "No Smoking" and shall also include the international no-smoking symbol and shall also state Pursuant to *Leawood City Ordinance No.* 1773C All signs which are used to identify a smoking permitted area shall use the primary words "Smoking Permitted" and shall also include the international smoking symbol.

(C) Placement and size of signs. All signs which are used to identify no-

smoking areas shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured or obstructed in any manner. Signs will be proportionally conspicuous to the size or characteristics of the entranceway. In no case shall the primary lettering and international symbol on such signs be less that one inch (1") in height. The absence of proper signage as required in this Section shall in no manner nullify the requirements of this Ordinance.

11-906. COMPLIANCE: VIOLATION AND PENALTIES; CIVIL ACTIONS

(A) Methods of Obtaining Compliance: The proprietor or person in charge of a public place, public meeting or place of employment shall make reasonable efforts to obtain compliance with this Article is such places by:

(1) Posting appropriate signs.
(2) Arranging seating and work areas to provide a smoke-free area.
(3) Asking smokers to refrain from smoking upon request if a client or an employee suffers discomfort from the smoke.
(4) Giving personal notice to the alleged violator that they are acting contrary to local law and are subject to receiving a citation to appear in court.

(B) Smoking Where Prohibited Constitutes a Violation: Any person persisting in smoking in violation of this Article, after an oral or written warning to cease smoking, may be prosecuted for violating this Article. Failure to post signs and failure to provide an earlier oral warning shall not excuse continuing to smoke after a warning.

11-907. Penalties. Any person violating any provision of this Article shall be fined not more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

11-908. CIVIL ACTIONS, INJUNCTION. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

11-909. Severability. If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional

or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

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

Passed by the Council the 18 day of January, 1999.

Approved by the Mayor the 18 day of January, 1999.

(SEAL)

Peggy Dunn

Peggy Dunn Mayor

Attest:

Martha Heizer

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1773C

Publication Fees: $88.25

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1773C--1/26/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 27, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$88.25

ORDINANCE NO. 1773 C

First published in The Legal Record, Tuesday, January 26, 1999.

ORDINANCE NO. 1773 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 9 (SMOKING) TO CHAPTER 11 (PUBLIC OFFENSES) AND REPEALING EXISTING PROVISIONS PERTAINING TO THE SAME SUBJECT.

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

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(B) Person. "Person" means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

(C) Place of Employment. "Place of employment" means any area within a structure under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and rest rooms, conference and class rooms, cafeterias, and hallways, except

(1) a private residence is not a "place of employment" unless it is used as a child care or health care facility;

(2) the area where customers of a restaurant, drinking establishment or a private club consume food and beverages is not a place of employment.

(D) Premises. "Premises" means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct, including the structures or buildings thereon.

(E) Public Place. "Public place" means indoor area open to the public or used by the general public, including but not limited to: restaurants and other establishments serving food and beverages to the general public, banks, indoor retail operations; discount stores; public transportation facilities; grocery stores; lobbies; barber shops; beauty salons; in home care, health spas, gymnasiums and other similar exercise facilities; indoor theaters; indoor recreation facilities; libraries; museums; concert halls; courtrooms; and municipal, county or state buildings, schools, or other governmental facilities. Notwithstanding anything to the contrary, the term "public place" shall not include: hotel or motel sleeping rooms; private meeting/conference rooms and halls not open to the general public while being used for private functions or located within private clubs.

(F) Smoking. "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

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(A) Restrictions Generally. No person shall smoke in or within 30 feet of an exit or entrance to a public place or at a public meeting or in places of employment except in designated smoking areas as provided in this Article; provided that in places of employment, said designated smoking areas do not supersede the provisions for public places and public meetings. Ashtrays and other smoking paraphernalia shall be removed from any area while smoking is prohibited.

(B) Areas Where Smoking Permitted in Public Places. This Article allows smoking in the following designated areas, provided smoking in said areas is not in violation of any fire, health or safety code or any other Federal, State or local law: Any room, not open to the general public, if designated for smoking by the owner, operator, manager or other person in control of the premises.

(C) Food Establishments. The owner, operator, manager or other person in control of any restaurant, coffee shop, cafeteria, luncheonette or other indoor eating establishment serving food to the general public shall designate an amount of seating capacity adequate to meet nonsmoking customer need and shall inform all patrons verbally, if seated by a host or hostess, or by means of signage if not seated, that no-smoking areas are available; provided, however that there shall be no smoking in the restrooms of said facilities, and further provided that any designated smoking area does not contain the only common facilities in the premises available for the general public or employee use, such as points of sale or service, telephones, lounges and other such facilities; and is not an area of the premises that guests, patrons or employees are required to pass through in order to access either non-smoking areas of the premises or only available public facilities. Employees who are minors cannot be required to work in areas where smoking is permitted.

(D) Liquor Establishments. The owner, operator, manager or other person in control of any cocktail lounge, bar or tavern may designate smoking permitted areas as he deems necessary if the annual gross receipts from the sale of food are less that thirty percent (30%) of the total gross receipts of the facility.

(E) Productions Theatrical. Smoking may be permitted in a theatrical production when such smoking is part of the production; provided the responsible person has obtained permission from the local fire official having jurisdiction to allow smoking as part of the production.

(F) Barriers and Ventilation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used and, to the extent financially reasonable, enhanced to minimize smoke in nonsmoking areas. Any such places constructed after the effective date hereof shall provide functional barriers and ventilation systems between smoking and nonsmoking sections which minimize smoke in nonsmoking sections. All such existing, enhanced and new barriers and systems shall be reviewed and approved by the Director of Planing and Development or his or her designee for conformity with this section.

11-904. REGULATIONS AT PLACES OF EMPLOYMENT. The following regulations shall apply to places of employment other than food establishments, liquor establishments and theatrical productions, which are separately provided for above:

(A) Smoking in private offices. Smoking may be permitted in private enclosed offices occupied exclusively by smokers, even though such office may be visited by nonsmokers, and provided this exception shall not be construed to permit smoking in non-enclosed offices or areas open to the public including, but not limited to, non-smoking employees.

(B) Written Smoking Policy. All places of employment shall, within one hundred twenty (120) days of the effective date hereto, adopt, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions and requirements:

(1) A statement providing that in any dispute arising between smokers and nonsmokers, reasonable efforts shall be made by the employer to accommodate the nonsmoker.

(2) Prohibition of smoking in areas open to the public, including but not limited to, classrooms, rest rooms, medical facilities, elevators, lobbies, telephone facilities, employee lunchrooms, cafeterias or lounges, conference and meeting rooms, auditoriums, and other common areas.

(3) Prohibition of smoking in hallways.

(4) Any employee may object to his employer about the smoking policy without reprisal.

(5) The employer shall announce its smoking policy within one hundred twenty (120) days of the effective date hereof to all its employees and shall post the written policy conspicuously around the premises or make it available upon request.

(C) Failure to adopt a smoking policy in accordance with the provision of this ordinance or the failure to enforce the provisions of said policy shall constitute a violation of this ordinance

11-905 NO-SMOKING SIGNS.

(A) Signs Required. It shall be unlawful for any owner, operator, manager or other person in control of the premises designated in accordance with these provisions to fail to provide and permanently affix conspicuous signs, clearly visible from all major public entrances or within places of employment, advising that smoking is prohibited or advising that smoking is prohibited only in designated areas.

(B) Contents of Signs. All signs which are used to identify a no-smoking area shall use the primary words "No Smoking" and shall also include the international no-smoking symbol and shall also state Pursuant to *Leawood City Ordinance No.* 1773C All signs which are used to identify a smoking permitted area shall use the primary words "Smoking Permitted" and shall also include the international smoking symbol.

(C) Placement and size of signs. All signs which are used to identify no-

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Smoking areas shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured or obstructed in any manner. Signs will be proportionally conspicuous to the size or characteristics of the entranceway. In no case shall the primary lettering and international symbol on such signs be less that one inch (1") in height. The absence of proper signage as required in this Section shall in no manner nullify the requirements of this Ordinance.

11-906. COMPLIANCE: VIOLATION AND PENALTIES; CIVIL ACTIONS

(A) Methods of Obtaining Compliance: The proprietor or person in charge of a public place, public meeting or place of employment shall make reasonable efforts to obtain compliance with this Article is such places by:

(1) Posting appropriate signs.
(2) Arranging seating and work areas to provide a smoke-free area.
(3) Asking smokers to refrain from smoking upon request if a client or an employee suffers discomfort from the smoke.
(4) Giving personal notice to the alleged violator that they are acting contrary to local law and are subject to receiving a citation to appear in court.

(B) Smoking Where Prohibited Constitutes a Violation: Any person persisting in smoking in violation of this Article, after an oral or written warning to cease smoking, may be prosecuted for violating this Article. Failure to post signs and failure to provide an earlier oral warning shall not excuse continuing to smoke after a warning.

11-907. Penalties. Any person violating any provision of this Article shall be fined not more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

11-908. CIVIL ACTIONS, INJUNCTION. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

11-909. Severability. If any section, subsection, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

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

Passed by the Council the 18 day of January, 1999.

Approved by the Mayor the 18 day of January, 1999.

(S E A L)

Peggy Dunn

Peggy Dunn Mayor

Attest:

Martha Heizer

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1772

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR RELOCATION OF A WATER LINE ALONG MISSION ROAD NEAR I-435 ON GREENWAY AND PARK PROPERTY.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

All that part of Tract A, "LEAWOOD GREENWAY AND PARK," a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the most Northwesterly corner of said Tract A, said point being on the West line of Mission Road, as established by said subdivision plat; thence South 01 degree, 52 minutes, 56 seconds East, along said East right-of-way line of Mission Road, a distance of 49.37 feet to a point of curvature; thence Southerly, continuing along said East right-of-way line, along a curve to the left, being tangent to the last described course, having a radius of 459.59 feet and a central angle of 6 degrees, 19 minutes, 11 seconds, an arc distance of 50.69 feet; thence North 42 degrees, 11 minutes, 26 seconds East, a distance of 139.75 feet to a point on the North line of said Tract A, said point being 100.00 feet East of the most Northwesterly corner thereof, as measured along said North line; thence South 87 degrees, 51 minutes, 49 seconds West, along said North line, a distance of 100.00 feet to the point of beginning. EXCEPT that part thereof, taken for street right-of-way.

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

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

Passed by the Council the 4th day of January, 1999.

Approved by the Mayor the 4th day of January, 1999.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1772

Publication Fees: $15.28

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1772--1/26/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 27, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1772

First published in The Legal Record, Tuesday, January 26, 1999.

ORDINANCE NO. 1772

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR RELOCATION OF A WATER LINE ALONG MISSION ROAD NEAR I-435 ON GREENWAY AND PARK PROPERTY.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

All that part of Tract A, "LEAWOOD GREENWAY AND PARK," a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the most Northwesterly corner of said Tract A, said point being on the West line of Mission Road, as established by said subdivision plat; thence South 01 degree, 52 minutes, 56 seconds East, along said East right-of-way line of Mission Road, a distance of 49.37 feet to a point of curvature; thence Southerly, continuing along said East right-of-way line, along a curve to the left, being tangent to the last described course, having a radius of 459.59 feet and a central angle of 6 degrees, 19 minutes, 11 seconds, an arc distance of 50.69 feet; thence North 42 degrees, 11 minutes, 26 seconds East, a distance of 139.75 feet to a point on the North line of said Tract A, said point being 100.00 feet East of the most Northwesterly corner thereof, as measured along said North line; thence South 87 degrees, 51 minutes, 49 seconds West, along said North line, a distance of 100.00 feet to the point of beginning. EXCEPT that part thereof, taken for street right-of-way.

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

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

Passed by the Council the 4th day of January, 1999.

Approved by the Mayor the 4th day of January, 1999.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn — Mayor

Attest:

Martha Heizer
Martha Heizer — City Clerk

APPROVED FOR FORM:

R. S. Wetzler — City Attorney

$15.28

ORDINANCE NO. 1771 C

AN ORDINANCE AMENDING SECTIONS 14-105, 14-301 and 14-302 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO TRAFFIC REGULATION ON PRIVATE PROPERTY.

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

Section 1. Code Amended. That Section 14-105 of the Code of the City of Leawood is hereby amended to read as follows:

14-105. TRAFFIC REGULATIONS ON PRIVATE PROPERTY. Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner, shall cause to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

a) "TRAFFIC REGULATIONS OF THE CITY OF LEAWOOD ENFORCED ON THIS PROPERTY and/or,

b) "NOTICE
Pursuant to Section 14-105 of the Code of the City of Leawood, Kansas, no trucks carrying a manufacturers rating of one ton or more may be parked on this parking lot except for the expressed purpose of loading or unloading goods or merchandise for tenants. Violators will be towed at the vehicle owners expense and be subject to a fine."

Then such private property shall be deemed to be under the traffic regulation of the city as provided by law and it shall be unlawful for any person to operate a motor vehicle or park a truck, bus or trailer upon said property in any manner that is contrary to the laws of the City of Leawood or contrary to said posted sign.

Section 2. Code Amended. That Section 14-301of the Code of the City of Leawood is hereby amended to read as follows:

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1771C

Publication Fees: $39.66

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1771C--1/26/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 27, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$39.66

ORDINANCE NO. 1771 C

First published in The Legal Record, Tuesday, January 26, 1999.

ORDINANCE NO. 1771 C

AN ORDINANCE AMENDING SECTIONS 14-105, 14-301 and 14-302 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO TRAFFIC REGULATION ON PRIVATE PROPERTY.

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

Section 1. Code Amended. That Section 14-105 of the Code of the City of Leawood is hereby amended to read as follows:

14-105. TRAFFIC REGULATIONS ON PRIVATE PROPERTY. Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner, shall cause to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

a) "TRAFFIC REGULATIONS OF THE CITY OF LEAWOOD ENFORCED ON THIS PROPERTY and/or,

b) "NOTICE
Pursuant to Section 14-105 of the Code of the City of Leawood, Kansas, no trucks carrying a manufacturers rating of one ton or more may be parked on this parking lot except for the expressed purpose of loading or unloading goods or merchandise for tenants. Violators will be towed at the vehicle owners expense and be subject to a fine."

Then such private property shall be deemed to be under the traffic regulation of the city as provided by law and it shall be unlawful for any person to operate a motor vehicle or park a truck, bus or trailer upon said property in any manner that is contrary to the laws of the City of Leawood or contrary to said posted sign.

Section 2. Code Amended. That Section 14-301of the Code of the City of Leawood is hereby amended to read as follows:

14-301 DEFINITIONS. For the purpose of this Chapter, the following words shall have the following meaning:

(a) Truck. Any self-propelled motor vehicle with a gross weight in excess of one ton, including but not limited to, vehicles designed for or used for the transportation or delivery of freight and merchandise.

(b) Bus. A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following: 25 feet in overall length, or eight feet in height, or gross weight of 3,000 pounds per axle.

(c) Trailer. A vehicle without motive power designed for or used for the carrying of property or containing living quarters exceeding any of the following: 25 feet in length, eight feet in height, or gross weight of 3,000 pounds per axle.

Section 3. Code Amended. That Section 14-302 of the Code of the City of Leawood is hereby amended to read as follows:

14-302. PARKING OF TRUCKS, BUSES, AND TRAILERS; EXEMPTIONS.

(a) Parking of certain vehicles prohibited. No person shall park any of the named vehicles in section 14-301 on any street of the city, or upon any lot, improved or unimproved, in a residential or commercial area of the city except for the purpose of making a delivery or pickup provided such vehicles are not left continuously parked between the hours of 11:00 p.m. and 6:00 a.m. and except for parking of recreational vehicles as provided by the Leawood Development Ordinance.

(b) Exempt vehicles. City owned and operated vehicles; service vehicles owned by utility companies while in the process of providing services or maintenance; construction vehicles while being used in connection with construction or maintenance authorized by the City and vehicles exceeding one ton when parked in designated loading and unloading areas are hereby exempt from the provisions of this Ordinance.

Section 4. Repeal of Existing Section. That existing Sections 14-105, 14-301and14-302 and of the Code of the City of Leawood are hereby repealed. (Prior law: Section 14-105, Ord. No. 1612C)

Section 5. 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 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of December, 1998.

Approved by the Mayor the 21st day of December, 1998.

(SEAL)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

14-301 DEFINITIONS. For the purpose of this Chapter, the following words shall have the following meaning:

(a) Truck. Any self-propelled motor vehicle with a gross weight in excess of one ton, including but not limited to, vehicles designed for or used for the transportation or delivery of freight and merchandise.

(b) Bus. A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following: 25 feet in overall length, or eight feet in height, or gross weight of 3,000 pounds per axle.

(c) Trailer. A vehicle without motive power designed for or used for the carrying of property or containing living quarters exceeding any of the following: 25 feet in length, eight feet in height, or gross weight of 3,000 pounds per axle.

Section 3. Code Amended. That Section 14-302 of the Code of the City of Leawood is hereby amended to read as follows:

14-302. PARKING OF TRUCKS, BUSES, AND TRAILERS; EXEMPTIONS.

(a) Parking of certain vehicles prohibited. No person shall park any of the named vehicles in section 14-301 on any street of the city, or upon any lot, improved or unimproved, in a residential or commercial area of the city except for the purpose of making a delivery or pickup provided such vehicles are not left continuously parked between the hours of 11:00 p.m. and 6:00 a.m. and except for parking of recreational vehicles as provided by the Leawood Development Ordinance.

(b) Exempt vehicles. City owned and operated vehicles; service vehicles owned by utility companies while in the process of providing services or maintenance; construction vehicles while being used in connection with construction or maintenance authorized by the City and vehicles exceeding one ton when parked in designated loading and unloading areas are hereby exempt from the provisions of this Ordinance.

Section 4. Repeal of Existing Section. That existing Sections 14-105, 14-301and14-302 and of the Code of the City of Leawood are hereby repealed. (Prior law: Section 14-105, Ord. No. 1612C)

Section 5. 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 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of December, 1998.

Approved by the Mayor the 21st day of December, 1998.

(SEAL)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1770

AN ORDINANCE REZONING PROPERTY LOCATED AT 11120 TOMAHAWK CREEK PARKWAY (TOMAHAWK CREEK OFFICE BUILDING NO. 5), FROM CP-0 (PLANNED OFFICE) TO CP-1 (PLANNED NEIGHBORHOOD RETAIL); 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 the Northwest Quarter of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence N 87°50'04" E, along the North line of the Northwest Quarter of said Section 15, a distance of 867.18 feet to a point; thence S 1° 27'33" E, a distance of 420.03 feet to the Point of Beginning; thence continuing S 1° 27'33" E, a distance of 265.14 feet to a point on the North line of Lot 3, Tomahawk Creek Office Park, Second Plat; thence N 87°50'04" E, along the North line of said Lot 3, a distance of 83.86 feet to a point; thence continuing along said North line S 63°41'50" E, a distance of 155.47 feet to a point on the Westerly right-of-way line of Tomahawk Creek Parkway; thence N 26° 10'43" E, along the Westerly right-of-way line of Tomahawk Creek Parkway, a distance of 109.32 feet to a point of curvature; thence Northeasterly on a curve to the right, along said Westerly right-of-way line of Tomahawk Creek Parkway, with an initial tangent bearing of N 26° 10'43" E, a radius of 1812.50 feet and a length of 216.84 feet to a point; thence N 63°49'17" W, a distance of 123.81 feet to a point; thence S 87°50'04" W, a distance of 274.31 feet to the Point of Beginning, and containing 91,756 square feet or 2.11 acres, more or less

now zoned CP-0, is hereby rezoned to CP-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 21st day of December, 1998.

Approved by the Mayor the 21st day of December, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record

Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1770

Publication Fees: $24.38

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDIANCE NO. 1770--1/26/99

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 27, 1999

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1770

First published in The Legal Record, Tuesday, January 26, 1999.

ORDINANCE NO. 1770

AN ORDINANCE REZONING PROPERTY LOCATED AT 11120 TOMAHAWK CREEK PARKWAY (TOMAHAWK CREEK OFFICE BUILDING NO. 5), FROM CP-0 (PLANNED OFFICE) TO CP-1 (PLANNED NEIGHBORHOOD RETAIL); 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 the Northwest Quarter of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence N 87°50'04" E, along the North line of the Northwest Quarter of said Section 15, a distance of 867.18 feet to a point; thence S 1°27'33" E, a distance of 420.03 feet to the Point of Beginning; thence continuing S 1°27'33" E, a distance of 265.14 feet to a point on the North line of Lot 3, Tomahawk Creek Office Park, Second Plat; thence N 87°50'04" E, along the North line of said Lot 3, a distance of 83.86 feet to a point; thence continuing along said North line S 63°41'50" E, a distance of 155.47 feet to a point on the Westerly right-of-way line of Tomahawk Creek Parkway; thence N 26° 10'43" E, along the Westerly right-of-way line of Tomahawk Creek Parkway, a distance of 109.32 feet to a point of curvature; thence Northeasterly on a curve to the right, along said Westerly right-of-way line of Tomahawk Creek Parkway, with an initial tangent bearing of N 26° 10'43" E, a radius of 1812.50 feet and a length of 216.84 feet to a point; thence N 63°49'17" W, a distance of 123.81 feet to a point; thence S 87°50'04" W, a distance of 274.31 feet to the Point of Beginning, and containing 91,756 square feet or 2.11 acres, more or less

now zoned CP-0, is hereby rezoned to CP-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 21st day of December, 1998.

Approved by the Mayor the 21st day of December, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM: R.E. Wetzler — City Attorney

$24.38

ORDINANCE NO. 1769

AN ORDINANCE ACCEPTING A TRAFFIC SIGNAL EASEMENT FROM NOONEY INCOME FUND LTD. II, L.P., AND NOONEY INCOME FUND LTD., L.P., EASEMENT LOCATED AT THE CORNER OF COLLEGE BOULEVARD AND NALL AVENUE.

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

Section 1. That the City of Leawood hereby accepts a traffic signal easement, over, under and through the following described real estate, to wit:

All that part of Lot 1, LEAWOOD COUNTRY MANOR, FOURTH PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of said Lot 1, thence South 01°-41'-29" East (plat is South 01°-41'-29" East) along the west line of said Lot 1 and east Right-Of-Way line of Nall Ave. as now established a distance of 32.94 feet to the true point of beginning; thence North 43°-18'-31" East a distance of 47.15 feet to a point on the north line of said Lot 1 and south Right-Of-Way line of College Blvd. as now established; thence North 87°-37'-46" East along said north line of Lot 1 a distance of 26.66 feet; thence South 42°-58'-08" West a distance of 85.36 feet to point on the west line of said Lot 1; thence North 01°-41'-29" West along said west lot line a distance of 27.06 feet to the point of beginning. The above described tract contains 1251 square 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 7th day of December, 1998.

Approved by the Mayor the 7th day of December, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 11th day of December 1998, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 11th day of December 1998

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 14.96

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

(20021) NO. 9

First Published in the Johnson County Sun, Friday, December 11, 1998.

CITY OF LEAWOOD
KANSAS
ORDINANCE NO. 1769

AN ORDINANCE ACCEPTING A TRAFFIC SIGNAL EASEMENT FROM NOONEY INCOME FUND LTD. II, L.P., AND NOONEY INCOME FUND LTD., L.P., EASEMENT LOCATED AT THE CORNER OF COLLEGE BOULEVARD AND NALL AVENUE.

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

Section 1. That the City of Leawood hereby accepts a traffic signal easement, over, under and through the following described real estate, to wit:

All that part of Lot 1, LEAWOOD COUNTRY MANOR, FOURTH PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of said Lot 1, thence South 01°-41'-29" East (plat is South 01°-41'-29" East) along the west line of said Lot 1 and east Right-Of-Way line of Nall Ave. as now established a distance of 32.94 feet to the true point of beginning; thence North 43°-18'-31" East a distance of 47.15 feet to a point on the north line of said Lot 1 and south Right-Of-Way line of College Boulevard as now established; thence North 87°-37'-46" East along said north line of Lot 1 a distance of 26.66 feet; thence South 42°-58'-08" West a distance of 85.36 feet to point on the west line of said Lot 1; thence North 01°-41'-29" West along said west lot line a distance of 27.06 feet to the point of beginning. The above described tract contains 1251 square 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 7th day of December, 1998.
Approved by the Mayor the 7th day of December, 1998.
/s/ Peggy J. Dunn
Mayor
SEAL
Attest:
/s/ Martha Heizer
City Clerk
Approved for form:
/s/ R. S. Wetzler
City Attorney

(20021 1F-JC)

ORDINANCE NO. 1768

AN ORDINANCE ACCEPTING A DEED OF DEDICATION FROM NOONEY INCOME FUND LTD II, L.P., AND NOONEY INCOME FUND LTD, L.P., FOR LAND AT THE CORNER OF COLLEGE BOULEVARD AND NALL AVENUE TO BE USED FOR STREET PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a deed for the following described real estate, to wit:

All that part of Lot 1, LEAWOOD COUNTRY MANOR, FOURTH PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

TRACT 1: Beginning at the Northwest corner of said Lot 1, thence North 87°-37'-46" East (Platted bearing is N. 87°-37'-49" E.) along the north line of said Lot 1 a distance of 33.34 feet; thence South 43°-18'-31" West a distance of 47.15 feet to a point on the existing east Right-Of-Way line of Nall Ave. as now established; thence North 01°-41'-29" West along said east Right-Of-Way line and west line of said Lot 1 a distance of 32.94 feet to the point of beginning. The above described tract contains 549 square feet.

TRACT 2: Commencing at the Northwest corner of said Lot 1, thence South 01°-41'-29" East (Plat is South 01°-41'-29" East) along the west line of said Lot 1 and east Right-Of-Way line of Nall Ave. as now established a distance of 60.40 feet to the true point of beginning; thence continuing South 01°-41'-29" East along said west line of Lot 1 a distance of 330.83 feet; thence North 88°-18'-31" East a distance of 7.85 feet; thence North 03°-03'-04" West a distance of 330.93 feet to the point of beginning. The above described tract contains 1299 square feet.

Section 2. That a copy of said Deed of Dedication 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 7th day of December, 1998.

Approved by the Mayor the 7th day of December, 1998.

(SEAL)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 11th day December 1998, with subsequent publication being made on the following dates:

_____, 19___ _____, 19___

_____, 19___ _____, 19___

Georgiann Thacker

Subscribed and sworn to before me this 11th day of December 1998

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 17.17

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

(20020) NO. 8

First Published in the Johnson County Sun, Friday, December 11, 1998.

CITY OF LEAWOOD, KANSAS
ORDINANCE NO. 1768

AN ORDINANCE ACCEPTING A DEED OF DEDICATION FROM NOONEY INCOME FUND LTD II, L.P., AND NOONEY INCOME FUND LTD, L.P., FOR LAND AT THE CORNER OF COLLEGE BOULEVARD AND NALL AVENUE TO BE USED FOR STREET PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a deed for the following described real estate, to wit:

All that part of Lot 1, LEAWOOD COUNTRY MANOR, FOURTH PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

TRACT 1: Beginning at the Northwest corner of said Lot 1, thence North 87°-37'-46" East (Platted bearing is N. 87°-37'-49" E.) along the north line of said Lot 1 a distance of 33.34 feet; thence South 43°-18'-31" West a distance of 47.15 feet to a point on the existing east Right-Of-Way line of Nall Ave. as now established; thence North 01°-41'-29" West along said east Right-Of-Way line and west line of said Lot 1 a distance of 32.94 feet to the point of beginning. The above described tract contains 549 square feet.

TRACT 2. Commencing at the Northwest corner of said Lot 1, thence South 01°-41'-29" East (Plat is South 01°-41'-29" East) along the west line of said Lot 1 and east Right-of-Way line of Nall Ave. as now established a distance of 60.40 feet to the true point of beginning; thence continuing South 01°-41'-29" East along said west line of Lot 1 a distance of 330.83 feet; thence North 88°-18'-31" East a distance of 7.85 feet; thence North 03°-03'-04" West a distance of 330.93 feet to the point of beginning. The above described tract contains 1299 square feet.

Section 2. That a copy of said Deed of Dedication 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 7th day of December, 1998.
Approved by the Mayor the 7th day of December, 1998.
/s/ Peggy J. Dunn
Mayor
SEAL
Attest:
/s/ Martha Heizer
City Clerk
Approved for Form
/s/ R. S. Wetzler
City Attorney

(20020 1F-JC)

ORDINANCE NO. 1767

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $12,340,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1998-A, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

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

(a) Construction of improvements to 135th Street [K-150] extending from State Line Road to Nall Avenue including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by and as provided in Ordinance No. 1203 (the "K-150 Improvement"), the City's share of the cost thereof being hereby amended to $5,001,000;

(b) Construction of improvements to Old Kenneth Road extending from K-150 to Kenneth Parkway including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by and as provided in Resolution No. 1101 (the "Old Kenneth Road Improvement");

(c) Construction of improvements to 117th Street between Town Center Drive and Nall Avenue, signalization of the intersections of Nall Avenue and 117th Street, 119th and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines widening and utility relocations on Nall Avenue and 119th Street, Roe and Town Center Drive from Roe to 117th Street, the widening of Town Center Drive from 117th Street to Nall Avenue and the overlay of 119th Street between Roe Avenue and Nall Avenue and Roe Avenue between Town Center Drive and 119th Street including necessary appurtenances all in the immediate vicinity of Leawood Town Center Plaza, pursuant to K.S.A. 12-6a01 et seq., as authorized by and as provided in Resolution No. 1238 (the "Town Center Improvement");

(d) Construction of improvements to a section of Kenneth Road from 1,000 feet south of 143rd Street northerly to 700 feet south of 135th Street, including necessary appurtenances, pursuant to K.S.A. 12-685 et. seq., as authorized by and as provided in Ordinance No. 1652 (the "Kenneth Road Rehabilitation"); and

(e) Construction of improvements to portions of Mission Road from a point 500 feet south of 135th Street southerly to 143rd Street then Westerly 600 feet, including necessary appurtenances pursuant to K.S.A. 12-685 et seq., as authorized by and as provided in Ordinance No. 1680 (the "Mission Road Rehabilitation");

(the K-150 Improvement, the Old Kenneth Road Improvement, the Town Center Improvement, the Kenneth Road Rehabilitation and the Mission Road Rehabilitation, herein collectively called the "Series 1998 Improvement Projects"); and

WHEREAS, all legal requirements pertaining to the Series 1998 Improvement Projects have been complied with, and the governing body of the City now finds and determines that the total cost of the Series 1998 Improvement Projects including construction financing and related expenses is not less than $12,602,279 with $818,000 of the cost to be paid by the owners of the property within the City benefited by the Old Kenneth Road Improvement, $4,400,000 to be paid by the owners of property benefited by the Town Center Improvement and $7,384,279 of the cost to be paid by the City at-large; and

WHEREAS, none of the owners of the properties benefited by the Old Kenneth Road Improvement or the Town Center Improvement have paid their respective assessments on account of the construction of such improvements, however, there is available in the City treasury the sum of $262,279.00 to pay a portion of the City's share of the cost of the Town Center Improvement leaving $12,340,000 to be paid by the issuance and sale of general obligation bonds of the City; 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 the Series 1998 Improvement Projects; and

WHEREAS, the City hereby finds and determines that it is necessary and desirable to provide funds to retire temporary notes previously issued and outstanding and provide permanent financing for the Series 1998 Improvement Projects and certain costs of such financing by the issuance of general obligation improvement bonds of the City in the principal amount of $12,340,000 as herein provided; and

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:

"Beneficial Owner" shall mean, whenever used with respect to a Bond herein authorized, the person in whose name such bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

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

"Bonds" means the City's General Obligation Improvement Bonds, Series 1998-A, dated November 15, 1998, in the original principal amount of $12,340,000.

"Cede & Co." shall mean Cede & Co., the nominee of the Depository, and any successor nominee of the Depository with respect to the Bonds.

"Continuing Disclosure Certificate" means the certificate executed by the City in the form attached hereto as Exhibit C.

"Cost of Issuance Fund" means the Series 1998 Cost of Issuance Fund created by Section 501 of this Ordinance.

"Depository" shall mean The Depository Trust Company of New York, New York.

"Improvement Fund" means the Series 1998 Improvement Fund created by Section 501 of this Ordinance.

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

"Participant" shall mean any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository.

"Participating Underwriter" shall have the meaning ascribed thereto in the Continuing Disclosure Certificate.

"Paying Agent" means the State 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 Improvement Bonds, Series 1998-A, created by Section 501 of this Ordinance.

"Representation Letter" shall mean the Representation Letter from the City and the Bond Registrar to the Depository with respect to the Bonds, substantially in the form attached to this Ordinance as Exhibit B.

"Underwriters" means Prudential-Securities Incorporated, as manager, George K. Baum & Company, Everen Securities, Inc., Edward Jones, PaineWebber Incorporated, NBC Capital, Bank of Alabama and Kirlin Securities.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. There are hereby authorized and directed to be issued bonds of the City designated General Obligation Improvement Bonds, Series 1998-A in the aggregate principal amount of $12,340,000 for the purpose of providing funds to finance the costs of the Series 1998 Improvement Projects, as provided in this Ordinance.

Section 202. Security for the Bonds. The Bonds shall be general obligations of the City payable in part from special assessments levied against properties benefited by the Old Kenneth Road Improvement and the Town Center Improvement and, if not so paid, shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance not payable first from such special assessments shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

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.

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. The Bonds shall be substantially in the form described in Article IV hereof and Exhibit A attached hereto and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated November 15, 1998, shall become due 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 1998 SERIAL BONDS

Maturity Date	Principal Amount	Interest Rate	Maturity Date	Principal Amount	Interest Rate
1999	$1,000,000	5.50%	2007	$990,000	4.05%
2000	1,000,000	5.50	2008	990,000	4.10
2001	1,000,000	4.00	2009	475,000	4.20
2002	1,000,000	3.65	2010	475,000	4.30
2003	1,000,000	3.75	2011	475,000	4.40
2004	1,000,000	3.85	2012	475,000	4.50
2005	995,000	3.95	2013	475,000	4.60
2006	990,000	4.00			

The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year composed of twelve 30-day months) from the date thereof or from the most recent 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, 1999 (the "Interest Payment Dates"), to the persons in whose names the Bonds are registered on the books maintained by the Bond Registrar at the close of business on the 15th day of the month immediately preceding the Interest Payment Dates (the "Record Dates").

Section 204. Designation of Paying Agent and Bond Registrar. The State 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 State Treasurer of the State of Kansas to act as Bond Registrar and Paying Agent for the Bonds.

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

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

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

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

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

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

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

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

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

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal 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. Immobilization of Bonds by the Depository. (a) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in

the principal amount of each stated maturity of the Bonds. Upon such initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of the Depository. The Paying Agent and Bond Registrar and the City may treat the Depository (or its nominee) as the sole and exclusive owner of Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners of Bonds under this Ordinance, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Bond Registrar nor the City shall be affected by any notice to the contrary. Neither the Bond Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through the Depository or any Participant, with respect to the accuracy of the records maintained by the Depository or any Participant, with respect to the payment by the Depository or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Ordinance, with respect to the selection by the Depository or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by the Depository as registered owner of the Bonds. So long as any Bond issued hereunder is registered in the name of Cede & Co., as nominee of the Depository, the Bond Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than the Depository (or its duly authorized agent) shall receive an authenticated bond for any separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (d) below and Section 206 hereof.

(b) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain definitive bond certificates, the City may notify the Depository and the Bond Registrar, whereupon the Depository shall notify the Participants of the availability through the Depository of such certificates. In such event, the Bonds will be transferable in accordance with paragraph (d) below and Section 206 hereof. The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Bond Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (d) below and Section 206 hereof.

(c) The Mayor and City Clerk are hereby authorized to execute and attest, respectively, and deliver the Representation Letter to the Depository in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor and the City Clerk shall deem advisable, and such execution of the Representation Letter by the Mayor and City Clerk shall be conclusive evidence of such approval. The Representation Letter sets forth

certain matters with respect to, among other things, notices, consents and approvals by registered owners of the Bonds and Beneficial Owners and payments on the Bonds. The Bond Registrar shall have the same rights with respect to its actions thereunder as it has with respect to its action under this Ordinance.

(d) In the event that any transfer or exchange of Bonds is permitted under paragraph (a) or (b) hereof, such transfer or exchange shall be accomplished upon receipt by the Bond Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of Section 206 of this Ordinance. In the event definitive bond certificates are issued to holders other than Cede & Co., its successor as nominee for the Depository as holder of all the Bonds, or another securities depository as holder of all the Bonds, the provisions of this Ordinance shall also apply to all matters relating thereto, including, without limitation, the printing of such certificates and the method of payment of principal of and interest on such certificates.

Section 208. 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 209. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate as that mutilated, lost, stolen or destroyed; provided, however, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Bond Registrar and the City evidence of such loss, theft or destruction and an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing such Bond or Bonds mutilated, stolen, lost or destroyed.

Section 210. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor of the City and the City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, to cause the Bonds to be registered in the office of the City Clerk and the Office of the State Treasurer of the State of Kansas as provided by law, and, when duly executed and registered, to deliver the Bonds to or upon the order of the Underwriters, upon receipt by the City of the purchase price of the Bonds determined in accordance with the contract established by the acceptance of the proposal of the Underwriters by the City. 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

REDEMPTION

Section 301. Redemption of Bonds. The Bonds shall be subject to redemption prior to maturity only as provided in this Section 301.

Bonds maturing on and after September 1, 2008, shall be subject to redemption and may be called for redemption and payment by the City prior to maturity on September 1, 2007 and thereafter, in whole on any date or in part on any Interest Payment Date at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

In the case of a partial redemption of Bonds as aforesaid, the City may select Bonds of any particular maturity or maturities in such order and in such amounts as it shall determine in its sole discretion.

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 pursuant to subparagraph (a) of Section 301 hereof, the City shall give written notice of its intention to redeem and pay said 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 Paying Agent and Bond Registrar, the Depository and the Underwriters, said notice to be mailed not less than 45 days prior to the redemption date.

The Paying Agent and Bond Registrar will send notice of redemption of Bonds to be redeemed pursuant to Section 301 hereof by first class mail to the registered owners of such Bonds as are to be redeemed, 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 are to be redeemed and paid prior to maturity, the particular maturities of such Bonds to be redeemed shall be determined by the City in its sole discretion, Bonds of less than a full maturity to be selected by the Paying Agent and Bond Registrar by lot in $5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.

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

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

ARTICLE IV

FORM OF THE BONDS

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

ARTICLE V

ESTABLISHMENT OF FUNDS

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

(a) Principal and Interest Fund for the City of Leawood, Kansas General Obligation Improvement Bonds, Series 1998-A (the "Principal and Interest Fund");

(b) Series 1998 Improvement Fund (the "Improvement Fund"); and

(c) Series 1998 Cost of Issuance Fund (the "Cost of Issuance Fund").

Section 502. Administration of Funds. The Principal and Interest Fund and the Improvement Fund 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 so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

Section 601. Disposition of Bond Proceeds and Other Moneys. 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 amount received on account of accrued interest on the Bonds.

(b) There shall be deposited in the Cost of Issuance Fund the sum of $118,898.00.

(c) The entire remaining balance of the proceeds of the Bonds ($12,227,074.60) 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 1998 Improvement Projects and shall be used solely to pay the cost of such Series 1998 Improvement Projects, including the retirement of temporary notes of the City previously issued to provide interim financing for the Series 1998 Improvement Projects, and, in the event funds on deposit in the Cost of Issuance Fund shall be insufficient for the purpose thereof, to pay costs of issuance of the Bonds. Upon completion of the Series 1998 Improvement Projects and payment of all costs thereof, any moneys remaining in the Improvement Fund shall be deposited into the Principal and Interest Fund.

Section 603. Application of Moneys in the Cost of Issuance Fund. Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on December 31, 1998, 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.

The governing body of the City shall make provision for the payment of said principal and interest on the Bonds by levying and collecting special assessments on property benefited by the Old Kenneth Road Improvement and the Town Center Improvement, and to the extent of the City's portion of the cost of the Series 1998 Improvement Projects and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property, real and personal, within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Bonds as the same accrue and become payable.

Section 702. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Fund 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 the Underwriters; Approval of Official Statement; Continuing Disclosure. The sale of the Bonds to the Underwriters at a purchase price of 100% of the principal amount of the Bonds plus a premium of $5,972.60 and accrued interest thereon to the date of delivery thereof to the Underwriters in accordance with the proposal submitted by them for the Bonds is hereby ratified and approved.

Distribution of the final Official Statement relating to the Bonds in substantially the form presented to the governing body of the City and the use thereof by the Underwriters of the Bonds is hereby approved, and the Mayor of the City and the City Clerk are hereby authorized to

execute such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve.

The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, the form of which is attached hereto as Exhibit C. Notwithstanding any other provision of this Ordinance to the contrary, failure by the City to comply with the Continuing Disclosure Certificate shall not be considered a default or an event of default hereunder or on the Bonds; however, any registered owner of the Bonds or Participating Underwriter may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under the Continuing Disclosure Certificate and this Section 801.

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 1998 Improvement Projects 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 1998 Improvement Projects 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 1998 Improvement Projects) 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. Authority to Redeem Outstanding Temporary Notes. The governing body hereby finds and determines that it is necessary and advisable to redeem and prepay the following described outstanding temporary notes of the City:

Project Name	Date Issued	Principal Amount	Maturity Date
Project 124 (135th Street [K-150], State Line to Nall Avenue	July 15, 1998	2,200,000	March 15, 1999
Project 146 (Town Center Plaza)	July 15, 1998	1,200,000	March 15, 1999
Project 165 (Kenneth Road Rehabilitation)	July 15, 1998	1,000,000	March 15, 1999

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 December 8, 1998, by publication of notices to the holders thereof, substantially in the form attached as Exhibit D hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 805. 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 806. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 807. 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 23rd day of November, 1998.

Approved by the Mayor this 23rd day of November, 1998.

(Seal)

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1767

Publication Fees: $382.35

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORINANCE NO. 1767--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$382.35

ORDINANCE NO. 1767

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1767

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $12,340,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1998-A, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

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

(a) Construction of improvements to 135th Street [K-150] extending from State Line Road to Nall Avenue including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by and as provided in Ordinance No. 1203 (the "K-150 Improvement"), the City's share of the cost thereof being hereby amended to $5,001,000;

(b) Construction of improvements to Old Kenneth Road extending from K-150 to Kenneth Parkway including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by and as provided in Resolution No. 1101 (the "Old Kenneth Road Improvement");

(c) Construction of improvements to 117th Street between Town Center Drive and Nall Avenue, signalization of the intersections of Nall Avenue and 117th Street, 119th and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue and 119th Street at Roewood, certain utility main improvements, burial of overhead power lines widening and utility relocations on Nall Avenue and 119th Street, Roe and Town Center Drive from Roe to 117th Street, the widening of Town Center Drive from 117th Street to Nall Avenue and the overlay of 119th Street between Roe Avenue and Nall Avenue and Roe Avenue between Town Center Drive and 119th Street including necessary appurtenances all in the immediate vicinity of Leawood Town Center Plaza, pursuant to K.S.A. 12-6a01 et seq., as authorized by and as provided in Resolution No. 1238 (the "Town Center Improvement");

(d) Construction of improvements to a section of Kenneth Road from 1,000 feet south of 143rd Street northerly to 700 feet south of 135th Street, including necessary appurtenances, pursuant to K.S.A. 12-685 et. seq., as authorized by and as provided in Ordinance No. 1652 (the "Kenneth Road Rehabilitation"); and

(e) Construction of improvements to portions of Mission Road from a point 500 feet south of 135th Street southerly to 143rd Street then Westerly 600 feet, including necessary appurtenances pursuant to K.S.A. 12-685 et seq., as authorized by and as provided in Ordinance No. 1680 (the "Mission Road Rehabilitation");

(the K-150 Improvement, the Old Kenneth Road Improvement, the Town Center Improvement, the Kenneth Road Rehabilitation and the Mission Road Rehabilitation, herein collectively called the "Series 1998 Improvement Projects"); and

WHEREAS, all legal requirements pertaining to the Series 1998 Improvement Projects have been complied with, and the governing body of the City now finds and determines that the total cost of the Series 1998 Improvement Projects including construction financing and related expenses is not less than $12,602,279 with $818,000 of the cost to be paid by the owners of the property within the City benefited by the Old Kenneth Road Improvement, $4,400,000 to be paid by the owners of property benefited by the Town Center Improvement and $7,384,279 of the cost to be paid by the City at-large; and

WHEREAS, none of the owners of the properties benefited by the Old Kenneth Road Improvement or the Town Center Improvement have paid their respective assessments on account of the construction of such improvements, however, there is available in the City treasury the sum of $262,279.00 to pay a portion of the City's share of the cost of the Town Center Improvement leaving $12,340,000 to be paid by the issuance and sale of general obligation bonds of the City; 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 the Series 1998 Improvement Projects; and

WHEREAS, the City hereby finds and determines that it is necessary and desirable to provide funds to retire temporary notes previously issued and outstanding and provide permanent financing for the Series 1998 Improvement Projects and certain costs of such financing by the issuance of general obligation improvement bonds of the City in the principal amount of $12,340,000 as herein provided; and

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:

"Beneficial Owner" shall mean, whenever used with respect to a Bond herein authorized, the person in whose name such bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

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

"Bonds" means the City's General Obligation Improvement Bonds, Series 1998-A, dated November 15, 1998, in the original principal amount of $12,340,000.

"Cede & Co." shall mean Cede & Co., the nominee of the Depository, and any successor nominee of the Depository with respect to the Bonds.

"Continuing Disclosure Certificate" means the certificate executed by the City in the form attached hereto as Exhibit C.

"Cost of Issuance Fund" means the Series 1998 Cost of Issuance Fund created by Section 501 of this Ordinance.

"Depository" shall mean The Depository Trust Company of New York, New York.

"Improvement Fund" means the Series 1998 Improvement Fund created by Section 501 of this Ordinance.

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

"Participant" shall mean any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository.

"Participating Underwriter" shall have the meaning ascribed thereto in the Continuing Disclosure Certificate.

"Paying Agent" means the State 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 Improvement Bonds, Series 1998-A, created by Section 501 of this Ordinance.

"Representation Letter" shall mean the Representation Letter from the City and the Bond Registrar to the Depository with respect to the Bonds, substantially in the form attached to this Ordinance as Exhibit B.

"Underwriters" means Prudential-Securities Incorporated, as manager, George K. Baum & Company, Everen Securities, Inc., Edward Jones, PaincWebber Incorporated, NBC Capital, Bank of Alabama and Kirlin Securities.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. There are hereby authorized and directed to be issued bonds of the City designated General Obligation Improvement Bonds, Series 1998-A in the aggregate principal amount of $12,340,000 for the purpose of providing funds to finance the costs of the Series 1998 Improvement Projects, as provided in this Ordinance.

Section 202. Security for the Bonds. The Bonds shall be general obligations of the City payable in part from special assessments levied against properties benefited by the Old Kenneth Road Improvement and the Town Center Improvement and, if not so paid, shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance not payable first from such special assessments shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

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.

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. The Bonds shall be substantially in the form described in Article IV hereof and Exhibit A attached hereto and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated November 15, 1998, shall become due 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 1998 SERIAL BONDS

Maturity Date	Principal Amount	Interest Rate	Maturity Date	Principal Amount	Interest Rate
1999	$1,000,000	5.50%	2007	$990,000	4.05%
2000	1,000,000	5.50	2008	990,000	4.10
2001	1,000,000	4.00	2009	475,000	4.20
2002	1,000,000	3.65	2010	475,000	4.30
2003	1,000,000	3.75	2011	475,000	4.40
2004	1,000,000	3.85	2012	475,000	4.50
2005	995,000	3.95	2013	475,000	4.60
2006	990,000	4.00			

The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year composed of twelve 30-day months) from the date thereof or from the most recent 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, 1999 (the "Interest Payment Dates"), to the persons in whose names the Bonds are registered on the books maintained by the Bond Registrar at the close of business on the 15th day of the month immediately preceding the Interest Payment Dates (the "Record Dates").

Section 204. Designation of Paying Agent and Bond Registrar. The State 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 State Treasurer of the State of Kansas 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

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any, and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent.

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

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

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

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

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

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

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

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

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal 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. Immobilization of Bonds by the Depository. (a) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon such initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of the Depository. The Paying Agent and Bond Registrar and the City may treat the Depository (or its nominee) as the sole and exclusive owner of Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners of Bonds under this Ordinance, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Bond Registrar nor the City shall be affected by any notice to the contrary. Neither the Bond Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through the Depository or any Participant, with respect to the accuracy of the records maintained by the Depository or any Participant, with respect to the payment by the Depository or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Ordinance, with respect to the selection by the Depository or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by the Depository as registered owner of the Bonds. So long as any Bond issued hereunder is registered in the name of Cede & Co., as nominee of the Depository, the Bond Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than the Depository (or its duly authorized agent) shall receive an authenticated bond for any separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (d) below and Section 206 hereof.

(b) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain definitive bond certificates, the City may notify the Depository and the Bond Registrar, whereupon the Depository shall notify the Participants of the availability through the Depository of such certificates. In such event, the Bonds will be transferable in accordance with paragraph (d) below and Section 206 hereof. The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Bond Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (d) below and Section 206 hereof.

(c) The Mayor and City Clerk are hereby authorized to execute and attest, respectively, and deliver the Representation Letter to the Depository in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor and the City Clerk shall deem advisable, and such execution of the Representation Letter by the Mayor and City Clerk shall be conclusive evidence of such approval. The Representation Letter sets forth certain matters with respect to, among other things, notices, consents and approvals by registered owners of the Bonds and Beneficial Owners and payments on the Bonds. The Bond Registrar shall have the same rights with respect to its actions thereunder as it has with respect to its action under this Ordinance.

(d) In the event that any transfer or exchange of Bonds is permitted under paragraph (a) or (b) hereof, such transfer or exchange shall be accomplished upon receipt by the Bond Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of Section 206 of this Ordinance. In the event definitive bond certificates are issued to holders other than Cede & Co., its successor as nominee for the Depository as holder of all the Bonds, or another securities depository as holder of all the Bonds, the provisions of this Ordinance shall also apply to all matters relating thereto, including, without limitation, the printing of such certificates and the method of payment of principal of and interest on such certificates.

Section 208. 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 209. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate as that mutilated, lost, stolen or destroyed; provided, however, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Bond Registrar and the City evidence of such loss, theft or destruction and an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing such Bond or Bonds mutilated, stolen, lost or destroyed.

Section 210. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor of the City and the City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, to cause the Bonds to be registered in the office of the City Clerk and the Office of the State Treasurer of the State of Kansas as provided by law, and, when duly executed and registered, to deliver the Bonds to or upon the order of the Underwriters, upon receipt by the City of the purchase price of the Bonds determined in accordance with the contract established by the acceptance of the proposal of the Underwriters by the City. 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

REDEMPTION

Section 301. Redemption of Bonds. The Bonds shall be subject to redemption prior to maturity only as provided in this Section 301.

Bonds maturing on and after September 1, 2008, shall be subject to redemption and may be called for redemption and payment by the City prior to maturity on September 1, 2007 and thereafter, in whole on any date or in part on any Interest Payment Date at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

In the case of a partial redemption of Bonds as aforesaid, the City may select Bonds of any particular maturity or maturities in such order and in such amounts as it shall determine in its sole discretion.

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 pursuant to subparagraph (a) of Section 301 hereof, the City shall give written notice of its intention to redeem and pay said 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 Paying Agent and Bond Registrar, the Depository and the Underwriters, said notice to be mailed not less than 45 days prior to the redemption date.

The Paying Agent and Bond Registrar will send notice of redemption of Bonds to be redeemed pursuant to Section 301 hereof by first class mail to the registered owners of such Bonds as are to be redeemed, 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 are to be redeemed and paid prior to maturity, the particular maturities of such Bonds to be redeemed shall be determined by the City in its sole discretion. 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.

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

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

ARTICLE IV

FORM OF THE BONDS

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

ARTICLE V

ESTABLISHMENT OF FUNDS

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

(a) Principal and Interest Fund for the City of Leawood, Kansas General Obligation Improvement Bonds, Series 1998-A (the "Principal and Interest Fund");

(b) Series 1998 Improvement Fund (the "Improvement Fund"); and

(c) Series 1998 Cost of Issuance Fund (the "Cost of Issuance Fund").

Section 502. Administration of Funds. The Principal and Interest Fund and the Improvement Fund 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 so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

Section 601. Disposition of Bond Proceeds and Other Moneys. 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 amount received on account of accrued interest on the Bonds.

(b) There shall be deposited in the Cost of Issuance Fund the sum of $118,898.00.

(c) The entire remaining balance of the proceeds of the Bonds ($12,227,074.60) 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 1998 Improvement Projects and shall be used solely to pay the cost of such Series 1998 Improvement Projects, including the retirement of temporary notes of the City previously issued to provide interim financing for the Series 1998 Improvement Projects, and, in the event funds on deposit in the Cost of Issuance Fund shall be insufficient for the purpose thereof, to pay costs of issuance of the Bonds. Upon completion of the Series 1998 Improvement Projects and payment of all costs thereof, any moneys remaining in the Improvement Fund shall be deposited into the Principal and Interest Fund.

Section 603. Application of Moneys in the Cost of Issuance Fund. Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on December 31, 1998, 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.

The governing body of the City shall make provision for the payment of said principal and interest on the Bonds by levying and collecting special assessments on property benefited by the Old Kenneth Road Improvement and the Town Center Improvement, and to the extent of the City's portion of the cost of the Series 1998 Improvement Projects and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property, real and personal, within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Bonds as the same accrue and become payable.

Section 702. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Fund 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 the Underwriters; Approval of Official Statement; Continuing Disclosure. The sale of the Bonds to the Underwriters at a purchase price of 100% of the principal amount of the Bonds plus a premium of $5,972.60 and accrued interest thereon to the date of delivery thereof to the Underwriters in accordance with the proposal submitted by them for the Bonds is hereby ratified and approved.

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

The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, the form of which is attached hereto as Exhibit C. Notwithstanding any other provision of this Ordinance to the contrary, failure by the City to comply with the Continuing Disclosure Certificate shall not be considered a default or an event of default hereunder or on the Bonds; however, any registered owner of the Bonds or Participating Underwriter may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under the Continuing Disclosure Certificate and this Section 801.

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 1998 Improvement Projects 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 1998 Improvement Projects 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 1998 Improvement Projects) 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. Authority to Redeem Outstanding Temporary Notes. The governing body hereby finds and determines that it is necessary and advisable to redeem and prepay the following described outstanding temporary notes of the City:

Project Name	Date Issued	Principal Amount	Maturity Date
Project 124 (135th Street [K-150], State Line to Nall Avenue	July 15, 1998	2,200,000	March 15, 1999
Project 146 (Town Center Plaza)	July 15, 1998	1,200,000	March 15, 1999
Project 165 (Kenneth Road Rehabilitation)	July 15, 1998	1,000,000	March 15, 1999

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 December 8, 1998, by publication of notices to the holders thereof, substantially in the form attached as Exhibit D hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 805. 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 806. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 807. 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 FROM PRECEDING PAGE

PASSED by the governing body of the City of Leawood, Kansas this 23rd day of November, 1998.

Approved by the Mayor this 23rd day of November, 1998.

(Seal)

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

EXHIBIT A

(FORM OF FULLY REGISTERED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS

Registered
No. R-

Registered
$_____

CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION
IMPROVEMENT BOND
SERIES 1998-A

Dated Date	Maturity Date	Rate of Interest	CUSIP No.
November 15, 1998	September 1, ____	_____%	_____

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, 1999 (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 State 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, shall be 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, and the balance not payable first from special assessments shall be 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 State Treasurer of the State of Kansas.

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

(manual/facsimile)
Mayor

ATTEST:

By _____ (manual/facsimile)
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 1998-A, of the City of Leawood, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

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

By _____

Registration Number 4182-046-111598-985

FURTHER TERMS AND CONDITIONS

This Bond is one of an authorized series of bonds of the City designated "General Obligation Improvement Bonds, Series 1998-A," in the aggregate principal amount of $12,340,000 (the "Bonds") issued for the purpose of providing funds to finance the costs of certain public 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. 12-6a01, et seq., each as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the series of which this Bond is a part maturing by their stated terms on and after September 1, 2008, shall be subject to redemption and may be redeemed and paid prior to maturity, at the option of the City, on September 1, 2007 and thereafter, as a whole on any date or in part on any Interest Payment Date, and if 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 chosen by the Paying Agent and Bond Registrar in such equitable manner as it may determine), 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 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 Paying Agent and Bond Registrar, the Depository and the Underwriters of the Bonds, said notice to be mailed not less than 45 days prior to the redemption date. The Paying Agent and Bond Registrar will send notice of redemption by first class mail to the registered owners of said Bonds to be redeemed, said notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as aforesaid shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price hereinbefore specified.

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

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

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

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, Clyde D. Graeber, 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.

WITNESS my hand and official seal.

Treasurer of the State of Kansas

(facsimile seal)

(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 as of this ____ day of November, 1998.

(facsimile seal)

(manual/facsimile)
City Clerk

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BOND ASSIGNMENT

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

_____

(Name and Address)

_____

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $_____, standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Certificate in every particular.

Signature Guaranteed By:

[Seal of Institution]

_____

(Name of Eligible Guarantor Institution)

By _____

Title: _____

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 Bryan Cave LLP, 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 _____ (manual/facsimile)
City Clerk

[PRINTED LEGAL OPINION]

EXHIBIT B

DTC REPRESENTATION LETTER

EXHIBIT C

CONTINUING DISCLOSURE CERTIFICATE

EXHIBIT D

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

Notice is hereby given to the holders of City of _____, 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 upon presentation and surrender thereof at the Office of the City Treasurer on the _____ day of _____, 19__, in accordance with the terms of said Ordinance and said Notes.

CITY OF _____, KANSAS

Dated: _____, 19__

By: _____
City Clerk

EXHIBIT A

(FORM OF FULLY REGISTERED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS

Registered
No. R-

Registered
$_____

CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION
IMPROVEMENT BOND
SERIES 1998-A

Dated Date	Maturity Date	Rate of Interest	CUSIP No.
November 15, 1998	September 1, ____	_____%	_____

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, 1999 (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 State 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, shall be 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, and the balance not payable first from special assessments shall be 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 State Treasurer of the State of Kansas.

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

_____(manual/facsimile)_____
Mayor

ATTEST:

By _____(manual/facsimile)___
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 1998-A, of the City of Leawood, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

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

By _____

Registration Number 4182-046-111598-985

FURTHER TERMS AND CONDITIONS

This Bond is one of an authorized series of bonds of the City designated "General Obligation Improvement Bonds, Series 1998-A," in the aggregate principal amount of $12,340,000 (the "Bonds") issued for the purpose of providing funds to finance the costs of certain public 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. 12-6a01, et seq., each as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the series of which this Bond is a part maturing by their stated terms on and after September 1, 2008, shall be subject to redemption and may be redeemed and paid prior to maturity, at the option of the City, on September 1, 2007 and thereafter, as a whole on any date or in part on any Interest Payment Date, and if 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 chosen by the Paying Agent and Bond Registrar in such equitable manner as it may determine), 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 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 Paying Agent and Bond Registrar, the Depository and the Underwriters of the Bonds, said notice to be mailed not less than 45 days prior to the redemption date. The Paying Agent and Bond Registrar will send notice of redemption by first class mail to the registered owners of said Bonds to be redeemed, said notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as aforesaid shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price hereinbefore specified.

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

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

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

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, Clyde D. Graeber, 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.

WITNESS my hand and official seal.

_____
Treasurer of the State of Kansas

(facsimile seal)

(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 as of this _____ day of November, 1998.

(facsimile seal)

_____(manual/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 _____

_____
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Certificate in every particular.

Signature Guaranteed By:

[Seal of Institution]

_____
(Name of Eligible Guarantor Institution)

By _____
Title: _____

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 Bryan Cave LLP, 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 _____(manual/facsimile)_____
City Clerk

[PRINTED LEGAL OPINION]

EXHIBIT B

DTC REPRESENTATION LETTER

BOOK-ENTRY-ONLY MUNICIPAL BONDS

Letter of Representations

[To be Completed by Issuer and Agent]

City of Leawood, Kansas
[Name of Issuer]

State Treasurer of the State of Kansas
[Name of Agent]

[Date]

Attention: Underwriting Department
The Depository Trust Company
55 Water Street; 50th Floor
New York, NY 10041-0099

Re: $12,340,000 City of Leawood, Kansas General Obligation Improvement Bonds, Series 1998-A
[Issue Description]

Ladies and Gentlemen:

This letter sets forth our understanding with respect to certain matters relating to the above-referenced issue (the "Bonds"). Agent will act as trustee, paying agent, fiscal agent, or other agent of Issuer with respect to the Bonds. The Bonds will be issued pursuant to a trust indenture, bond resolution, or other such document authorizing the issuance of the Bonds dated November 23, 1998 (the "Document"). Prudential-Securities Incorporated ["Underwriter"] is distributing the Bonds through The Depository Trust Company ("DTC").

To induce DTC to accept the Bonds as eligible for deposit at DTC, and to act in accordance with its Rules with respect to the Bonds, Issuer and Agent, if any, make the following representations to DTC:

1. Prior to closing on the Bonds on December 3, 1998, there shall be deposited with DTC one Bond certificate registered in the name of DTC's nominee, Cede & Co., for each stated maturity of the Bonds in the face amounts set forth on Schedule A hereto, the total of which represents 100% of the principal amount of such Bonds. If, however, the aggregate principal amount of any maturity exceeds $200 million, one certificate will be issued with respect to each $200 million of principal amount and an additional certificate will be issued with respect to any remaining principal amount. Each Bond certificate shall bear the following legend:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to Issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

2. In the event of any solicitation of consents from or voting by holders of the Bonds, Issuer or Agent shall establish a record date for such purposes (with no provision for revocation of consents or votes by subsequent holders) and shall, to the extent possible, send notice of such record date to DTC not less than 15 calendar days in advance of such record date.

3. In the event of a full or partial redemption or an advance refunding of part of the outstanding Bonds, Issuer or Agent shall send a notice to DTC specifying: (a) the amount of the redemption or refunding; (b) in the case of a refunding, the maturity date(s) established under the refunding; and (c) the date such notice is to be mailed to beneficial owners or published (the "Publication Date"). Such notice shall be sent to DTC by a secure means (*e.g.*, legible telecopy, registered or certified mail, overnight delivery) in a timely manner designed to assure that such notice is in DTC's possession no later than the close of business on the business day before the Publication Date. Issuer or Agent shall forward such notice either in a separate secure transmission for each CUSIP number or in a secure transmission for multiple CUSIP numbers (if applicable) which includes a manifest or list of each CUSIP submitted in that transmission. (The party sending such notice shall have a method to verify subsequently the use of such means and the timeliness of such notice.) The Publication Date shall be not less than 30 days nor more than 60 days prior to the redemption date or, in the case of an advance refunding, the date that the proceeds are deposited in escrow.

4. In the event of an invitation to tender the Bonds, notice by Issuer or Agent to Bondholders specifying the terms of the tender and the Publication Date of such notice shall be sent to DTC by a secure means in the manner set forth in the preceding Paragraph.

5. All notices and payment advices sent to DTC shall contain the CUSIP number of the Bonds.

6. Notices to DTC pursuant to Paragraph 2 by telecopy shall be sent to DTC's Reorganization Department at (212) 709-6896 or (212) 709-6897, and receipt of such notices shall be confirmed by telephoning (212) 709-6870. Notices to DTC pursuant to Paragraph 2 by mail or by any other means shall be sent to:

Supervisor; Proxy
Reorganization Department
The Depository Trust Company
7 Hanover Square; 23rd Floor
New York, NY 10004-2695

7. Notices to DTC pursuant to Paragraph 3 by telecopy shall be sent to DTC's Call Notification Department at (516) 227-4164 or (516) 227-4190. If the party sending the notice does not receive a telecopy receipt from DTC confirming that the notice has been received, such party shall telephone (516) 227-4070. Notices to DTC pursuant to Paragraph 3 by mail or by any other means shall be sent to:

Call Notification Department
The Depository Trust Company
711 Stewart Avenue
Garden City, NY 11530-4719

8. Notices to DTC pursuant to Paragraph 4 and notices of other actions (including mandatory tenders, exchanges, and capital changes) by telecopy shall be sent to DTC's Reorganization Department at (212) 709-1093 or (212) 709-1094, and receipt of such notices shall be confirmed by telephoning (212) 709-6884. Notices to DTC pursuant to the above by mail or by any other means shall be sent to:

Manager; Reorganization Department
Reorganization Window
The Depository Trust Company
7 Hanover Square; 23rd Floor
New York, NY 10004-2695

9. Agent must provide DTC, no later than noon (Eastern Time) on the payment date, CUSIP numbers for each issue for which payment is being sent, as well as the dollar amount of the payment for each issue. Notification of payment details should be sent using automated communications.

10. Interest payments and principal payments that are part of periodic principal-and-interest payments shall be received by Cede & Co., as nominee of DTC, or its registered assigns in same-day funds no later than 2:30 p.m. (Eastern Time) on each payment date (in accordance with existing arrangements between Issuer or Agent and DTC). Absent any other arrangements between Issuer or Agent and DTC, such funds shall be wired as follows:

The Chase Manhattan Bank
ABA 021000021
For credit to A/C The Depository Trust Company
Dividend Deposit Account 066-026776

Issuer or Agent shall provide interest payment information to a standard announcement service subscribed to by DTC. In the unlikely event that no such service exists, Issuer agrees that it or Agent shall provide this information directly to DTC in advance of the interest record date as soon as the information is available. This information should be conveyed directly to DTC electronically. If electronic transmission is not available, absent any other arrangements between Issuer or Agent and DTC, such information should be sent by telecopy to DTC's Dividend Department at (212) 709-1723 or (212) 709-1686, and receipt of such notices shall be confirmed by telephoning (212) 709-1270. Notices to DTC pursuant to the above by mail or by any other means shall be sent to:

Manager; Announcements
Dividend Department
The Depository Trust Company
7 Hanover Square; 22nd Floor
New York, NY 10004-2695

11. DTC shall receive maturity and redemption payments allocated with respect to each CUSIP number on the payable date in same-day funds by 2:30 p.m. (Eastern Time). Absent any other arrangements between Issuer or Agent and DTC, such funds shall be wired as follows:

The Chase Manhattan Bank
ABA 021000021
For credit to A/C The Depository Trust Company
Redemption Account 066-027306

12. DTC shall receive all reorganization payments and CUSIP-level detail resulting from corporate actions (such as tender offers, remarketings, or mergers) on the first payable date in

same-day funds by 2:30 p.m. (Eastern Time). Absent any other arrangements between Issuer or Agent and DTC, such funds shall be wired as follows:

The Chase Manhattan Bank
ABA 021000021
For credit to A/C The Depository Trust Company
Reorganization Account 066-027608

13. DTC may direct Issuer or Agent to use any other telephone number or address as the number or address to which notices or payments of interest or principal may be sent.

14. In the event of a redemption, acceleration, or any other similar transaction (*e.g.*, tender made and accepted in response to Issuer's or Agent's invitation) necessitating a reduction in the aggregate principal amount of Bonds outstanding or an advance refunding of part of the Bonds outstanding, DTC, in its discretion: (a) may request Issuer or Agent to issue and authenticate a new Bond certificate, or (b) may make an appropriate notation on the Bond certificate indicating the date and amount of such reduction in principal except in the case of final maturity, in which case the certificate will be presented to Issuer or Agent prior to payment if required.

15. In the event that Issuer determines that beneficial owners of Bonds shall be able to obtain certificated Bonds, Issuer or Agent shall notify DTC of the availability of Bond certificates. In such event, Issuer or Agent shall issue, transfer, and exchange Bond certificates in appropriate amounts, as required by DTC and others.

16. DTC may discontinue providing its services as securities depository with respect to the Bonds at any time by giving reasonable notice to Issuer or Agent (at which time DTC will confirm with Issuer or Agent the aggregate principal amount of Bonds outstanding). Under such circumstances, at DTC's request Issuer and Agent shall cooperate fully with DTC by taking appropriate action to make available one or more separate certificates evidencing Bonds to any DTC Participant having Bonds credited to its DTC accounts.

17. Issuer: (a) understands that DTC has no obligation to, and will not, communicate to its Participants or to any person having an interest in the Bonds any information contained in the Bond certificate(s); and (b) acknowledges that neither DTC's Participants nor any person having an interest in the Bonds shall be deemed to have notice of the provisions of the Bond certificate(s) by virtue of submission of such certificate(s) to DTC.

18. Nothing herein shall be deemed to require Agent to advance funds on behalf of Issuer.

Notes:

A. If there is an Agent (as defined in this Letter of Representations), Agent, as well as Issuer, must sign this Letter. If there is no Agent, in signing this Letter Issuer itself undertakes to perform all of the obligations set forth herein.

B. Under Rules of the Municipal Securities Rulemaking Board relating to "good delivery," a municipal securities dealer must be able to determine the date that a notice of a partial call or of an advance refunding of a part of an issue is published (the "publication date"). The establishment of such a publication date is addressed in Paragraph 3 of the Letter.

C. Schedule B contains statements that DTC believes accurately describe DTC, the method of effecting book-entry transfers of securities distributed through DTC, and certain related matters.

Received and Accepted:
THE DEPOSITORY TRUST COMPANY

By: _____
(Authorized Officer)

cc: Underwriter
Underwriter's Counsel

Very truly yours,

City of Leawood, Kansas
(Issuer)

By: _____
(Authorized Officer's Signature)

State Treasurer of the State of Kansas
(Agent)

By: _____
(Authorized Officer's Signature)

SCHEDULE A

(Describe Issue)

CUSIP	Principal Amount	Maturity Date	Interest Rate
522364 RK 8	$1,000,000	9/1/1999	5.50%
522364 RL 4	1,000,000	9/1/2000	5.50
522364 RM 2	1,000,000	9/1/2001	4.00
522364 RN 0	1,000,000	9/1/2002	3.65
522364 RP 5	1,000,000	9/1/2003	3.75
522364 RQ 3	1,000,000	9/1/2004	3.85
522364 RR 1	995,000	9/1/2005	3.95
522364 RS 9	990,000	9/1/2006	4.00
522364 RT 7	990,000	9/1/2007	4.05
522364 RU 4	990,000	9/1/2008	4.10
522364 RV 2	475,000	9/1/2009	4.20
522364 RW 0	475,000	9/1/2010	4.30
522364 RX 9	475,000	9/1/2011	4.40
522364 RY 6	475,000	9/1/2012	4.50
522364 RZ 3	475,000	9/1/2013	4.60

SAMPLE OFFICIAL STATEMENT LANGUAGE DESCRIBING BOOK-ENTRY-ONLY ISSUANCE

(Prepared by DTC—bracketed material may be applicable only to certain issues)

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds $200 million, one certificate will be issued with respect to each $200 million of principal amount and an additional certificate will be issued with respect to any remaining principal amount of such issue.]

2. DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its participants ("Participants") deposit with DTC. DTC also facilitates the settlement among Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Participants' accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks, and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Rules applicable to DTC and its Participants are on file with the Securities and Exchange Commission.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. The deposit of Securities with DTC and their registration in the name of Cede & Co. effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

P-1310 1/98

[6. Redemption notices shall be sent to Cede & Co. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.]

7. Neither DTC nor Cede & Co. will consent or vote with respect to Securities. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Principal and interest payments on the Securities will be made to DTC. DTC's practice is to credit Direct Participants' accounts on payable date in accordance with their respective holdings shown on DTC's records unless DTC has reason to believe that it will not receive payment on payable date. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to DTC is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

[9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to [Tender/Remarketing] Agent's DTC account.]

10. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to Issuer or Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Security certificates are required to be printed and delivered.

11. Issuer may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that Issuer believes to be reliable, but Issuer takes no responsibility for the accuracy thereof.

EXHIBIT C

CONTINUING DISCLOSURE CERTIFICATE

Exhibit C

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the City of Leawood, Kansas (the "Issuer") in connection with the issuance of $12,340,000 General Obligation Improvement Bonds, Series 1998-A (the "Bonds"). The Bonds are being issued pursuant to Ordinance No. 1767 adopted by the Governing Body of the Issuer on November 23, 1998 (the "Ordinance"). The Issuer covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Holders of the Bonds and in order to assist the Participating Underwriters in complying with S.E.C. Rule 15c2-12(b)(5).

Section 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Audited Financial Statements" shall mean the City's general purpose financial statements for each fiscal year (currently ended December 31) maintained in accordance with generally accepted principles of fund accounting together with the auditor's report thereon.

"Annual Report" shall mean any Annual Report provided by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Dissemination Agent" shall mean any Dissemination Agent designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

"Holders" shall mean either the registered owners of the Bonds, or, if the Bonds are registered in the name of Depository Trust Company or another recognized depository, any applicable participant in its depository system including Beneficial Owners.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

"National Repository" shall mean any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. Currently, the following are National Repositories:

Bloomberg Municipal Repositories
DPC Data Inc.
Kenny Information Systems Inc.
Thomson NRMSIR

"Participating Underwriter" shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

"Repository" shall mean each National Repository and each State Repository.

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State Repository" shall mean any public or private repository or entity designated by the State as a state repository for the purpose of the Rule and recognized as such by the Securities and Exchange Commission. As of the date of this Agreement, there is no State Repository.

"Tax-exempt" shall mean that interest on the Bonds is excluded from gross income for federal income tax purposes, whether or not such interest is includable as an item of tax preference or otherwise includable directly or indirectly for purposes of calculating any other tax liability, including any alternative minimum tax or environmental tax.

Section 3. Provision of Annual Reports.

(a) The Issuer shall, or shall cause the Dissemination Agent to, not later than 180 days after the end of the Issuer's fiscal year (which currently would be December 31), commencing with the report for the 1998 Fiscal Year, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) Business Days prior to said date, the Issuer shall provide the Annual Report to the Dissemination Agent (if other than the Issuer). The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the Issuer may be submitted separately from the balance of the Annual Report, and later than the date required above for the filing of the Annual Report if not available by that date.

(b) If the Issuer is unable to provide to the Repositories an Annual Report by the date required in subsection (a), the Issuer shall send a notice to each Repository in substantially the form attached as Exhibit A.

(c) The Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Report the name and address of each National Repository and each State Repository, if any; and (if the Dissemination Agent is other than the Issuer)

(ii) file a report with the Issuer certifying that the Annual Report has been provided pursuant to this Disclosure Certificate, stating the date it was provided and listing all the Repositories to which it was provided.

Section 4. Content of Annual Reports. The Issuer's Annual Report shall contain or incorporate by reference the following:

(a) Annual Audited Financial Statements

(b) Other Operating Data of the Issuer, updated for the fiscal year then ended, in substantially the scope and form contained in the Official Statement dated November __, 1998, relating to the Bonds set forth in the following tables:

1. FINANCIAL OVERVIEW - CITY OF LEAWOOD, KANSAS

2. DEBT STRUCTURE OF THE CITY

3. FINANCIAL INFORMATION - Assessed Valuation

4. FINANCIAL INFORMATION - Estimated Actual Valuation

5. FINANCIAL INFORMATION - Tax Levies

6. FINANCIAL INFORMATION - Tax Collections

7. FINANCIAL INFORMATION - Major Taxpayers

8. FINANCIAL INFORMATION - Sales and Use Tax

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The Issuer shall clearly identify each such other document so included by reference.

Section 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the Issuer shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Bonds, if material:

1. principal and interest payment delinquencies.

2. non-payment related defaults.

3. modifications to rights of Bondholders.

4. Bond calls.

5. defeasances.

6. rating changes.

7. adverse tax opinions or events adversely affecting the tax-exempt status of the Bonds.

8. unscheduled draws on any Reserve Fund reflecting financial difficulties.

9. unscheduled draws on any Letter of Credit/Bond Insurance Policy, etc. reflecting financial difficulties.

10. substitution of the provider of any Letter of Credit/Bond Insurance Policy, or any failure by any Credit Bank/Insurer to perform on the Letter of Credit/ Bond Insurance Policy.

11. release, substitution or sale of property securing repayment of the Bonds.

(b) Whenever the Issuer obtains knowledge of the occurrence of a Listed Event, the Issuer shall as soon as possible determine if such event would be material.

(c) If the Issuer determines that knowledge of the occurrence of a Listed Event would be material, the Issuer shall promptly file a notice of such occurrence with the National Repository or the Municipal Securities Rulemaking Board and each State Repository. Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(4) and (5) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to Holders of affected Bonds pursuant to the Ordinance.

Section 6. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of all of the Bonds.

Section 7. Dissemination Agent. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate and may discharge any such agent, with or without appointing a successor Dissemination Agent.

Section 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of

this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

Section 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

Section 10. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate any Holder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an Event of Default under the Resolution, and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's gross negligence or wilful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of any Dissemination Agent and payment of the Bonds

Section 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

Date: November __, 1998

ISSUER

City of Leawood, Kansas

By: _____

Acceptance of Dissemination Agent

The undersigned, for and on behalf of _____, _____, _____, hereby accepts the duties and responsibilities of Dissemination Agent as set forth in the above and foregoing Continuing Disclosure Certificate.

Date: November __, 1998 _____

By: _____

Printed Name: _____

Title: _____

EXHIBIT A

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer:	City of Leawood, Kansas
Name of Bond Issue:	General Obligation Improvement Bonds, Series 1998-A dated November 15, 1998
Date of Issuance:	December 3, 1998.

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by Section 801 of Ordinance No. 1767 adopted November 23, 1998 by the Governing Body of the Issuer. The Issuer anticipates that the Annual Report will be filed by _____.

Date: _____

ISSUER

City of Leawood, Kansas

By: _____

EXHIBIT D

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

Notice is hereby given to the holders of City of _____, 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 upon presentation and surrender thereof at the Office of the City Treasurer on the _____ day of _____, 19__, in accordance with the terms of said Ordinance and said Notes.

CITY OF _____, KANSAS

Dated: _____, 19__

By:_____
City Clerk

ORDINANCE NO. 1766

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR A WATER LINE FOR THE RESERVES OF IRONHORSE, SOUTHEAST CORNER OF 151ST AND MISSION.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

A strip of land 15.00 feet in width through part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 14 South, Range 25 East in Leawood, Johnson County, Kansas lying North of and adjacent to the Northerly right-of-way line of Iron Horse Drive, as now established, said strip being located between the Westerly line of "IRON HORSE ESTATES REPLAT," a subdivision of land in said city, county and state, and the Easterly line of "IRON HORSE ESTATES, SECOND PLAT," a subdivision of land in said city, county and state.

Section 2. That a copy of said permanent utility 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 16th day of November, 1998.

Approved by the Mayor the 16th day of November, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 25th day of November 19 98, with subsequent publication being made on the following dates:

_____, 19___ _____, 19___

_____, 19___ _____, 19___

Georgiann Thacker

Subscribed and sworn to before me this 25th day of November 19 98

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/5/2000

Printer's Fee 12.92

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First Published in the Johnson County Sun, Wednesday, November 25, 1998.

CITY OF LEAWOOD,
KANSAS
ORDINANCE NO. 1766

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR A WATER LINE FOR THE RESERVES OF IRON-HORSE, SOUTHEAST CORNER OF 151ST AND MISSION.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

A strip of land 15.00 feet in width through part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 14 South, Range 25 East in Leawood, Johnson County, Kansas lying North of and adjacent to the Northerly right-of-way line of Iron Horse Drive, as now established, said strip being located between the Westerly line of "IRON HORSE ESTATES REPLAT" a subdivision of land in said city, county and state, and the Easterly line of "IRON HORSE ESTATES, SECOND PLAT" a subdivision of land in said city, county and state.

Section 2. That a copy of said permanent utility 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 16th day of November, 1998.
Approved by the Mayor the 16th day of November, 1998.

/s/ Peg J. Dunn
Mayor
(SEAL)
Attest:
/s/ Martha Helfer
City Clerk
APPROVED FOR FORM:
/s/ R. S. Wetzler
City Attorney
(19976 1W-JC)

ORDINANCE NO. 1765

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF 117TH AND ROE AVENUE (TOWN CENTER BUSINESS PARK), FROM CP-0 (PLANNED OFFICE) TO CP-1 (PLANNED NEIGHBORHOOD RETAIL); 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:

Part of the SE 1/4 of Section 16, Range 13, Township 25 and being part of Tract "A", TOWN CENTER BUSINESS PARK, FIRST PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the most Westerly corner of said Tract "A"; thence North 43 degrees 34 minutes 14 seconds East, along the West line of said Tract "A", a distance of 296.60 feet; thence South 14 degrees 43 minutes 13 seconds West, a distance of 311.10 feet, to a point on the Southerly line of said Tract "A"; thence North 73 degrees 25 minutes 22 seconds West, along said Southerly line, a distance of 53.11 feet; thence North 46 degrees 25 minutes 45 seconds West, continuing along said Southerly line, a distance of 102.79 feet to the Point of Beginning. Containing 0.5395 acres more or less

now zoned CP-0, is hereby rezoned to CP-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 16th day of November, 1998.

Approved by the Mayor the 16th day of November, 1998.

S E A L

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 25th day of November 19 98, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 25th day of November 19 98

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 18.19

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

(19975) NO. 5

First Published in the Johnson County Sun, Wednesday, November 25, 1998.

CITY OF LEAWOOD
KANSAS
ORDINANCE NO. 1765

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF 117TH AND ROE AVENUE (TOWN CENTER BUSINESS PARK), FROM CP-0 PLANNED OFFICE) TO CP-1 (PLANNED NEIGHBORHOOD RETAIL); 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:

Part of the SE 1/4 of Section 16, Range 13, Township 25 and being part of Tract "A", TOWN CENTER BUSINESS PARK, FIRST PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the most Westerly corner of said Tract "A"; thence North 43 degrees 34 minutes 14 seconds East, along the West line of said Tract "A", a distance of 296.60 feet; thence South 14 degrees 43 minutes 13 seconds West, a distance of 311.10 feet, to a point on the Southerly line of said Tract "A"; thence North 73 degrees 25 minutes 22 seconds West, along said Southerly line, a distance of 53.11 feet; thence North 46 degrees 25 minutes 45 seconds West, continuing along said Southerly line, a distance of 102.79 feet to the Point of Beginning. Containing 0.5395 acres more or less now zoned CP-0, is hereby rezoned to CP-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 16th day of November, 1998.
Approved by the Mayor the 16th day of November, 1998.
/s/ Peggy J. Dunn
Mayor
(SEAL)
Attest:
/s/ Martha Heizer
City Clerk
APPROVED FOR FORM:
/s/ R. S. Wetzler
City Attorney
(19975 1W-JC)

ORDINANCE NO. 1764

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY THE SOUTHWEST CORNER OF 135TH AND ROE AVENUE (T.G. DEVELOPMENT), FROM AG (AGRICULTURAL) TO SD(C-R) (SPECIAL DEVELOPMENT DISTRICT - COMMERCIAL-RETAIL TRADE AND BUSINESS SERVICES) AND SD(0) (SPECIAL DEVELOPMENT DISTRICT - OFFICE, INSTITUTIONAL AND RESEARCH AND DEVELOPMENT); 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:

Tract One

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W along the North line of said Quarter, a distance of 1119.16 feet; thence S 01°-50'-17" E, a distance of 497.32 feet, to the Point of Beginning; thence on a curve to the right, having a central angle of 22°-34'-46", a radius of 270.00 feet, for an arc length of 106.40 feet to a point of tangency; thence N 88°-09'-43" E, a distance of 394.51 feet, to a point of curvature; thence on a curve to the left, having a central angle of 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence S 01°-50'-17" E, a distance of 336.61 feet, to the North right of way line of 137th Street; thence along the North right of way of 137th Street on a curve to the left, having a central angle of 06°-00'-12", a radius of 1959.88 feet, for an arc length of 205.35 feet to a point of tangency; thence S 72°-11'-24" W along the North right of way line of 137th Street, for a distance of 405.64 feet, to the West line of the East 68 acres of said Northwest Quarter; thence N 01°-50'-17" W along said West line, for a distance of 565.06 feet to the point of beginning, said tract of land containing 6.66 acres more or less.

now zoned AG, is hereby rezoned to SD(0).

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Two

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 01°-50'-17" E along the East line of said Northwest Quarter, a distance of 930.00 feet to the South right of way line of 137th Street extended; thence S 87°-51'-30" W along said South right of way line, a distance of 200.00 feet, to a point of curvature; thence along said South right of way line on a curve to the left, having a central angle 08°-06'-16", a radius of 1909.88 feet, for an arc length of 270.15 feet; thence N 01°-50'-17" W, a distance of 50.53 feet to the Point of Beginning, said Point of Beginning being on the North right of way line of 137th Street; thence N 01°-50'-17" W, a distance of 327.25 feet to a point of curvature; thence on a curve to the left, having a central angle of 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence N 88°-09'-43" E, a distance of 82.76 feet; thence S 01°-50'-17" E, a distance of 401.33 feet to the North right of way line of 137th Street, to a point of curvature; thence along said North right of way line on a curve to the left, having a central angle of 05°-06'-10", a radius of 1959.88 feet, for an arc length of 174.54 feet to the point of beginning, said tract of land containing 1.50 acres more or less.

now zoned AG, is hereby rezoned to SD(O).

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Three

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 01°-50'-17" E along the East line of said Quarter, a distance of 930.00 feet to the South right of way line of 137th Street extended; thence S 87°-51'-30" W, a distance of 200.00 feet, to a point of curvature; thence along said South right of way on a curve to the left, having a central angle of 02°-52'-00", a radius of 1909.88 feet, for an arc length of 95.56 feet; thence N 01°-50'-17" W, a distance of 50.07 feet, to the North right of way line of 137th Street and the Point of Beginning; thence N 01°-50'-17" W, a distance of 401.33 feet; thence N 88°-09'-43" E, a distance 255.50 feet to West right of way line of Roe Avenue; thence S 01°-50'-17" E along said West right of way line, a distance of 397.66 feet to the North right of way of 137th Street; thence S 87°-51'-30" W along said North right of way line, a distance of 160.26 feet, to a point of curvature; thence along said North right of way line on a curve to the left, having a central angle of 02°-47'-09", a radius of 1959.88 feet, for an arc length 95.29 feet to the Point of Beginning, said tract containing 2.34 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 4. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Four

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W along the North line of said Quarter, a distance of 249.15 feet; thence S 01°-50'-17" E, a distance of 72.00 feet to the South right of way line of 135th Street and the Point of Beginning; thence N 87°-51'-30" E along said South right of way line, a distance of 161.00 feet to the West right of way line of Roe Avenue; thence S 46°-36'-10" E along said West right of way line, a distance of 54.17 feet; thence S 01°-50'-17" E along said West right of way line, a distance of 139.07 feet; thence S 07°-32'-55" E along said West right of way line, a distance of 100.50 feet; thence S 01°-50'-17" E along said West right of way line a distance of 72.55 feet; thence S 88°-09'-43" W, a distance of 209.14 feet; thence N 01°-50'-17" W, a distance of 349.23 feet to the Point of Beginning, said tract containing 1.61 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 5. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Five

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 469.15 feet; thence S 01°-50'-17" E, a distance of 66.07 feet to the South right of way line of 135th Street and the Point of Beginning; thence S 88°-19'-40" E, along said South right of way line, a distance of 89.11 feet; thence N 87°-51'-30" W, along said South right of way line, a distance of 131.06 feet; thence S 01°-50'-17" E, a distance of 349.23 feet; thence S 88°-09'-43" W, a distance of 129.12 feet to a point of curvature; thence on a curve to the left, having a central angle 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence N 01°-50'-17" W, a distance of 262.77 feet to the Point of Beginning, said tract containing 1.64 acres more or less.

now zoned AG, is hereby rezoned to SD(O).

Section 6. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Six

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 729.15 feet; thence S 01°-50'-17" E, a distance of 60.00 feet, to the South right of way line of 135th Street and the Point of Beginning; thence N 87°-51'-30" E, along said South right of way line, a distance of 168.88 feet; thence S 88°-19'-40" E, along said South right of way line, a distance of 31.18 feet; thence S 01°-50'-17" E, a distance of 266.21 feet to a point of curvature; thence on a curve to the left, having a central angle 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence S 88°-09'-43" W, a distance of 108.18 feet; thence N 01°-50'-17" W, a distance of 358.69 feet to the Point of Beginning, said tract containing 1.52 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 7. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Seven

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 904.15 feet; thence S 01°-50'-17" E, a distance of 60.00 feet, to the South right of way line of 135th Street and the Point of Beginning; thence N 87°-51'-30" E, along said South right of way line, a distance of 175.00 feet; thence S 01°-50'-17" E, a distance of 358.69 feet; thence S 88°-09'-43" W, a distance of 175.00 feet; thence N 01°-50'-17" W, a distance of 357.76 feet to the Point of Beginning, said tract containing 1.44 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 8. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Eight

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 1119.16 feet; thence S 01°-50'-17" E, a distance of 60.00 feet to the South right of way line of 135th Street and the Point of Beginning said Point of Beginning being on the West line of the East 68 acres of said Northwest Quarter; thence N 87°-51'-30" E, along said South right of way line, a distance of 215.00 feet; thence S 01°-50'-17" E, a distance of 357.76 feet; thence S 88°-09'-43" W, a distance of 111.33 feet to a point of curvature; thence on a curve to the left, having a central angle of 18°-18'-35", a radius of 330.00 feet, for an arc length of 105.46 feet to said West line of the East 68 acres of said Northwest Quarter; thence N 01°-50'-17" W along said West line, a distance of 373.33 feet to the Point of Beginning, said tract containing 1.78 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 9. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Nine

Commencing at the Northeast corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 529.15 feet; thence S 01°-50'-17" E, a distance of 62.08 feet to the South right of way line of 135th Street and the Point of Beginning; thence S 88°-19'-40" E, along said South right of way line, a distance of 60.11 feet; thence S 01°-50'-17" E, a distance of 262.77 feet to a point of curvature; thence on a curve to the right, having a central angle of 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence N 88°-09'-43" E, a distance of 338.26 feet to the West right of way line of Roe Avenue; thence S 01°-50'-17" E, along said West right of way line a distance of 60.00 feet; thence S 88°-09'-43" W, a distance of 338.26 feet to a point of curvature; thence on a curve to the right, having a central angle of 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence S 01°-50'-17" E, a distance of 327.25 feet to the North right of way line of 137th Street and to a point of curvature; thence on a curve to the left, along said North right of way line, having a central angle of 01°-46'-35", a radius of 1959.88 feet, for an arc length of 60.76 feet; thence N 01°-50'-17" W, a distance of 336.61 feet to a point of curvature; thence along a curve to the right, having a central angle of 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence S 88°-09'-43" W, a distance of 394.51 feet to a point of curvature; thence on a curve to the left, having a central angle of 22°-34'-46", a radius of 270.00 feet, for an arc length of 106.40 feet to the West line of the East 68 acres of said Northwest Quarter, Thence N 01°-50'-17" W along said West line, a distance of 63.99 feet to a point of curvature; thence on a curve to the right, having a central angle of 18°-18'-35", a radius of 330.00 feet, for an arc length of 105.46 feet to a point of tangency; thence N 88°-09'-43" E, a distance of 394.51 feet to a point of curvature; thence on a curve to the right, having a central angle of 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence N 01°-50'-17" W, a distance of 266.21 feet to the Point of Beginning, said tract containing 3.09 acres more or less.

now zoned AG, is hereby rezoned SD(O).

Section 10. 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 11. 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 12. 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 16th day of November, 1998.

Approved by the Mayor the 16th day of November, 1998.

(SEAL)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

00007669

Publication Fees: $79.67

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1764--12/8/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

December 9, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

~~$85.15~~

ORDINANCE NO. 1764

First published in The Legal Record, Tuesday, December 8, 1998.

ORDINANCE NO. 1764

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY THE SOUTHWEST CORNER OF 135TH AND ROE AVENUE (T.G. DEVELOPMENT), FROM AG (AGRICULTURAL) TO SD(C-R) (SPECIAL DEVELOPMENT DISTRICT - COMMERCIAL-RETAIL TRADE AND BUSINESS SERVICES) AND SD(O) (SPECIAL DEVELOPMENT DISTRICT - OFFICE, INSTITUTIONAL AND RESEARCH AND DEVELOPMENT), 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:

Tract One

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W along the North line of said Quarter, a distance of 1119.16 feet; thence S 01°-50'-17" E, a distance of 497.32 feet, to the Point of Beginning; thence on a curve to the right, having a central angle of 22°-34'-46", a radius of 270.00 feet, for an arc length of 106.40 feet to a point of tangency; thence N 88°-09'-43" E, a distance of 394.51 feet, to a point of curvature; thence on a curve to the left, having a central angle of 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence S 01°-50'-17" E, a distance of 336.61 feet, to the North right of way line of 137th Street; thence along the North right of way of 137th Street on a curve to the left, having a central angle of 06°-00'-12", a radius of 1959.88 feet, for an arc length of 205.35 feet to a point of tangency; thence S 72°-11'-24" W along the North right of way line of 137th Street, for a distance of 405.64 feet, to the West line of the East 68 acres of said Northwest Quarter; thence N 01°-50'-17" W along said West line, for a distance of 565.06 feet to the point of beginning, said tract of land containing 6.66 acres more or less

now zoned AG, is hereby rezoned to SD(O).

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Two

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 01°-50'-17" E along the East line of said Northwest Quarter, a distance of 930.00 feet to the South right of way line of 137th Street extended; thence S 87°-51'-30" W along said South right of way line, a distance of 200.00 feet, to a point of curvature; thence along said South right of way line on a curve to the left, having a central angle 08°-06'-16", a radius of 1909.88 feet, for an arc length of 270.15 feet; thence N 01°-50'-17" W, a distance of 50.53 feet to the Point of Beginning, said Point of Beginning being on the North right of way line of 137th Street; thence N 01°-50'-17" W, a distance of 327.25 feet to a point of curvature; thence on a curve to the left, having a central angle of 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence N 88°-09'-43" E, a distance of 82.76 feet; thence S 01°-50'-17" E, a distance of 401.33 feet to the North right of way line of 137th Street, to a point of curvature; thence along said North right of way line on a curve to the left, having a central angle of 05°-06'-10", a radius of 1959.88 feet, for an arc length of 174.54 feet to the point of beginning, said tract of land containing 1.50 acres more or less.

now zoned AG, is hereby rezoned to SD(O).

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Three

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 01°-50'-17" E along the East line of said Quarter, a distance of 930.00 feet to the South right of way line of 137th Street extended; thence S 87°-51'-30" W, a distance of 200.00 feet, to a point of curvature; thence along said South right of way on a curve to the left, having a central angle of 02°-52'-00", a radius of 1909.88 feet, for an arc length of 95.56 feet; thence N 01°-50'-17" W, a distance of 50.07 feet, to the North right of way line of 137th Street and the Point of Beginning; thence N 01°-50'-17" W, a distance of 401.33 feet; thence N 88°-09'-43" E, a distance 255.50 feet to West right of way line of Roe Avenue; thence S 01°-50'-17" E along said West right of way line, a distance of 397.66 feet to the North right of way of 137th Street; thence S 87°-51'-30" W along said North right of way line, a distance of 160.26 feet, to a point of curvature; thence along said North right of way line on a curve to the left, having a central angle of 02°-47'-09", a radius of 1959.88 feet, for an arc length 95.29 feet to the Point of Beginning, said tract containing 2.34 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

CONTINUED FROM PRECEDING PAGE

ORDINANCE NO. 1764

Section 4. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Four

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W along the North line of said Quarter, a distance of 249.15 feet; thence S 01°-50'-17" E, a distance of 72.00 feet to the South right of way line of 135th Street and the Point of Beginning; thence N 87°-51'-30" E along said South right of way line, a distance of 161.00 feet to the West right of way line of Roe Avenue; thence S 46°-36'-10" E along said West right of way line, a distance of 54.17 feet; thence S 01°-50'-17" E along said West right of way line, a distance of 139.07 feet; thence S 07°-32'-55" E along said West right of way line, a distance of 100.50 feet; thence S 01°-50'-17" E along said West right of way line a distance of 72.55 feet; thence S 88°-09'-43" W, a distance of 209.14 feet; thence N 01°-50'-17" W, a distance of 349.23 feet to the Point of Beginning, said tract containing 1.61 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 5. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Five

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 469.15 feet; thence S 01°-50'-17" E, a distance of 66.07 feet to the South right of way line of 135th Street and the Point of Beginning; thence S 88°-19'-40" E, along said South right of way line, a distance of 89.11 feet; thence N 87°-51'-30" W, along said South right of way line, a distance of 131.06 feet; thence S 01°-50'-17" E, a distance of 349.23 feet; thence S 88°-09'-43" W, a distance of 129.12 feet to a point of curvature; thence on a curve to the left, having a central angle 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence N 01°-50'-17" W, a distance of 262.77 feet to the Point of Beginning, said tract containing 1.64 acres more or less.

now zoned AG, is hereby rezoned to SD(O).

Section 6. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Six

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 729.15 feet; thence S 01°-50'-17" E, a distance of 60.00 feet, to the South right of way line of 135th Street and the Point of Beginning; thence N 87°-51'-30" E, along said South right of way line, a distance of 168.88 feet; thence S 88°-19'-40" E, along said South right of way line, a distance of 31.18 feet; thence S 01°-50'-17" E, a distance of 266.21 feet to a point of curvature; thence on a curve to the left, having a central angle 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence S 88°-09'-43" W, a distance of 108.18 feet; thence N 01°-50'-17" W, a distance of 358.69 feet to the Point of Beginning, said tract containing 1.52 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 7. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Seven

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 904.15 feet; thence S 01°-50'-17" E, a distance of 60.00 feet, to the South right of way line of 135th Street and the Point of Beginning; thence N 87°-51'-30" E, along said South right of way line, a distance of 175.00 feet; thence S 01°-50'-17" E, a distance of 358.69 feet; thence S 88°-09'-43" W, a distance of 175.00 feet; thence N 01°-50'-17" W, a distance of 357.76 feet to the Point of Beginning, said tract containing 1.44 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 8. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Eight

Commencing at the Northeast Corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 1119.16 feet; thence S 01°-50'-17" E, a distance of 60.00 feet to the South right of way line of 135th Street and the Point of Beginning said Point of Beginning being on the West line of the East 68 acres of said Northwest Quarter; thence N 87°-51'-30" E, along said South right of way line, a distance of 215.00 feet; thence S 01°-50'-17" E, a distance of 357.76 feet; thence S 88°-09'-43" W, a distance of 111.33 feet to a point of curvature; thence on a curve to the left, having a central angle of 18°-18'-35", a radius of 330.00 feet, for an arc length of 105.46 feet to said West line of the East 68 acres of said Northwest Quarter; thence N 01°-50'-17" W along said West line, a distance of 373.33 feet to the Point of Beginning, said tract containing 1.78 acres more or less.

now zoned AG, is hereby rezoned to SD(C-R).

Section 9. Rezoning of Property. That the real estate hereinafter described, to wit:

Tract Nine

Commencing at the Northeast corner of the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence S 87°-51'-30" W, along the North line of said Quarter, a distance of 529.15 feet; thence S 01°-50'-17" E, a distance of 62.08 feet to the South right of way line of 135th Street and the Point of Beginning; thence S 88°-19'-40" E, along said South right of way line, a distance of 60.11 feet; thence S 01°-50'-17" E, a distance of 262.77 feet to a point of curvature; thence on a curve to the right, having a central angle of 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence N 88°-09'-43" E, a distance of 338.26 feet to the West right of way line of Roe Avenue; thence S 01°-50'-17" E, along said West right of way line a distance of 60.00 feet; thence S 88°-09'-43" W, a distance of 338.26 feet to a point of curvature; thence on a curve to the right, having a central angle of 62°-00'-20", a radius of 125.00 feet, for an arc length of 135.27 feet; thence S 01°-50'-17" E, a distance of 327.25 feet to the North right of way line of 137th Street and to a point of curvature; thence on a curve to the left, along said North right of way line, having a central angle of 01°-46'-35", a radius of 1959.88 feet, for an arc length of 60.76 feet; thence N 01°-50'-17" W, a distance of 336.61 feet to a point of curvature; thence along a curve to the right, having a central angle of 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence S 88°-09'-43" W, a distance of 394.51 feet to a point of curvature; thence on a curve to the left, having a central angle of 22°-34'-46", a radius of 270.00 feet, for an arc length of 106.40 feet to the West line of the East 68 acres of said Northwest Quarter, Thence N 01°-50'-17" W along said West line, a distance of 63.99 feet to a point of curvature; thence on a curve to the right, having a central angle of 18°-18'-35", a radius of 330.00 feet, for an arc length of 105.46 feet to a point of tangency; thence N 88°-09'-43" E, a distance of 394.51 feet to a point of curvature; thence on a curve to the right, having a central angle of 62°-26'-53", a radius of 125.00 feet, for an arc length of 136.24 feet; thence N 01°-50'-17" W, a distance of 266.21 feet to the Point of Beginning, said tract containing 3.09 acres more or less.

now zoned AG, is hereby rezoned SD(O).

Section 10. 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 11. 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 12. 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 16th day of November, 1998.

Approved by the Mayor the 16th day of November, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1763

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR A SANITARY SEWER LINE FOR THE VILLAS OF IRONHORSE, 153RD AND NALL.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

A tract of land in the NW 1/4 of Section 9, Township 14, Range 25, now in the City of Leawood, Johnson County, Kansas, said tract being 10 feet in width and lying 5 feet on each side of the following described centerline: Commencing at the Northeast corner of said NW 1/4 of said Section 9; thence S 2°01'46" E, along the East line thereof, a distance of 1107.81 feet; thence N 85°43'42" W, a distance of 11.87 feet, to the true point of beginning of the centerline to be described herein; thence S 23°01'22" E, a distance of 10.64 feet to the point of beginning.

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

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

Passed by the Council the 2nd day of November, 1998.

Approved by the Mayor the 2nd day of November, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1763

Publication Fees: $14.42

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1763--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1763

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1763

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT FOR A SANITARY SEWER LINE FOR THE VILLAS OF IRONHORSE, 153RD AND NALL.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:-

A tract of land in the NW 1/4 of Section 9, Township 14, Range 25, now in the City of Leawood, Johnson County, Kansas, said tract being 10 feet in width and lying 5 feet on each side of the following described centerline: Commencing at the Northeast corner of said NW 1/4 of said Section 9; thence S 2°01'46" E, along the East line thereof, a distance of 1107.81 feet; thence N 85°43'42" W, a distance of 11.87 feet, to the true point of beginning of the centerline to be described herein; thence S 23°01'22" E, a distance of 10.64 feet to the point of beginning.

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

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

Passed by the Council the 2nd day of November, 1998.

Approved by the Mayor the 2nd day of November, 1998.

(SEAL)

Peggy J. Dunn
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney

$14.42

ORDINANCE NO. 1762 C

AN ORDINANCE TO AMEND SECTION 6-201 OF THE LEAWOOD CITY CODE REGARDING THE DIVISION OF CITY INTO WARDS.

WHEREAS, the City of Leawood is becoming a city of the first class; and

WHEREAS, Section 6-201 of the City Code references a statute only applicable to a city of the second class;

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

Section 1. That Section 6-201 of the Leawood City Code is hereby repealed.

Section 2. That Section 6-201 of the Leawood City Code is hereby amended to read as follows:

6-201 DIVISION OF CITY INTO WARDS. The City shall be divided into four wards for election purposes, pursuant to the provisions of K.S.A. 13-205 and as subsequently amended, having their boundaries as set out in Sections 6-202:205.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn

Peggy Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

ORD1762C

Publication Fees: $11.68

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1762C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$11.68

ORDINANCE NO. 1762 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1762 C

AN ORDINANCE TO AMEND SECTION 6-201 OF THE LEAWOOD CITY CODE REGARDING THE DIVISION OF CITY INTO WARDS.

WHEREAS, the City of Leawood is becoming a city of the first class; and

WHEREAS, Section 6-201 of the City Code references a statute only applicable to a city of the second class;

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

Section 1. That Section 6-201 of the Leawood City Code is hereby repealed.

Section 2. That Section 6-201 of the Leawood City Code is hereby amended to read as follows:

6-201 **DIVISION OF CITY INTO WARDS.** The City shall be divided into four wards for election purposes, pursuant to the provisions of K.S.A. 13-205 and as subsequently amended, having their boundaries as set out in Sections 6-202-205.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1761 C

AN ORDINANCE TO AMEND SECTION AND 1-108 OF THE LEAWOOD CITY CODE REGARDING THE POWERS GENERALLY OF THE CITY.

WHEREAS, the City of Leawood is becoming a city of the first class; and

WHEREAS, Section 1-108 of the City Code references the powers of a city of the second class;

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

Section 1. That Section 1-108 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-108 of the Leawood City Code is hereby amended to read as follows:

1-108 POWERS GENERALLY. All powers exercised by cities of the first class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to limitations as prescribed by law.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1761C

Publication Fees: $11.68

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1761C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1761 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1761 C

AN ORDINANCE TO AMEND SECTION AND 1-108 OF THE LEAWOOD CITY CODE REGARDING THE POWERS GENERALLY OF THE CITY.

WHEREAS, the City of Leawood is becoming a city of the first class; and

WHEREAS, Section 1-108 of the City Code references the powers of a city of the second class;

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

Section 1. That Section 1-108 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-108 of the Leawood City Code is hereby amended to read as follows:

1-108 POWERS GENERALLY. All powers exercised by cities of the first class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to limitations as prescribed by law.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

$11.68

ORDINANCE NO. 1760 C

AN ORDINANCE TO AMEND SECTION 1-102(j) OF THE LEAWOOD CITY CODE REGARDING THE DEFINITION OF "GOVERNING BODY."

WHEREAS, the City of Leawood is becoming a city of the first class; and

WHEREAS, Section 1-102(j) of the City Code references a statute only applicable to a city of the second class;

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

Section 1. That Section 1-102(j) of the Leawood City Code is hereby repealed.

Section 2. That Section 1-102(j) of the Leawood City Code is hereby amended to read as follows:

1-102 (j) *Governing Body* means the mayor and the members of the city council as defined by K.S.A. 12-104.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1760C

Publication Fees: $11.68

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1706C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1760 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1760 C

AN ORDINANCE TO AMEND SECTION 1-102(j) OF THE LEAWOOD CITY CODE REGARDING THE DEFINITION OF "GOVERNING BODY."

WHEREAS, the City of Leawood is becoming a city of the first class; and

WHEREAS, Section 1-102(j) of the City Code references a statute only applicable to a city of the second class;

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

Section 1. That Section 1-102(j) of the Leawood City Code is hereby repealed.

Section 2. That Section 1-102(j) of the Leawood City Code is hereby amended to read as follows:

1-102 (j) *Governing Body* means the mayor and the members of the city council as defined by K.S.A. 12-104.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

$11.68

ORDINANCE NO. 1759 C

AN ORDINANCE TO ADD PORTIONS OF PROVISIONS OF FORMER CHARTER ORDINANCES 7 AND 9 TO THE CITY CODE

WHEREAS, charter ordinance numbers 7 and 9 establish certain provisions regarding the City's municipal courts; and

WHEREAS, because charter ordinances numbers 7 and 9 exempt the City from second class city statute that have since been repealed and therefore these charter ordinances themselves are being repealed; and

WHEREAS, the Governing Body has determined that certain portions charter ordinances numbers 7 and 9 are in the best interest of the public, and therefore desire to continue to operation under such provisions; and

WHEREAS, it is more appropriate for such provisions to be a part of the City Code instead of being enacted by charter ordinance;

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

Section 1. That section 1-122 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-122 of the Leawood City Code is hereby amended to read as follows:

1-122 GENERAL PENALTY. The governing body shall have power to enact and make all necessary ordinances, rules and regulations for maintaining the peace, good government, and welfare of the city and its trade and commerce; and all ordinances may be enforced by prescribing and inflicting upon inhabitants or other persons violating the same, fine and/or imprisonment. Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

(a) A fine not less than one dollar or exceeding $500; or
(b) Imprisonment in the city jail not exceeding 180 days; or
(c) Both such fine and imprisonment not to exceed (a) and (b) above, as may be just for any one offense, recoverable with costs of suit.

Section 3. That the Leawood City Code is hereby amended by adding a section which reads as follows:

9-119 MUNICIPAL COURT. The governing body may provide, at the expense of the city, a suitable room or office for the municipal judge, and shall hold court in such room and court shall be open every day except Saturdays, Sundays, and legal holidays. In addition thereto, the court shall be in regular session at least weekly on a schedule to be established by the rules of the court for the purpose of arraignments, sentencing and/or trials.

Section 4. That the Leawood City Code is hereby amended by adding a section which reads as follows:

9-120 HOW PROSECUTIONS CONDUCTED. All prosecutions for violating any city ordinance shall be entitled "The City of Leawood against _____" (naming the person or persons charged), and the municipal judge shall state in the docket the name of the complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment of fine and costs, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in such case.

In no case shall a judgment of conviction be rendered, except upon sufficient legal testimony given on a public trial or upon a plea of guilty made, except as hereinafter provided in the case of certain traffic offenses, in open court.

Section 5. That the Leawood City Code is hereby amended by adding an article to chapter 9 which reads as follows:

ARTICLE 2. TRAFFIC OFFENSES

9-201 TRAFFIC VIOLATIONS BUREAU. The municipal court of Leawood, having determined that the efficient disposition of its business and the convenience of persons charged so requires, is hereby enabled to establish a Traffic Violations Bureau and shall, by the rules of the municipal court of the City of Leawood, set forth the procedure for its operation. The court shall, upon such determination of necessity and convenience having been made, appoint as an officer of the court, a violations clerk (or clerks), define the limits of authority of the violations clerk, and establish a schedule of fines which may from time to time be amended by order of the court, to be accepted by the violations clerk for pleas of guilty to offenses within the clerk's authority, said fines to be within the limits prescribed by the ordinances of the City of Leawood, Kansas.

9-202 PLEA AND PAYMENT OF FINES. Any person charged with any traffic offense within the authority of the violations clerk may appear before the violations clerk, and upon signing an entry of appearance and plea of guilty, pay the fine established for the offense. Each defendant shall, prior to the acceptance by the violations clerk of the entry of appearance and plea of guilty, be informed of his or her right to trial, and that his or her signature to a plea of guilty will have the same effect as a judgment of the court and that the record of conviction will be sent to the motor vehicle department of the State of Kansas as to the appropriate authority of the state in which defendant is licensed to drive or in which he or she resides.

Section 6. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

ORD1759C

Publication Fees: $33.82

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1759C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$33.82

Sandra Howell
Clerk

ORDINANCE NO. 1759 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1759 C

AN ORDINANCE TO ADD PORTIONS OF PROVISIONS OF FORMER CHARTER ORDINANCES 7 AND 9 TO THE CITY CODE

WHEREAS, charter ordinance numbers 7 and 9 establish certain provisions regarding the City's municipal courts; and

WHEREAS, because charter ordinances numbers 7 and 9 exempt the City from second class city statute that have since been repealed and therefore these charter ordinances themselves are being repealed; and

WHEREAS, the Governing Body has determined that certain portions charter ordinances numbers 7 and 9 are in the best interest of the public, and therefore desire to continue to operation under such provisions; and

WHEREAS, it is more appropriate for such provisions to be a part of the City Code instead of being enacted by charter ordinance;

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

Section 1. That section 1-122 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-122 of the Leawood City Code is hereby amended to read as follows:

1-122 GENERAL PENALTY. The governing body shall have power to enact and make all necessary ordinances, rules and regulations for maintaining the peace, good government, and welfare of the city and its trade and commerce; and all ordinances may be enforced by prescribing and inflicting upon inhabitants or other persons violating the same, fine and/or imprisonment. Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

(a) A fine not less than one dollar or exceeding $500; or
(b) Imprisonment in the city jail not exceeding 180 days; or
(c) Both such fine and imprisonment not to exceed (a) and (b) above, as may be just for any one offense, recoverable with costs of suit.

Section 3. That the Leawood City Code is hereby amended by adding a section which reads as follows:

9-119 MUNICIPAL COURT. The governing body may provide, at the expense of the city, a suitable room or office for the municipal judge, and shall hold court in such room and court shall be open every day except Saturdays, Sundays, and legal holidays. In addition thereto, the court shall be in regular session at least weekly on a schedule to be established by the rules of the court for the purpose of arraignments, sentencing and/or trials.

Section 4. That the Leawood City Code is hereby amended by adding a section which reads as follows:

9-120 HOW PROSECUTIONS CONDUCTED. All prosecutions for violating any city ordinance shall be entitled "The City of Leawood against _____" (naming the person or persons charged), and the municipal judge shall state in the docket the name of the complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment of fine and costs, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in such case.

In no case shall a judgment of conviction be rendered, except upon sufficient legal testimony given on a public trial or upon a plea of guilty made, except as hereinafter provided in the case of certain traffic offenses, in open court.

Section 5. That the Leawood City Code is hereby amended by adding an article to chapter 9 which reads as follows:

ARTICLE 2. TRAFFIC OFFENSES

9-201 TRAFFIC VIOLATIONS BUREAU. The municipal court of Leawood, having determined that the efficient disposition of its business and the convenience of persons charged so requires, is hereby enabled to establish a Traffic Violations Bureau and shall, by the rules of the municipal court of the City of Leawood, set forth the procedure for its operation. The court shall, upon such determination of necessity and convenience having been made, appoint as an officer of the court, a violations clerk (or clerks), define the limits of authority of the violations clerk, and establish a schedule of fines which may from time to time be amended by order of the court, to be accepted by the violations clerk for pleas of guilty to offenses within the clerk's authority, said fines to be within the limits prescribed by the ordinances of the City of Leawood, Kansas.

9-202 PLEA AND PAYMENT OF FINES. Any person charged with any traffic offense within the authority of the violations clerk may appear before the violations clerk, and upon signing an entry of appearance and plea of guilty, pay the fine established for the offense. Each defendant shall, prior to the acceptance by the violations clerk of the entry of appearance and plea of guilty, be informed of his or her right to trial, and that his or her signature to a plea of guilty will have the same effect as a judgment of the court and that the record of conviction will be sent to the motor vehicle department of the State of Kansas as to the appropriate authority of the state in which defendant is licensed to drive or in which he or she resides.

Section 6. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy J. Dunn
Peggy Dunn, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

APPROVED AS TO FORM:

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

ORDINANCE NO. 1758 C

AN ORDINANCE TO REPEAL SECTIONS 1-304 AND 1-403 OF THE LEAWOOD CITY CODE REGARDING BOND REQUIREMENTS FOR THE CITY ADMINISTRATOR AND APPOINTED CITY OFFICERS

WHEREAS, Sections 1-304 and 1-403 of the City Code make provisions to require bonds for certain appointed city officers;

WHEREAS, because of Sections 1-304 and 1-403 of the City Code, the City's insurance provider will not apply the City's blanket policy to said city officers, and therefore the City must purchase additional coverage at additional cost;

WHEREAS, there is no statutory requirement for bonds for City officers, with the exception of the city treasurer;

WHEREAS, said blanket policy would otherwise provide the City with adequate assurance and coverage; and

WHEREAS, the Governing Body has determined that it is in the best interest to therefore repeal Sections 1-304 and 1-403 of the City Code;

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

Section 1. That Sections 1-304 and 1-403 of the Leawood City Code is hereby repealed.

Section 2. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn

Peggy Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1758C

Publication Fees: $13.56

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1758C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1758 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1758 C

AN ORDINANCE TO REPEAL SECTIONS 1-304 AND 1-403 OF THE LEAWOOD CITY CODE REGARDING BOND REQUIREMENTS FOR THE CITY ADMINISTRATOR AND APPOINTED CITY OFFICERS

WHEREAS, Sections 1-304 and 1-403 of the City Code make provisions to require bonds for certain appointed city officers;

WHEREAS, because of Sections 1-304 and 1-403 of the City Code, the City's insurance provider will not apply the City's blanket policy to said city officers, and therefore the City must purchase additional coverage at additional cost;

WHEREAS, there is no statutory requirement for bonds for City officers, with the exception of the city treasurer;

WHEREAS, said blanket policy would otherwise provide the City with adequate assurance and coverage; and

WHEREAS, the Governing Body has determined that it is in the best interest to therefore repeal Sections 1-304 and 1-403 of the City Code;

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

Section 1: That Sections 1-304 and 1-403 of the Leawood City Code is hereby repealed.

Section 2: This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn
Peggy Dunn, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

$13.56

ORDINANCE NO. 1757 C

AN ORDINANCE TO AMEND SECTION 1-203 OF THE LEAWOOD CITY CODE REGARDING SPECIAL MEETINGS.

WHEREAS, the City of Leawood is becoming a city of the first class;

WHEREAS, in regard to the procedure for conducting a special meeting of the governing body, the City of Leawood has been operating under a procedure different than the first class city statute addressing such matter; and

WHEREAS, the Governing Body has determined that the procedure established by the statute is more advantageous and in the public interest and therefore, desires to amend the City Code to establish the procedure set forth by statute;

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

Section 1. That Section 1-203 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-203 of the Leawood City Code is hereby amended to read as follows:

1-203 MEETINGS; SPECIAL MEETINGS. The mayor and councilmembers shall have regular sessions on the first and third Mondays of each and every month, at 7:30 p.m. In case a regular session falls on a holiday, the regular session shall be held on the next day thereafter which is not a holiday. Special sessions shall be called by the mayor in accordance with statute, specifying the object and purpose of such meeting, which request shall be read at the meeting and entered at length on the journal. All sessions shall be held at the city hall unless circumstances make that place impracticable for a particular session, in which case it may be held at any convenient place within the city. In all cases, it shall require a majority of the councilmembers-elect to constitute a quorum to do business, but a smaller number may adjourn from day to day.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1757C

Publication Fees: $14.94

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1757C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1757 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1757-C

AN ORDINANCE TO AMEND SECTION 1-203 OF THE LEAWOOD CITY CODE REGARDING SPECIAL MEETINGS.

WHEREAS, the City of Leawood is becoming a city of the first class;

WHEREAS, in regard to the procedure for conducting a special meeting of the governing body, the City of Leawood has been operating under a procedure different than the first class city statute addressing such matter; and

WHEREAS, the Governing Body has determined that the procedure established by the statute is more advantageous and in the public interest and therefore, desires to amend the City Code to establish the procedure set forth by statute;

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

Section 1. That Section 1-203 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-203 of the Leawood City Code is hereby amended to read as follows:

1-203 **MEETINGS; SPECIAL MEETINGS.** The mayor and councilmembers shall have regular sessions on the first and third Mondays of each and every month, at 7:30 p.m. In case a regular session falls on a holiday, the regular session shall be held on the next day thereafter which is not a holiday. Special sessions shall be called by the mayor in accordance with statute, specifying the object and purpose of such meeting, which request shall be read at the meeting and entered at length on the journal. All sessions shall be held at the city hall unless circumstances make that place impracticable for a particular session, in which case it may be held at any convenient place within the city. In all cases, it shall require a majority of the councilmembers-elect to constitute a quorum to do business, but a smaller number may adjourn from day to day.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

ATTEST:

Peggy Dunn, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

$14.94

ORDINANCE NO. 1756 C

AN ORDINANCE TO AMEND SECTIONS 1-210 AND 1-211 OF THE LEAWOOD CITY CODE REGARDING ELECTED OFFICER VACANCIES.

WHEREAS, the Governing Body has pass charter ordinance no. 23 which changes the City's policy regarding elected officer vacancies; and

WHEREAS, it is therefore necessary to make amendments to Article 1 of the City Code regarding elections;

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

Section 1. That Section 1-210 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-210 of the Leawood City Code is hereby amended to read as follows:

1-210 VACANCY IN OFFICE OF COUNCILMEMBER. If a vacancy should occur in the office of councilmember by reason of death, resignation, removal from the city, removal from office, disqualification, or otherwise, the existence of the same shall be published to the council and press within one week after receiving notification of the vacancy. If a councilmember moves out of the ward for which he or she was elected, or is deemed not to be a resident of the city, the office shall be deemed vacant. A nominating committee composed of the mayor, the presiding officer and the councilmember remaining in the ward affected shall be established to seek out candidate(s) from the ward affected to fill such vacancy, and will recommend the candidate(s) to the council. The candidate(s) shall then be voted on by the council to serve in the vacated office until the next city election. If at such time, the term of the vacated office is not yet expired, the newly elected councilmember shall be elected only to serve out the balance of the original unexpired term.

Section 3. That Section 1-211 of the Leawood City Code is hereby repealed.

Section 4. That Section 1-211 of the Leawood City Code is hereby amended to read as follows:

1-211 VACANCY IN OFFICE OF MAYOR; PRESIDENT OF COUNCIL. If a vacancy should occur in the office of mayor by reason of death, disability, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the council shall at its next meeting elect from its membership a president of the council who shall be acting mayor until such vacancy shall be filled at the next city election, such disability be removed, or, in case of temporary absence, the mayor returns. During such vacancy, other than temporary absence or disability, the president of the council shall become mayor and act as mayor and exercise the office of mayor with all rights, privileges, jurisdiction and compensation of the mayor. If at the next city election the term of the vacated office is not yet expired, the newly elected mayor shall be elected only to serve out the balance of the original unexpired term. Any such temporary absence shall be defined as being absent for more than one regularly scheduled consecutive council meeting.

Section 5. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage,

approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1756C

Publication Fees: $21.46

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1756C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1756 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1756-C

AN ORDINANCE TO AMEND SECTIONS 1-210 AND 1-211 OF THE LEAWOOD CITY CODE REGARDING ELECTED OFFICER VACANCIES.

WHEREAS, the Governing Body has pass charter ordinance no. 23 which changes the City's policy, regarding elected officer vacancies; and

WHEREAS, it is therefore necessary to make amendments to Article 1 of the City Code regarding elections;

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

Section 1. That Section 1-210 of the Leawood City Code is hereby repealed.

Section 2. That Section 1-210 of the Leawood City Code is hereby amended to read as follows:

1-210 **VACANCY IN OFFICE OF COUNCILMEMBER.** If a vacancy should occur in the office of councilmember by reason of death, resignation, removal from the city, removal from office, disqualification, or otherwise, the existence of the same shall be published to the council and press within one week after receiving notification of the vacancy. If a councilmember moves out of the ward for which he or she was elected, or is deemed not to be a resident of the city, the office shall be deemed vacant. A nominating committee composed of the mayor, the presiding officer and the councilmember remaining in the ward affected shall be established to seek out candidate(s) from the ward affected to fill such vacancy, and will recommend the candidate(s) to the council. The candidate(s) shall then be voted on by the council to serve in the vacated office until the next city election. If at such time, the term of the vacated office is not yet expired, the newly elected councilmember shall be elected only to serve out the balance of the original unexpired term.

Section 3. That Section 1-211 of the Leawood City Code is hereby repealed.

Section 4. That Section 1-211 of the Leawood City Code is hereby amended to read as follows:

1-211 **VACANCY IN OFFICE OF MAYOR; PRESIDENT OF COUNCIL.** If a vacancy should occur in the office of mayor by reason of death, disability, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the council shall at its next meeting elect from its membership a president of the council who shall be acting mayor until such vacancy shall be filled at the next city election, such disability be removed, or, in case of temporary absence, the mayor returns. During such vacancy, other than temporary absence or disability, the president of the council shall become mayor and act as mayor and exercise the office of mayor with all rights, privileges, jurisdiction and compensation of the mayor. If at the next city election the term of the vacated office is not yet expired, the newly elected mayor shall be elected only to serve out the balance of the original unexpired term. Any such temporary absence shall be defined as being absent for more than one regularly scheduled consecutive council meeting.

Section 5. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn
Peggy Dunn, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wettler, City Attorney

$21.46

ORDINANCE NO. 1755 C

AN ORDINANCE TO AMEND ARTICLE 1 OF CHAPTER 6 OF THE LEAWOOD CITY CODE REGARDING ELECTIONS

WHEREAS, the Governing Body has determined that it is in the best interest of the City to make the term of office of all elected city officials to be for four years;

WHEREAS, the Governing Body has pass charter ordinance number 22 to exempt the City from statutory term limits and to enact term limits of four years; and

WHEREAS, it is therefore necessary to make amendments to Article 1 of the City Code regarding elections;

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

Section 1. That Article 1 of the Leawood City Code is hereby repealed.

Section 2. That Article 1 of the Leawood City Code is hereby amended to read as follows:

ARTICLE 1. CITY ELECTION; CITY OFFICERS

6-101. CITY ELECTIONS; TERM OF CITY OFFICES; OFFICER QUALIFICATIONS. There shall be a general election on the first Tuesday in April 1999 for the offices of all elected city officers then completing their current terms of office. All elected city officers not then completing their current terms, shall continue to hold their respective offices until said terms are completed or said offices are otherwise vacated. For those offices to be elected in April 1999, the new terms of office shall be for three (3) years. Thereafter, the general election of city officers shall be held on the first Tuesday in April of every even year, and the terms of office for all elected city officers shall be for four (4) years. Each ward of the city shall have two (2) councilmembers with staggered terms so that one councilmember from each ward shall be elected at each election by qualified voters. No person shall be eligible to the office of the councilmember who is not at the time of his or her election an actual resident of the ward for which he or she was elected. The office of mayor shall be elected from the city at large. All elected officers shall be qualified electors of the City under the constitution of the State of Kansas.

6-102 EFFECT OF REDISTRICTING OF WARD BOUNDARIES ON COUNCIL MEMBERSHIP. Whenever the residence of any councilmember shall be transferred from one ward of the City to another solely as a result of a change in the ward boundaries, said councilmember's office shall not become vacant and said councilmember shall be eligible to represent said ward from which he or she was elected or appointed until the next city election as long as he or she is otherwise qualified to serve as a councilmember. Then, at the next city election, a new qualified councilmember shall be elected to represent said ward. If at such time, the original term of said office is not yet expired, the newly elected councilmember shall be elected only to serve out the balance of the original unexpired term.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1755C

Publication Fees: $19.92

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1755C--11/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 25, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1755 C

First published in The Legal Record, Tuesday, November 24, 1998.

ORDINANCE NO. 1755 C

AN ORDINANCE TO AMEND ARTICLE 1 OF CHAPTER 6 OF THE LEAWOOD CITY CODE REGARDING ELECTIONS

WHEREAS, the Governing Body has determined that it is in the best interest of the City to make the term of office of all elected city officials to be for four years;

WHEREAS, the Governing Body has pass charter ordinance number 22 to exempt the City from statutory term limits and to enact term limits of four years; and

WHEREAS, it is therefore necessary to make amendments to Article 1 of the City Code regarding elections;

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

Section 1. That Article 1 of the Leawood City Code is hereby repealed.

Section 2. That Article 1 of the Leawood City Code is hereby amended to read as follows:

ARTICLE 1. CITY ELECTION; CITY OFFICERS

6-101. CITY ELECTIONS; TERM OF CITY OFFICES; OFFICER QUALIFICATIONS. There shall be a general election on the first Tuesday in April 1999 for the offices of all elected city officers then completing their current terms of office. All elected city officers not then completing their current terms, shall continue to hold their respective offices until said terms are completed or said offices are otherwise vacated. For those offices to be elected in April 1999, the new terms of office shall be for three (3) years. Thereafter, the general election of city officers shall be held on the first Tuesday in April of every even year, and the terms of office for all elected city officers shall be for four (4) years. Each ward of the city shall have two (2) councilmembers with staggered terms so that one councilmember from each ward shall be elected at each election by qualified voters. No person shall be eligible to the office of the councilmember who is not at the time of his or her election an actual resident of the ward for which he or she was elected. The office of mayor shall be elected from the city at large. All elected officers shall be qualified electors of the City under the constitution of the State of Kansas.

6-102 EFFECT OF REDISTRICTING OF WARD BOUNDARIES ON COUNCIL MEMBERSHIP. Whenever the residence of any councilmember shall be transferred from one ward of the City to another solely as a result of a change in the ward boundaries, said councilmember's office shall not become vacant and said councilmember shall be eligible to represent said ward from which he or she was elected or appointed until the next city election as long as he or she is otherwise qualified to serve as a councilmember. Then, at the next city election, a new qualified councilmember shall be elected to represent said ward. If at such time, the original term of said office is not yet expired, the newly elected councilmember shall be elected only to serve out the balance of the original unexpired term.

Section 3. This ordinance shall take effect and be in force as of January 1, 1999 and after its passage, approval and publication as provided by law.

PASSED by the Governing Body, the 2nd day of November, 1998.

Peggy Dunn
Peggy Dunn, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wexler, City Attorney

$19.92

ORDINANCE NO. 1754

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 171 (MUNICIPAL POOL BATHHOUSE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF RECONSTRUCTION, REMODELLING AND REPLACEMENT OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1735, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> reconstruct, remodel and replace the bathhouse at the municipal pool complex located at the city park at 10601 Lee Boulevard within the City

(the "Project") at an estimated cost of $500,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur costs payable within the next six months in the amount of $300,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 171 (Municipal Pool Bathhouse), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 3, inclusive, in the denomination of $100,000 each, dated November 15, 1998, and shall mature by the stated terms thereof and become due and payable on August 12, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.125% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City as hereinafter provided and shall be

redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after May 15, 1999, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.885 % of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use: The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of November, 1998.

APPROVED by the Mayor the 2nd day of November, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

ORD1754

Publication Fees: $61.96

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1754--11/3/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 4, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$61.96

ORDINANCE NO. 1754

First published in The Legal Record, Tuesday, November 3, 1998.

ORDINANCE NO. 1754

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 171 (MUNICIPAL POOL BATHHOUSE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF RECONSTRUCTION, REMODELLING AND REPLACEMENT OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1735, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> reconstruct, remodel and replace the bathhouse at the municipal pool complex located at the city park at 10601 Lee Boulevard within the City

(the "Project") at an estimated cost of $500,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur costs payable within the next six months in the amount of $300,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 171 (Municipal Pool Bathhouse), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 3, inclusive, in the denomination of $100,000 each, dated November 15, 1998, and shall mature by the stated terms thereof and become due and payable on August 12, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.125% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after May 15, 1999, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.885 % of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code; for calendar year 1998.

Section Nine. Findings and Representation as to Use: The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of November, 1998.

APPROVED by the Mayor the 2nd day of November, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1753

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 151 (FIRE STATION NO. 3), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY AND ACQUISITION, CONSTRUCTION AND INSTALLATION OF A NEW FIRE STATION THEREON, INCLUDING PARKING FACILITIES AND ACCESS ROADS, AND FURNISHING AND EQUIPPING THE SAME.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1704, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> acquisition of certain real property in Leawood South Park currently leased by the City and acquisition, construction and installation of a new fire station thereon, including parking facilities and access roads, and furnishing and equipping the same

(the "Project") at an estimated cost of $3,195,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 151 (Fire Station No. 3), dated April 8, 1998, in the principal amount of $200,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof, and the City has incurred or expects to incur additional costs payable within the next six months in the amount of $300,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 151 (Fire Station No. 3), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together

with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 to 5, inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 15, 1998, and shall mature by their stated terms and become due and payable on August 12, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of3.125% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after May 15, 1999, at the redemption price of 100% of the principal amount so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City shall elect to redeem any of the Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.885% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer. The sum of $200,000 of such proceeds shall be used to pay and retire the Prior Notes, and the balance thereof shall be deposited in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of November, 1998.

APPROVED by the Mayor the 2nd day of November, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1753

Publication Fees: $66.75

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1753--11/3/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 4, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$66.75

ORDINANCE NO. 1753

First published in The Legal Record, Tuesday, November 3, 1998.

ORDINANCE NO. 1753

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 151 (FIRE STATION NO. 3), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY AND ACQUISITION, CONSTRUCTION AND INSTALLATION OF A NEW FIRE STATION THEREON, INCLUDING PARKING FACILITIES AND ACCESS ROADS, AND FURNISHING AND EQUIPPING THE SAME.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1704, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> acquisition of certain real property in Leawood South Park currently leased by the City and acquisition, construction and installation of a new fire station thereon, including parking facilities and access roads, and furnishing and equipping the same

(the "Project") at an estimated cost of $3,195,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 151 (Fire Station No. 3), dated April 8, 1998, in the principal amount of $200,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof, and the City has incurred or expects to incur additional costs payable within the next six months in the amount of $300,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 151 (Fire Station No. 3), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 to 5, inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 15, 1998, and shall mature by their stated terms and become due and payable on August 12, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.125 % per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after May 15, 1999, at the redemption price of 100% of the principal amount so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City shall elect to redeem any of the Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.885 % of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer. The sum of $200,000 of such proceeds shall be used to pay and retire the Prior Notes, and the balance thereof shall be deposited in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of November, 1998.

APPROVED by the Mayor the 2nd day of November, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1752

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 108 (COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $2,900,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 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, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1488, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement or reimprovement of College Boulevard located within the City of Leawood

(the "Project") at an estimated cost of $13,795,873.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 108 (College Boulevard), dated April 8, 1998, in the principal amount of $3,500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 108 (College Boulevard), in the aggregate principal amount of Two Million Nine Hundred Thousand Dollars ($2,900,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 29, inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 15, 1998, shall mature by their stated terms and become due and payable on August 12, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.125 % per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after May 15, 1999, at a redemption price of 100% of the principal amount so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of the Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable

tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.885% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948.

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

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Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of November, 1998.

APPROVED by the Mayor the 2nd day of November, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1752

Publication Fees: $69.67

The Legal Record
Christine Corporation
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1752--11/3/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 4, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$69.67

ORDINANCE NO. 1752

First published in The Legal Record, Tuesday, November 3, 1998.

ORDINANCE NO. 1752

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 108 (COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $2,900,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 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, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1488, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

improvement or reimprovement of College Boulevard located within the City of Leawood

(the "Project") at an estimated cost of $13,795,873.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 108 (College Boulevard), dated April 8, 1998, in the principal amount of $3,500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 108 (College Boulevard), in the aggregate principal amount of Two Million Nine Hundred Thousand Dollars ($2,900,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

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Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

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3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of November, 1998.

APPROVED by the Mayor the 2nd day of November, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1751 C

AN ORDINANCE AMENDING CHAPTER TWELVE OF THE CODE OF THE CITY OF LEAWOOD DEALING BY ADDING ARTICLE 6 ESTABLISHING AND IMPOSING A PUBLIC ART IMPACT FEE UPON NON-RESIDENTIAL DEVELOPMENT WITHIN THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Code amended. The Code of the City of Leawood is hereby amended by adding Article 6 which shall read as follows:

ARTICLE 6. PUBLIC ART IMPACT FEE

12-601. **SHORT TITLE.** This Ordinance shall be known and cited as the "Leawood, Kansas Public Art Impact Fee Ordinance".

12-602. **PURPOSE.** The Governing Body of the City of Leawood has determined that commercial development within the City should be accompanied by the establishment of Public Art that will tend to balance and harmonize the impact that non-residential development has upon the community. The Governing Body has further determined that a fee should be imposed upon non residential development to establish a fund to be administered by the City for the purposes of acquisition and construction of Public Art. A Public Art Impact Fee is hereby imposed on new development for the purpose of integrating highly visible art into the Leawood community to create a legacy of works to be enjoyed by current and future generations. The public art impact fee shall be imposed by the City on all new development and all fees collected shall be used solely and exclusively to provide public art that will enhance the aesthetic appearance of Leawood's public spaces and designated private areas, increase the public's enjoyment of community areas and of the arts, and fulfill the mission as stated herein and the City's goal of "growing with distinction".

12-603. **DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) *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.

(o) *Public Art*: any sculpture, mural, manhole cover, paving pattern, lighting, seating, building facade, kiosk, gate, fountain, play equipment, engraving, carving, fresco, mobile, collage, mosaic, bas-relief, tapestry, photograph, drawing, landscape item including artistic placement of natural material or manmade fountain or object, performance, or any other suitable expression including that of an artist as a member of the design team for a building, park land or infrastructure that is located on public property and has been approved and accepted by the City as complying with this Ordinance and with Resolutions of the City establishing procedures for the acquisition and development of public art within the City .

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

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

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

(s) *Zoning Ordinance*: Sections 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

12-604. APPLICABILITY OF PUBLIC ART IMPACT FEE.

This Ordinance shall be uniformly applicable to nonresidential development but not apply to residential, public and quasi-public uses on property in the City of Leawood.

12-605. IMPOSITION OF PUBLIC ART IMPACT FEE.

(a) A Public Art Impact Fee shall be imposed on nonresidential development in

the City, except as provided in subsection (b) and Section 12-612, herein.

(b) The Public Art Impact Fee shall not be imposed on any development for which an application for development approval had been received by the City on or before the date of publication of this Ordinance (November 6, 1998). For purposes of this subsection only, an application for development approval shall mean an application for a certificate of occupancy for any property that is zoned for use as non-residential property.

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

12-606. AMOUNT OF PUBLIC ART IMPACT FEE. The Public Art Impact Fee shall be at the following rate:

Nonresidential Development	$.10 per square foot of floor area, finished.

12-607. COLLECTION OF PUBLIC ART IMPACT FEE.

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

(b) Applicants for building permits for nonresidential development subject to this Ordinance must submit the following information:
   (1) the finished floor area for non-residential development;
   (2) relevant supporting documentation as may be required by the Director of Planning and Development.

(c) The Director of Planning and Development shall be responsible for determining that:
   (1) the applicant has paid the Public Art Impact Fee; or
   (2) the applicant has been determined to be exempt pursuant to Section 12-612; or
   (3) an appeal has been taken and a bond or other surety posted pursuant to Section 12- 613.

(d) The Director of Planning and Development shall collect the applicable Public Art Impact Fee prior to issuance of a building permit for non-residential development.

12-608. CALCULATION OF PUBLIC ART IMPACT FEE. Upon receipt of an application for a building permit for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable Public Art Impact Fee due in accordance with the following procedure:

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

(b) if this Ordinance is not applicable because the subject property is exempt pursuant to Section 12-612 herein, the Director of Planning and Development shall return the application with the inapplicability or exemption noted thereon;

(c) if this Ordinance is determined to be applicable, the director of Planning and

Development shall:

(1) for nonresidential development, multiply the applicable Public Art Impact Fee rate by the finished floor area (in square feet) of nonresidential development for which the building permit is being sought.

(2) Director of Planning and Development shall calculate the amount of the Public Art Impact Fee due pursuant to the building permit application and the requirements of this Ordinance in effect at the time of submission.

(3) A building permit application must be resubmitted to the Director of Planning and Development and the amount of the Public Art Impact Fee recalculated if the applicant alters the proposed development by increasing the finished floor area of non-residential development.

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

12-609. ANNUAL REVIEW.

(a) Prior to January 1, 2000 and every year thereafter, the City Administrator, or his duly designated agent, shall prepare a report to the Governing Body on Public Art Impact Fees. In the preparation of such report, the City Administrator or his duly designated agent shall review the following information:

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

(2) a statement from the Director of Public Works summarizing public art acquisition and development in connection with public works 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 in the year and summarizing the administration and enforcement of the Public Art Impact Fee.

(4) a statement and recommendation from the Public Art Subcommittee of the Leawood Arts Council on any and all aspects of the Public Art Impact Fee and public art needs.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; and changes in the administration or enforcement of the Ordinance; changes in the Public Art Impact Fee rate.

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

(d) In the annual review process, the Governing Body shall take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed public art.

12-610. RESTRICTIONS ON USE OF AND ACCOUNTING FOR PUBLIC ART IMPACT FEE FUNDS.

(a) The funds collected by reason of the establishment of the Public Art Impact Fee must be used solely for the purpose of funding public art or reimbursement to the City for public art.

(b) Upon receipt of Public Art Impact Fees, the Director of Planning and Development shall transfer such funds to the City Treasurer who shall be responsible for the placement of such funds in a segregated interest bearing account designated as the "Public Art Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for public art acquisition, development and maintenance. 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 Public Art Impact Fee funds disbursed from such account is utilized solely and exclusively for public art acquisition, development and maintenance or for reimbursement to the City of advances made from other revenue sources to fund public art acquisition, development, and maintenance. 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.

12-611. REFUNDS.

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

(1) the city has failed to provide public art utilizing impact fee collected within five (5) years of the date of payment of the Public Art Impact Fee; or

(2) the building permit for nonresidential development pursuant to which the Public Art Impact Fee has been paid has lapsed for non-commencement of construction.

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

(c) the petition for refund must be submitted to the City Administrator or his duly designated agent on a form provided by the city for such purpose. The petition must contain: a statement that petitioner is the current owner of the property; a copy of the dated receipt for payment of the Public Art 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 petition, 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.

12-612. EXEMPTIONS.

(a) A property owner shall be exempt from the Public Art Impact Fee otherwise due for proposed nonresidential development on the subject property if such property owner has:

(1) provided an art project through private funding that is equal to or greater than the dollar value of the fee that is imposed by this ordinance;

(2) which art project has been approved in accordance with the City's Planning codes and restrictions; and

(3) which has been approved by the Arts Council, the Planning Commission and the Governing Body as a part of the development approval process as satisfying the requirements of this Ordinance.

(b) An exemption may only be given for building permit applications for nonresidential development on the subject property for which exemption has been approved as provided in section 12-612(a) of this Ordinance prior to application for issuance of a building permit.

12-613. APPEALS. After a determination by the Director of Planning and Development of the applicability of the Public Art Impact Fee or the amount of the Impact Fee due or after a determination, by the City Administrator of the amount of refund due, if any, 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 Public Art Impact Fee due as calculated by the Director of Planning and Development, the application shall be processed. The filing of an appeal shall not stay the collection of the Impact Fee due unless a bond or other sufficient surety has been filed.

12-614. EFFECT OF PUBLIC ART IMPACT FEE ON ZONING 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 provision public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

12-615. PUBLIC ART IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT. The Public Art Impact Fee is additional and supplemental to, and

not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of public art in conjunction with the development of land.

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

Passed by the Council the 2 day of November, 1998.

Approved by the Mayor the 2 day of November, 1998.

(SEAL)

Peggy Dunn Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 6th day of November 19 98, with subsequent publication being made on the following dates:

_____, 19___ _____, 19___

_____, 19___ _____, 19___

Georgiann Thacker

Subscribed and sworn to before me this 6th day of November 19 98

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 129.54

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First published in The Johnson County Sun, Friday, November 6, 1998

ORDINANCE NO. 1751 c

AN ORDINANCE AMENDING CHAPTER TWELVE OF THE CODE OF THE CITY OF LEAWOOD DEALING BY ADDING ARTICLE 6 ESTABLISHING AND IMPOSING A PUBLIC ART IMPACT FEE UPON NON-RESIDENTIAL DEVELOPMENT WITHIN THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Code amended. The Code of the City of Leawood is hereby amended by adding Article 6 which shall read as follows:

ARTICLE 6. PUBLIC ART IMPACT FEE

12-601. SHORT TITLE. This Ordinance shall be known and cited as the "Leawood, Kansas Public Art Impact Fee Ordinance".

12-602. PURPOSE. The Governing Body of the City of Leawood has determined that commercial development within the City should be accompanied by the establishment of Public Art that will tend to balance and harmonize the impact that non-residential development has upon the community. The Governing Body has further determined that a fee should be imposed upon non residential development to establish a fund to be administered by the City for the purposes of acquisition and construction of Public Art. A Public Art Impact Fee is hereby imposed on new development for the purpose of integrating highly visible art into the Leawood community to create a legacy of works to be enjoyed by current and future generations. The public art impact fee shall be imposed by the City on all new development and all fees collected shall be used solely and exclusively to provide public art that will enhance the aesthetic appearance of Leawood's public spaces and designated private areas, increase the public's enjoyment of community areas and of the arts, and fulfill the mission as stated herein and the City's goal of "growing with distinction".

12-603. DEFINITIONS.

(a) *Applicant*: the property owner, or duly designated agent of the property owner, of land on which a building permit has been requested for nonresidential development or on which final plat approval has been requested for residential development.
(b) *Building*: any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons or property.
(c) *Building Permit*: the City permit required: for new building construction and/or additions to buildings pursuant to Chapter 4 of the Code of the City of Leawood. The term "building permit" as used herein shall not be deemed to include permits required for remodeling, rehabilitation or other improvements to an existing structure, or to the rebuilding of a damaged structure, or to permits required for accessory uses.
(d) *City*: the City of Leawood, Kansas.
(e) *City Council*: the City Council of Leawood, Kansas.
(f) *Development*: the construction, erection, reconstruction or use of any principal building or structure for nonresidential use which requires issuance of a building permit; and the final platting of land for residential uses.
(g) *Director of Planning and Development*: the enforcement official responsible for technical review of building and other construction plans, preliminary and final plats, issuance of building and land use permits, and enforcement of the various codes and ordinances relating to building and development in the City of Leawood.
(h) *Dwelling*: any building, or portion thereof, designed exclusively for residential occupancy and containing one or more dwelling units.
(i) *Floor Area, Finished*: the square foot area of all space within the outside line of exterior walls including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.
(j) *Governing Body*: the legislative body of the City of Leawood, Kansas.
(k) *Master Plan*: the official, adopted comprehensive development plan for the City of Leawood, and amendments thereto.
(l) *Non-residential Development*: all development other than residential development and public and quasi-public use, as herein defined.
(m) *Property*: a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.
(n) *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.
(o) *Public Art*: any sculpture, mural, manhole cover, paving pattern, lighting, seating, building facade, kiosk, gate, fountain, play equipment, engraving, carving, fresco, mobile, collage, mosaic, bas-relief, tapestry, photograph, drawing, landscape item including artistic placement of natural material or manmade fountain or object, performance, or any other suitable expression including that of an artist as a member of the design team for a building, park land or infrastructure that is located on public property and has been approved and accepted by the City as complying with this Ordinance and with Resolutions of the City establishing procedures for the acquisition and development of public art within the City .
(p) *Public and Quasi-Public Use*: a development owned, operated or used by the City of Leawood, Kansas: any political subdivision of the State of Kansas, including but not limited to school districts; the State of Kansas, any agencies or departments thereof, the Federal Government, and any agencies and departments thereof. For purposes of this Ordinance only, "places of worship" are hereby defined as quasi-public uses.
(q) *Residential Development*: the development of any property for a dwelling or dwellings as indicated by an application for final plat approval.
(r) *Subdivision Regulations*: Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duly adopted amendments thereto.
(s) *Zoning Ordinance*: Sections 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

12-604. APPLICABILITY OF PUBLIC ART IMPACT FEE.

This Ordinance shall be uniformly applicable to nonresidential development but not apply to residential, public and quasi-public uses on property in the City of Leawood.

12-605. IMPOSITION OF PUBLIC ART IMPACT FEE.

(a) A Public Art Impact Fee shall be imposed on nonresidential development in the City, except as provided in subsection (b) and Section 12-612, herein.
(b) The Public Art Impact Fee shall not be imposed on any development for which an application for development approval had been received by the City on or before the date of publication of this Ordinance (November 6, 1998) For purposes of this subsection only, an application for development approval shall mean an application for a certificate of occupancy for any property that is zoned for use as non-residential property.
(c) Upon receipt of an application for a rezoning and preliminary plan approval, the Director of Planning and Development shall preliminarily calculate the amount of the Public Art Impact Fee by multiplying the applicable non-residential impact fee rate by the floor area (in square feet) estimated for the proposed development for which approval is being sought. Such calculation shall be an estimate only for the benefit of the applicant for preliminary plan approval and shall be subject to final determination at such time as applicant requests a building permit.

12-606. AMOUNT OF PUBLIC ART IMPACT FEE. The Public Art Impact Fee shall be at the following rate:

Nonresidential Development $.10 per square foot of floor area, finished.

12-607. COLLECTION OF PUBLIC ART IMPACT FEE.

(a) The director of Planning and Development shall be responsible for the processing and collection of the applicable Impact Fee.
(b) Applicants for building permits for nonresidential development subject to this Ordinance must submit the following information:
  (1) the finished floor area for non-residential development;
  (2) relevant supporting documentation as may be required by the Director of Planning and Development.
(c) The Director of Planning and Development shall be responsible for determining that:
  (1) the applicant has paid the Public Art Impact Fee; or
  (2) the applicant has been determined to be exempt pursuant to Section 12-612; or
  (3) an appeal has been taken and a bond or other surety posted pursuant to Section 12- 613.
(d) The Director of Planning and Development shall collect the applicable Public Art Impact Fee prior to issuance of a building permit for non-residential development.

12-608. CALCULATION OF PUBLIC ART IMPACT FEE. Upon receipt of an application for a building permit for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable Public Art Impact Fee due in accordance with the following procedure:
(a) determination of applicability of this ordinance to the subject property shall be made within three (3) working days of receipt of such application by the Director of Planning and Development;
(b) if this Ordinance is not applicable because the subject property is exempt pursuant to Section 12-612 herein, the Director of Planning and Development shall return the application with the inapplicability or exemption noted thereon;
(c) if this Ordinance is determined to be applicable, the director of Planning and Development shall:
  (1) for nonresidential development, multiply the applicable Public Art Impact Fee rate by the finished floor area (in square feet) of nonresidential development for which the building permit is being sought.
  (2) Director of Planning and Development shall calculate the amount of the Public Art Impact Fee due pursuant to the building permit application and the requirements of this Ordinance in effect at the time of submission.
  (3) A building permit application must be resubmitted to the Director of Planning and Development and the amount of the Public Art Impact Fee recalculated if the applicant alters the proposed development by increasing the finished floor area of non-residential development.
(d) An applicant may file a petition for review with the City Administrator or his

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

12-609. ANNUAL REVIEW.

(a) Prior to January 1, 2000 and every year thereafter, the City Administrator, or his duly designated agent, shall prepare a report to the Governing Body on Public Art Impact Fees. In the preparation of such report, the City Administrator or his duly designated agent shall review the following information:
(1) a statement from the City Treasurer summarizing Public Art Impact Fees collected and disbursed during the year;
(2) a statement from the Director of Public Works summarizing public art acquisition and development in connection with public works 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 in the year and summarizing the administration and enforcement of the Public Art Impact Fee.
(4) a statement and recommendation from the Public Art Subcommittee of the Leawood Arts Council on any and all aspects of the Public Art Impact Fee and public art needs.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance, and changes in the administration or enforcement of the Ordinance; changes in the Public Art Impact Fee rate.

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

(d) In the annual review process, the Governing Body shall take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed public art.

12-610. RESTRICTIONS ON USE OF AND ACCOUNTING FOR PUBLIC ART IMPACT FEE FUNDS.

(a) The funds collected by reason of the establishment of the Public Art Impact Fee must be used solely for the purpose of funding public art or reimbursement to the City for public art.

(b) Upon receipt of Public Art Impact Fees, the Director of Planning and Development shall transfer such funds to the City Treasurer who shall be responsible for the placement of such funds in a segregated interest bearing account designated as the "Public Art Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for public art acquisition, development and maintenance. 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 Public Art Impact Fee funds disbursed from such account is utilized solely and exclusively for public art acquisition, development and maintenance or for reimbursement to the City of advances made from other revenue sources to find public art acquisition, development, and maintenance. 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.

12-611. REFUNDS.

(a) The current owner of property on which a Public Art Impact Fee has been paid may apply for a refund of such fee if:
(1) the city has failed to provide public art utilizing impact fee collected within five (5) years of the date of payment of the Public Art Impact Fee; or
(2) the building permit for nonresidential development pursuant to which the Public Art Impact Fee has been paid has lapsed for non-commencement of construction.

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

(c) the petition for refund must be submitted to the City Administrator or his duly designated agent on a form provided by the city for such purpose. The petition must contain: a statement that petitioner is the current owner of the property; a copy of the dated receipt for payment of the Public Art 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 petition, 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.

12-612. EXEMPTIONS.

(a) A property owner shall be exempt from the Public Art Impact Fee otherwise due for proposed nonresidential development on the subject property if such property owner has:
(1) provided an art project through private funding that is equal to or greater than the dollar value of the fee that is imposed by this ordinance;
(2) which art project has been approved in accordance with the City's Planning codes and restrictions; and
(3) which has been approved by the Arts Council, the Planning Commission and the Governing Body as a part of the development approval process as satisfying the requirements of this Ordinance.

(b) An exemption may only be given for building permit applications for nonresidential development on the subject property for which exemption has been approved as provided in section 12-612(a) of this Ordinance prior to application for issuance of a building permit.

12-613. APPEALS. After a determination by the Director of Planning and Development of the applicability of the Public Art Impact Fee or the amount of the Impact Fee due or after a determination, by the City Administrator of the amount of refund due, if any, 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 Public Art Impact Fee due as calculated by the Director of Planning and Development, the application shall be processed. The filing of an appeal shall not stay the collection of the Impact Fee due unless a bond or other sufficient surety has been filed.

12-614. EFFECT OF PUBLIC ART IMPACT FEE ON ZONING 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 provision public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

12-615. PUBLIC ART IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT. The Public Art Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of public art in conjunction with the development of land.

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

Passed by the Council the 2 day of November, 1998.

Approved by the Mayor the 2 day of November, 1998.

(S E A L)

Peggy Dunn
Peggy Dunn Mayor

Attest:

Martha Heizer
Martha Heizer
City Clerk

APPROVED FOR FORM:

R.E. Wetzler, City Attorney

(19906-1F-JC)

ORDINANCE NO. 1750 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 8 (LIGHTING NUISANCE) TO CHAPTER 11 (PUBLIC OFFENSES).

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 Article 8 to Chapter 11 (Public Offenses) which shall read as follows:

ARTICLE 8. LIGHTING NUISANCE

11-801. PURPOSE. It is the intent of this article to establish criteria that will provide a standard means for determining what constitutes a light nuisance.

11-802. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

Chief of Police - means the chief of police or any authorized representative.

Occupant - means any person who has a legal or equitable interest in a parcel of real property other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of the parcel of real property, as the agent or personal representative of the person holding legal title to a fee interest.

Owner - means any person who, alone or jointly or severally with others, shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof.

Person - means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

Planning Director - means the Director of Planning and Development or any authorized representative of the Director of Planning and Development.

Premises - means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct, including the structures or buildings thereon.

Primary Structure - means a dwelling, garage or attached shed.

Residential - means a place where a human(s) dwell.

11-803. APPLICABILITY OF ARTICLE TO CORPORATIONS. (a) When the owner or occupant of the premises on which a lighting nuisance has been determined to exist is a corporation, any

officer of such corporation or the person in charge of the local office of such corporation who shall have been notified as provided for at Section 11-806 shall be guilty of violating the provisions of this article upon the failure, neglect or refusal of such corporation to comply with such notice.

(b) Exception - Nothing in this article is to be applied or in any way construed against any governmental entity or any agent approved by any governmental entity or any public utility in the performance of a sanctioned or official activity.

11-804. LIGHTING NUISANCE. A lighting nuisance is any light fixture or light source erected or maintained by any property owner or occupant that: (a) Produces glare due to a lighting filament shining directly onto the residential premises of another person;

(b) Illuminates any portion of the premises of another person with a light intensity greater than 0.5 foot-candle as measured by a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination;

(c) Is not mounted on a primary structure except for low wattage, ground mounted landscape lighting that poses no driving hazard; or

(d) Is intermittent, except for motion detector lighting and temporary (not to exceed 45 days) holiday lighting.

11-805. PERMITTING, CAUSING OR MAINTAINING A LIGHTING NUISANCE PROHIBITED. (a) It shall be unlawful for any owner or occupant, as defined at 11-802, of any lot, tract or parcel of land, to cause or permit any nuisance as defined in this article to be created or remain upon such premises; and it shall be the duty of such owner or occupant to remove and abate any such lighting nuisance from such premises.

(b) No owner or occupant shall permit, cause, keep, maintain or create any lighting nuisance as defined in this article, or cause any such lighting nuisance to be committed, kept, maintained or created within the corporate limits of the city.

(c) No owner or occupant of any dwelling, building, lot or premises shall cause or allow any lighting nuisance to be or remain in or upon any such dwelling, building, lot or premises.

11-806. NOTICE OF VIOLATION. When an allegation of a lighting nuisance, as set forth at 11-804 herein, is received by the planning director, said director will conduct an inspection of the premises within three business days. Whenever the planning director has determined that a lighting nuisance exists on any premises within the city's corporate limits, he

or she shall issue written notice as provided herein and have said notice served on the owner or agent of such property by restricted mail or by personal service, or if the same is unoccupied and the owner is a nonresident, then by mailing said notice by restricted mail to the last known address of the owner. This notice shall:

(a) Be in writing.

(b) State the nature of such alleged lighting nuisance and that such condition constitutes nuisance lighting.

(c) Describe the premises where the lighting nuisance is alleged to exist or to have been committed.

(d) Specify a period 5 days (120 hours) for the removal and abatement of the nuisance.

(e) State that failure, neglect or refusal to remove and abate lighting nuisances renders the owner or occupant prosecutable in municipal court, and upon a finding of guilty, punishable by a fine of not more than $500.00 or imprisonment of not more than 180 days, or by both such fine and imprisonment.

(f) State that each day (twenty-four hour period) that such lighting nuisance exists after the 5 days (120 hours) waiting period constitutes a separate punishable offense as set forth herein.

11-807. FAILURE TO COMPLY. When a notice of violation is served under this article, at the end of the period of time allowed in the notice of violation, the director of planning shall reinspect the premises. If, upon reinspection, the cited nuisance is found not to have been removed and abated, the director of planning may cause a complaint to be filed for prosecution in municipal court.

11-808. EMERGENCIES. Whenever a lighting nuisance creates an emergency requiring immediate action to protect the public health, safety or welfare, the planning director or the chief of police may issue an immediate order directing the owner, occupant or other person in charge of the premises to take such action as is necessary to remove or abate the emergency. If circumstances warrant, the director of planning or chief of police may act to correct or abate the emergency. Said emergency order shall be in effect in lieu of the notice of violation.

11-809. PENALTY FOR VIOLATION OF ARTICLE. (a) Any person convicted of a violation of this article shall be punished for that violation by a fine of not less than $50.00 but not more than $500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment. All fines imposed shall be in accordance with the minimum fine schedule set out in subsection (c) of this section.

(b) Every day that a violation continues shall be con-

sidered a separate offense, for which the violator may be arrested, tried and convicted without serving another notice.

(c) Whenever the penalty is to be a fine or a fine and imprisonment, the fine shall be no less than the minimum amount set out in the following:

First offense.....$ 50.00
Second offense.....$100.00
Third offense.....$300.00
Fourth and subsequent offense.$500.00

(d) In determining the applicable minimum fine, an offense shall be considered a subsequent offense only if the defendant has previously pleaded or been found guilty of causing or permitting the same nuisance at the same location.

11-810. NUISANCE, INJUNCTION. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

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 2nd day of November, 1998.

Approved by the Mayor the 2nd day of November, 1998.

(S E A L)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 6th day of November 19 98, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 6th day of November 19 98

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 76.50

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First published in The Johnson County Sun, Friday, November 6, 1998

ORDINANCE NO. 1750 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING ARTICLE 8 (LIGHTING NUISANCE) TO CHAPTER 11 (PUBLIC OFFENSES).

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 Article 8 to Chapter 11 (Public Offenses) which shall read as follows:

ARTICLE 8. LIGHTING NUISANCE

11-801. PURPOSE. It is the intent of this article to establish criteria that will provide a standard means for determining what constitutes a light nuisance.

11-802. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

Chief of Police - means the chief of police or any authorized representative.

Occupant - means any person who has a legal or equitable interest in a parcel of real property other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of the parcel of real property, as the agent or personal representative of the person holding legal title to a fee interest.

Owner - means any person who, alone or jointly or severally with others, shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof.

Person - means and includes any individual, firm, estate, corporation, association, partnership, cooperative or governmental agency.

Planning Director - means the Director of Planning and Development or any authorized representative of the Director of Planning and Development.

Premises - means any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public [illegible] or viaduct, including the structures or buildings thereon.

Primary Struct[illegible] - means a dwelling, garage or attached shed.

Resi[illegible]ial - means a place where a human(s) dwell.

11-803. APPLICABILITY OF ARTICLE TO CORPORATIONS. (a) When the owner or occupant of the premises on which a lighting nuisance has been determined to exist is a corporation, any officer of such corporation or the person in charge of the notice by restricted mail to the last known address of the owner. This notice shall:

(a) Be in writing.

(b) State the nature of such alleged lighting nuisance and that such condition constitutes nuisance lighting.

(c) Describe the premises where the lighting nuisance is alleged to exist or to have been committed.

(d) Specify a period 5 days (120 hours) for the removal and abatement of the nuisance.

(e) State that failure, neglect or refusal to remove and abate lighting nuisances renders the owner or occupant prosecutable in municipal court, and upon a finding of guilty, punishable by a fine of not more than $500.00 or imprisonment of not more than 180 days, or by both such fine and imprisonment.

(f) State that each day (twenty-four hour period) that such lighting nuisance exists after the 5 days (120 hours) waiting period constitutes a separate punishable offense as set forth herein.

11-807. FAILURE TO COMPLY. When a notice of violation is served under this article, at the end of the period of time allowed in the notice of violation, the director of planning shall reinspect the premises. If, upon reinspection, the cited nuisance is found not to have been removed and abated, the director of planning may cause a complaint to be filed for prosecuti[illegible]

ORDINANCE NO. 1749

AN ORDINANCE GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO TOMAHAWK CREEK, L.L.C., IN THE VICINITY OF TOMAHAWK CREEK PARKWAY AND COLLEGE BOULEVARD FOR THE CONSTRUCTION OF SANITARY SEWER LINES.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a temporary construction easement to Tomahawk Creek, L.L.C., over and through the following premises in the County of Johnson in the State of Kansas, to wit:

> A 40 foot wide tract of land, 20 feet each side of centerline in part of the Northwest Quarter of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, the centerline of which is more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence North 87°50'04" East, along the North line of the Northwest Quarter of said Section 15, a distance of 1723.16 feet; thence South 02°09'56" East, a distance of 39.60 feet, to the Point of Beginning; thence South 05°04'51" East, a distance of 25.00 feet; thence South 78°24'14" West, a distance of 149.00 feet; thence South 89°02'53" West, a distance of 200.00 feet; thence South 04°26'21" West, a distance of 150.00 feet; thence South 29°35'44" West, a distance of 75.17 feet, to the Point of Terminus. Except for those portions lying within the limits of the right-of-way for Tomahawk Creek Parkway and for College Boulevard (111th Street).

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 22nd day of October, 1998.

Approved by the Mayor the 22nd day of October, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 days (weeks/days), the first publication thereof being made as aforesaid on the 4th day of November 19 98, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 4th day of November 19 98

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 18.36

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First published in The Johnson County Sun, Wednesday, November 4, 1998

ORDINANCE NO. 1749

AN ORDINANCE GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO TOMAHAWK CREEK, L.L.C., IN THE VICINITY OF TOMAHAWK CREEK PARKWAY AND COLLEGE BOULEVARD FOR THE CONSTRUCTION OF SANITARY SEWER LINES.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a temporary construction easement to Tomahawk Creek, L.L.C., over and through the following premises in the County of Johnson in the State of Kansas, to wit:

A 40 foot wide tract of land, 20 feet each side of centerline in part of the Northwest Quarter of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, the centerline of which is more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence North 87°50'04" East, along the North line of the Northwest Quarter of said Section 15, a distance of 1723.16 feet; thence South 02°09'56" East, a distance of 39.60 feet, to the Point of Beginning; thence South 05°04'51" East, a distance of 25.00 feet; thence South 78°24'14" West, a distance of 149.00 feet; thence South 89°02'53" West, a distance of 200.00 feet; thence South 04°26'21" West, a distance of 150.00 feet; thence South 29°35'44" West, a distance of 75.17 feet, to the Point of Terminus. Except for those portions lying within the limits of the right-of-way for Tomahawk Creek Parkway and for College Boulevard (111th Street).

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 22nd day of October, 1998.

Approved by the Mayor the 22nd day of October, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

Ed Hertzler — City Attorney

(19894-1W-JC)

ORDINANCE NO. 1748

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT IN THE VICINITY OF TOMAHAWK CREEK PARKWAY AND COLLEGE BOULEVARD FOR CONSTRUCTION AND MAINTENANCE OF VARIOUS UTILITY FACILITIES.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

> A 10 foot wide tract of land, 5 feet each side of centerline in part of the Northwest Quarter of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, the centerline of which is more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence North 87°50'04" East, along the North line of the Northwest Quarter of said Section 15, a distance of 1723.16 feet; thence South 02°09'56" East, a distance of 39.60 feet, to the Point of Beginning; thence South 05°04'51" East, a distance of 25.00 feet; thence South 78°24'14" West, a distance of 149.00 feet; thence South 89°02'53" West, a distance of 200.00 feet; thence South 04°26'21" West, a distance of 150.00 feet; thence South 29°35'44" West, a distance of 75.17 feet, to the Point of Terminus. Except for those portions lying within the limits of the right-of-way for Tomahawk Creek Parkway and for College Boulevard (111th Street).

Section 2. That a copy of said permanent utility 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 22nd day of October, 1998.

Approved by the Mayor the 22nd day of October, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 paid 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 November 19 98, with subsequent publication being made on the following dates:

_____, 19___ _____, 19___

_____, 19___ _____, 19___

Georgiann Thacker

Subscribed and sworn to before me this 4th day of November 19 98

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fee 19.89

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First published in The Johnson County Sun, Wednesday, November 4, 1998

ORDINANCE NO. 1748

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT IN THE VICINITY OF TOMAHAWK CREEK PARKWAY AND COLLEGE BOULEVARD FOR CONSTRUCTION AND MAINTENANCE OF VARIOUS UTILITY FACILITIES.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement upon, over and under the following described real estate, to wit:

A 10 foot wide tract of land, 5 feet each side of centerline in part of the Northwest Quarter of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, the centerline of which is more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence North 87°50'04" East, along the North line of the Northwest Quarter of said Section 15, a distance of 1723.16 feet; thence South 02°09'56" East, a distance of 39.60 feet, to the Point of Beginning; thence South 05°04'51" East, a distance of 25.00 feet; thence South 78°24'14" West, a distance of 149.00 feet; thence South 83°02'53" West, a distance of 200.00 feet; thence South 04°26'21" West, a distance of 150.00 feet; thence South 29°35'44" West, a distance of 75.17 feet, to the Point of Terminus. Except for those portions lying within the limits of the right-of-way for Tomahawk Creek Parkway and for College Boulevard (111th Street).

Section 2. That a copy of said permanent utility 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 22nd day of October, 1998.

Approved by the Mayor the 22nd day of October, 1998.

(S E A L)

Peggy O. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.W. Hartler — City Attorney

(1900-1W-JC)

This original ordinance was not prepared by Planning for signatures and publication until January 2000.

ORDINANCE NO. 1747

AN ORDINANCE AMENDING SECTIONS 3-1, 3-2, 3-3, 3-4, 3-13, AND 3-16 OF THE LEAWOOD DEVELOPMENT ORDINANCE, SPECIFICALLY PROVIDING FOR CHANGES TO THE ALLOWED ROOFING; AND REPEALING EXISTING SECTION.

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

Section 1. Leawood Development Ordinance Amended. That Section 3-1, 3-2, 3-3, 3-4, 3-13, and 3-16 of the Leawood Development Ordinance, is hereby amended to read as follows:

3-1 RP-A (PLANNED LARGE LOT SINGLE FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-A Planned Large Lot Single Family Residential shall be to provide for single family detached dwellings on large lots and at the same time ensure proper placement on the property so as not to hinder future redevelopment including the extension of streets and utilities that would be required for rezoning to a greater density. Property zoned RP-A should be those tracts that correspond to the Rural Density Residential land use category identified in the Master Development Plan.

B) Principal Permitted Uses: In District RP-A no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single family residential dwellings (detached).

2) Group Homes as defined herein.

3) Railroads and public or quasi-public utilities including substations.

4) Noncommercial nurseries and gardens.

5) Oil and gas wells.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-A District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 50 feet

2) Side Setback: 25 feet

3) Rear Setback: 50 feet

4) Lot Area: 1 acre per dwelling (net)

5) Lot Frontage: 150 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials, and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Article 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required for development in this district.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by Resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-2 R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as R-1 Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned R-1 should be those tracts that correspond to the low density land use category identified in the Master Development Plan.

B) Principal Permitted Uses: In District R-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Dwellings

2) Group Homes as defined herein.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body.

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the R-1 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 35 feet except that the side yard on street side of corner lot shall be 30 feet.

2) Side Setback: 15 feet

3) Rear Setback: 30 feet except that when structure is placed at approximately a 45 degree angle toward street then irregular lot setbacks shall apply.

4) Irregular Lot Setbacks: On lots bounded by two intersecting streets, irregular rear property line or of other than generally rectangular shape the rear yard setback shall average distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewall lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 15 feet from any property line.

5) Lot Area: 15,000 square feet per dwelling

6) Lot Frontage: 100 feet

7) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot *area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land* areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) *Synthetic slate within similar color range of slate, clay or concrete tile.*

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed but end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-3 RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL DIST.)

A) General Purpose and Description: Property zoned and developed as RP-1 Planned Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned RP-1 should be those tracts that correspond to the low density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-3.1 of this ordinance.

B) Principal Permitted Uses: In District RP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Dwellings

2) Group Homes as defined herein.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-1 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 35 feet except that the side yard on street side of corner lot may be 30 feet.

2) Side Setback: 12 feet

3) Rear Setback: 30 feet except that when structure is placed at approximately a 45 degree angle toward street then irregular lot setbacks shall apply.

4) Irregular Lot Setbacks: On lots bounded by two intersecting streets, irregular rear property line or of other than generally rectangular shape the rear yard setback shall average a distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewall lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 12 feet from any property line.

5) Lot Area: 12,000 square feet per dwelling

6) Lot Frontage: 100 feet

7) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed buttend of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-4 RP-2 (PLANNED TWO FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-2 Planned Two Family Residential shall be to provide for duplexes (two family attached dwelling units) and other selected uses which are *compatible with medium density residential character of this district. Property zoned RP-2 should be those* tracts that correspond to the Medium Density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-3.1 of this ordinance. Two family dwellings which otherwise comply with the codes and ordinances of the City of Leawood may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownerships shall not constitute violation of the lot and yard requirements of this ordinance.

B) Principal Permitted Uses: In District RP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:

1) Two Family Dwellings

2) Group Homes as defined herein

3) Single Family dwellings when incorporated with a planned two family project

4) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) *Special Uses: (See Section 4-3 of this ordinance.)*

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-2 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 10 feet

3) Rear Setback: 30 feet

4) Lot Area: 6,000 square feet/dwelling unit

5) Lot Frontage: 100 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence or two family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles per unit in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence or two family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family and two family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way)as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) *Have the appearance and color range of natural weathered cedar shingles or* weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-13 AG (AGRICULTURAL DISTRICT)

A) General Purpose and Description: The AG District is intended to conserve farm land for agricultural purposes and to serve as a "holding" zone to prevent the premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined. In order to promote these purposes, the regulations for this district allow a very limited range of uses so that the present development character of the land may be maintained and future development options preserved pending comprehensive study and analysis of the area.

B) Principal Permitted Uses: In District AG no building, structure, land or premises shall be used or hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:

1) Agricultural use, including the raising of field crops and fruit orchards, grazing and stabling of livestock, horticulture, dairy farming, forestry, animal husbandry, and similar farming activities.

2) Railroads and public or quasi-public utilities including substations.

3) Noncommercial nursery.

4) Single family dwelling located on a lot of 40 acres or more.

5) Group Homes as defined herein.

6) Oil and gas wells.

7) Public or private park, golf course (except miniature golf and driving ranges), or similar natural recreation areas.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses:

F) Bulk Regulations:

1) Front Setback: 50 feet

2) Side Setback: 50 feet

3) Rear Setback: 50 feet

4) Lot Area: 40 acres per dwelling

5) Lot Frontage: 330 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for

two standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: The agricultural district is exempt from landscaping and screening requirements.

J) Sewage Disposal: No permit for a dwelling or other building or land use which will produce impure wastewater shall be issued until a septic tank permit has been approved by the Governing Body after recommendation from the County Health Department or connection to sanitary sewer system.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of 5 color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at either exposed buttend of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

3) Farm homes shall be exempt from roofing requirements for maintenance purposes only. New construction, including additions, shall comply with these provisions.

L) Type of Construction -- Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 2/1 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, woos shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-16 RP-A5 (PLANNED RURAL DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-A5 Planned Rural Density Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned RP-A5 should be those tracts that correspond to the rural density residential land use category identified in the Master Development Plan.

B) Principal Permitted Uses: In District RP-A5 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Residential Dwellings (detached).

2) Group Homes as defined herein.

3) Railroads and public or quasi-public utilities including substations.

4) Noncommercial nurseries and gardens.

5) Oil and gas wells.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-A5 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

F) Bulk Regulations:

1) Front Setback: 150 feet

2) Side Setback: 35 feet

3) Rear Setback: 100 feet

4) Lot Area: 5 acres per dwelling (gross)

5) Lot Frontage: 150 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant or an acceptable septic tank system approved by Johnson county is required for development in the district.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt-end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, *shall be installed under the perimeter of the home.*

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

Section 2. Existing Section Repealed. That existing Sections 3-1, 3-2, 3-3, 3-4, 3-13, and 3-16 of the Leawood Development Ordinance are hereby repealed.

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

Passed by the Council the 22nd day of October, 1998.

Approved by the Mayor the 22nd day of October, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

ORD1747

Publication Fees: $404.13

The Legal Record
Lewis Legal News, Inc.
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Penny Knight, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1747--1/18/00

Penny Knight
Legal Notices Administrator

Subscribed and sworn to before me on this date:
JANUARY 19, 2000

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 2003.

$404.13

ORDINANCE NO. 1747

First published in The Legal Record, Tuesday, January 18, 2000.

ORDINANCE NO. 1747

AN ORDINANCE AMENDING SECTIONS 3-1, 3-2, 3-3, 3-4, 3-13, AND 3-16 OF THE LEAWOOD DEVELOPMENT ORDINANCE, SPECIFICALLY PROVIDING FOR CHANGES TO THE ALLOWED ROOFING; AND REPEALING EXISTING SECTION.

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

Section 1. Leawood Development Ordinance Amended. That Section 3-1, 3-2, 3-3, 3-4, 3-13, and 3-16 of the Leawood Development Ordinance, is hereby amended to read as follows:

3-1 RP-A (PLANNED LARGE LOT SINGLE FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-A Planned Large Lot Single Family Residential shall be to provide for single family detached dwellings on large lots and at the same time ensure proper placement on the property so as not to hinder future redevelopment including the extension of streets and utilities that would be required for rezoning to a greater density. Property zoned RP-A should be those tracts that correspond to the Rural Density Residential land use category identified in the Master Development Plan.

B) Principal Permitted Uses: In District RP-A no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single family residential dwellings (detached).

2) Group Homes as defined herein.

3) Railroads and public or quasi-public utilities including substations.

4) Noncommercial nurseries and gardens.

5) Oil and gas wells.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-A District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 50 feet

2) Side Setback: 25 feet

3) Rear Setback: 50 feet

4) Lot Area: 1 acre per dwelling (net)

5) Lot Frontage: 150 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials, and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Article 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required for development in this district.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by Resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-2 R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as R-1 Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned R-1 should be those tracts that correspond to the low density land use category identified in the Master Development Plan.

B) Principal Permitted Uses: In District R-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Dwellings

2) Group Homes as defined herein.

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3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body.

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the R-1 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 35 feet except that the side yard on street side of corner lot shall be 30 feet.

2) Side Setback: 15 feet

3) Rear Setback: 30 feet except that when structure is placed at approximately a 45 degree angle toward street then irregular lot setbacks shall apply.

4) Irregular Lot Setbacks: On lots bounded by two intersecting streets, irregular rear property line or of other than generally rectangular shape the rear yard setback shall average distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewall lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 15 feet from any property line.

5) Lot Area: 15,000 square feet per dwelling

6) Lot Frontage: 100 feet

7) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed but end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than two and one-half (2 1/2) times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-3 RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL DIST.)

A) General Purpose and Description: Property zoned and developed as RP-1 Planned Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned RP-1 should be those tracts that correspond to the low density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 5-3.1 of this ordinance.

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B) Principal Permitted Uses: In District RP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Dwellings

2) Group Homes as defined herein.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-1 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 35 feet except that the side yard on street side of corner lot may be 30 feet.

2) Side Setback: 12 feet

3) Rear Setback: 30 feet except that when structure is placed at approximately a 45 degree angle toward street then irregular lot setbacks shall apply.

4) Irregular Lot Setbacks: On lots bounded by two intersecting streets, irregular rear property line or of other than generally rectangular shape the rear yard setback shall average a distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewall lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 12 feet from any property line.

5) Lot Area: 12,000 square feet per dwelling

6) Lot Frontage: 100 feet

7) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butteend of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

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3-4 RP-2 (PLANNED TWO FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-2 Planned Two Family Residential shall be to provide for duplexes (two family attached dwelling units) and other selected uses which are compatible with medium density residential character of this district. Property zoned RP-2 should be those tracts that correspond to the Medium Density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-3.1 of this ordinance. Two family dwellings which otherwise comply with the codes and ordinances of the City of Leawood may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownerships shall not constitute violation of the lot and yard requirements of this ordinance.

B) Principal Permitted Uses: In District RP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:

1) Two Family Dwellings

2) Group Homes as defined herein

3) Single Family dwellings when incorporated with a planned two family project

4) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-2 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 10 feet

3) Rear Setback: 30 feet

4) Lot Area: 6,000 square feet/dwelling unit

5) Lot Frontage: 100 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence or two family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles per unit in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence or two family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family and two family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-ways)as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

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3-13 AG (AGRICULTURAL DISTRICT)

A) General Purpose and Description: The AG District is intended to conserve farm land for agricultural purposes and to serve as a "holding" zone to prevent the premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined. In order to promote these purposes, the regulations for this district allow a very limited range of uses so that the present development character of the land may be maintained and future development options preserved pending comprehensive study and analysis of the area.

B) Principal Permitted Uses: In District AG no building, structure, land or premises shall be used or hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:

1) Agricultural use, including the raising of field crops and fruit orchards, grazing and stabling of livestock, horticulture, dairy farming, forestry, animal husbandry, and similar farming activities.

2) Railroads and public or quasi-public utilities including substations.

3) Noncommercial nursery.

4) Single family dwelling located on a lot of 40 acres or more.

5) Group Homes as defined herein.

6) Oil and gas wells.

7) Public or private park, golf course (except miniature golf and driving ranges), or similar natural recreation areas.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses:

F) Bulk Regulations:

1) Front Setback: 50 feet

2) Side Setback: 50 feet

3) Rear Setback: 50 feet

4) Lot Area: 40 acres per dwelling

5) Lot Frontage: 330 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: The agricultural district is exempt from landscaping and screening requirements.

J) Sewage Disposal: No permit for a dwelling or other building or land use which will produce impure wastewater shall be issued until a septic tank permit has been approved by the Governing Body after recommendation from the County Health Department or connection to sanitary sewer system.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of 5 color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at either exposed butteend of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

3) Farm homes shall be exempt from roofing requirements for maintenance purposes only. New construction, including additions, shall comply with these provisions.

L) Type of Construction – Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 2/1 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

3-18 RP-A5 (PLANNED RURAL DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-A5 Planned Rural Density Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned RP-A5 should be those tracts that correspond to the rural density residential land use category identified in the Master Development Plan.

B) Principal Permitted Uses: In District RP-A5 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Residential Dwellings (detached).

2) Group Homes as defined herein.

3) Railroads and public or quasi-public utilities including substations.

4) Noncommercial nurseries and gardens.

5) Oil and gas wells.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

ORDINANCE NO. 1747

CONTINUED FROM PRECEDING PAGE

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-A5 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

F) Bulk Regulations:

1) Front Setback: 150 feet

2) Side Setback: 35 feet

3) Rear Setback: 100 feet

4) Lot Area: 5 acres per dwelling (gross)

5) Lot Frontage: 150 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All and areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant or an acceptable septic tank system approved by Johnson county is required for development in the district.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) A bonded stone-coated finish, steel roofing tile shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

D) Terra Cotta

E) Granite

F) Charcoal

G) Cedar

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt-end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

Section 2. Existing Section Repealed. That existing Sections 3-1, 3-2, 3-3, 3-4, 3-13, and 3-16 of the Leawood Development Ordinance are hereby repealed.

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

Passed by the Council the 22nd day of October, 1998.

Approved by the Mayor the 22nd day of October, 1998.

(SEAL)

Peggy J. Dunn — Mayor

Attest:

Martha Helzer — City Clerk

ORDINANCE NO. 1746

AN ORDINANCE REZONING PROPERTY (TOWN CENTER PARK - HILTON HOTEL) LOCATED AT THE NORTHEAST CORNER OF 117TH STREET AND NALL AVENUE FROM SD-0 (SPECIAL DEVELOPMENT DISTRICT OFFICE) 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:

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

All that part of the Northwest Quarter and that part of the Southwest Quarter of Section 16, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence North 87°46'00" East along the North line of said Southwest Quarter, a distance of 60 feet to a point on the East right-of-way line of Nall Avenue, as now established and the POINT OF BEGINNING the parcel of land to be herein described; thence North 1° 30'49" West along said East right-of-way line, 40.18 feet to a point of intersection with the Southerly right-of-way line of Town Center Drive, as now established; thence the following courses and distances along the Southerly and Southwesterly right-of-way line of said Town Center Drive; thence North 88° 18'31" East, 9.66 feet; thence Easterly and Southeasterly along a curve to the right, tangent to the last described course, having a radius of 282.50 feet and a central angle of 30°21'28", an arc distance of 149.68 feet; thence South 53° 28'34" East, tangent to the last described curve, a distance of 309.71 feet to an angle point therein; thence South 53° 57'48" East, 1555.79 feet; thence Southeasterly along a curve to the left, tangent to the last described course, having a radius of 1085 feet and a central angle of 0°19'09", an arc distance of 6.04 feet to a point of intersection with the Northwesterly right-of-way line of 117th Street, as now established; thence the following courses and distances along the Northwesterly and Northerly right-of-way line of said 117th Street; thence South 33°36'17" West, 1.23 feet; thence Southwesterly along a curve to the right, tangent to the last described course, having a radius of 430 feet and a central angle of 57°00'54", an arc distance of 427.89 feet; thence North 89°22'49" West, tangent to the last described curve, a distance of 912.40 feet; thence generally Westerly along a curve to the left, tangent to the last described course, having a radius of 5040 feet and a central angle of 2°08'00", an arc distance of 187.66 feet; thence South 88° 29'11" West, tangent to the last described curve, a distance of 166.92

feet to a point of intersection with East right-of-way line of said Nall Avenue; thence North 1° 30'49" West along said East right-of-way line a distance of 1286.66 feet to the POINT OF BEGINNING

now zoned SD-0, is hereby rezoned 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 ~~28th~~ 21st mh day of September, 1998.

Approved by the Mayor the ~~28th~~ 21st mh day of September, 1998.

(SEAL)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORD1746

Publication Fees: $27.82

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1746--9/29/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

September 30, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$27.82

ORDINANCE NO. 1746

First published in The Legal Record, Tuesday, September 29, 1998.

ORDINANCE NO: 1746

AN ORDINANCE REZONING PROPERTY (TOWN CENTER PARK - HILTON HOTEL) LOCATED AT THE NORTHEAST CORNER OF 117TH STREET AND NALL AVENUE FROM SD-O (SPECIAL DEVELOPMENT DISTRICT OFFICE) 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 that part of the Northwest Quarter and that part of the Southwest Quarter of Section 16, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence North 87°46'00" East along the North line of said Southwest Quarter, a distance of 60 feet to a point on the East right-of-way line of Nall Avenue, as now established and the POINT OF BEGINNING the parcel of land to be herein described; thence North 1° 30'49" West along said East right-of-way line, 40.18 feet to a point of intersection with the Southerly right-of-way line of Town Center Drive, as now established; thence the following courses and distances along the Southerly and Southwesterly right-of-way line of said Town Center Drive; thence North 88° 18'31" East, 9.66 feet; thence Easterly and Southeasterly along a curve to the right, tangent to the last described course, having a radius of 282.50 feet and a central angle of 30°21'28", an arc distance of 149.68 feet; thence South 53° 28'34" East, tangent to the last described curve, a distance of 309.71 feet to an angle point therein; thence South 53° 57'48" East, 1555.79 feet; thence Southeasterly along a curve to the left, tangent to the last described course, having a radius of 1085 feet and a central angle of 0°19'09", an arc distance of 6.04 feet to a point of intersection with the Northwesterly right-of-way line of 117th Street, as now established; thence the following courses and distances along the Northwesterly and Northerly right-of-way line of said 117th Street; thence South 33°36'17" West, 1.23 feet; thence Southwesterly along a curve to the right, tangent to the last described course, having a radius of 430 feet and a central angle of 57°00'54", an arc distance of 427.89 feet; thence North 89°22'49" West, tangent to the last described curve, a distance of 912.40 feet; thence generally Westerly along a curve to the left, tangent to the last described course, having a radius of 5040 feet and a central angle of 2°08'00", an arc distance of 187.66 feet; thence South 88° 29'11" West, tangent to the last described curve, a distance of 166.92 feet to a point of intersection with East right-of-way line of said Nall Avenue; thence North 1° 30'49" West along said East right-of-way line a distance of 1266.66 feet to the POINT OF BEGINNING

now zoned SD-O, is hereby rezoned 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 ~~20th~~ 21st day of September, 1998.

Approved by the Mayor the ~~20th~~ 21st day of September, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

ORDINANCE NO. 1745

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF 117TH FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE, AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS ON NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD (TOWN CENTER PLAZA IMPROVEMENT DISTRICT, PROJECT 146).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

The construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue, and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations on Nall Avenue, 119th Street, Roe, and Town Center Drive from Roe to 117th, the widening of Town Center Drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue to 119th Street.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $4,962,279; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $4,400,000 and such property within the improvement district shall be assessed on a square foot basis in accordance with the percentage apportionments described in Schedule I attached hereto; and

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

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

Section 1. Special assessments to pay the cost of the aforedescribed improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office and attached hereto and incorporated herein by this reference.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate prescribed by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 5:00 p.m., Monday, September 21, 1998, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 5:00 p.m., Monday, September 21, 1998, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 17th day of August, 1998.

APPROVED by the Mayor this 17th day of August, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

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

212221.02

Schedule I

SUMMARY OF APPORTIONMENTS BY TRACT NUMBER AND LEGAL DESCRIPTION AND DETAILED DESCRIPTION OF ESTIMATED AND PROBABLE COST OF PROJECT

TRACT 1

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 Final Plat of Town Center Plaza, a Subdivision in the City of Leawood, Johnson County, Kansas

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 1 - 28%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 1 - 25%

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 1 - 50%

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 1 - 25%

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 1 - None

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 1 - 50%

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 1 - None

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 1 - None

TRACT 2

An Unplatted Parcel described as follows:

All that part of the West Half of Section 16, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, being bounded on the South by the North Right-of-Way Line of 117th Street and on the West by the East Right-of-Way of Nall Avenue and on the Northeast by the Southwesterly Right-of-Way Line of Town Center Drive, as said Street, Avenue and Drive are all now Established. Containing 29.27 Acres, more or less.

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 2 - 50%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 2 - 25%

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 2 - None

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 2 - None

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 2 - 25%

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 2 - None

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 2 - 100%

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 2 - None

TRACT 3

Lot 11, Final Plat of Town Center Plaza, a Subdivision in the City of Leawood, Johnson Count, Kansas

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 3 - 22%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 3 - None

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 3 - None

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 3 - None

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 3 - None

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 3 - None

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 3 - None

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 3- None

ASSESSMENT ROLL

Improvement District
Town Center Plaza
Project 146

Assessment Factor:
Actual Cost of Improvement.

Property I.D.#	Ownership	Tract 1 Area	Assessment
HP98200000-0001	George Kaplan, Trustee	3.53%	$ 116,206.67
HP98200000-0002	Block One Company, L.L.C.	2.88%	$ 94,537.09
HP98200000-0003	Jog Realty, L.L.C.	2.92%	$ 95,852.74
HP98200000-0004	State Street Bank and Trust Company, Trustee	2.86%	$ 93,977.93
HP98200000-0005	Town Center Plaza, L.L.C.	3.16%	$ 103,809.57
HP98200000-0006	Hereford House Restaurant Company of Kansas, Inc.	1.76%	$ 57,741.49
HP98200000-0007	James D. Neighbors, Trustee Eleanor J. Neighbors, Trustee	1.75%	$ 57,544.15
HP98200000-0008	Bank IV Kansas National Association	2.06%	$ 67,639.66
HP98200000-0009	Roe 118, L.L.C.	2.35%	$ 77,175.40
HP98200000-0010	Town Center Plaza, L.L.C.	3.19%	$ 104,927.93
HP98200000-0012	Town Center Plaza, L.L.C.	73.56%	$2,521,079.47
TOTAL TRACT I		100.00%	$3,390,492.10

Property I.D.#	Ownership	Tract 2 Area	Assessment
HF251316-2001	Marned Corporation	100.00%	$861,057.94
TOTAL TRACT 2		100.00%	$861,057.94

Property I.D.#	Ownership	Tract 3 Area	Assessment
HP91900000-011A	AMC Realty, Inc.	64.55%	$ 95,822.73
HP91900000-011B	Galyans Trading Co., Inc.	35.45%	$ 52,626.87
TOTAL TRACT 3		100.00%	$148,449.60

2885392

ORDINANCE NO. 1745

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF 117TH FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE, AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS ON NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD (TOWN CENTER PLAZA IMPROVEMENT DISTRICT, PROJECT 146).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

The construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue, and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations on Nall Avenue, 119th Street, Roe, and Town Center Drive from Roe to 117th, the widening of Town Center Drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue to 119th Street.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $4,962,279; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $4,400,000 and such property within the improvement district shall be assessed on a square foot basis in accordance with the percentage apportionments described in Schedule I attached hereto; and

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

212221.02

2000 CK

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

Section 1. Special assessments to pay the cost of the aforedescribed improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office and attached hereto and incorporated herein by this reference.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate prescribed by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 5:00 p.m., Monday, September 21, 1998, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 5:00 p.m., Monday, September 21, 1998, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 17th day of August, 1998.

APPROVED by the Mayor this 17th day of August, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

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

212221.02

Schedule I

SUMMARY OF APPORTIONMENTS BY TRACT NUMBER AND LEGAL DESCRIPTION AND DETAILED DESCRIPTION OF ESTIMATED AND PROBABLE COST OF PROJECT

TRACT 1

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 Final Plat of Town Center Plaza, a Subdivision in the City of Leawood, Johnson County, Kansas

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 1 - 28%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 1 - 25%

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 1 - 50%

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 1 - 25%

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 1 - None

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 1 - 50%

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 1 - None

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 1 - None

TRACT 2

An Unplatted Parcel described as follows:

All that part of the West Half of Section 16, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, being bounded on the South by the North Right-of-Way Line of 117th Street and on the West by the East Right-of-Way of Nall Avenue and on the Northeast by the Southwesterly Right-of-Way Line of Town Center Drive, as said Street, Avenue and Drive are all now Established. Containing 29.27 Acres, more or less.

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 2 - 50%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 2 - 25%

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 2 - None

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 2 - None

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 2 - 25%

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 2 - None

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 2 - 100%

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 2 - None

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TRACT 3

Lot 11, Final Plat of Town Center Plaza, a Subdivision in the City of Leawood, Johnson Count, Kansas

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 3 - 22%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 3 - None

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 3 - None

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 3 - None

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 3 - None

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 3 - None

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 3 - None

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 3- None

ASSESSMENT ROLL

Improvement District
Town Center Plaza
Project 146

Assessment Factor:
Actual Cost of Improvement.

Property I.D.#	Ownership	Tract 1 Area	Assessment
HP98200000-0001	George Kaplan, Trustee	3.53%	$ 116,206.67
HP98200000-0002	Block One Company, L.L.C.	2.88%	$ 94,537.09
HP98200000-0003	Jog Realty, L.L.C.	2.92%	$ 95,852.74
HP98200000-0004	State Street Bank and Trust Company, Trustee	2.86%	$ 93,977.93
HP98200000-0005	Town Center Plaza, L.L.C.	3.16%	$ 103,809.57
HP98200000-0006	Hereford House Restaurant Company of Kansas, Inc.	1.76%	$ 57,741.49
HP98200000-0007	James D. Neighbors, Trustee Eleanor J. Neighbors, Trustee	1.75%	$ 57,544.15
HP98200000-0008	Bank IV Kansas National Association	2.06%	$ 67,639.66
HP98200000-0009	Roe 118, L.L.C.	2.35%	$ 77,175.40
HP98200000-0010	Town Center Plaza, L.L.C.	3.19%	$ 104,927.93
HP98200000-0012	Town Center Plaza, L.L.C.	73.56%	$2,521,079.47
TOTAL TRACT I		100.00%	$3,390,492.10

Property I.D.#	Ownership	Tract 2 Area	Assessment
HF251316-2001	Marned Corporation	100.00%	$861,057.94
TOTAL TRACT 2		100.00%	$861,057.94

Property I.D.#	Ownership	Tract 3 Area	Assessment
HP91900000-011A	AMC Realty, Inc.	64.55%	$ 95,822.73
HP91900000-011B	Galyans Trading Co., Inc.	35.45%	$ 52,626.87
TOTAL TRACT 3		100.00%	$148,449.60

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. 1745 with Schedule I and improvement district assessment roll as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 21st day of August, 1998.

(S E A L)

Martha Heizer

STATE OF KANSAS
COUNTY OF JOHNSON] SS
FILED FOR RECORD

2000

1998 SEP 18 P 3: 16 .0

SARA F. ULLMANN
REGISTER OF DEEDS

RET. CITY OF LEAWOOD
4800 TOWN CENTER
66211

BOOK 5852 PAGE 988

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 21st day of August 1998, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 21st day of August 1998

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fees 88.40

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First published in The Johnson County Sun, Friday, August 21, 1998

ORDINANCE NO. 1745

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF 117TH FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE, AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS ON NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD (TOWN CENTER PLAZA IMPROVEMENT DISTRICT, PROJECT 146).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

The construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue, and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations on Nall Avenue, 119th Street, Roe, and Town Center Drive from Roe to 117th, the widening of Town Center Drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue to 119th Street.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $4,962,279; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $4,400,000 and such property within the improvement district shall be assessed on a square foot basis in accordance with the percentage apportionments described in Schedule I attached hereto; and

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

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

Section 1. Special assessments to pay the cost of the aforedescribed improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office and attached hereto and incorporated herein by this reference.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate prescribed by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 5:00 p.m., Monday, September 21, 1998, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 5:00 p.m., Monday, September 21, 1998, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 17th day of August, 1998.

APPROVED by the Mayor this 17th day of August, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED FOR FORM: _____, City Attorney
J.S. Wetzler

Schedule I

SUMMARY OF APPORTIONMENTS BY TRACT NUMBER AND LEGAL DESCRIPTION AND DETAILED DESCRIPTION OF ESTIMATED AND PROBABLE COST OF PROJECT

TRACT 1

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 Final Plat of Town Center Plaza, a Subdivision in the City of Leawood, Johnson County, Kansas

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 1 - 28%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 1 - 25%

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 1 - 50%

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 1 - 25%

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 1 - None

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 1 - 50%

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 1 - 100%

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 1 - None

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 1 - None

TRACT 2

An Unplatted Parcel described as follows:

All that part of the West Half of Section 16, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, being bounded on the South by the North Right-of-Way Line of 117th Street and on the West by the East Right-of-Way of Nall Avenue and on the Northeast by the Southwesterly Right-of-Way Line of Town Center Drive, as said Street, Avenue and Drive are all now Established. Containing 29.27 Acres, more or less.

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 2 - 50%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 2 - 25%

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 2 - None

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 2 - None

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 2 - 25%

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 2 - None

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 2 - None

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 2 - 100%

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 2 - None

TRACT 3

Lot 11, Final Plat of Town Center Plaza, a Subdivision in the City of Leawood, Johnson Count, Kansas

Cost to be apportioned thereto pursuant to Section 6 of Resolution No. 1238

A. THE 117TH STREET IMPROVEMENTS - Percentage Apportioned to Tract 3 - 22%

B. THE SIGNALIZATION IMPROVEMENTS.

1. 117th & NALL - Percentage to be Apportioned to Tract 3 - None

2. 119th & HAWTHORNE - Percentage to be Apportioned to Tract 3 - None

3. TOWN CENTER DRIVE AND ROE AVENUE - Percentage to be Apportioned to Tract 3 - None

4. TOWN CENTER DRIVE AND NALL AVENUE - Percentage to be Apportioned to Tract 3 - None

5. 119TH STREET AT ROSEWOOD - Percentage to be Apportioned to Tract 3 - None

C. UTILITY MAIN IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

D. POWER LINE IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

E. WIDENING IMPROVEMENTS - Percentage Apportioned to Tract 3 - None

F. TOWN CENTER DRIVE WIDENING - 117TH STREET TO NALL AVENUE - Percentage Apportioned to Tract 3 - None

G. 119TH AND ROE AVENUE OVERLAY - Percentage Apportioned to Tract 3- None

ASSESSMENT ROLL

Improvement District
Town Center Plaza
Project 146

Assessment Factor:
Actual Cost of Improvement

Property I.D.#	Ownership	Tract 1 Area	Assessment
HP98200000-0001	George Kaplan, Trustee	3.53%	$ 116,206.67
HP98200000-0002	Block One Company, L.L.C.	2.88%	$ 94,537.09
HP98200000-0003	Jog Realty, L.L.C.	2.92%	$ 95,852.74
HP98200000-0004	State Street Bank and Trust Company, Trustee	2.86%	$ 93,977.93
HP98200000-0005	Town Center Plaza, L.L.C.	3.16%	$ 103,809.57
HP98200000-0006	Hereford House Restaurant Company of Kansas, Inc.	1.76%	$ 57,741.49
HP98200000-0007	James D. Neighbors, Trustee Eleanor J. Neighbors, Trustee	1.75%	$ 57,544.15
HP98200000-0008	Bank IV Kansas National Association	2.06%	$ 67,639.66
HP98200000-0009	Roe 118, L.L.C.	2.35%	$ 77,175.40
HP98200000-0010	Town Center Plaza, L.L.C.	3.19%	$ 104,927.93
HP98200000-0012	Town Center Plaza, L.L.C.	73.56%	$2,521,079.47
TOTAL TRACT 1		100.00%	$3,390,492.10

Property I.D.#	Ownership	Area	Assessment
HP251316-2001	Merged Conversion	100.00%	$861,057.94
TOTAL TRACT 2		100.00%	$861,057.94

Property I.D.#	Ownership	Tract 3 Area	Assessment
HP91900000-011A	AMC Realty, Inc.	64.55%	$ 95,822.73
HP91900000-011B	Galyans Trading Co., Inc.	35.45%	$ 52,626.87

ORDINANCE NO. 1744

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY IN SAID CITY (OLD KENNETH ROAD IMPROVEMENT DISTRICT, PROJECT 128).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Construction of Old Kenneth Road between K-150 and Kenneth Parkway, improvements to consist of a 2-lane undivided roadway with concrete curb and gutter, and also including all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $818,000; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $818,000 and such property within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

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

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

Section 1. Special assessments to pay the cost of the aforedescribed improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office and attached hereto and incorporated herein by this reference.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate prescribed by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 5:00 p.m., Monday, September 21, 1998, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 5:00 p.m., Monday, September 21, 1998, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 17th day of August, 1998.

APPROVED by the Mayor this 17th day of August, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

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

212190.02

ASSESSMENT ROLL

Improvement District
Old Kenneth Road
Project 128

Assessment Factor:
Actual Cost of Improvement.

Property I.D.#	Ownership	Area	Assessment
HF251335-1014	Fleming Companies, Inc.	50.00%	$409,052.34
HF251335-1015	Fleming Companies, Inc.	18.52%	$151,523.70
HF251334-3001	Ranchmart, Inc.	31.48%	$257,423.96
TOTAL		100.00%	$818,000.00

ORDINANCE NO. 1744

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY IN SAID CITY (OLD KENNETH ROAD IMPROVEMENT DISTRICT, PROJECT 128).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Construction of Old Kenneth Road between K-150 and Kenneth Parkway, improvements to consist of a 2-lane undivided roadway with concrete curb and gutter, and also including all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $818,000; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $818,000 and such property within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

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

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

Section 1. Special assessments to pay the cost of the aforedescribed improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office and attached hereto and incorporated herein by this reference.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate prescribed by Kansas law.

12 00 CK

Section 4. The owner of any property so assessed may at any time prior to 5:00 p.m., Monday, September 21, 1998, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 5:00 p.m., Monday, September 21, 1998, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 17th day of August, 1998.

APPROVED by the Mayor this 17th day of August, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM: _____, City Attorney

R.S. Wetzler

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

1998 SEP 18 P 3: 15 .4

12.00

SARA F. ULLMANN
REGISTER OF DEEDS

ASSESSMENT ROLL

Improvement District
Old Kenneth Road
Project 128

Assessment Factor:
Actual Cost of Improvement.

Property I.D.#	Ownership	Area	Assessment
HF251335-1014	Fleming Companies, Inc.	50.00%	$409,052.34
HF251335-1015	Fleming Companies, Inc.	18.52%	$151,523.70
HF251334-3001	Ranchmart, Inc.	31.48%	$257,423.96
TOTAL		100.00%	$818,000.00

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. 1744 with improvement district assessment roll as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 21st day of August, 1998.

(S E A L)

Martha Heizer

Martha Heizer

RET. CITY OF LEAWOOD
4800 TOWNE CENTER DR
LEAWOOD, KS 66211

BOOK 5852 PAGE 980

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 21st day of August 1998, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 21st day of August 1998

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fees 33.15

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First published in The Johnson County Sun, Friday, August 21, 1998

ORDINANCE NO. 1744

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY IN SAID CITY (OLD KENNETH ROAD IMPROVEMENT DISTRICT, PROJECT 128).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Construction of Old Kenneth Road between K-150 and Kenneth Parkway, improvements to consist of a 2-lane undivided roadway with concrete curb and gutter, and also including all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $818,000; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $818,000 and such property within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

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

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

Section 1. Special assessments to pay the cost of the aforedescribed improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office and attached hereto and incorporated herein by this reference.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate prescribed by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 5:00 p.m., Monday, September 21, 1998, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 5:00 p.m., Monday, September 21, 1998, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 17th day of August, 1998.

APPROVED by the Mayor this 17th day of August, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

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

ASSESSMENT ROLL

Improvement District
Old Kenneth Road
Project 128

Assessment Factor:
Actual Cost of Improvement.

Property I.D.#	Ownership	Area	Assessment
HF251335-1014	Fleming Companies, Inc.	50.00%	$409,052.34
HF251335-1015	Fleming Companies, Inc.	18.52%	$151,523.70
HF251334-3001	Ranchmart, Inc.	31.48%	$257,423.96
TOTAL		100.00%	$818,000.00

(19602-1F-JC)

ORDINANCE NO. 1743

AN ORDINANCE TO EXTEND ORDINANCE NO. 813 WHICH GRANTS A TELEPHONE FRANCHISE TO SOUTHWESTERN BELL TELEPHONE COMPANY AND TO AMEND THE FRANCHISE FEE AUTHORIZED BY THE FRANCHISE.

WHEREAS, the City of Leawood ("City"), Kansas and Southwestern Bell Telephone Company ("SWB") have a franchise ordinance as authorized by Ordinance No. 813 ("Franchise Ordinance"); and

WHEREAS, the Franchise Ordinance granted to SWB expires on August 31, 1998; and

WHEREAS, the parties hereto intend to negotiate a new franchise ordinance, but there is insufficient time for the parties to negotiate a new franchise ordinance to become effective on the expiration date of the existing Franchise Ordinance; and

WHEREAS, the parties hereto desire the existing Franchise Ordinance to continue in force and effect subject to the amendments below until a new franchise ordinance is negotiated, adopted and in force; and

WHEREAS, the parties hereto have entered the Extension Agreement executed on August 17, 1998, whereby the parties have agreed to extend and continue the term of the current Franchise Ordinance term subject to the amendments cited below through this ordinance ("Extension Ordinance").

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

SECTION ONE: Extension. It is mutually agreed and understood by and between the parties hereto that the terms of the existing Franchise Ordinance shall be incorporated into this Extension Ordinance subject to the amendments cited below, and that these terms shall remain in full force and effect until December 31, or until a new franchise ordinance between the parties hereto takes effect, whichever comes first. If necessary to allow for further negotiation, upon joint agreement between the parties in writing, this Extension Ordinance can be renewed for up to three months (March 31, 1999) as long as the parties are actively negotiating in good faith.

SECTION TWO: Amendment. The language of Section 2 of the Franchise Ordinance shall be not be incorporated into the Extension Ordinance and the following language shall instead be adopted:

Section 2. **PAYMENT.** That for the period September 1, 1998 to October 1, payment shall be made in the same manner dictated by the terms of the existing Franchise Ordinance. For the period October 2 to December 31, 1998 and any period rightfully extended in accordance to the terms of the Extension Ordinance, the telephone company shall pay the City a sum equal to five (5%) percent of gross revenues derived by the telephone company from telecommunication services within the City. Payments shall be made on a monthly basis. The telephone company shall pay the applicable fee to the City within 45 days after the last day of the applicable month. For the purpose of this section "gross revenues" shall include all revenues derived from local exchange telecommunication service rendered wholly within the corporate limits of the City. For purposes of the Ordinance, "gross revenue from local exchange telecommunication service" shall mean those revenues less uncollectible, derived from the following: (1) recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features, and measured local calls; (2)

recurring local exchange access line services for pay phone lines provided the Telephone Company to all pay phone service providers; (3) local directory assistance revenue; (4) line status verification/busy interrupt revenue; (5) local operator assistance revenue; (6) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. The telephone company and the City agree that all other revenues, including but not limited to revenues from extended area service, unbundled loops, nonregulated services, carrier and end user access, long distance, and all other services not wholly local in nature are excluded from "gross revenues from local exchange telecommunications services." The telephone company and the City agree that "Gross revenues from local exchange telecommunication services" shall be reduced by bad debt expenses and uncollectible and further agree that late charges shall not be included within "gross revenues from local exchange telecommunication services." If during the term of this ordinance the telephone company offers additional services of a wholly local nature which if in existence at the effective date of this Ordinance would have been included with the definition of gross revenues from local exchange telecommunications services" such services shall be included from the date of the offering of such services in the City for the remaining term of the Ordinance.

SECTION THREE: Amendment. The following language shall be added and adopted into the terms of this Extension Ordinance:

Section 9. **USE OF RIGHT-OF-WAY.** The telephone company shall be subject to all rules, regulations, policies, resolutions and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its police powers and is subject to all applicable laws, orders, rules and regulations adopted by governmental bodies now or hereafter having jurisdiction, and shall comply with the following:

(a) The telephone company's use of the right-of-way shall in all matters be subordinate to the City's use of the right-of-way. The telephone company shall coordinate the placement of its facilities in a manner that minimizes adverse impact on public improvements, as reasonably determined by the City.

(b) All earth, materials, sidewalks, paving, crossings, utilities, public improvements or improvements of any kind damaged or removed by the telephone company in its activities under this Ordinance shall be fully repaired or replaced promptly by the telephone company at its sole expense and to the reasonable satisfaction of the City.

(c) All facilities constructed, reconstructed or relocated in the right-of-way shall be placed underground or on existing poles, unless otherwise agreed to by the City.

(d) The telephone company shall keep and maintain accurate records and as-built drawings depicting accurate horizontal locations of all facilities constructed, reconstructed or relocated in the right-of-way. Within ten (10) days after request by the City, the telephone company will provide to the City such information regarding such location as may be reasonably requested.

(e) Prior to construction, reconstruction or relocation of any facilities in the right-

of-way, the telephone company shall submit to the Public Works Director for approval, plans and specifications of the proposed installation. Such approval shall not be unreasonably withheld, delayed or conditioned.

(f) The telephone company shall relocate or adjust any facilities in the right-of-way for any public funded improvement or public funded project. Such relocation or adjustment shall be performed by the telephone company at its sole expense without expense to the City, its employees agents, or authorized contractors and shall be specifically subject to rules and regulations of the City. Such relocation or adjustment shall be completed as soon as reasonably possible and within the time set forth in any request by the City for such relocation or adjustment. Any damages suffered by the City or its contractors as a result of the telephone company's failure to timely relocate or adjust its facilities shall be borne by the telephone company.

(g) It shall be solely the responsibility of the telephone company to protect and defend its facilities in the right-of-way from harm or damage. If the telephone company fails to accurately or timely locate facilities when requested, it shall have no claim for costs or damages against the City and its authorized contractors or any other party authorized to be in the right-of-way unless such party is solely responsible for the harm or damage by its negligent or intentional conduct.

(h) The telephone company shall notify the City not less than three (3) working days in advance of any construction, reconstruction, repair or relocation of facilities which would require any street closure which reduces traffic flow to less than two lanes of moving traffic. Except in the event of any emergency, as reasonably determined by the telephone company, no such closure shall take place without such notice and prior authorization from the City. The City shall follow its policies in the grant or denial of such authority, which shall not be unreasonably delayed. In addition, all work performed in the traveled way or in which in any manner impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected at the telephone company's expense. Such signing shall be in conformance with the latest edition of the Federal Highway Administration's standards and Guidelines for Work Zone Traffic Control, unless otherwise agreed to by the City.

SECTION FOUR: This ordinance shall not take effect and be in force until after the expiration of 60 days from the date of final passage.

PASSED AND APPROVED THIS 3rd day of August, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
City Attorney

EXTENSION AGREEMENT

This Extension Agreement, made and entered into this 17th day of August, 1998 by and between the City of Leawood, Kansas ("City") and Southwestern Bell Telephone Company ("SWB") for the extension of the telephone franchise within the City as authorized by ordinance.

WHEREAS, the City granted SWB a telephone franchise as codified by City Ordinance No. 813 ("Franchise Ordinance"); and

WHEREAS, the Franchise Ordinance granted to SWB expires on August 31, 1998; and

WHEREAS, the parties hereto intend to negotiate a new franchise ordinance, but there is insufficient time for the parties to negotiate a new franchise ordinance to become effective on the expiration date of the existing Franchise Ordinance; and

WHEREAS, the parties hereto desire the existing Franchise Ordinance to continue in force and effect subject to the amendments incorporated by the Extension Ordinance (attached hereto as Exhibit A) until a new franchise ordinance is negotiated, adopted and in force; and

WHEREAS, the parties hereto have agreed to enter into this Extension Agreement to extend the current Franchise Ordinance subject to the amendments below until December 31, 1998 in order to give them enough time to negotiate a new franchise ordinance; and

WHEREAS, the City shall adopt the Extension Ordinance to enforce the terms of the franchise extension agreed upon by this Extension Agreement until December 31, 1998.

THEREFORE, in consideration of the mutual benefits to the parties, it is hereby agreed as follows:

1. The parties hereto agree that the terms of the existing Franchise Ordinance shall be extended and remain in full force and effect subject to the amendments cited in the Extension Ordinance until December 31, 1998 or until a new Ordinance between the parties hereto takes effect, whichever comes first. If necessary to allow further negotiation, this date may be extended up to three months if the parties are actively negotiating in good faith and both parties agree to such extension in writing.

2. The City shall enact the Extension Ordinance to extend SWB's telephone franchise.

IN WITNESS WHEREOF, the parties hereto have duly executed or caused to be duly executed this Extension Agreement as of the day and year written above.

Southwestern Bell Telephone Co.
President-Kansas

Peggy J. Dunn
Mayor of the City of Leawood

EXHIBIT A

ORDINANCE NO. 1743

AN ORDINANCE TO EXTEND ORDINANCE NO. 813 WHICH GRANTS A TELEPHONE FRANCHISE TO SOUTHWESTERN BELL TELEPHONE COMPANY AND TO AMEND THE FRANCHISE FEE AUTHORIZED BY THE FRANCHISE.

WHEREAS, the City of Leawood ("City"), Kansas and Southwestern Bell Telephone Company ("SWB") have a franchise ordinance as authorized by Ordinance No. 813 ("Franchise Ordinance"); and

WHEREAS, the Franchise Ordinance granted to SWB expires on August 31, 1998; and

WHEREAS, the parties hereto intend to negotiate a new franchise ordinance, but there is insufficient time for the parties to negotiate a new franchise ordinance to become effective on the expiration date of the existing Franchise Ordinance; and

WHEREAS, the parties hereto desire the existing Franchise Ordinance to continue in force and effect subject to the amendments below until a new franchise ordinance is negotiated, adopted and in force; and

WHEREAS, the parties hereto have entered the Extension Agreement executed on August 17, 1998, whereby the parties have agreed to extend and continue the term of the current Franchise Ordinance term subject to the amendments cited below through this ordinance ("Extension Ordinance").

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

SECTION ONE: Extension. It is mutually agreed and understood by and between the parties hereto that the terms of the existing Franchise Ordinance shall be incorporated into this Extension Ordinance subject to the amendments cited below, and that these terms shall remain in full force and effect until December 31, or until a new franchise ordinance between the parties hereto takes effect, whichever comes first. If necessary to allow for further negotiation, upon joint agreement between the parties in writing, this Extension Ordinance can be renewed for up to three months (March 31, 1999) as long as the parties are actively negotiating in good faith.

SECTION TWO: Amendment. The language of Section 2 of the Franchise Ordinance shall be not be incorporated into the Extension Ordinance and the following language shall instead be adopted:

Section 2. **PAYMENT.** That for the period September 1, 1998 to October 1, payment shall be made in the same manner dictated by the terms of the existing Franchise Ordinance. For the period October 2 to December 31, 1998 and any period rightfully extended in accordance to the terms of the Extension Ordinance, the telephone company shall pay the City a sum equal to five (5%) percent of gross revenues derived by the telephone company from telecommunication services within the City. Payments shall be made on a monthly basis. The telephone company shall pay the applicable fee to the City within 45 days after the last day of the applicable month. For the purpose of this section "gross revenues" shall include all revenues derived from local exchange telecommunication service rendered wholly within the corporate limits of the City. For purposes of the Ordinance, "gross revenue from local exchange telecommunication service" shall mean those revenues less uncollectible, derived from the following: (1) recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features, and measured local calls; (2)

recurring local exchange access line services for pay phone lines provided the Telephone Company to all pay phone service providers; (3) local directory assistance revenue; (4) line status verification/busy interrupt revenue; (5) local operator assistance revenue; (6) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. The telephone company and the City agree that all other revenues, including but not limited to revenues from extended area service, unbundled loops, nonregulated services, carrier and end user access, long distance, and all other services not wholly local in nature are excluded from "gross revenues from local exchange telecommunications services." The telephone company and the City agree that "Gross revenues from local exchange telecommunication services" shall be reduced by bad debt expenses and uncollectible and further agree that late charges shall not be included within "gross revenues from local exchange telecommunication services." If during the term of this ordinance the telephone company offers additional services of a wholly local nature which if in existence at the effective date of this Ordinance would have been included with the definition of gross revenues from local exchange telecommunications services" such services shall be included from the date of the offering of such services in the City for the remaining term of the Ordinance.

SECTION THREE: Amendment. The following language shall be added and adopted into the terms of this Extension Ordinance:

Section 9. **USE OF RIGHT-OF-WAY.** The telephone company shall be subject to all rules, regulations, policies, resolutions and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its police powers and is subject to all applicable laws, orders, rules and regulations adopted by governmental bodies now or hereafter having jurisdiction, and shall comply with the following:

(a) The telephone company's use of the right-of-way shall in all matters be subordinate to the City's use of the right-of-way. The telephone company shall coordinate the placement of its facilities in a manner that minimizes adverse impact on public improvements, as reasonably determined by the City.

(b) All earth, materials, sidewalks, paving, crossings, utilities, public improvements or improvements of any kind damaged or removed by the telephone company in its activities under this Ordinance shall be fully repaired or replaced promptly by the telephone company at its sole expense and to the reasonable satisfaction of the City.

(c) All facilities constructed, reconstructed or relocated in the right-of-way shall be placed underground or on existing poles, unless otherwise agreed to by the City.

(d) The telephone company shall keep and maintain accurate records and as-built drawings depicting accurate horizontal locations of all facilities constructed, reconstructed or relocated in the right-of-way. Within ten (10) days after request by the City, the telephone company will provide to the City such information regarding such location as may be reasonably requested.

(e) Prior to construction, reconstruction or relocation of any facilities in the right-

of-way, the telephone company shall submit to the Public Works Director for approval, plans and specifications of the proposed installation. Such approval shall not be unreasonably withheld, delayed or conditioned.

(f) The telephone company shall relocate or adjust any facilities in the right-of-way for any public funded improvement or public funded project. Such relocation or adjustment shall be performed by the telephone company at its sole expense without expense to the City, its employees agents, or authorized contractors and shall be specifically subject to rules and regulations of the City. Such relocation or adjustment shall be completed as soon as reasonably possible and within the time set forth in any request by the City for such relocation or adjustment. Any damages suffered by the City or its contractors as a result of the telephone company's failure to timely relocate or adjust its facilities shall be borne by the telephone company.

(g) It shall be solely the responsibility of the telephone company to protect and defend its facilities in the right-of-way from harm or damage. If the telephone company fails to accurately or timely locate facilities when requested, it shall have no claim for costs or damages against the City and its authorized contractors or any other party authorized to be in the right-of-way unless such party is solely responsible for the harm or damage by its negligent or intentional conduct.

(h) The telephone company shall notify the City not less than three (3) working days in advance of any construction, reconstruction, repair or relocation of facilities which would require any street closure which reduces traffic flow to less than two lanes of moving traffic. Except in the event of any emergency, as reasonably determined by the telephone company, no such closure shall take place without such notice and prior authorization from the City. The City shall follow its policies in the grant or denial of such authority, which shall not be unreasonably delayed. In addition, all work performed in the traveled way or in which in any manner impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected at the telephone company's expense. Such signing shall be in conformance with the latest edition of the Federal Highway Administration's standards and Guidelines for Work Zone Traffic Control, unless otherwise agreed to by the City.

SECTION FOUR: This ordinance shall not take effect and be in force until after the expiration of 60 days from the date of final passage.

PASSED AND APPROVED THIS 3rd day of August, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
City Attorney

ORD1743

Publication Fees: $91.69

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 2 consecutive week(s), as follows:

ORDINANCE NO. 1743--8/18/98, 8/25/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

August 26, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$91.69

ORDINANCE NO. 1743

First published in The Legal Record, Tuesday, August 18, 1998.

ORDINANCE NO. 1743

AN ORDINANCE TO EXTEND ORDINANCE NO. 813 WHICH GRANTS A TELEPHONE FRANCHISE TO SOUTHWESTERN BELL TELEPHONE COMPANY AND TO AMEND THE FRANCHISE FEE AUTHORIZED BY THE FRANCHISE.

WHEREAS, the City of Leawood ("City"), Kansas and Southwestern Bell Telephone Company ("SWB") have a franchise ordinance as authorized by Ordinance No. 813 ("Franchise Ordinance"); and

WHEREAS, the Franchise Ordinance granted to SWB expires on August 31, 1998; and

WHEREAS, the parties hereto intend to negotiate a new franchise ordinance, but there is insufficient time for the parties to negotiate a new franchise ordinance to become effective on the expiration date of the existing Franchise Ordinance; and

WHEREAS, the parties hereto desire the existing Franchise Ordinance to continue in force and effect subject to the amendments below until a new franchise ordinance is negotiated, adopted and in force; and

WHEREAS, the parties hereto have entered the Extension Agreement executed on August 17, 1998, whereby the parties have agreed to extend and continue the term of the current Franchise Ordinance term subject to the amendments cited below through this ordinance ("Extension Ordinance").

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

SECTION ONE: Extension. It is mutually agreed and understood by and between the parties hereto that the terms of the existing Franchise Ordinance shall be incorporated into this Extension Ordinance subject to the amendments cited below, and that these terms shall remain in full force and effect until December 31; or until a new franchise ordinance between the parties hereto takes effect, whichever comes first. If necessary to allow for further negotiation, upon joint agreement between the parties in writing, this Extension Ordinance can be renewed for up to three months (March 31, 1999) as long as the parties are actively negotiating in good faith.

SECTION TWO: Amendment. The language of Section 2 of the Franchise Ordinance shall be not be incorporated into the Extension Ordinance and the following language shall instead be adopted:

Section 2. PAYMENT. That for the period September 1, 1998 to October 1, payment shall be made in the same manner dictated by the terms of the existing Franchise Ordinance. For the period October 2 to December 31, 1998 and any period rightfully extended in accordance to the terms of the Extension Ordinance, the telephone company shall pay the City a sum equal to five (5%) percent of gross revenues derived by the telephone company from telecommunication services within the City. Payments shall be made on a monthly basis. The telephone company shall pay the applicable fee to the City within 45 days after the last day of the applicable month. For the purpose of this section "gross revenues" shall include all revenues derived from local exchange telecommunication service rendered wholly within the corporate limits of the City. For purposes of the Ordinance, "gross revenue from local exchange telecommunication service" shall mean those revenues less uncollectible, derived from the following: (1) recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features, and measured local calls; (2) recurring local exchange access line services for pay phone lines provided the Telephone Company to all pay phone service providers; (3) local directory assistance revenue; (4) line status verification/busy interrupt revenue; (5) local operator assistance revenue; (6) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. The telephone company and the City agree that all other revenues, including but not limited to revenues from extended area service, unbundled loops, nonregulated services, carrier and end user access, long distance, and all other services not wholly local in nature are excluded from "gross revenues from local exchange telecommunications services." The telephone company and the City agree that "Gross revenues from local exchange telecommunication services" shall be reduced by bad debt expenses and uncollectible and further agree that late charges shall not be included within "gross revenues from local exchange telecommunication services." If during the term of this ordinance the telephone company offers additional services of a wholly local nature which if in existence at the effective date of this Ordinance would have been included with the definition of gross revenues from local exchange telecommunications services" such services shall be included from the date of the offering of such services in the City for the remaining term of the Ordinance.

SECTION THREE: Amendment. The following language shall be added and adopted into the terms of this Extension Ordinance:

Section 9. USE OF RIGHT-OF-WAY. The telephone company shall be subject to all rules, regulations, policies, resolutions and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its police powers and is subject to all applicable laws, orders, rules and regulations adopted by governmental bodies now or hereafter having jurisdiction, and shall comply with the following:

(a) The telephone company's use of the right-of-way shall in all matters be subordinate to the City's use of the right-of-way. The telephone company shall coordinate the placement of its facilities in a manner that minimizes adverse impact on public improvements, as reasonably determined by the City.

(b) All earth, materials, sidewalks, paving, crossings, utilities, public improvements or improvements of any kind damaged or removed by the telephone company in its activities under this Ordinance shall be fully repaired or replaced promptly by the telephone company at its sole expense and to the reasonable satisfaction of the City.

(c) All facilities constructed, reconstructed or relocated in the right-of-way shall be placed underground or on existing poles, unless otherwise agreed to by the City.

(d) The telephone company shall keep and maintain accurate records and as-built drawings depicting accurate horizontal locations of all facilities constructed, reconstructed or relocated in the right-of-way. Within ten (10) days after request by the City, the telephone company will provide to the City such information regarding such location as may be reasonably requested.

(e) Prior to construction, reconstruction or relocation of any facilities in the right-of-way, the telephone company shall submit to the Public Works Director for approval, plans and specifications of the proposed installation. Such approval shall not be unreasonably withheld, delayed or conditioned.

(f) The telephone company shall relocate or adjust any facilities in the right-of-way for any public funded improvement or public funded project. Such relocation or adjustment shall be performed by the telephone company at its sole expense without expense to the City, its employees agents, or authorized contractors and shall be specifically subject to rules and regulations of the City. Such relocation or adjustment shall be completed as soon as reasonably possible and within the time set forth in any request by the City for such relocation or adjustment. Any damages suffered by the City or its contractors as a result of the telephone company's failure to timely relocate or adjust its facilities shall be borne by the telephone company.

(g) It shall be solely the responsibility of the telephone company to protect and defend its facilities in the right-of-way from harm or damage. If the telephone company fails to accurately or timely locate facilities when requested, it shall have no claim for costs or damages against the City and its authorized contractors or any other party authorized to be in the right-of-way unless such party is solely responsible for the harm or damage by its negligent or intentional conduct.

(h) The telephone company shall notify the City not less than three (3) working days in advance of any construction, reconstruction, repair or relocation of facilities which would require any street closure which reduces traffic flow to less than two lanes of moving traffic. Except in the event of any emergency, as reasonably determined by the telephone company, no such closure shall take place without such notice and prior authorization from the City. The City shall follow its policies in the grant or denial of such authority, which shall not be unreasonably delayed. In addition, all work performed in the traveled way or in which in any manner impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected at the telephone company's expense. Such signing shall be in conformance with the latest edition of the Federal Highway Administration's standards and Guidelines for Work Zone Traffic Control, unless otherwise agreed to by the City.

SECTION FOUR: This ordinance shall not take effect and be in force until after the expiration of 60 days from the date of final passage.

PASSED AND APPROVED THIS 3rd day of August, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
City Attorney

CITY OF LEAWOOD

ORDINANCE NO. 1742

AN ORDINANCE CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $12,500,000 FOR THE PURPOSE OF PAYING FOR IMPROVEMENTS TO CITY PARKS.

WHEREAS, in the judgment of the Governing Body it is expedient to make improvements to existing City parks; and

WHEREAS, the City is authorized by K.S.A. 12-1302 to issue general obligation bonds for such purposes provided that no bonds shall be issued for the purpose of making improvements to City parks until the Governing Body shall be instructed to do so by the majority of the votes cast on the proposition at any general or special election;

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

Section 1. An election for the purpose of submitting a special question to authorize the City to issue its general obligation bonds in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks is hereby called to be held on the 3rd day of November, 1998 during the same hours and the same manner as the general election held on that day all as is provided by law.

Section 2. The following question shall be submitted at the election as above provided for:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks?"

Yes . . . . . [ ]

No . . . . . [ ]

Section 3. Notice of submission of the above question signed by the Commissioner of Elections of Johnson County, Kansas, shall be given to the qualified electors of the City of Leawood, Kansas, in the manner provided by K.S.A. § 10-120 and K.S.A. § 10-120a. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued. Said Notice shall be published in an official City newspaper once each week for two consecutive weeks. The first publication shall be not less than twenty-one (21) days prior to the election. The election shall be held at the usual places of holding elections and in the manner provided by law for holding elections in the City.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

ADOPTED by the Governing Body this 20th day of July, 1998.

APPROVED AND SIGNED by the Mayor on this 20th day of July, 1998.

(SEAL)

Peggy Dunn, Mayor

ATTEST:

City Clerk
Martha Heizer

ORD1742

Publication Fees: $33.62

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1742--7/28/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
July 29, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$33.62

ORDINANCE NO. 1742

First published in The Legal Record, Tuesday, July 28, 1998.

CITY OF LEAWOOD

ORDINANCE NO. 1742

AN ORDINANCE CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $12,500,000 FOR THE PURPOSE OF PAYING FOR IMPROVEMENTS TO CITY PARKS.

WHEREAS, in the judgment of the Governing Body it is expedient to make improvements to existing City parks; and

WHEREAS, the City is authorized by K.S.A. 12-1302 to issue general obligation bonds for such purposes provided that no bonds shall be issued for the purpose of making improvements to City parks until the Governing Body shall be instructed to do so by the majority of the votes cast on the proposition at any general or special election;

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

Section 1. An election for the purpose of submitting a special question to authorize the City to issue its general obligation bonds in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks is hereby called to be held on the 3rd day of November, 1998 during the same hours and the same manner as the general election held on that day all as is provided by law.

Section 2. The following question shall be submitted at the election as above provided for:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks?"

Yes . . . . . [ ]

No . . . . . [ ]

Section 3. Notice of submission of the above question, signed by the Commissioner of Elections of Johnson County, Kansas, shall be given to the qualified electors of the City of Leawood, Kansas, in the manner provided by K.S.A. § 10-120 and K.S.A. § 10-120a. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued. Said Notice shall be published in an official City newspaper once each week for two consecutive weeks. The first publication shall be not less than twenty-one (21) days prior to the election. The election shall be held at the usual places of holding elections and in the manner provided by law for holding elections in the City.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

ADOPTED by the Governing Body this 20th day of July, 1998.

APPROVED AND SIGNED by the Mayor on this 20th day of July, 1998.

(S E A L)

Peggy Dunn

Peggy Dunn, Mayor

ATTEST:

Martha Hainer

City Clerk
Martha Hainer

APPROVED AS TO FORM:

/s/ R.S. Wetzler

Richard S. Wetzler, City Attorney

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

I hereby certify the foregoing is a true and correct copy of Ordinance No.1742 as adopted by the City Council of the City of Leawood, Kansas, at their regular meeting of July 20, 1998.

City Clerk

ORD1742

Publication Fees: $33.62

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1742--7/28/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
July 29, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$33.62

ORDINANCE NO. 1742

First published in The Legal Record, Tuesday, July 28, 1998.

CITY OF LEAWOOD

ORDINANCE NO. 1742

AN ORDINANCE CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $12,500,000 FOR THE PURPOSE OF PAYING FOR IMPROVEMENTS TO CITY PARKS.

WHEREAS, in the judgment of the Governing Body it is expedient to make improvements to existing City parks; and

WHEREAS, the City is authorized by K.S.A. 12-1302 to issue general obligation bonds for such purposes provided that no bonds shall be issued for the purpose of making improvements to City parks until the Governing Body shall be instructed to do so by the majority of the votes cast on the proposition at any general or special election;

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

Section 1. An election for the purpose of submitting a special question to authorize the City to issue its general obligation bonds in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks is hereby called to be held on the 3rd day of November, 1998 during the same hours and the same manner as the general election held on that day all as is provided by law.

Section 2. The following question shall be submitted at the election as above provided for:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks?"

Yes ..... [ ]

No ..... [ ]

Section 3. Notice of submission of the above question, signed by the Commissioner of Elections of Johnson County, Kansas, shall be given to the qualified electors of the City of Leawood, Kansas, in the manner provided by K.S.A. § 10-120 and K.S.A. § 10-120a. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued. Said Notice shall be published in an official City newspaper once each week for two consecutive weeks. The first publication shall be not less than twenty-one (21) days prior to the election. The election shall be held at the usual places of holding elections and in the manner provided by law for holding elections in the City.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

ADOPTED by the Governing Body this 20th day of July, 1998.

APPROVED AND SIGNED by the Mayor on this 20th day of July, 1998.

(S E A L)

Peggy Dunn

Peggy Dunn, Mayor

ATTEST:

Martha Heizer

City Clerk
Martha Heizer

APPROVED AS TO FORM:

/s/ R.S. Wetzler

Richard S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 29th day of July 1998, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 29th day of July 1998

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/2000

Printer's Fees 25.67

Additional Copies $_____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS

First Published in the Johnson County Sun, Wednesday, July 29, 1998.

CITY OF LEAWOOD
ORDINANCE NO. 1742

AN ORDINANCE CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $12,500,000 FOR THE PURPOSE OF PAYING FOR IMPROVEMENTS TO CITY PARKS.

WHEREAS, in the judgment of the Governing Body it is expedient to make improvements to existing City parks; and

WHEREAS, the City is authorized by K.S.A. 12-1302 to issue general obligation bonds for such purposes provided that no bonds shall be issued for the purpose of making improvements to City parks until the Governing Body shall be instructed to do so by the majority of the votes cast on the proposition at any general or special election.

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

Section 1. An election for the purpose of submitting a special question to authorize the City to issue its general obligation bonds in an amount not to exceed $12,500,000 for the purpose of paying for the costs of improvements to existing City parks is hereby called to be held on the 3rd day of November, 1998 during the same hours and the same manner as the general election held on that day all as is provided by law.

Section 2. The following question shall be at the election as above provided for:

ORDINANCE NO. 1741

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 171 (MUNICIPAL POOL BATHHOUSE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF RECONSTRUCTION, REMODELLING AND REPLACEMENT OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1735, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> reconstruct, remodel and replace the bathhouse at the municipal pool complex located at the city park at 10601 Lee Boulevard within the City

(the "Project") at an estimated cost of $500,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur costs payable within the next six months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 171 (Municipal Pool Bathhouse), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of a single bearer note numbered 1, in the denomination of $100,000, dated July 15, 1998, and shall mature by the stated terms thereof and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.79% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of

the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use: The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the

Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1741

Publication Fees: $81.01

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1741--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$81.01

ORDINANCE NO. 1741

First published in The Legal Record, Tuesday, July 7, 1998.

ORDINANCE NO. 1741

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 171 (MUNICIPAL POOL BATHHOUSE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF RECONSTRUCTION, REMODELLING AND REPLACEMENT OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1735, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

reconstruct, remodel and replace the bathhouse at the municipal pool complex located at the city park at 10601 Lee Boulevard within the City

(the "Project") at an estimated cost of $500,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur costs payable within the next six months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 171 (Municipal Pool Bathhouse), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of a single bearer note numbered 1, in the denomination of $100,000, dated July 15, 1998, and shall mature by the stated terms thereof and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.79% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax

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purposes of the interest on the Notes, ~~including but~~ not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use: The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1740

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 165 (KENNETH ROAD REHABILITATION), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE REHABILITATION OF KENNETH ROAD FROM 1,000 FEET SOUTH OF 143RD STREET NORTHERLY TO 700 FEET SOUTH OF 135TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1652, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> rehabilitation of Kenneth Road from 1,000 feet south of 143rd Street northerly to 700 fee south of 135th Street

(the "Project") at an estimated cost of $2,104,956; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 165 (Kenneth Road Rehabilitation), dated November 5, 1997, in the principal amount of $1,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood,

Kansas, Temporary Notes, Series 165 (Kenneth Road Rehabilitation), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice

of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal

Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1740

Publication Fees: $79.46

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1740--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$79.46

ORDINANCE NO. 1740

First published in The Legal Record, Tuesday, July 7, 1998.

ORDINANCE NO. 1740

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 165 (KENNETH ROAD REHABILITATION), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE REHABILITATION OF KENNETH ROAD FROM 1,000 FEET SOUTH OF 143RD STREET NORTHERLY TO 700 FEET SOUTH OF 135TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1652, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

rehabilitation of Kenneth Road from 1,000 feet south of 143rd Street northerly to 700 fee south of 135th Street

(the "Project") at an estimated cost of $2,104,956; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 165 (Kenneth Road Rehabilitation), dated November 5, 1997, in the principal amount of $1,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 165 (Kenneth Road Rehabilitation), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1739

Publication Fees: $93.71

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1739--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$93.71

ORDINANCE NO. 1739

First published in The Legal Record, Tuesday, July 7, 1998.

ORDINANCE NO. 1739

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 146 (TOWN CENTER PLAZA), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH STREET, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL-LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined); and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street

(the "Project") at an estimated cost of $4,100,000; and

WHEREAS, plans for the Project were completed, bids were let and construction commenced and is substantially complete and the cost thereof is now estimated to be $4,965,000; and

WHEREAS, the City has heretofore issued its Temporary Notes, Project 146 (Town Center Plaza), dated November 5, 1997, in the principal amount of $1,200,000 (the "Prior Notes") to provide funds to pay a portion of the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of One Million Two Hundred Thousand Dollars ($1,200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 12 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the

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issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1739

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 146 (TOWN CENTER PLAZA), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH STREET, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined); and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street

(the "Project") at an estimated cost of $4,100,000; and

WHEREAS, plans for the Project were completed, bids were let and construction commenced and is substantially complete and the cost thereof is now estimated to be $4,965,000; and

WHEREAS, the City has heretofore issued its Temporary Notes, Project 146 (Town Center Plaza), dated November 5, 1997, in the principal amount of $1,200,000 (the "Prior Notes") to provide funds to pay a portion of the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of One Million Two Hundred Thousand Dollars ($1,200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 12 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the

issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or

advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1738

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 144 (MISSION ROAD, 103RD - I-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD - I-435, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement of certain sections of Mission Road from 103rd Street to I-435, within the City of Leawood

(the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 144 (Mission Road, 103rd - I-435), dated November 5, 1997, in the principal amount of $1,500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 144 (Mission Road, 103rd - I-435), in the aggregate principal amount of One Million Five Hundred Thousand Dollars ($1,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 15 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof

so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original

purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1738

Publication Fees: $89.08

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1738--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$89.08

ORDINANCE NO. 1738

First published in The Legal Record, Tuesday, July 7, 1998.

ORDINANCE NO. 1738

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 144 (MISSION ROAD, 103RD - I-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD - I-435, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

improvement of certain sections of Mission Road from 103rd Street to I-435, within the City of Leawood

(the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 144 (Mission Road, 103rd - I-435), dated November 5, 1997, in the principal amount of $1,500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 144 (Mission Road, 103rd - I-435), in the aggregate principal amount of One Million Five Hundred Thousand Dollars ($1,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 15 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

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3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1737

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 137 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTERLINE OF 103RD STREET TO A POINT 123.76 FEET SOUTH OF THE CENTERLINE OF CARONDOLET, 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 CONSTRUCTIONS COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement of State Line Road from a point 25.50 feet south of the centerline of 103rd Street, to a point 123.76 feet south of the cneterline of Carondolet, a distance of approximately 2646 feet, within the City Leawood

(the "Project") at an estimated cost of $3,680,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 137 (State Line Road, Phase IV), dated November 5, 1997, in the

principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof, and the City has incurred or expects to incur additional costs payable within the next six months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 137 (State Line Road, Phase IV), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 and 2 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the

issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.81% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $100,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1737

Publication Fees: $91.14

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1737--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$91.14

ORDINANCE NO. 1737

First published in The Legal Record, Tuesday, July 7, 1998.

ORDINANCE NO. 1737

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 137 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTERLINE OF 103RD STREET TO A POINT 123.76 FEET SOUTH OF THE CENTERLINE OF CARONDOLET, 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 CONSTRUCTIONS COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement of State Line Road from a point 25.50 feet south of the centerline of 103rd Street, to a point 123.76 feet south of the cneterline of Carondolet, a distance of approximately 2646 feet, within the City Leawood

(the "Project") at an estimated cost of $3,680,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 137 (State Line Road, Phase IV), dated November 5, 1997, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof, and the City has incurred or expects to incur additional costs payable within the next six months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 137 (State Line Road, Phase IV), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 and 2 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the

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issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.81% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $100,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1736

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $2,200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood

(the "Project") at an estimated cost of $4,959,851.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), dated November 5, 1997, in the principal amount of $2,700,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Two Million Two Hundred Thousand Dollars ($2,200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 22 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on

or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City

Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1736

Publication Fees: $89.08

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1736--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$89.08

ORDINANCE NO. 1736

First published in The Legal Record, Tuesday, July 7, 1998

ORDINANCE NO. 1736

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $2,200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood

(the "Project") at an estimated cost of $4,959,851.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), dated November 5, 1997, in the principal amount of $2,700,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Two Million Two Hundred Thousand Dollars ($2,200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 22 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated July 15, 1998, shall mature by their stated terms and become due and payable on March 15, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.75% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time on or after November 15, 1998, at a redemption price of 100% of the principal amount thereof so redeemed plus accrued interest thereon to the redemption date, without premium. In the event the City elects to redeem any of such Notes as aforesaid, the City shall give notice thereof in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to Exchange Bank and Midwest Capital Management, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.865% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1998, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

CONTINUED ON PAGE 13

CONTINUED FROM PAGE 12

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1998 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code, for calendar year 1998.

Section Nine. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Ten. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Eleven. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of July, 1998.

APPROVED by the Mayor the 6th day of July, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1735

ORDINANCE AUTHORIZING THE RECONSTRUCTION, REMODELLING AND REPLACEMENT OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX AT LEAWOOD CITY PARK WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY PURSUANT TO K.S.A. 12-1737 TO PROVIDE FUNDS TO PAY THE COSTS THEREOF, AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF SUCH TEMPORARY NOTES AND GENERAL OBLIGATION BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, it has been proposed that the City of Leawood, Kansas (the "City") reconstruct, remodel and replace the bathhouse at the municipal pool complex located at the city park at 10601 Lee Boulevard within the City (the "Project"), and the City has caused preliminary plans therefor to be prepared and the estimated cost of the Project has been determined to be approximately $ 500,000; and

WHEREAS, K.S.A. 12-1736, et seq., provides that any city may procure a necessary site for and acquire or construct and alter, repair, reconstruct, remodel, replace or make additions to a public building or buildings and furnish and equip the same and issue bonds of such city to provide funds for such purpose; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to undertake and proceed with the Project and to provide for the issuance of general obligation bonds of the City to the amount of $500,000, for the purpose of financing the costs of the Project and for the issuance of temporary notes of the City pending the issuance of said bonds; and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project.

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

Section 1. That the Governing Body hereby finds and determines that it is necessary and desirable to undertake and hereby authorizes and approves the Project. The City Engineer is hereby authorized and directed to proceed with development of definitive plans for and construction of the Project.

Section 2. That the City hereby authorizes the issuance of general obligation bonds of the City not to exceed an amount of $500,000 to pay the costs of the Project. Pending issuance of such bonds and in order to provide funds to pay the costs of the

Project, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 3. That to the extent the City shall pay all or any portion of the costs of the Project from available funds on had prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditures with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

Section 4. This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amounts of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restrictions under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect after its passage and publication once in the official city newspaper.

Passed by the Council the 6th day of July, 1998.

Approved by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R.S. Wetzler, City Attorney

ORD1735

Publication Fees: $25.20

The Legal Record
213 E. Santa Fe, Suite 2
Olathe, KS 66061

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDIINANCE NO. 1735--7/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1735

First published in The Legal Record, Tuesday, July 7, 1998.

ORDINANCE NO. 1735

ORDINANCE AUTHORIZING THE RECONSTRUCTION, REMODELLING AND REPLACEMENT OF THE BATHHOUSE AT THE MUNICIPAL POOL COMPLEX AT LEAWOOD CITY PARK WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY PURSUANT TO K.S.A. 12-1737 TO PROVIDE FUNDS TO PAY THE COSTS THEREOF, AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF SUCH TEMPORARY NOTES AND GENERAL OBLIGATION BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, it has been proposed that the City of Leawood, Kansas (the "City") reconstruct, remodel and replace the bathhouse at the municipal pool complex located at the city park at 10601 Lee Boulevard within the City (the "Project"), and the City has caused preliminary plans therefor to be prepared and the estimated cost of the Project has been determined to be approximately $ 500,000; and

WHEREAS, K.S.A. 12-1736, et seq., provides that any city may procure a necessary site for and acquire or construct and alter, repair, reconstruct, remodel, replace or make additions to a public building or buildings and furnish and equip the same and issue bonds of such city to provide funds for such purpose; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to undertake and proceed with the Project and to provide for the issuance of general obligation bonds of the City to the amount of $500,000, for the purpose of financing the costs of the Project and for the issuance of temporary notes of the City pending the issuance of said bonds; and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project.

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

Section 1. That the Governing Body hereby finds and determines that it is necessary and desirable to undertake and hereby authorizes and approves the Project. The City Engineer is hereby authorized and directed to proceed with development of definitive plans for and construction of the Project.

Section 2. That the City hereby authorizes the issuance of general obligation bonds of the City not to exceed an amount of $500,000 to pay the costs of the Project. Pending issuance of such bonds and in order to provide funds to pay the costs of the

Passed by the Council the 6th day of July, 1998.

Approved by the Mayor the 6th day of July, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R.S. Getzler, City Attorney

ORDINANCE NO. 1734

AN ORDINANCE AMENDING SECTION 4-3 OF THE "AMENDMENT TO LEAWOOD DEVELOPMENT ORDINANCE", SPECIFICALLY PROVIDING FOR CHANGES IN THE SPECIAL USE PROVISIONS FOR ADMINISTRATIVE SPECIAL USE PERMITS; AND REPEALING EXISTING SECTION.

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

Section 1. "Amendment to Leawood Development Ordinance" Amended. That Section 4-3 of the "Amendment to Leawood Development Ordinance", 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) Tennis courts and paved play areas, commonly referred to as "Sport Courts", hereinafter referred to as courts, may be approved as a special use. In order to prevent a negative influence on the neighborhood and creation of a potential nuisance use the following conditions shall be considered minimum requirements to be met.

a) Courts will only be considered as a special use if said court is accessory to the principal use it is intended to serve. Courts on separate lots will not be considered as stand alone structures.

b) Plans shall be submitted for approval and shall be based upon compliance with the following standards: 1) The need for screening to protect the privacy of adjoining properties, including noise and lighting, if proposed, and 2) surface runoff. These standards are to be considered minimums and other factors may be considerations for approval by the Plan Commission and/or Governing Body.

c) Courts shall not be constructed within a required front yard and shall be located a minimum of 10 feet from any rear or side lot line. Screen plantings of a height necessary to muffle noise and block lights may be required as a condition to the special use approval.

d) Fences for courts may be up to 12 feet in height and shall be of a green or black PVC coated chain link fabric. Said fences shall be located a minimum of 10 feet from any rear or interior side lot line.

e) 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 ownership's, easements must be obtained. A statement along with a detailed drawing from a professional engineer, P.E., shall be submitted showing and stating that these drainage requirements have been or will be met.

f) All court lighting shall be subject to approval as a special use either in conjunction with the application for a sport court or separately as an addition at a later date. Existing courts requesting lighting must apply for same as a separate special use. A lighting plan shall be submitted which indicates the lumins (footcandles) at the property line and distance to the nearest structures. Footcandles shall not exceed 1.5 measured anywhere along the adjacent property lines. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. A lighted court may be required to have additional screening in order to mitigate the affect of lighting on any adjoining properties.

g) No court lighting shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

h) A landscape plan shall be submitted at time of application for special use indicating plant material, size, location and spacing proposed.

i) All courts shall require a building permit prior to grading and/or installation.

11) Hospitals; special care facilities for humans; not in include group homes as defined herein.

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

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

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

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

16) Veterinary clinics, dog kennels;

17) Radio, television and microwave towers;

18) Regulations for the Siting and Construction of Wireless Communication Antennae and Support Equipment

a) Statement of Intent

The Telecommunications Act of 1996 grants authority to local jurisdictions over decisions regarding the placement, construction, and modification of telecommunication towers, antennae and other wireless service facilities. As the City of Leawood has many diverse and unique landscapes that perpetuate the identity of its residential neighborhoods, protection of these valuable resources is paramount.

Accordingly, the governing body finds that the unregulated placement and design of wireless communication equipment results in visual clutter that adversely affects community aesthetics and damages the character that Leawood is built around. This ordinance is intended to provide minimum standards that ensure the communication needs of residents and business are met, while at the same time protecting the general safety and welfare of the community.

b) Purpose

A wireless communication facility or tower may be sited, constructed, designed or maintained in the City of Leawood provided that it is in conformance with the stated standards, procedures, and other requirements of this ordinance.

More specifically, these regulations are necessary to:

1. Provide for suitable location of wireless communication antennae, towers, and supporting ground equipment as to mitigate their effect on residential neighborhoods and land uses;

2. Maintain community aesthetics by minimizing the visual effects of towers through specific design and siting criteria;

3. Maximize the use of existing towers and other structures as to minimize the need for new tower locations;

4. Encourage co-location among wireless communication providers on existing and newly constructed sites in order to reduce the overall number of towers needed;

5. Promote the use of innovative camouflage and disguise techniques for antennae support structures as to integrate their appearance with the many architectural and natural themes found throughout the City of Leawood.

c) Special Use Permit Required

1. Communication towers shall be allowed, subject to approval of a special use permit granted by the Governing Body, after notification of adjacent and abutting property owners within 1000 feet of said property, public hearing, and after recommendation on the matter by the Plan Commission. Written notification shall be conducted by certified return receipt mail for those parcels within 200 feet of said property and via regular mail as a courtesy for parcels beyond the 200 foot mark.

Consideration of the special use shall be in accordance with the following as established by this ordinance:

A) Suitable location in accordance to the zoning districts and planned areas in which wireless communication facilities are allowed;

B) Maximum tower height;

C) Minimum setbacks of the wireless communication tower and supporting equipment from the property line;

D) Minimum buffer distance between the wireless communication tower and base supporting equipment from surrounding planned and existing residential areas;

E) Design, landscape, and screening of the wireless communication facility and all related equipment;

F) Co-location among users on newly proposed towers;

G) Minimum separation distances among towers to be constructed within the City of Leawood.

2. Prior to issuance of the special use permit for the operation of a wireless communication facility, the applicant will provide a performance or cash bond in an amount equal to twenty (20) percent of total construction costs for the facility. This bond will be secured for discretionary use by the City of Leawood for maintenance and / or removal of the facility should it become necessary to do so. The bond will be secured for the term of the special use permit plus one year.

3. Pre-existing Wireless Communication Equipment. Pre-existing wireless communication towers, antennae, and related equipment shall be considered a legal non-conforming use and shall not be required to meet the mandates of this ordinance (with the exception of 4-3.1 18)k) until the expiration of their applicable special use permit. Routine maintenance, including the replacement of new antennae of like construction shall be permitted on such existing telecommunication facilities. A telecommunications facility that has received City approval as of the effective date of this ordinance in the form of a special use exception, but has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility so long as such approval is current and not expired.

4. Placement of an antenna on a non-conforming structure shall be considered an expansion of the non-conforming structure unless prior approval specifically contemplated multiple antennae. The cumulative effect of any additional antennae and transmission

equipment placed upon a non-conforming structure must comply with the radio frequency radiation emission guidelines established by the FCC.

d) Zoning Location Requirements

1. Newly proposed wireless communication antennae, towers and supporting ground equipment shall not be permitted within any planned or existing residential area to include RP-A, RP-A5, R-1, RP-1, RP-2, RP-3, and RP-4 zoning districts. Exceptions to this may be provided for the following, upon approval of a special use permit:

A) Church sites, when camouflaged as steeples, bell towers, etc.;

B) Park sites, when camouflaged to be compatible with the natural elements of the park;

C) Existing non-residential structures when designed to be architecturally integral and compatible with said structure.

2. Wireless communication towers, antennae, and supporting ground equipment shall be allowed, subject to approval of a special use permit, within the following planned or existing areas and districts:

A) CP-O, Planned Office;

B) CP-1, Planned Neighborhood Retail;

C) CP-2, Planned General Retail;

D) BP, Planned Business Park;

E) PI, Planned Industrial;

F) SD, Special Development;

G) REC, Planned Recreation;

H) AG, Agricultural (when master planned for commercial, industrial, or recreational uses).

All districts delineated within this ordinance shall be defined by the current, approved Zoning and Master Development Plan maps established for the City of Leawood.

3. Necessary Site. In order to construct a new wireless communication tower within any permitted area, the applicant must provide an inventory of existing antennae locations within a three mile radius of the proposed site. The applicant must also demonstrate, using technological and written evidence, that these sites are inadequate to fulfill the grid needs of the carrier, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites. For the purpose of this ordinance "reasonable" shall be defined as the total of all costs related to the construction of a new tower.

4. Grid Information. At the time of site selection, the applicant shall demonstrate how the facility will impact the overall network of the carrier within the City of Leawood and adjacent Cities on both sides of the state line.

e) Tower Height

Evidence shall be supplied at the time of site selection that the proposed tower height is necessary to meet coverage needs. Any proposed wireless communication tower, within any allowed area, shall not exceed 150 feet in height (including lightning rod). However, exception to this rule may be granted provided that the applicant show clear evidence that additional height is needed to provide necessary signal coverage. However, no exception shall be granted in excess of thirty (30) feet above the prescribed height limit, thus establishing an absolute excepted height of 180 feet (unless specifically necessary for City directed Public Safety equipment). This evidence must be supported by radio frequency engineered documentation and the opinion of a qualified, non-biased telecommunications consultant hired by the City at the expense of the applicant.

This written opinion shall include a finding of concurrence that: (1) no other existing tower or structure can satisfy the coverage needs of the applicant, (2) no other location can fulfill the coverage needs of the applicant at the maximum tower height as established by this ordinance, (3) all costs associated with co-location on an acceptable existing tower or structure are substantially greater than the related construction costs of a new tower.

f) Setback and Buffer Requirements

1. Setbacks. Wireless communication towers and support equipment shall meet the applicable building setback limits of the zoning district in which the facility is to be sited. Communication towers may occupy a leased parcel on a site meeting the minimum lot size requirements for the zoning district in which the tower is located.

2. Distance From Residential Areas. Any proposed wireless communication tower shall be sited at a distance of at least 500 feet, in all directions, from the base of the tower to the property line of any existing or planned residential neighborhood, as shown on the approved City of Leawood Zoning or Master Development Plan Maps.

g) Design Requirements

1. Site Plan and Photo Simulations Required. Any application for construction of a new wireless communication facility and tower must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays layout of the site, as well as proposed and existing structures within 150 feet of the tower base. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review by Planning and Development.

2. Color and Finish. Any approved wireless communication tower will be constructed of a monopole design. Guy and lattice-type towers will not be allowed within the City of Leawood. Exterior finish of the monopole will provide for a non-segmented, tapered appearance. Communication towers and related support buildings and equipment will be designed, camouflaged, and colored so that their appearance blends with the surrounding natural and built environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. All approved towers greater than 75 feet in height must be designed and engineered to accommodate at least two sets of wireless communication antennae. Antennae bridges or platforms will only be allowed on communication towers that are designed for multiple users.

4. Towers less than 75 feet in height must be designed so that their antennae are internally placed, thus creating a smooth, non-projecting appearance. No antenna bridge or platform will be allowed on any tower less than 75 feet in height.

5. Antennae on Structures Other Than Towers. Antennae and communication support equipment located on any existing tower or suitable structure shall be of materials and color that are consistent with the surrounding elements so as to blend architecturally with said structure. Antennae on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennae mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennae exceeding 12 inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color.

6. Towers, antennae and cabinet equipment used for wireless communication purposes shall meet or exceed all minimum structural and operational standards as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then the owners of the towers and antennae governed by this ordinance shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided within 4-3.1 18)k) of this ordinance.

7. An engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennae and transmitting equipment on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennae.

8. All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the telecommunications facility.

9. It is the responsibility of the carrier to promptly resolve any electromagnetic interference problems created per FCC regulations.

10. All parking areas and drives associated with any wireless communications facility shall comply with applicable provisions for such facilities in each zoning district, except that the Plan Commission or Governing Body may waive the requirements for curbing and guttering when they are not needed for drainage purposes.

h) Lighting, Landscaping, and Screening Requirements

1. Screening Wall. All buildings, cabinets, and other ground support equipment associated with a wireless communication site will be screened with a full perimeter wall. This wall is to be constructed of concrete block and surfaced with a material (stucco, brick, etc.) to match the architecture of surrounding structures. The minimum height of the wall will be 6 feet from ground level.

2. Landscape Materials. Landscaping in the form of pines and other flowering and deciduous trees is required to the outside of the perimeter screening wall. The standard buffer shall consist of a landscaped strip at least six (six) feet wide outside the perimeter screening wall. Pines are to be a minimum of 6 feet in height , while other trees are to have a minimum 2 inch caliper. The owner of the wireless communication facility shall be responsible for maintenance of all related landscape and screening materials. Existing mature tree growth and natural forms on the site shall be preserved to the maximum extent possible.

3. Authority to Trim Trees. An operator shall have authority to trim trees and shrubbery upon and overhanging streets and other public property so as to prevent the branches and foliage of such trees and shrubbery from coming in contact and interfering with the wires, cables and other facilities of an operator. All trimming shall be done under the supervision and direction of the City.

4. Lighting. Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

i) Separation Distances

No newly proposed wireless communication tower shall be allowed to locate within 1000 feet of an existing tower. This distance shall be measured from the base of the existing tower to the base site location of the proposed tower.

j) Co-location

1. Multiple User Towers. All approved towers greater than 75 feet in height must be designed to accommodate at least two sets of wireless communication antennae. Prior to issuance of a building permit, the applicant and property owner must provide either of the following: (1) signed, executed lease agreements with other wireless service providers who desire to co-locate on the proposed tower, or (2) a signed statement of intent that guarantees non-discriminatory pricing for access to the tower by any competing carrier, and that the price for access will be based on the current market rate for co-location. This market rate will be established by an independent research consultant hired at the expense of the applicant. Failure to provide co-location opportunities to (or negotiate in good faith with) alternative carriers may constitute a finding of non-compliance with 4-3.1 18)c)1.F of this ordinance, and thus be grounds for revocation of the special use permit, and shall be cause for the withholding of future permits to same owners to install, build, or modify antennae or support structures within the City of Leawood.

2. Existing Site Improvement. Alterations or improvements to existing wireless communication sites shall be allowed, provided that these modifications are implemented to accommodate additional users and provided that tower height does not exceed the maximum established by this ordinance. Application for alteration to an existing site will require approval of new special use permit, including notification and public hearing.

3. Antennae may be added 'as of right' to any approved multi-user tower after securing proper building permits, provided that their addition does not exceed the tower capacity approved by the original special use permit. Any proposed antenna that exceeds the originally approved capacity limit shall be considered a revised application, and shall require a special use permit to locate.

k) Abandoned Or Unsafe Towers and Antenna Support Structures

Any tower or antenna support structure which is occupied by inactive antennae for a period of 12 (twelve) months shall be considered abandoned and a nuisance, and will be removed at the owner's expense within 90 (ninety) days. Any tower or

antenna support structure which is not maintained to a suitable degree of safety and appearance (as determined by the Director of Planning, Chief Building Inspector, and any applicable code) will also be considered a nuisance and will be upgraded or removed at the owner's expense. In the future should the levels of radio frequency radiation emitted by a wireless communication facility be determined a threat to human health or safety, the facility shall be cured or immediately removed (within 90 days) at the owner's expense. This finding must be either mandated by federal legislative action, or based on regulatory guidelines established by the FCC.

l) Building Codes and Inspection

1. To insure the structural integrity of towers, the owner of a tower shall ensure that it is (constructed and) maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may order the removal or cause the removal of such tower at the owner's expense.

2. At least every 24 months, the tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronic Industries Association (EIA) Standard 222, 'Structural Standards for Steel Antenna Towers and Antenna Support Structures.' A copy of such inspection record shall be provided to the City. Said inspection shall be conducted at the facility owner's expense.

3. In all areas of the city where the cables, wire, and other like facilities of public utilities exist underground, or are required by the City to be placed underground, an operator shall also place its cables, wires, or other facilities underground.

4. In the case of any disturbance to a street or other public property, caused by an operator during the course of constructing or maintaining its system facilities, an operator shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping, or surface any street or public property disturbed in as good or better condition as before the disturbance in accordance with applicable federal, state, and local laws, rules, regulations or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the Director of Public Works as being weakened or damaged as a result of a cut or to other invasion of the pavement of a street or other public property.

m) Exclusions

The following shall be exempt from this ordinance:

1. Any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the FCC;

2. Any device designed for over the air reception of television broadcast signals, multi-channel, multi-point distribution service or direct broadcast satellite service.

n) Penalties

This ordinance shall be in full force and effect upon its enactment and approval, and any person found to be in violation of any of the provisions of this ordinance shall be subject to a fine of up to $500 for each day of violation.

o) Severability

If any section, subsection sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent

provision and such holding shall not affect the validity of the remaining portions hereof.

p) Repeal of Laws in Conflict

This ordinance supersedes all ordinances or part of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

q) Definitions

Act: The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.

Alternative tower structure: Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any device used to transmit or receive electromagnetic signals for communication purposes, not to include satellite dishes used solely for home television purposes.

Antenna support structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmission or receipt of radio frequency energy.

Cell site: A tract or parcel of land that contains cellular communication antennae, their support structure, accessory buildings, and parking, and may include the other uses associated with an ancillary to cellular communication transmission.

Cellular service: A telecommunication service that permits customers to use wireless, mobile telephones to connect, via low power radio transmitter sites called cell sites, either to the public switched network or to other mobile cellular phones.

Cellular telecommunications: A commercial low power mobile radio service licensed by the Federal Communications Commission in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service

area and which are capable of being reused in different cells within the service area.

Co-location: Placement of wireless communication equipment by more than one provider on a single tower or other type of antenna support structure.

Directional antenna: An antenna or array of antennae designed to concentrate a radio signal in a particular area.

Effective radiated power: (ERP) The product of the antenna power input and the numerically equal power output gain.

Enhanced specialized mobile radio: (ESMR) A specialized mobile radio network which utilizes integrated digital enhanced network.

EPA: Environmental Protection Agency.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Governing body: Shall mean the governing authority of the City of Leawood, Kansas.

Guyed tower: A wireless communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Interference: Disturbances in reception caused by intruding signals or electrical current.

Lattice tower: A three or four sided tower constructed of open steel framing.

License: The rights and obligations extended by the City to an operator to own, construct, maintain, and operate its system within the boundaries of the City for the sole purpose of providing services t persons or areas outside the City.

Low power telecom facility: An unmaned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following:

- Point-to-point microwave signals;
- Signals through FM radio translators;
- Signals through FM radio boosters under 10 watts ERP;
- Cellular, ESMR, and Personal Communication Services (Networks);
- Private low power mobile radio service.

Micro-cell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage.

Microwave: Electromagnetic radiation with frequencies higher than 300 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.

Microwave antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Monopole: A wireless communication tower of single-pole design, constructed without support (guy) wires or anchors.

Omnidirectional antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed. (a.k.a. whip antenna).

Panel antenna: An antenna that transmits signals in specific directions, and are typically square or rectangular in shape.

Personal communications services (PCS): Digital wireless telephone technology such as portable phones, pagers, fax, and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as personal communications networks (PCN).

Public property: Any real property, easement, right-of-way, air space, or other interest in real estate owned by any governmental entity.

Repeater: A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

Specialized Mobile Radio: A mobile radio which is utilized in conjunction with ESMR, which includes interconnect and dispatch services.

(Ground) support equipment: Any cabinet, building, power source or other equipment constructed on the ground, and used to assist antennae in the generation or receipt of electromagnetic communication signals.

Telecommunications: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received.

Tower: A structure designed to support at least one or more communication antenna. This does not include structures owned and operated by amateur radio personnel licensed by the FCC.

Tower height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

Wireless communication facility: Any complex, including tower, antennae, and ground support equipment, used for the transmission or receipt of electromagnetic communication signals.

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

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

21) Riding stables and tracks;

22) Wastewater treatment plant;

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

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

25) 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;

26) Assembly halls, community centers, philanthropic organizations;

27) 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.

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

29) Group boarding home for minors or adults; not to include group homes as defined herein.

30) Private ambulance service;

31) Bed and breakfast;

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

33) 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 2 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 1 additional year and only after review and approval by the Plan Commission and City Council. Any amount of time beyond 3 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.

34) 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 6 special event permits per calendar year shall be issued administratively at any location. Any additional permits may be granted by the Governing Body.

1) Fees for administrative special use permits issued in accordance with Section 4-3.1 (33) d) shall be established by the fee schedule approved yearly by the governing body. If an applicant applies for all six allowable administrative special use permits at one time, the applicant's fee will be reduced to 2/3 of the total ordinary cost. (For example, if the ordinary fee is $50 per permit, an applicant applying for the six allowable permits at one time will pay only $200 instead of the $300 the applicant would pay is applying for the permits on separate occasions within an y given year.)

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 used by the event itself.

i) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the 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.

k) 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.

35) House or structure relocation to a permanent site within the City Limits provded the following conditions can be met:

a) The house or structure shall be found to be compatible with the surrounding houses or structures and neighborhood including, but not limited to, size, design or general architecture, lot location, and lot size;

b) The structure be made habitable within 6 months of relocation;

c) the applicant shall conform to the provisions of Article 6. "Removal of Structures" of the Leawood City Code.

36) Adult uses or adult businesses, as defined in 4-9.2 of this Ordinance, which holds and unexpired and unrevoked Special Use Permit as provided in 4-9.7 of this

Ordinance. Said adult uses or adult businesses are subject to the locational limitations of 4-9.4 of this Ordinance. Notwithstanding any other provisions of this Section, no other conditions as to operation, site development, signs or time limits may be imposed except as required by 4-9.1 to 4-9.17 of this ordinance.

Section 2. Existing Section Repealed. That existing Section 4-3 of the "Amendment to Leawood Development Ordinance" is hereby repealed. (Prior law: Ordinance No. 1693)

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 June, 1998.

Approved by the Mayor the 15th day of June, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

ORD1734

Publication Fees: $342.54

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Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
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That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1734--9/1/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

September 2, 1998

Debra Valenti
Notary Public

DEBRA VALENTI
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$342.54

ORDINANCE NO. 1734

First published in The Legal Record, Tuesday, September 1, 1998.

ORDINANCE NO. 1734

AN ORDINANCE AMENDING SECTION 4-3 OF THE "AMENDMENT TO LEAWOOD DEVELOPMENT ORDINANCE", SPECIFICALLY PROVIDING FOR CHANGES IN THE SPECIAL USE PROVISIONS FOR ADMINISTRATIVE SPECIAL USE PERMITS; AND REPEALING EXISTING SECTION.

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

Section 1. "Amendment to Leawood Development Ordinance" Amended. That Section 4-3 of the "Amendment to Leawood Development Ordinance", 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) Tennis courts and paved play areas, commonly referred to as "Sport Courts", hereinafter referred to as courts, may be approved as a special use. In order to prevent a negative influence on the neighborhood and creation of a potential nuisance use the following conditions shall be considered minimum requirements to be met.

a) Courts will only be considered as a special use if said court is accessory to the principal use it is intended to serve. Courts on separate lots will not be considered as stand alone structures.

b) Plans shall be submitted for approval and shall be based upon compliance with the following standards: 1) The need for screening to protect the privacy of adjoining properties, including noise and lighting, if proposed, and 2) surface runoff. These standards are to be considered minimums and other factors may be considerations for approval by the Plan Commission and/or Governing Body.

c) Courts shall not be constructed within a required front yard and shall be located a minimum of 10 feet from any rear or side lot line. Screen plantings of a height necessary to muffle noise and block lights may be required as a condition to the special use approval.

d) Fences for courts may be up to 12 feet in height and shall be of a green or black PVC coated chain link fabric. Said fences shall be located a minimum of 10 feet from any rear or interior side lot line.

e) 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 ownership's, easements must be obtained. A statement along with a detailed drawing from a professional engineer, P.E., shall be submitted showing and stating that these drainage requirements have been or will be met.

f) All court lighting shall be subject to approval as a special use either in conjunction with the application for a sport court or separately as an addition at a later date. Existing courts requesting lighting must apply for same as a separate special use. A lighting plan shall be submitted which indicates the lumins (footcandles) at the property line and distance to the nearest structures. Footcandles shall not exceed 1.5 measured anywhere along the adjacent property lines. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. A lighted court may be required to have additional screening in order to mitigate the affect of lighting on any adjoining properties.

g) No court lighting shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

h) A landscape plan shall be submitted at time of application for special use indicating plant material, size, location and spacing proposed.

i) All courts shall require a building permit prior to grading and/or installation.

11) Hospitals; special care facilities for humans; not in include group homes as defined herein.

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

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

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

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

16) Veterinary clinics, dog kennels;

17) Radio, television and microwave towers;

18) Regulations for the Siting and Construction of Wireless Communication Antennae and Support Equipment

a) Statement of Intent

The Telecommunications Act of 1996 grants authority to local jurisdictions over decisions regarding the placement, construction, and modification of telecommunication towers, antennae and other wireless service facilities. As the City of Leawood has many diverse and unique landscapes that perpetuate the identity of its residential neighborhoods, protection of these valuable resources is paramount.

Accordingly, the governing body finds that the unregulated placement and design of wireless communication equipment results in visual clutter that adversely affects community aesthetics and damages the character that Leawood is built around. This ordinance is intended to provide minimum standards that ensure the communication needs of residents and business are met, while at the same time protecting the general safety and welfare of the community.

b) Purpose

A wireless communication facility or tower may be sited, constructed, designed or maintained in the City of Leawood provided that it is in conformance with the stated standards, procedures, and other requirements of this ordinance.

More specifically, these regulations are necessary to:

1. Provide for suitable location of wireless communication antennae, towers, and supporting ground equipment as to mitigate their effect on residential neighborhoods and land uses;

2. Maintain community aesthetics by minimizing the visual effects of towers through specific design and siting criteria;

3. Maximize the use of existing towers and other structures as to minimize the need for new tower locations;

4. [illegible]urage co-location among wireless communication providers on ex[illegible]nd newly constructed sites in order to reduce the overall number of towers needed;

5. Promote the use of innovative camouflage and disguise techniques for antennae support structures as to integrate their appearance with the many architectural and natural themes found throughout the City of Leawood.

Special Use Permit Required

1. Communication towers shall be allowed, subject to approval of a special use permit granted by the Governing Body, after notification of adjacent and abutting property owners within 1000 feet of said property, public hearing, and after recommendation on the matter by the Plan Commission. Written notification shall be conducted by certified return receipt mail for those parcels within 200 feet of said property and via regular mail as a courtesy for parcels beyond the 200 foot mark.

Consideration of the special use shall be in accordance with the following as established by this ordinance:

A) Suitable location in accordance to the zoning districts and planned areas in which wireless communication facilities are allowed;

B) Maximum tower height;

C) Minimum setbacks of the wireless communication tower and supporting equipment from the property line;

D) [illegible]um buffer distance between the wireless communication tower [illegible]ase supporting equipment from surrounding planned and existing residential areas;

E) Design, landscape, and screening of the wireless communication facility and all related equipment;

F) Co-location among users on newly proposed towers;

G) Minimum separation distances among towers to be constructed within the City of Leawood.

2. Prior to issuance of the special use permit for the operation of a wireless communication facility, the applicant will provide a performance or cash bond in an amount equal to twenty (20) percent of total construction costs for the facility. This bond will be secured for discretionary use by the City of Leawood for maintenance and / or removal of the facility should it become necessary to do so. The bond will be secured for the term of the special use permit plus one year.

3. Pre-existing Wireless Communication Equipment. Pre-existing wireless communication towers, antennae, and related equipment shall be considered a legal non-conforming use and shall not be required to meet the mandates of this ordinance (with the exception of 4-3.1 18)k) until the expiration of their applicable special use permit. Routine maintenance, including the replacement of new antennae of like construction shall be permitted on such existing telecommunication facilities. A telecommunications facility that has received City approval as of the effective date of this ordinance in the [illegible]f a special use exception, but has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility so long as such approval is current and not expired.

4. Placement of an antenna on a non-conforming structure shall be considered an expansion of the non-conforming structure unless prior approval specifically contemplated multiple antennae. The cumulative effect of any additional antennae and transmission equipment placed upon a non-conforming structure must comply with the radio frequency radiation emission guidelines established by the FCC.

d) Zoning Location Requirements

1. Newly proposed wireless communication antennae, towers and supporting ground equipment shall not be permitted within any planned or existing residential area to include RP-A, RP-A5, R-1, RP-1, RP-2, RP-3, and RP-4 zoning districts. Exceptions to this may be provided for the following, upon approval of a special use permit:

A) Church sites, when camouflaged as steeples, bell towers, etc.;

B) Park sites, when camouflaged to be compatible with the natural elements of the park;

C) Existing non-residential structures when designed to be architecturally integral and compatible with said structure.

2. Wireless communication towers, antennae, and supporting ground equipment shall be allowed, subject to approval of a special use permit, within the following planned or existing areas and districts:

A) CP-O, Planned Office;

B) CP-1, Planned Neighborhood Retail;

C) CP-2, Planned General Retail;

D) BP, Planned Business Park;

E) PI, Planned Industrial;

F) SD, Special Development;

G) REC, Planned Recreation;

H) AG, Agricultural (when master planned for commercial, industrial, or recreational uses).

All districts delineated within this ordinance shall be defined by the current, approved Zoning and Master Development Plan maps established for the City of Leawood.

3. Necessary Site. In order to construct a new wireless communication tower within any permitted area, the applicant must provide an inventory of existing antennae locations within a three mile radius of the proposed site. The applicant must also demonstrate, using technological and written evidence, that these sites are inadequate to fulfill the grid needs of the carrier, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites. For the purpose of this ordinance "reasonable" shall be defined as the total of all costs related to the construction of a new tower.

4. Grid Information. At the time of site selection, the applicant shall demonstrate how the facility will impact the overall network of the carrier within the City of Leawood and adjacent Cities on both sides of the state line.

e) Tower Height

Evidence shall be supplied at the time of site selection that the proposed tower height is necessary to meet coverage needs. Any proposed wireless communication tower, within any allowed area, shall not exceed 150 feet in height (including lightning rod). However, exception to this rule may be granted provided that the applicant show clear evidence that additional height is needed to provide necessary signal coverage. However, no exception shall be granted in excess of thirty (30) feet above the prescribed height limit, thus establishing an absolute excepted height of 180 feet (unless specifically necessary for City directed Public Safety equipment). This evidence must be supported by radio frequency engineered documentation and the opinion of a qualified, non-biased telecommunications consultant hired by the City at the expense of the applicant.

This written opinion shall include a finding of concurrence that: (1) no other existing tower or structure can satisfy the coverage needs of the applicant, (2) no other location can fulfill the coverage needs of the applicant at the maximum tower height as established by this ordinance, (3) all costs associated with co-location on an acceptable existing tower or structure are substantially greater than the related construction costs of a new tower.

f) Setback and Buffer Requirements

1. Setbacks. Wireless communication towers and support equipment shall meet the applicable building setback limits of the zoning district in which the facility is to be sited. Communication towers may occupy a leased parcel on a site meeting the minimum lot size requirements for the zoning district in which the tower is located.

2. Distance From Residential Areas. Any proposed wireless communication tower shall be sited at a distance of at least 500 feet, in all directions, from the base of the tower to the property line of any existing or planned residential neighborhood, as shown on the approved City of Leawood Zoning or Master Development Plan Maps.

g) Design Requirements

1. Site Plan and Photo Simulations Required. Any application for construction of a new wireless communication facility and tower must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays layout of the site, as well as proposed and existing structures within 150 feet of the tower base. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review by Planning and Development.

2. Color and Finish. Any approved wireless communication tower will be constructed of a monopole design. Guy and lattice-type towers will not be allowed within the City of Leawood. Exterior finish of the monopole will provide for a non-segmented, tapered appearance. Communication towers and related support buildings and equipment will be designed, camouflaged, and colored so that their appearance blends with the surrounding natural and built environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. All approved towers greater than 75 feet in height must be designed and engineered to accommodate at least two sets of wireless communication antennae. Antennae bridges or platforms will only be allowed on communication towers that are designed for multiple users.

4. Towers less than 75 feet in height must be designed so that their antennae are internally placed, thus creating a smooth, non-projecting appearance. No antenna bridge or platform will be allowed on any tower less than 75 feet in height.

5. Antennae on Structures Other Than Towers. Antennae and communication support equipment located on any existing tower or suitable structure shall be of materials and color that are consistent with the surrounding elements so as to blend architecturally with said structure. Antennae on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennae mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennae exceeding 12 inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color.

6. Towers, antennae and cabinet equipment used for wireless communication purposes shall meet or exceed all minimum structural and operational standards as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then the owners of the towers and antennae governed by this ordinance shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided within 4-3.1 18)k) of this ordinance.

7. An engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennae and transmitting equipment on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna, along with directional data concerning the pointing of any directive antennae.

8. All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the telecommunications facility.

9. It is the responsibility of the carrier to promptly resolve any electromagnetic interference problems created per FCC regulations.

10. All parking areas and drives associated with any wireless communications facility shall comply with applicable provisions for such facilities in each zoning district, except that the Plan Commission or Governing Body may waive the requirements for curbing and guttering when they are not needed for drainage purposes.

h) Lighting, Landscaping, and Screening Requirements

1. Screening Wall. All buildings, cabinets, and other ground support equipment associated with a wireless communication site will be screened with a full perimeter wall. This wall is to be constructed of concrete block and surfaced with a material (stucco, brick, etc.) to match the architecture of surrounding structures. The minimum height of the wall will be 6 feet from ground level.

2. Landscape Materials. Landscaping in the form of pines and other flowering and deciduous trees is required to the outside of the perimeter screening wall. The standard buffer shall consist of a landscaped strip at least six (six) feet wide outside the perimeter screening wall. Pines are to be a minimum of 6 feet in height, while other trees are to have a minimum 2 inch caliper. The owner of the wireless communication facility shall be responsible for maintenance of all related landscape and screening materials. Existing mature tree growth and natural forms on the site shall be preserved to the maximum extent possible.

3. Authority to Trim Trees. An operator shall have authority to trim trees and shrubbery upon and overhanging streets and other public property so as to prevent the branches and foliage of such trees and shrubbery from coming in contact and interfering with the wires, cables and other facilities of an operator. All trimming shall be done under the supervision and direction of the City.

4. Lighting. Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

i) Separation Distances

No newly proposed wireless communication tower shall be allowed to locate within 1000 feet of an existing tower. This distance shall be measured from the base of the existing tower to the base site location of the proposed tower.

j) Co-location

1. Multiple User Towers. All approved towers greater than 75 feet in height must be designed to accommodate at least two sets of wireless communication antennae. Prior to issuance of a building permit, the applicant and property owner must provide either of the following: (1) signed, executed lease agreements with other wireless service providers who desire to co-locate on the proposed tower, or (2) a signed statement of intent that guarantees non-discriminatory pricing for access to the tower by any competing carrier, and that the price for access will be based on the current market rate for co-location. This market rate will be established by an independent research consultant hired at the expense of the applicant. Failure to provide co-location opportunities to (or negotiate in good faith with) alternative carriers may constitute a finding of non-compliance with 4-3.1 18)c)1.F of this ordinance, and thus be grounds for revocation of the special use permit, and shall be cause for the withholding of future permits to same owners to install, build, or modify antennae or support structures within the City of Leawood.

2. Existing Site Improvement. Alterations or improvements to existing wireless communication sites shall be allowed, provided that these modifications are implemented to accommodate additional users and provided that tower height does not exceed the maximum established by this ordinance. Application for alteration to an existing site will require approval of new special use permit, including notification and public hearing.

3. Antennae may be added 'as of right' to any approved multi-user tower after securing proper building permits, provided that their addition does not exceed the tower capacity approved by the original special use permit. Any proposed antenna that exceeds the originally approved capacity limit shall be considered a revised application, and shall require a special use permit to locate.

k) Abandoned Or Unsafe Towers and Antenna Support Structures

Any tower or antenna support structure which is occupied by inactive antennae for a period of 12 (twelve) months shall be considered abandoned and a nuisance, and will be removed at the owner's expense within 90 (ninety) days. Any tower or antenna support structure which is not maintained to a suitable degree of safety and appearance (as determined by the Director of Planning, Chief Building Inspector, and any applicable code) will also be considered a nuisance and will be upgraded or removed at the owner's expense. In the future should the levels of radio frequency radiation emitted by a wireless communication facility be determined a threat to human health or safety, the facility shall be cured or immediately removed (within 90 days) at the owner's expense. This finding must be either mandated by federal legislative action, or based on regulatory guidelines established by the FCC.

l) Building Codes and Inspection

1. To insure the structural integrity of towers, the owner of a tower shall ensure that it is (constructed and) maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may order the removal or cause the removal of such tower at the owner's expense.

2. At least every 24 months, the tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronic Industries Association (EIA) Standard 222, 'Structural Standards for Steel Antenna Towers and Antenna Support Structures.' A copy of such inspection record shall be provided to the City. Said inspection shall be conducted at the facility owner's expense.

3. In all areas of the city where the cables, wire, and other like facilities of public utilities exist underground, or are required by the City to be placed underground, an operator shall also place its cables, wires, or other facilities underground.

4. In the case of any disturbance to a street or other public property, caused by an operator during the course of constructing or maintaining its system facilities, an operator shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping, or surface any street or public property disturbed in as good or better condition as before the disturbance in accordance with applicable federal, state, and local laws, rules, regulations or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the Director of Public Works as being weakened or damaged as a result of a cut or to other invasion of the pavement of a street or other public property.

m) Exclusions

The following shall be exempt from this ordinance:

1. Any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the FCC;

2. Any device designed for over the air reception of television broadcast signals, multi-channel, multi-point distribution service or direct broadcast satellite service.

n) Penalties

This ordinance shall be in full force and effect upon its enactment and approval, and any person found to be in violation of any of the provisions of this ordinance shall be subject to a fine of up to $500 for each day of violation

o) Severability

If any section, subsection sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

p) Repeal of Laws in Conflict

This ordinance supersedes all ordinances or part of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

q) Definitions

Act: The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.

Alternative tower structure: Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any device used to transmit or receive electromagnetic signals for communication purposes, not to include satellite dishes used solely for home television purposes.

Antenna support structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmission or receipt of radio frequency energy.

Cell site: A tract or parcel of land that contains cellular communication antennae, their support structure, accessory buildings, and parking, and may include the other uses associated with an ancillary to cellular communication transmission.

Cellular service: A telecommunication service that permits customers to use wireless, mobile telephones to connect, via low power radio transmitter sites called cell sites, either to the public switched network or to other mobile cellular phones.

Cellular telecommunications: A commercial low power mobile radio service licensed by the Federal Communications Commission in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service

area and which are capable of being reused in different cells within the service area.

Co-location: Placement of wireless communication equipment by more than one provider on a single tower or other type of antenna support structure.

Directional antenna: An antenna or array of antennae designed to concentrate a radio signal in a particular area.

Effective radiated power: (ERP) The product of the antenna power input and the numerically equal power output gain.

Enhanced specialized mobile radio: (ESMR) A specialized mobile radio network which utilizes integrated digital enhanced network.

EPA: Environmental Protection Agency.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Governing body: Shall mean the governing authority of the City of Leawood, Kansas.

Guyed tower: A wireless communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Interference: Disturbances in reception caused by intruding signals or electrical current.

Lattice tower: A three or four sided tower constructed of open steel framing.

License: The rights and obligations extended by the City to an operator to own, construct, maintain, and operate its system within the boundaries of the City for the sole purpose of providing services t persons or areas outside the City.

Low power telecom facility: An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following:

- Point-to-point microwave signals;
- Signals through FM radio translators;
- Signals through FM radio boosters under 10 watts ERP;
- Cellular, ESMR, and Personal Communication Services (Networks);
- Private low power mobile radio service.

Micro-cell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage.

Microwave: Electromagnetic radiation with frequencies higher than 300 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.

Microwave antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Monopole: A wireless communication tower of single-pole design, constructed without support (guy) wires or anchors.

Omnidirectional antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed. (a.k.a. whip antenna).

Panel antenna: An antenna that transmits signals in specific directions, and are typically square or rectangular in shape.

Personal communications services (PCS): Digital wireless telephone technology such as portable phones, pagers, fax, and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as personal communications networks (PCN).

Public property: Any real property, easement, right-of-way, air space, or other interest in real estate owned by any governmental entity.

Repeater: A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

Specialized Mobile Radio: A mobile radio which is utilized in conjunction with ESMR, which includes interconnect and dispatch services.

(Ground) support equipment: Any cabinet, building, power source or other equipment constructed on the ground, and used to assist antennae in the generation or receipt of electromagnetic communication signals.

Telecommunications: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received.

Tower: A structure designed to support at least one or more communication antenna. This does not include structures owned and operated by amateur radio personnel licensed by the FCC.

Tower height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

Wireless communication facility: Any complex, including tower, antennae, and ground support equipment, used for the transmission or receipt of electromagnetic communication signals.

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

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

21) Riding stables and tracks;

22) Wastewater treatment plant;

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

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

25) 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;

26) Assembly halls, community centers, philanthropic organizations;

27) 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.

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

29) Group boarding home for minors or adults; not to include group homes as defined herein.

30) Private ambulance service;

31) Bed and breakfast;

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

33) 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 2 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 1 additional year and only after review and approval by the Plan Commission and City Council. Any amount of time beyond 3 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.

34) 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 6 special event permits per calendar year shall be issued administratively at any location. Any additional permits may be granted by the Governing Body.

1) Fees for administrative special use permits issued in accordance with Section 4-3.1 (33) d) shall be established by the fee schedule approved yearly by the governing body. If an applicant applies for all six allowable administrative special use permits at one time, the applicant's fee will be reduced to 2/3 of the total ordinary cost. (For example, if the ordinary fee is $50 per permit, an applicant applying for the six allowable permits at one time will pay only $200 instead of the $300 the applicant would pay is applying for the permits on separate occasions within an y given year.)

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 used by the event itself.

i) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the 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.

k) 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.

35) House or structure relocation to a permanent site within the City Limits provded the following conditions can be met:

a) The house or structure shall be found to be compatible with the surrounding houses or structures and neighborhood including, but not limited to, size, design or general architecture, lot location, and lot size;

b) The structure be made habitable within 6 months of relocation;

c) the applicant shall conform to the provisions of Article 6. "Removal of Structures" of the Leawood City Code.

36) Adult uses or adult businesses, as defined in 4-9.2 of this Ordinance, which holds and unexpired and unrevoked Special Use Permit as provided in 4-9.7 of this Ordinance. Said adult uses or adult businesses are subject to the locational limitations of 4-9.4 of this Ordinance. Notwithstanding any other provisions of this Section, no other conditions as to operation, site development, signs or time limits may be imposed except as required by 4-9.1 to 4-9.17 of this ordinance.

Section 2. Existing Section Repealed. That existing Section 4-3 of the "Amendment to Leawood Development Ordinance" is hereby repealed. (Prior law: Ordinance No. 1693)

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 June, 1998.

Approved by the Mayor the 15th day of June, 1998.

(SEAL)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

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

ORDINANCE NO. 1733

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT ON LAND (FORMERLY KENNETH ROAD) VACATED BY ORDINANCE NO. 1732 .

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement, more particularly described, to wit:

All that part of the N1/2 of Frac. Section 35, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the northwest corner of the N1/2 of said Frac. Section 35; thence S 1° 59'26" E, along the west line of the N1/2 of said Frac. Section 35, a distance of 773.30 feet to the true point of beginning of subject tract; thence continuing S 1° 59'26" E, along the west line of the N1/2 of said Frac. Section 35, a distance of 729.74 feet, to a point on the northwesterly right-of-way line of Kenneth Parkway as now established; thence northeasterly, along the northwesterly right-of-way line of said Kenneth Parkway, said line being on a curve to the right having a radius of 1,000 feet, a central angle of 11° 49'35" and whose initial tangent bearing N 16° 12'13" E, a distance of 206.41 feet; thence N 63° 24'11" W, a distance of 7.97 feet, to a point of curvature; thence northwesterly and northerly along a curve to the right having a radius of 100 feet and a central angle of 61° 24'35", a distance of 107.18 feet; thence S 88° 00'34" W, a distance of 5 feet, to a point 20 feet east of the west line of the N1/2 of said Frac. Section 35, said point also being on the easterly right-of-way line of Old Kenneth Road as now established; thence N 1° 59'26" W, along a line 20 feet east of and parallel with the west line of the N1/2 of said Frac. Section 35 and along the easterly right-of-way line of said Old Kenneth Road, a distance of 397.53 feet; thence northwesterly, along a curve to the right having a radius of 756.20 feet, a central angle of 4° 15'31" and whose initial tangent bearing is N 24° 58'06" W, a distance of 56.21 feet, to the true point of beginning of subject tract.

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

Section 3. That this ordinance shall take effect and be in force on the date that Ordinance No. 1732 becomes effective.

Passed by the Council the 1st day of June, 1998.

Approved by the Mayor the 1st day of June, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 3rd day of June 1998, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 5th day of June 1998

Robert S. Emerson

NOTARY PUBLIC

ROBERT S. EMERSON NOTARY PUBLIC STATE OF KANSAS

My Commission Expires 5-7-2002

Printer's Fees 24.35

Additional Copies $_____

First published in The Johnson County Sun, Friday, June 5, 1998

ORDINANCE NO. 1733

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF A PERMANENT UTILITY EASEMENT ON LAND (FORMERLY KENNETH ROAD) VACATED BY ORDINANCE NO. 1732 .

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself a permanent utility easement, more particularly described, to wit:

All that part of the N1/2 of Frac. Section 35, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the northwest corner of the N1/2 of said Frac. Section 35; thence S 1°59'26" E, along the west line of the N1/2 of said Frac. Section 35, a distance of 773.30 feet to the true point of beginning of subject tract; thence continuing S 1°59'26" E, along the west line of the N1/2 of said Frac. Section 35, a distance of 729.74 feet, to a point on the northwesterly right-of-way line of Kenneth Parkway as now established; thence northeasterly, along the northwesterly right-of-way line of said Kenneth Parkway, said line being on a curve to the right having a radius of 1,000 feet, a central angle of 11°49'35" and whose initial tangent bearing N 16°12'13" E, a distance of 206.41 feet; thence N 63°24'11" W, a distance of 7.97 feet, to a point of curvature; thence northwesterly and northerly along a curve to the right having a radius of 100 feet and a central angle of 61°24'35", a distance of 107.18 feet; thence S 88°00'34" W, a distance of 5 feet, to a point 20 feet east of the west line of the N1/2 of said Frac. Section 35, said point also being on the easterly right-of-way line of Old Kenneth Road as now established; thence N 1°59'26" W, along a line 20 feet east of and parallel with the west line of the N1/2 of said Frac. Section 35 and along the easterly right-of-way line of said Old Kenneth Road, a distance of 397.53 feet; thence northwesterly, along a curve to the right having a radius of 756.20 feet, a central angle of 4° 15'31" and whose initial tangent bearing is N 24°58'06" W, a distance of 56.21 feet, to the true point of beginning of subject tract.

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

Section 3. That this ordinance shall take effect and be in force on the date that Ordinance No. 1732 becomes effective.

Passed by the Council the 1st day of June, 1998.

Approved by the Mayor the 1st day of June, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

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

(19190-1F-JC)

ORDINANCE NO. 1732

AN ORDINANCE VACATING THE EXISTING KENNETH ROAD.

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

Section 1. That the City of Leawood, Kansas, does hereby vacate the existing Kenneth Road as described as follows:

All that part of the N1/2 of Frac. Section 35, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the northwest corner of the N1/2 of said Frac. Section 35; thence S 1° 59'26" E, along the west line of the N1/2 of said Frac. Section 35, a distance of 773.30 feet to the true point of beginning of subject tract; thence continuing S 1° 59'26" E, along the west line of the N1/2 of said Frac. Section 35, a distance of 729.74 feet, to a point on the northwesterly right-of-way line of Kenneth Parkway as now established; thence northeasterly, along the northwesterly right-of-way line of said Kenneth Parkway, said line being on a curve to the right having a radius of 1,000 feet, a central angle of 11° 49'35" and whose initial tangent bearing N 16° 12'13" E, a distance of 206.41 feet; thence N 63° 24'11" W, a distance of 7.97 feet, to a point of curvature; thence northwesterly and northerly along a curve to the right having a radius of 100 feet and a central angle of 61° 24'35", a distance of 107.18 feet; thence S 88° 00'34" W, a distance of 5 feet, to a point 20 feet east of the west line of the N1/2 of said Frac. Section 35, said point also being on the easterly right-of-way line of Old Kenneth Road as now established; thence N 1° 59'26" W, along a line 20 feet east of and parallel with the west line of the N1/2 of said Frac. Section 35 and along the easterly right-of-way line of said Old Kenneth Road, a distance of 397.53 feet; thence northwesterly, along a curve to the right having a radius of 756.20 feet, a central angle of 4° 15'31" and whose initial tangent bearing is N 24° 58'06" W, a distance of 56.21 feet, to the true point of beginning of subject tract.

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

Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-423 (1989 Supp.).

Passed by the Council the 1st day of June, 1998.

Approved by the Mayor the 1st day of June, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

2900850

ORDINANCE NO. 1732

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Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-423 (1989 Supp.).

ret City of Leawood
4800 Town Center Dr.
Leawood KS 66211

NC

Passed by the Council the 1st day of June, 1998.

Approved by the Mayor the 1st day of June, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

N/C

1998 OCT 26 P 3: 18.5

SARA F. ULLMANN
REGISTER OF DEEDS

CERTIFICATE

State of Kansas
County of Johnson
City of Leawood

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1732 as the same appears in my office. Said Ordinance became effective July 5, 1998, no protest having been filed.

In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 9th day of July, 1998.

(S E A L)

SECRETARY OF STATE
STATE HISTORICAL SOCIETY
TOPEKA, KANSAS

City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

October 19, 1998

Beverly L. Baker, County Clerk
Sara Ullmann, Register of Deeds

Enclosed is a certified copy of Ordinance No. 1732 to be filed in your office in accordance with Section 2 of said ordinance.

Sincerely,

Martha Heizer

Martha Heizer
City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY,ss: Georgiann Thacker being first Duly sworn, Deposes and says: 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 5th day of June 1998, with subsequent publication being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribed and sworn to before me this 5th day of June 1998

Robert D. Emerson

NOTARY PUBLIC

ROBERT D. EMERSON NOTARY PUBLIC STATE OF KANSAS

My Commission Expires 5-7-2002

Printer's Fees 23.87

Additional Copies $_____

First published in The Johnson County Sun, Friday, June 5, 1998

ORDINANCE NO. 1732

AN ORDINANCE VACATING THE EXISTING KENNETH ROAD.

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Section 1. That the City of Leawood, Kansas, does hereby vacate the existing Kenneth Road as described as follows:

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

Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-623 (1989 Supp.).

Passed by the Council the 1st day of June, 1998.

Approved by the Mayor the 1st day of June, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:

K.S. Wetzler
K.S. Wetzler City Attorney

(19189-1F-JC)

eff. 6/17/98

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ORDINANCE NO. 1731 C

AN ORDINANCE OF THE CITY OF LEAWOOD REGULATING ADULT USES AND REPEALING AND REPLACING CERTAIN SECTIONS OF THE LEAWOOD MUNICIPAL CODE REGULATING ADULT USES

WHEREAS, This Ordinance is necessary in order to revise some of the provisions of the City's Municipal Code relating to adult uses in order to respond to recent developments with regard to the regulation of adult uses and recent case law governing the regulation of adult uses. The City Council determines that a permanent ordinance regulating adult uses is necessary to establish reasonable and uniform regulations that will reduce the adverse secondary effects that adult businesses have upon the residents of the City by its adoption of this Ordinance.

WHEREAS, *The public health, safety and welfare of the City requires the enactment of this Ordinance.*

WHEREAS, The City Council finds that this Ordinance is necessary in order to protect the City from the potential secondary effects of adult businesses including crime, a decline in the City's retail trade, the blighting of neighborhoods and the deterioration of property values. The City hereby finds that this ordinance is necessary in order to protect and preserve the quality of the City's neighborhoods and the City's commercial districts, to protect the City's quality of life, to diminish the increased threat of the spread of sexually transmitted diseases, and to protect the peace, welfare and privacy of persons who patronize adult businesses. Experience in this City, as well as in cities and counties within and outside of Kansas including the Johnson County, Kansas; Los Angeles County, California; and the cities of Garden Grove, California; Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix, Arizona have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The City recognizes and relies upon the following studies which have documented the adverse secondary impacts of adult uses:

* the 1991 report to the City of Garden Grove, California by Drs. McCleary and Meeker on the relationship between crime and adult business operations;
* Phoenix, Arizona Planning Department (May 1979);
* Tucson, Arizona (1990);
* Los Angeles, California (June 1977);
* Indianapolis, Indiana (1984);
* Minneapolis, Minnesota (1980);
* Cleveland, Ohio (1977);
* Oklahoma City, Oklahoma (1986);
* Austin, Texas (1986);
* Amarillo, Texas (1977);
* Beaumont, Texas (1982);
* Houston, Texas (1983);
* New York City (1994); and

* Seattle, Washington (1989).

WHEREAS, The City recognizes and relies upon the experience of other cities and counties in adopting adult business regulations as described in reported case law in support of this ordinance. These include the following:

* Johnson County, Kansas (as discussed in *Dodger's Bar & Grill, Inc. v. Johnson County Board of County Commissioners*, 32 F.3d 1436 (10th Cir. 1994) and *Dodger's Bar & Grill, Inc. v. Johnson County Board of County Commissioners*, __ F.3d __ (10th Cir. 1996)).

* Shawnee County, Kansas (as discussed in *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985)).

* Kansas City, Missouri (see *Walker v. City of Kansas City*, 911 F.2d 80 (8th Cir. 1990)).

* Adams County, Colorado (as discussed in *7520 Corp. v. Board of County Commissioners*, 799 P.2d 917 (Colo. 1990)).

* Arlington, Texas (as discussed in *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995)).

* Atlanta, Georgia (as discussed in *Airport Book Store, Inc. v. Jackson*, 242 Ga. 214, 248 S.E.2d 623 (1978)).

* Bellevue, Washington (as discussed in *Ino Ino, Inc. v. City of Bellevue*, 937 P.2d 154 (Wash. 1997), and *City of Bellevue v. Factoria Center Investments*, __ P.2d __ (Wash. App. 1997)).

* Biloxi, Mississippi (see *Star Satellite, Inc. v. City of Biloxi*, 779 F.2d 1074 (5th Cir. 1986)).

* Boynton Beach, Florida (as described in *Southern Entertainment Company v. City of Boynton Beach*, 736 F.Supp. 1094 (S.D. Fla. 1990)).

* Broward County, Florida (as discussed in *International Eateries of America, Inc. v. Broward County*, 941 F.2d 1157 (11th Cir. 1991), *cert. denied*, 503 U.S. 920 (1992)).

* Chicago, Illinois (as discussed in *North Avenue Novelties v. City of Chicago*, 88 F.3d 441 (7th Cir. 1996)).

* Crystal, Minnesota (as reported in *City of Crystal v. Fantasy House, Inc.*, 569 N.W.2d 225 (Minn.App. 1997)).

* Chattanooga, Tennessee (as discussed in *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997)).

* Clinton Township, Michigan (as discussed in *Jott, Inc. v. Charter Township of Clinton*, 224 Mich.App. 513, 569 N.W.2d 841 (1996)).

* Cook County, Illinois (as discussed in *Cook County v. Renaissance Arcade*, 122 Ill.2d 123, 118 Ill.Dec. 618, 522 N.E.2d 73 (1988)).

* Daytona Beach, Florida (as discussed in *Function Junction, Inc. v. City of Daytona Beach*, 705 F.Supp. 544 (M.D. Fla. 1987)).

* Delafield, Wisconsin (see *Suburban Video, Inc. v. City of Delafield*, 694 F.Supp. 585 (E.D. Wis.

1988)).

* The State of Delaware (see *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993)).

* Denver, Colorado (see *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990)).

* Detroit, Michigan (as discussed in *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1975)).

* El Paso, Texas (see *Woodall v. City of El Paso*, 49 F.3d 1120, *reh'g denied*, 59 F.3d 1244 (5th Cir. 1995)).

* Fort Lauderdale, Florida (as discussed in *International Food & Beverage Systems v. City of Fort Lauderdale*, 794 F.2d 1520 (11th Cir. 1986)).

* Houston, Texas (see *SDJ, Inc. v. City of Houston*, 837 F.2d 1268 (5th Cir. 1988) and *Stansberry v. Holmes*, 613 F.2d 1285 (5th Cir. 1980)).

* Islip, New York (as discussed in *Town of Islip v. Caviglia*, 73 N.Y.2d 544, 540 N.E.2d 215 (1989)).

* Jackson, Mississippi (as reported in *Lakeland Lounge of Jackson, Inc. v. City of Jackson*, 973 F.2d 1255 (5th Cir. 1992)).

* Jacksonville, Florida (discussed in *Lady J Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997)).

* Kitsap County, Washington (see *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986)).

* Los Angeles County, California (as discussed in *Smith v. County of Los Angeles*, 211 Cal.App.3d 188 (1989));

* Little Rock, Arkansas (as discussed in *Ambassador Books & Video v. City of Little Rock*, 20 F.3d 858 (8th Cir. 1994)).

* Minneapolis, Minnesota (as discussed in *Alexander v. City of Minneapolis*, 928 F.2d 278 (8th Cir. 1991) and *Excalibur Group, Inc. v. City of Minneapolis*, __ F.3d __ (8th Cir. 1997)).

* Myrtle Beach, South Carolina (as discussed in *D.G. Restaurant Corp. v. City of Myrtle Beach*, 953 F.2d 140 (4th Cir. 1991)).

* New Castle County, Delaware (as discussed in *State v. Huddleston*, 412 A.2d 1148 (Del. 1979), and *Amico v. New Castle County*, 101 F.R.D. 472 (D. Delaware 1984), in which the County established a factual basis for setbacks between adult uses and schools and churches.)

* New York, New York (as discussed in *Stringfellow's of New York, Ltd. v. City of New York*, 98 NY Int. 0014 (1998); and *Plaza Health Clubs v. City of New York* 76 A.D.2d 509, 430 N.Y.S.2d 815 (1980)).

* Palm Beach County, Florida (as discussed in *Movie & Video World v. Board of County Commissioners*, 723 F.Supp. 695 (S.D. Fla. 1989)).

* Phoenix, Arizona (as reported in *Ellwest Stereo Theatres, Inc. v. Wenner*, 681 F.2d 1243 (9th Cir. 1982)).

* Pinellas County, Florida (see *T-Marc, Inc. v. Pinellas County*, 804 F.Supp. 1500 (M.D. Fla. 1992)).

* Ramsey, Minnesota (see *City of Ramsey v. Holmberg*, 548 N.W.2d 302 (Minn.App. 1996); *Schneider v. City of Ramsey*, 800 F.Supp. 815 (D.Minn. 1992), *aff'd sub nom, Holmberg v. City of Ramsey*, 12 F.3d 140 (8th Cir. 1993), *cert. denied*, 115 S.Ct. 59, 130 L.Ed.2d 17 (1994)).

* Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1976));

* Rochester, Minnesota (as discussed in *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir.), *cert. denied*, 513 U.S. 1017 (1994)).

* Salt Lake City, Utah (see *Mini Spas, Inc. v. South Salt Lake City Corporation*, 810 F.2d 939 (10th Cir. 1987)).

* Seattle, Washington (as discussed in *Northend Cinema v. City of Seattle*, 90 Wash.2d 709, 585 P.2d 1153 (1978), *cert. denied sub nom., Apple Theatre, Inc. v. Seattle*, 441 U.S. 946 (1979)).

* St. Louis, Missouri (as discussed in *Thames Enterprises, Inc. v. City of St. Louis*, 851 F.2d 199 (8th Cir. 1988)).

* West Allis, Wisconsin (see *Tee & Bee, Inc. v. City of West Allis*, 936 F.Supp. 1479 (E.D. Wis. 1996)).

WHEREAS, Prior to the adoption of this Ordinance, the City Council reviewed the detailed studies prepared by other jurisdictions regarding the social and economic effects on persons and properties surrounding established adult use facilities. Copies of these studies are available for public review upon request. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.

WHEREAS, Crime rates tend to be higher in residential areas surrounding adult uses than in industrial areas surrounding adult uses.

WHEREAS, Areas within walking distance of single and multiple family dwellings should be free of adult uses in order to prevent a deterioration in property values and to protect such areas from the noise, crime, and traffic generated by adult uses. One-quarter of a mile, or 1,320 feet, is considered walking distance by most planning professionals.

WHEREAS, Adult uses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by adult uses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential adult use site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and adult use operators with respect to potential adult use sites.

WHEREAS, The image of the City of Leawood as an attractive place to reside will be adversely affected by the presence of adult uses in close proximity to residential uses, schools, religious institutions and parks.

WHEREAS, The existence of adult uses in close proximity to residential areas has been shown in other cities and counties to reduce the property values in those residential areas.

WHEREAS, A reasonable regulation of the location of adult uses protects the image of the community and its property values and protects its residents from the adverse secondary effects of adult uses, while providing

those who desire to patronize adult uses an opportunity to do so in appropriate areas in the City.

WHEREAS, There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by adult businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that adult businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for adult use businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

WHEREAS, The City Council recognizes and relies on the findings set forth in the 1986 Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters. A copy of the Attorney General's Report on Pornography is available for public review upon request.

WHEREAS, The City Council also finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City of Leawood, and thus certain requirements with respect to the design, ownership and operation of adult businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and the blighting of areas in which such businesses are located, the City Council also takes legislative notice of the facts recited in the cases of *Moody v. Board of County Commissioners of Shawnee County*, 237 Kan. 67, 697 P.2d 1310 (1985); *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993); *BSA, Inc. v. King County*, 804 F.2d 1104, 1111 (9th Cir. 1986); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053, 1061 (9th Cir. 1986); *Colacurcio v. Kent*, 944 F.Supp. 1470, 1477 (W.D. Wash. 1996); *Zanganeh v. Hymes*, 844 F.Supp. 1087, 1091 (D. Md. 1994); *T-Marc, Inc. v. Pinellas County*, 804 F. Supp. 1500, 1506 (M.D. Fla. 1992); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); and *Ino Ino, Inc. v. City of Bellevue*, 937 P.2d 154 (Wa. 1997) regarding how live adult entertainment results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.

WHEREAS, there is a need to restrict the hours of operation of any adult use or adult business in order to minimize the impact on surrounding properties, to allow fire marshals and other health and safety officials access to inspect properties, and to restrict criminal activity including, but not limited to, crime and prostitution. The City Council hereby takes legislative notice that there is a positive correlation between noise levels and an increase in crime and the hours of operation of an adult use or adult business. The City Council takes legislative notice of studies performed by other jurisdictions and experiences reported in case law which document said impacts including Jacksonville, Florida (as discussed in *Lady J Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997)) and the State of Delaware (as discussed in *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993)).

WHEREAS, the City Council hereby finds and declares that the licensing of owners, clerks and employees is needed to monitor the work force of adult businesses, to ensure that only duly authorized adults are employed at such enterprises, and to ensure that such persons do not have a history of regulatory violations or sexual misconduct. In support thereof, the City Council also takes legislative notice of the facts recited in the case of *TK's Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994).

WHEREAS, It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral Ordinance which addresses the secondary effects that adult business uses have on the City and provides for reasonable objective permit standards for all expressive uses. In developing this Ordinance, the City Council has been mindful of legal principles relating to regulation of adult businesses and all expressive uses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of adult businesses and which do not operate as an unconstitutional prior restraint. The City Council has considered decisions of the United States Supreme Court regarding local regulation of adult businesses, including but not

limited to: *Young v. American Mini Theaters, Inc.*, 427 U.S. 50 (1976) (reh. denied 429 U.S. 873); *City of Renton v. Playtime Theaters*, 475 U.S. 41 (1986) (reh. denied 475 U.S. 1132); *FW/PBS, Inc. v. Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theater*, 501 U.S. 560 (1991); and United States Court of Appeals decisions, including but not limited to: *Topanga Press v. City of Los Angeles*, 989 F.2d 1524 (9th Cir. 1993); *Lakeland Lounge v. City of Jacksonville*, 973 F.2d 1255 (5th Cir. 1992), *Hang On, Inc. v. Arlington*, 65 F.3d 1248 (5th Cir. 1995), *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3rd Cir. 1993), *International Eateries v. Broward County*, 941 F.2d 1157 (11th Cir. 1991), and *Star Satellite v. City of Biloxi*, 779 F.2d 1074 (5th Cir. 1986); and Kansas cases including but not limited to: *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985).

WHEREAS, The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

(1) Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in adult businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons of adult businesses on the site of the adult business;

(2) Evidence has demonstrated that performers employed by adult businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

(3) Evidence indicates that performers at adult businesses have been found to engage in acts of prostitution with patrons of the establishment; and

(4) Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly have been found to be used as a location for engaging in unlawful sexual activity.

WHEREAS, As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at adult businesses.

WHEREAS, The City Council finds that preventing the direct exchange of money between performers and patrons will serve to reduce the likelihood of drug and sex transactions occurring in adult businesses.

WHEREAS, The City Council finds that requiring separations between entertainers and patrons also reduces the likelihood that such persons will negotiate narcotics sales and/or transact sexual favors within the adult business.

WHEREAS, Enclosed or concealed booths and dimly-lit areas within adult businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within adult businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

WHEREAS, The City Council has determined that the establishment of an adult use development permit process is a legitimate and reasonable means of ensuring that:

(1) Operators of adult businesses comply with the reasonable regulations of this Ordinance;

(2) The recognized secondary impacts of a proposed adult use business in a specific location are mitigated; and

(3) Adult use operators have specific guidelines with respect to where they can establish or operate an adult business.

WHEREAS, The City Council does not intend to regulate in any area preempted by Kansas law.

WHEREAS, The City Council desires to protect the rights conferred by the United States Constitution to adult use businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of adult uses.

WHEREAS, The City Council and Planning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the subject of regulation of adult uses and this proposed ordinance.

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

Section 1. Section 4.9 of Article 4 of the Leawood Development Ordinance is hereby repealed in its entirety and a new Section 4.9 of said Article 4 is hereby added to the Leawood Development Ordinance to read in its entirety as follows:

4-9.1 Purpose.

The purpose of this Chapter is to provide special design guidelines/standards and development regulations which regulate the time, place and manner of the operation of adult use facilities in order to minimize the negative secondary effects associated with such facilities. The specific purposes of the adult business permit are to:

A. Establish a procedure which places strict limits on processing time and eliminates any possibility for the exercise of unfettered discretion in reviewing applications for establishing adult uses.

B. Ensure orderly and thorough city review of applications for adult uses.

C. Establish reasonable and uniform regulations that will reduce possible adverse secondary effects that adult uses may have upon the residents of the city and preserve the integrity of existing commercial areas of the city and of residential areas which are in close proximity to such commercial areas.

D. To protect the rights conferred by the United States Constitution to adult uses in a manner that ensures the continued and orderly development of property within the city and diminishes those undesirable negative secondary effects that recognized studies have shown to be associated with the development and operation of adult uses.

E. To allow a process whereby the unusual site development features or operating characteristics of uses which must comply with this Section may be conditioned through an individual review, in order to be compatible with the surrounding uses of property.

4-9.2 Definitions.

In addition to the definitions contained in Article 8 of the Development Ordinance, the following words and phrases shall, for the purposes of this Section, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of the Development Ordinance, these definitions shall prevail:

A. **Administrator**: The Director of Planning and Development of the City of Leawood.

B. **Adult Arcade**: Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are considered 'adult material' as defined by this Section.

C. **Adult Bookstore**: An establishment having as a substantial or significant portion of its stock in trade adult material, or an establishment with a segment or section devoted to the sale or display of such material.

1. An establishment shall be deemed to have a substantial or significant portion of its stock in trade if not less than twenty percent (20%) of the stock of the business or twenty percent (20%) of the floor area which houses the adult business is adult material provided, however, that if the adult business is housed in a building or structure which includes more than one business, then the 'floor area' shall mean and refer to only that portion of the building which is leased or otherwise demised to the adult business.

2. An establishment shall also be deemed to have a substantial or significant portion of its stock in trade if not less than twenty percent (20%) of the gross receipts of the business or use are derived from the sale of 'adult material' (as defined below).

D. **Adult Business or Adult Use**:

1. Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret or adult nightclub, figure modeling studio, adult dance studio, adult entertainment studio, erotic dance studio, adult hotel, or massage establishment; or

2. Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented merchandise or sexually oriented merchandise, or which offers to its patrons adult materials or other products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical parts.

E. **Adult Cabaret or Adult Nightclub**: A business establishment or concern which features live performances by dancers or similar entertainers in the nude.

F. **Adult Dance Studio**: Any business establishment or concern which provides for members of the public a partner for dance where the partner appears nude, or where the dance is distinguished or characterized by the emphasis on matter depicting, or describing or relating to specified sexual activities or specified anatomical areas.

G. **Adult Entertainment Studio**: Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, wherein an entertainer provides entertainment to a member of the public, a patron or a member, when such entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult entertainment studio includes, without being limited to, any premises that is physically arranged and used as such, whether advertised or represented as an entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Adult entertainment studio shall not include theaters, concert halls, or similar establishments where entertainment is performed for groups of four or more.

H. **Adult Hotel**: A hotel which is used for presenting on a regular and substantial basis material which is distinguished or characterized by the emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas through closed circuit or cable television or through video tape recorder where video tapes are provided by the hotel/motel. For purposes of this subsection, a "Hotel" means any building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a motel, cabin camp, tourist cabin, or other type of lodging unit. Evidence that a sleeping room in a hotel has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult hotel as that term is defined in this Section.

I. **Adult Oriented Merchandise**: Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

J. **Adult Material**: Materials which are distinguished or characterized by their emphasis on matter which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

K. **Adult Theater**: A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, material which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to specified sexual activities or specified anatomical areas.

L. **Arcade Booth**: Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, or where a live performance is presented, on a regular or substantial basis, where the material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to specified sexual activities or specified anatomical areas.

M. **Commercial Zoning District**: Any property within the City which is zoned SD-CR (Special Development), CP-1 (Planned Neighborhood Retail) or CP-2 (Planned General Retail) on the City's official zoning map adopted pursuant to 2-2 of the Leawood Development Ordinance, as may be amended from time to time.

N. **Dancer**: A Performer who dances or otherwise performs for an erotic dance studio and who seeks to arouse or excite the patrons sexual desires.

O. **Employee**: Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment studio.

P. **Entertainer**: Any person who provides entertainment within an adult entertainment studio as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

Q. **Entertainment**: Any exhibition, performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered for amusement.

R. **Erotic Dance Studio**: A fixed place of business which emphasizes and seeks, through one or

more dancers or performers, to arouse or excite the patrons sexual desires.

S. **Figure Modeling Studio**: Any establishment or business which provides for members of the public, the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, sketching, drawing, or other pictorial form.

T. **Footcandle**: A unit of illumination lighting a surface, on which there is uniformly distributed a light flux of one lumen over an area of one square foot. A lumen is a unit of measure of the quantity of light energy emitted by a light source without regard to the effectiveness of its distribution. A candela is the unit of intensity of a light source in a specific direction. One candela directed perpendicular to a surface one foot away generates one footcandle of light. A light source of one candela emits a total of 12.57 lumens. For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.

U. **Industrial Zoning District**: Any property within the City which is zoned BP (Planned Business Park) or PI (Planned Industrial) on the Citys official zoning map adopted pursuant to 2-2 of the Leawood Development Ordinance, as may be amended from time to time.

V. **Massage Establishment**. Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages. For purposes of this Section, a massage establishment shall not include the following:

1. Establishments which routinely provide massage services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed practical nurse or a registered professional nurse.

2. Electrolysis treatment by a licensed operator of electrolysis equipment.

3. Continuing instruction in martial or performing arts or in organized athletic activities.

4. Hospitals, nursing homes, medical clinics or medical offices.

5. Barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.

W. **Massage**. Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or appliance, with our without such supplementary aids as rubbing alcohol.

X. **Masseur or Masseuse**: A masseur means a male person, and a masseuse means a female person, who practices massage.

Y. ***Master Plan***: The document entitled *Leawood Master Development Plan* adopted by Ordinance No. 1667 (March 31, 1997), which document is hereby incorporated by this reference as if set forth in its entirety herein.

Z. **Material**: Relative to adult businesses, material shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

AA. **Nude:** Any state of undress in which the whole or part of any human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

BB. **Obscene**: Any material or performance is obscene if the average person applying contemporary community standards would find that such material or performance, taken as a whole, appeals to the prurient interest; that the material or performance has patently offensive representations or descriptions of ultimate sexual acts, normal or perverted; and that the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

CC. **Operator**: Any person, partnership, or corporation operating, conducting or maintaining an adult use or adult business.

DD. **Park**: Any public or private land designated as Open Space - Public or Open Space - Private in the *Master Plan.*

EE. **Patron**: Any person who is a guest, member or customer on or in an adult business.

FF. **Performer**: Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business and who seeks to arouse or excite the patrons sexual desires.

GG. **Person**: Any natural person, or any association, partnership, or corporation.

HH. **Religious Institution**: A facility used primarily for religious assembly or worship and related religious activities.

II. **Residential Zone**: Any property within the City which is designated as a Residential District pursuant to 2-1 of the Leawood Development Ordinance, as may be amended from time to time, including any property within the City which is zoned RP-A (Planned Large Lot Single Family Residential), R-1 (Single Family Residential), RP-1 (Planned Single Family Residential), RP-2 (Planned Two Family Residential), RP-3 (Planned Apartment House Residential) or RP-4 (Planned Cluster Residential) on the City's official zoning map adopted pursuant to 2-2 of the Leawood Development Code, or RP-A5 (Planned Rural Density Single Family). The term Residential Zone shall also mean and refer to any property designated as Rural Density Residential, Low Density Residential, Medium Density Residential - Single Family Detached, Medium Density Residential - Single Family Attached, and Medium Density Residential - Apartments in the *Master Plan.*

JJ. **School:** Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the Kansas Board of Regents or which is maintained pursuant to standards set by the Kansas Board of Regents. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, but not including dancing schools, riding academies, or trade or vocational schools.

KK. **Specified Anatomical Areas** shall mean:

1. Less than completely and opaquely covered:

a. human genitals, pubic region;

b. buttock, or

c. female breast below a point immediately above the top of the areola; or

2. Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, pubic region or buttock; or

3. Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

LL. **Specified Sexual Activities** shall mean:

1. Human genitals in a state of sexual stimulation or arousal; and/or

2. Acts of human masturbation, sexual intercourse or arousal; and/or

3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or

4. Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; and/or

5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or

6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

MM. **Tavern**: any premises on which alcoholic or cereal malt beverages are sold or served for consumption on the premises pursuant to a license or permit issued by the State of Kansas, the County of Johnson or any other political subdivision or agency of the State of Kansas.

4-9.3 Applicability.

A. No adult business or adult use shall be constructed, established, or operated unless and until a Special Use Permit has been approved by the Governing Body (the Leawood City Council).

B. Nothing in this Section 4.9 shall be construed to apply to any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression or opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

C. The establishment of any adult business shall include any of the following activities:

1. The opening of such a business as a new business.

2. The relocation of an adult business.

3. The conversion of an existing business to an adult business.

4. An increase of the square footage of an existing adult business.

5. The conversion of an existing adult business to a different type of adult business.

4-9.4 Locational Limitations.

A. Subject to the limitations of 4-9.3.B hereto, adult businesses may be located in any Commercial Zoning District or Industrial Zoning District of the City as herein defined. No adult business shall be located in any Residential Zone. No adult business shall be located in any zoning district of the City except a Commercial Zoning District or Industrial Zoning District.

B. In the zoning districts where adult businesses regulated by this Section would otherwise be permitted uses, it shall be unlawful to establish any such adult business if the location is:

1. Within a one-thousand (1,000) foot radius of a Residential Zone. The distance between a proposed use and a Residential Zone shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line included within the Residential Zone, measured along a straight line extended between the two points.

2. Within a one-thousand (1,000) foot radius of any School or Park. The distance between the proposed use and a School or Park shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line of the school or park site, along a straight line extended between the two points.

3. Within a one-thousand (1,000) foot radius of a Religious Institution. The distance between the adult use or proposed adult use and a religious institution shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the Religious Institution.

4. Within a one-thousand (1,000) foot radius of any other adult business. The distance between the adult use or proposed adult use and another adult business shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the other adult business.

5. Within a one-thousand (1,000) foot radius of any tavern. The distance between the adult use or proposed adult use and a tavern shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the tavern.

4-9.5 Development and Performance Standards.

A. Hours of Operation.

1. No adult use or adult business shall be open earlier than eleven o'clock (11:00) a.m. or later than eleven o'clock (11:00) p.m. No adult use or adult business shall be open on any Sunday. It shall be unlawful for any operator or employee of an adult business to allow such adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 11:00 p.m. and 11:00 a.m. of any day or on any Sunday.

2. All adult uses or adult businesses shall be open to inspection at all reasonable times by any law enforcement officer, the Administrator, or such other persons as the

Administrator may designate in the normal course of his duties.

B. Lighting Requirements. All exterior areas of the adult business shall be illuminated at a minimum of 2.0 footcandles throughout the premises, minimally maintained and evenly distributed at ground level.

C. Signs. All adult uses or adult businesses shall comply with the following sign requirements in addition to the requirements of 4-5 of the Leawood Development Code:

1. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation of a performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult use or adult business.

2. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

D. Access Provision. The operator shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall ensure that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.

E. Minors Access.

1. No employee, owner, operator, responsible managing employee, manager or permittee of an adult business shall allow any person below the age of eighteen (18) years upon the premises or within the confines of any adult business.

2. X-rated movies. X-rated movies or video tapes shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated 'X' or rated 'NC-17' by the motion picture rating industry ('MPAA'), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said videos shall be located in a specific section of the establishment where persons under the age of eighteen (18) shall be prohibited and shall not be visible from outside the premises or from areas within the premises where persons under the age of eighteen (18) are allowed.

3. Other Adult Materials. Access to adult materials shall be restricted to persons over eighteen (18) years of age.

F. Closed Booths. No one shall maintain any arcade booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing area or partially or fully concealed booths/individual viewing area shall be maintained. No arcade booth shall be occupied by more than one patron at a time. No holes shall be permitted between arcade booths or individual viewing area.

G. A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT BUSINESS IS REGULATED BY LEAWOOD DEVELOPMENT ORDINANCE 4.9. ENTERTAINERS ARE:

1. Not permitted to engage in any type of sexual conduct;

2. Not permitted to expose their sex organs;

3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

H. Regulation of Viewing Areas. Every adult use or adult business shall be physically arranged in such manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein entertainment is provided is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever. All viewing areas within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not obscured in any manner by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle, or a video monitor shall be established at a location from which the inside of all of the viewing areas are visible at all times, in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one (1) person only, or more than ten (10) persons. The operator shall be responsible for and shall provide that any room or area used for the purpose of adult entertainment shall be readily accessible at all times and shall be opened to view in its entirety for inspection by the Administrator or a law enforcement officer at all reasonable times. Viewing area shall mean any area in which a person views performances, pictures, movies, videos, or other presentations.

I. Private Performances. Any area in which a private performance occurs shall:

1. Have a permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, which entranceway is not capable of being closed or partially closed by any curtain, door, or other partition which would be capable of wholly or partially obscuring any person situated in the area; and

2. Have a wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the employee from the person viewing the display.

J. On-Site Manager; Security Measures. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of an adult business unless each and all of the following requirements are met:

1. All adult businesses shall have a person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. The adult business shall register any and all individual(s) designated as the on-site manager with the Administrator by the owner to receive all complaints and be responsible for all violations taking place on the premises.

2. The adult business shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the parking lot areas during all business hours. A sign indicating compliance with this

provision shall be posted on the premises. The sign shall not exceed two (2) by three (3) feet and shall at a minimum be one (1) foot by one and a half feet.

K. Clothing. All employees of adult businesses, other than performers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.

L. Dancing and Performing. In order to reduce the opportunity for prostitution and narcotics transactions, to prevent patrons and dancers/performers from engaging in sexual fondling and caressing, and to reduce the likelihood of drug and sex transactions, the following additional regulations shall apply to the operation of any adult cabaret, adult dance studio, erotic dance studio, or figure modeling studio:

1. Separation Distances Between Entertainers and Patrons. No person shall perform live entertainment for patrons of an adult business except upon a permanently fixed stage or platform which is at least two (2) feet above the level of the floor, separated by a distance of at least ten (10) feet from the nearest area occupied by patrons and surrounded with a three (3) foot high barrier. No patron shall be permitted within six (6) feet of the stage while the stage is occupied by a performer.

2. Contact between Entertainers and Patrons Prohibited. When patrons are present at the establishment, no dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier and, in the event that a patron disregards this requirement, by employees of the establishment.

3. Tipping. No patron shall directly pay or give any gratuity to any dancer or performer. No dancer or performer shall solicit any pay or gratuity from any patron.

4. *Unlawful Sexual Acts. No operator, entertainer, or employee shall permit to be* performed, offer to perform, or perform sexual intercourse or oral or anal copulation with a customer or manual or other contact stimulation of the genitalia of a customer. No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person. No operator, entertainer, or employee shall be unclothed or in such attire, costume or clothing, so as to expose to view any portion of the sex organs of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.

4-9.6 Massage establishments.

A. No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons or which can be viewed by patrons from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.

B. No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during its hours of operation while performing or available

to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the masseur/masseuse or employee is fully covered. For purposes of this subsection, fully covered means a state of dress in which the covering shall be of an opaque material and shall be maintained in a clean and sanitary condition, and which extends from a point not to exceed four (4) inches above the center of the knee cap to the base of the neck.

C. No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.

D. Rooms in which massage is to be practiced or administered shall have at least fifty (50) square feet of clear floor area and shall maintain a light level of not less than forty (40) footcandles as measured three (3) feet above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less than twelve (12) inches wide and twelve (12) inches long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.

4-9.7 Special Use Permit.

A. No adult business may be established or operate within the City by right. All persons wishing to establish an adult business within the City shall apply for and receive a Special Use Permit pursuant to this Section. A Special Use Permit may be issued only for one (1) adult business or adult use located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult business or adult use shall have a Special Use Permit for each. No Special Use Permit or interest in a Special Use Permit may be transferred to any person, partnership, or corporation. All changes in ownership shall require a new permit application and approval. It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any adult business or adult use which does not hold an unexpired and unrevoked Special Use Permit.

B. Any person desiring to secure a Special Use Permit shall make application to the Administrator consistent with the procedures set forth in Article 6, 6-1 and 6-2 of the Leawood Development Code. The application for a Special Use Permit shall be submitted on a standard application form supplied by the Administrator, which form shall be consistent with the requirements of subsection F.1 of this subsection 4.9-7. It is the burden of the applicant to supply evidence to justify the grant of a Special Use Permit. The application shall be filed in triplicate with and dated by the Administrator. A copy of the application shall be distributed promptly by the Administrator to the Police Department, which shall submit a report to the Administrator as to compliance with the standards set forth in Section 4.9-12.D of this section within ten (10) working days after filing of the application. Within five (5) days after receipt of a Special Use Permit application, the Administrator shall determine whether the application is complete. If the Administrator determines that the application is incomplete, the Administrator shall return the application to the applicant with a written finding as to the manner in which the application is deficient, and the application shall not be processed unless and until a complete application is filed by the applicant. If the Administrator determines that the application is complete, the Administrator shall process the application in accordance with the requirements of this Section. Written notice of the Administrator's decision as to completeness shall be hand delivered or mailed to the applicant within twenty-four (24) hours after his decision has been rendered. The failure of the Administrator to render such a decision within the time frames set forth above shall be deemed to

constitute a determination that the application is complete, and the matter shall be placed on the agenda of the Planning Commission as set forth in subsection c., below.

C. Once an application has been accepted as complete, the Administrator shall place the matter on the agenda of the Planning Commission and shall publish notice as prescribed in 6-2.1 of the Leawood Development Code.

D. The Leawood Planning Commission submit a recommendation and the Governing Body (the Leawood City Council) shall grant, conditionally grant or deny an application for a Special Use Permit in accordance with the objective development standards of Section 4-9.11 of this Section. Any conditions imposed upon the permit shall be in keeping with the objective development standards of Section 4-9.11 and the underlying zoning district in which the property is located.

E. The Governing Body (the Leawood City Council) shall grant, conditionally grant or deny the application for a Special Use Permit within sixty (60) days after submittal of a complete application. The failure of the Governing Body to render such a decision within the time frames set forth above shall be deemed to constitute an approval of the application.

F. Contents of Application. The City hereby finds that the following information is necessary in order to ensure the proper administration of this Section 4.9, as well as the proper inspection and identification of all persons which control the operation of any adult business permitted pursuant to this Ordinance, as approved in *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985).

1. The application shall be signed by the owner or lessee. If the application is signed by a lessee, a notarized statement signed by the owner shall accompany the application. Proof of status is required. No application for a Special Use Permit shall be accepted, processed or approved unless the applicant for a Special Use Permit including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding a majority of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business has furnished the following information under oath:

   a. Name and address, including all aliases.

   b. Written proof that the individual is at least eighteen (18) years of age.

   c. All residential addresses of the applicant for the past three (3) years.

   d. The applicant's height, weight, color of eyes and hair.

   e. The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

   f. The adult business or similar business license history of the applicant; whether such applicant, in previously operating in this or any other city, county, or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.

   g. All criminal, city ordinance, or city resolution violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

h. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

i. The address of the adult business to be operated by the applicant.

j. The names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which such adult business is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

k. If the premises are leased or being purchased under contract, a copy of such lease or contract.

l. If the applicant is a corporation, the name of the corporation and the date and state of incorporation, and the name and address of the registered agent.

m. A statement by the applicant that he or she is familiar with the provisions of this Section 4.9 and is in compliance with them.

2. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Section 4.9 shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Administrator.

4-9.8 Permit Application Fee. The City hereby finds and determines that the fee amounts set forth in the City of Leawood fee schedule do not exceed the costs that will be incurred by the City for processing applications for Special Use Permits and conducting inspections necessary to determine whether an application for a Special Use Permit is in compliance with the standards provided in this Section 4.9. No application for a Special Use Permit shall be issued unless and until the appropriate fee is paid pursuant to the City of Leawood fee schedule, as amended from time to time.

4-9.9 Appeals. Any person, official or governmental agency dissatisfied with any order or determination of the Governing Body (the Leawood City Council) may bring an action in the district court of Johnson County to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the Governing Body. The City hereby recognizes the requirement for prompt judicial review of a decision relating to the issuance of a Special Use Permit as set forth in *Freedman v. Maryland*, 380 U.S. 51 (1965). In accordance with said requirements, if the Special Use Permit is denied and an appeal or other legal challenge to said action is filed with the District Court of Johnson County or a federal District Court, the City Attorney shall submit the record or file any responsive pleading not more than ten (10) days after the service of process upon the City notwithstanding any provision of the Kansas Code of Civil Procedure or the Rules of the Kansas Supreme Court which may permit a longer period of time for the filing of the administrative record or a responsive pleading.

4-9.10 Permit Expiration. Any Special Use Permit approved pursuant to this Section shall become null and void if not exercised within one year from the date of the approval. If an adult business ceases to operate for a period of six (6) months, the Special Use Permit shall become null and void. A permit extension shall be granted if prior to the expiration date the permittee demonstrates to the satisfaction of the Administrator that it has a good faith intent to presently commence the proposed use. Such extensions shall not exceed a total of two (2) six (6) month extensions.

4-9.11 Permit Approval Criteria. The Administrator shall not approve or conditionally approve an application for a Special Use Permit unless where the information submitted by the applicant substantiates the

following findings:

A. The adult business is consistent with the location requirements of 4-9.4 hereto and development and the applicable performance standards of 4.9-5 through 4-9.6 hereto; and

B. The adult business is located in a zoning district which lists adult businesses as a permitted use; and

C. The adult business structure does not contain any apartments or other living quarters; and

D. The applicant, and all persons for whom disclosure is required pursuant to 4.9-7.D.1 of this Section, is at least 18 years of age; and

E. That neither the applicant, nor any of the persons for whom disclosure is required pursuant to 4.9-7.D.1 of this Section, have been found guilty or pleaded *nolo contendere* within the past four (4) years of a misdemeanor or a felony classified by the state as a sex or sex-related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated.

4-9.12 Display of License or Permit. The Special Use Permit shall at all times be displayed in a conspicuous public place in the adult business.

4-9.13 Responsibilities of the Operator. The City hereby finds that the following information is necessary in order to ensure the proper administration of this Section 4.9, as well as the proper inspection and identification of all persons which control the operation of any adult business permitted pursuant to this Ordinance, as approved in *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985).

A. The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birth date, sex, weight, color of hair and eyes, phone numbers, Social Security Number, date of employment and termination, and duties of each employee and such other information as may be required by the Board. The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination.

B. The operator shall make the register of employees available immediately upon demand of any law enforcement officer at all reasonable times.

C. Every act or omission by any employee constituting a violation of the provisions of this Section 4.9 shall be deemed the act or omission of the operator, if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

D. An operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Section 4.9 shall be deemed the act or omission of the operator for purposes of determining whether the operator's Special Use Permit shall be revoked, suspended or renewed.

E. There shall be posted and conspicuously displayed in the common areas of each adult entertainment studio a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed.

F. The operator shall make the list available immediately upon demand of any law enforcement officer at all reasonable times.

G. The owner or operator shall ensure that the premises comply, at all times, with the standards of 4.9-5 and 4.9-6, as applicable.

4-9.14 Permit Revocation.

A. Any permit issued pursuant to the provisions of this Section may be revoked by the Administrator on the basis of any of the following:

1. That the business or use has been conducted in a manner which violates one or more of the requirements of this Section 4.9, or if the operator or entertainer or any employee of the operator violates any provision of this Section 4.9 provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Administrator shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

2. Any cost or fee required to be paid by this Section 4.9 is not paid.

3. An operator employs an entertainer who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs as an entertainer without a permit.

4. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult business or adult use.

5. That the permittee has failed to obtain or maintain all required City, County, and State licenses and permits;

6. That the permit is being used to conduct a use different from that for which it was issued;

7. That the building or structure in which the adult business is conducted is hazardous to the health or safety of the employees or patrons of the business or of the general public under the standards set forth in the Uniform Building Code (Article 2 of Chapter IV of the City Code, Ordinance No. 1477C, April 3, 1995, as amended), International Plumbing Code (Article 4 of Chapter IV of the City Code, Ordinance No. 1480C, April 3, 1995, as amended), or Uniform Fire Code (Article 2 of Chapter VII of the City Code, Ordinance No. 1486C, May 15, 1995, as amended);

8. That the permittee has failed to obtain a business license as required by ' 5-102 of the City Code; or

9. That the permittee, if an individual, or any of the officers or general partners, if a corporation or partnership is found guilty or pleaded *nolo contendere* to a misdemeanor or felony classified by the state as a sex or sex-related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated during the period of the adult establishment's operation; or

10. That the use for which the approval was granted has ceased to exist or has been suspended for six (6) months or more.

11. False or misleading information or data was given on any application or material facts were omitted from any application.

B. The transfer of a Special Use Permit shall automatically and immediately revoke the Special Use

Permit.

C. Except in the case of subsection B hereto, the Administrator before revoking or suspending any license or permit shall give the operator or entertainer at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the Board of Zoning Appeals at which time the operator or entertainer may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The Board of Zoning Appeals shall notice and conduct a public hearing on the proposed permit revocation. Written notice shall be provided within at least ten (10) days prior to the hearing to all parties who have expressed their interest in writing. The revocation hearing shall be heard by the Board of Zoning Appeals. The Board of Zoning Appeals shall not be bound by the formal rules of evidence at the hearing. The Board of Zoning Appeals shall revoke, not revoke, or not revoke but add additional conditions to, the permittee's Special Use Permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this Section as set forth in 4.9-12, above, and the underlying zoning district in which the property is located. The Board of Zoning Appeals shall render its decision within thirty (30) days of the public hearing. All other procedures before the Board of Zoning Appeals shall be governed by 5-4 of the Leawood Development Code.

D. Any operator or entertainer whose Special Use Permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a Special Use Permit has been issued shall be used as an adult business or adult use for two (2) years from the date of revocation of the Special Use Permit.

4-9.15 Violations.

Any person who violates any section of this ' 4.9 shall be subject to the provisions of 9.5-5 of the Leawood Development Ordinance.

4-9.16 Applicability to Other Regulations.

The provisions of this Section are not intended to provide exclusive regulation of the regulated adult uses. Such uses shall comply with any and all applicable regulations imposed in other articles of the Leawood Development Ordinance, other City ordinances and state and federal law.

4-9.17 Conduct Constituting a Public Nuisance.

The conduct of any business within the City in violation of any of the terms of this Section is hereby found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult use establishment and restrain and enjoin any person from conducting, operating or maintaining an adult use establishment contrary to the provisions of this Section.

Section 2. Section 4-3 of Article 4 of the Leawood Development Ordinance is hereby amended by adding a new subsection ~~33)~~ 35 mh thereto, which subsection ~~33)~~ 36 35 mh shall read in its entirety as follows:

36 ~~35~~ ~~33)~~ 36 mh Adult uses or adult businesses, as defined in 4-9.2 of this Ordinance, which holds and unexpired and unrevoked Special Use Permit as provided in 4-9.7 of this Ordinance. Said adult uses or adult businesses are subject to the locational limitations of ' 4-9.4 of this Ordinance. Notwithstanding any other provisions of this Section, no other conditions as to operation, site development, signs, or time limits may be imposed except as required by 4-9.1 to 4-9.17 of this Ordinance.

Section 3. The Leawood City Code is hereby amended by adding a new Article 1A of Chapter V which shall read as follows:

Article 1A. Adult Employee Permits.

5-1A01. A. No person shall be an entertainer or employee in an adult business or an adult use, as defined in 4-9 of the Leawood Development Ordinance, without a valid permit issued by the City Clerk.

B. Application for Permit.

1. Any person desiring to secure a permit shall make application to the City Clerk. The application shall be filed in triplicate with and dated by the City Clerk.

2. The application for a permit shall be upon a form provided by the City Clerk. An applicant for a permit shall furnish the following information under oath:

a. Name.

b. Home address and telephone number.

c. Date and place of birth.

d. All aliases, stage names or nicknames.

e. Written proof that the individual is at least eighteen (18) years of age.

f. All residential addresses of the applicant for the past three (3) years.

g. The applicant's height, weight, color of eyes and hair.

h. The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

i. The adult use or adult business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.

j. All criminal, city ordinance, or county resolution violation convictions, forfeiture of bonds and pleadings of nolo contendere on all charges, except minor traffic violations.

k. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant taken within six (6) months prior to submission of the application.

l. The name and address of each business at which the applicant intends to work.

m. A statement by the applicant that he or she is familiar with the provisions of this Section and is in compliance with them.

C. No permit shall be issued until the Police Department has investigated the applicant's qualifications to receive a permit. The permit application shall be forwarded by the City Clerk to the Police Department within one (1) business day after receipt of a complete application. The

results of that investigation shall be filed in writing with the City Clerk not later than five (5) days after the date of receipt of the application by the City Clerk. The City Clerk shall maintain the report of the Police Department as a confidential record and shall not disclose it to any person except members of the City Council, the applicant, and such other persons as the City Council may designate. Within five (5) days of receiving the results of the investigation conducted by the Police Department, the City Clerk shall notify the applicant that his application is granted or denied. Written notice of the City Clerk's decision shall be hand delivered or mailed to the applicant within twenty-four (24) hours after the decision has been rendered. The failure of the City Clerk to render such a decision within the time frames set forth above shall be deemed to constitute an approval.

D. The City Clerk shall grant, conditionally grant or deny an application for a permit in accordance with the standards set forth in subsection H of this Section. Any conditions imposed upon the permit shall be in keeping with the objective development standards of this subsection H of this Section.

E. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held before the City Council at which time the applicant may present evidence bearing upon the question.

F. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Section shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the City Clerk.

G. The City hereby recognizes the requirement for prompt judicial review of a decision relating to the issuance of an adult employee permit as set forth in *Freedman v. Maryland*, 380 U.S. 51 (1965). In accordance with said requirements, if the adult employee permit is denied and an appeal or other legal challenge to said action is filed with the District Court of Johnson County or a federal District Court, the City Attorney shall submit the record or file any responsive pleading not more than ten (10) days after the service of process upon the City notwithstanding any provision of the Kansas Code of Civil Procedure or the Rules of the Kansas Supreme Court which may permit a longer period of time for the filing of the administrative record or a responsive pleading.

H. Standards for Issuance of Permit. To receive a permit as an entertainer or employee, an applicant shall meet the following standards:

1. The applicant shall be at least 18 years of age.

2. The applicant shall not have been convicted of or pleaded no contest to a felony or misdemeanor classified by the State as a sex or sex related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated.

3. The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this Section.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 5. Effective Date and Posting.

This Ordinance shall be effective thirty (30) days from and after the date of the final passage and adoption hereof. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be posted in the four (4) places designated by resolution of the City Council and shall cause the same to be published in the manner prescribed by law.

Passed ~~Introduced~~ at a regular meeting of the City Council of the City of Leawood held on the 18th day of May, 1998. Roll call vote was unanimous. Councilmember Bold was absent.

By Resolution No. 1403,

~~Adopted and~~ ordered posted at a regular meeting of the City Council of the City of Leawood held on the 1st day of June, 1998, by the following vote:

AYES: 8
NOES: 0
ABSENT: 0

(S E A L)

ATTEST:

City Clerk

Mayor

APPROVED AS TO ~~CONTENT~~ FORM:

City Attorney

STATE OF Kansas)
COUNTY OF JOHNSON) ss.
CITY OF Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, DO HEREBY CERTIFY that the foregoing ordinance was duly adopted by the City Council of said City, and was approved by the Mayor of said City, at a Regular Meeting of said City Council held on the 18th day of May, 1998 and that it was so adopted as follows:

AYES: COUNCILMEMBER: Bussing, Clawson, Dunn, Peppes, Gill, Rasmussen, Taylor

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER: Bold

(SEAL)

Martha Heizer

City Clerk
City of Leawood

ORD1731C

Publication Fees: $432.14

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1731C--6/9/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

June 10, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$432.14

ORDINANCE NO. 1731 C

First published in The Legal Record, Tuesday, June 9, 1998.

ORDINANCE NO. 1731 C

AN ORDINANCE OF THE CITY OF LEAWOOD REGULATING ADULT USES AND REPEALING AND REPLACING CERTAIN SECTIONS OF THE LEAWOOD MUNICIPAL CODE REGULATING ADULT USES

WHEREAS, This Ordinance is necessary in order to revise some of the provisions of the City's Municipal Code relating to adult uses in order to respond to recent developments with regard to the regulation of adult uses and recent case law governing the regulation of adult uses. The City Council determines that a permanent ordinance regulating adult uses is necessary to establish reasonable and uniform regulations that will reduce the adverse secondary effects that adult businesses have upon the residents of the City by its adoption of this Ordinance.

WHEREAS, The public health, safety and welfare of the City requires the enactment of this Ordinance.

WHEREAS, The City Council finds that this Ordinance is necessary in order to protect the City from the potential secondary effects of adult businesses including crime, a decline in the City's retail trade, the blighting of neighborhoods and the deterioration of property values. The City hereby finds that this ordinance is necessary in order to protect and preserve the quality of the City's neighborhoods and the City's commercial districts, to protect the City's quality of life, to diminish the increased threat of the spread of sexually transmitted diseases, and to protect the peace, welfare and privacy of persons who patronize adult businesses. Experience in this City, as well as in cities and counties within and outside of Kansas including the Johnson County, Kansas; Los Angeles County, California; and the cities of Garden Grove, California; Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix, Arizona have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The City recognizes and relies upon the following studies which have documented the adverse secondary impacts of adult uses:

- the 1991 report to the City of Garden Grove, California by Drs. McCleary and Meeker on the relationship between crime and adult business operations;
- Phoenix, Arizona Planning Department (May 1979);
- Tucson, Arizona (1990);
- Los Angeles, California (June 1977);
- Indianapolis, Indiana (1984);
- Minneapolis, Minnesota (1980);
- Cleveland, Ohio (1977);
- Oklahoma City, Oklahoma (1986);
- Austin, Texas (1986);
- Amarillo, Texas (1977);
- Beaumont, Texas (1982);
- Houston, Texas (1983);
- New York City (1994); and
- Seattle, Washington (1989).

WHEREAS, The City recognizes and relies upon the experience of other cities and counties in adopting adult business regulations as described in reported case law in support of this ordinance. These include the following:

- Johnson County, Kansas (as discussed in *Dodger's Bar & Grill, Inc. v. Johnson County Board of County Commissioners*, 32 F.3d 1436 (10th Cir. 1994) and *Dodger's Bar & Grill, Inc. v. Johnson County Board of County Commissioners*, __ F.3d __ (10th Cir. 1996)).
- Shawnee County, Kansas (as discussed in *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985)).
- Kansas City, Missouri (see *Walker v. City of Kansas City*, 911 F.2d 80 (8th Cir. 1990)).
- Adams County, Colorado (as discussed in *7320 Corp. v. Board of County Commissioners*, 799 P.2d 917 (Colo. 1990)).
- Arlington, Texas (as discussed in *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995)).
- Atlanta, Georgia (as discussed in *Airport Book Store, Inc. v. Jackson*, 242 Ga. 214, 248 S.E.2d 623 (1978)).
- Bellevue, Washington (as discussed in *Ino Ino, Inc. v. City of Bellevue*, 937 P.2d 154 (Wash. 1997), and *City of Bellevue v. Factoria Center Investments*, __ P.2d __ (Wash. App. 1997)).
- Biloxi, Mississippi (see *Star Satellite, Inc. v. City of Biloxi*, 779 F.2d 1074 (5th Cir. 1986)).
- Boynton Beach, Florida (as described in *Southern Entertainment Company v. City of Boynton Beach*, 736 F.Supp. 1094 (S.D. Fla. 1990)).
- Broward County, Florida (as discussed in *International Eateries of America, Inc. v. Broward County*, 941 F.2d 1157 (11th Cir. 1991), *cert. denied*, 503 U.S. 920 (1992)).
- Chicago, Illinois (as discussed in *North Avenue Novelties v. City of Chicago*, 88 F.3d 441 (7th Cir. 1996)).
- Crystal, Minnesota (as reported in *City of Crystal v. Fantasy House, Inc.*, 569 N.W.2d 225 (Minn.App. 1997)).
- Chattanooga, Tennessee (as discussed in *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997)).
- Clinton Township, Michigan (as discussed in *Jott, Inc. v. Charter Township of Clinton*, 224 Mich.App. 513, 569 N.W.2d 841 (1996)).
- Cook County, Illinois (as discussed in *Cook County v. Renaissance Arcade*, 122 Ill.2d 123, 118 Ill.Dec. 618, 522 N.E.2d 75 (1988)).
- Daytona Beach, Florida (as discussed in *Function Junction, Inc. v. City of Daytona Beach*, 705 F.Supp. 544 (M.D. Fla. 1987)).
- Delafield, Wisconsin (see *Suburban Video, Inc. v. City of Delafield*, 694 F.Supp. 585 (E.D. Wis. 1988)).
- The State of Delaware (see *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993)).
- Denver, Colorado (see *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990)).
- Detroit, Michigan (as discussed in *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1975)).
- El Paso, Texas (see *Woodall v. City of El Paso*, 49 F.3d 1120, *reh'g denied*, 59 F.3d 1344 (5th Cir. 1995)).
- Fort Lauderdale, Florida (as discussed in *International Food & Beverage Systems v. City of Fort Lauderdale*, 794 F.2d 1520 (11th Cir. 1986)).
- Houston, Texas (see *SDJ, Inc. v. City of Houston*, 837 F.2d 1268 (5th Cir. 1988) and *Stansberry v. Holmes*, 613 F.2d 1285 (5th Cir. 1980)).
- Islip, New York (as discussed in *Town of Islip v. Caviglia*, 73 N.Y.2d 544, 540 N.E.2d 215 (1989)).
- Jackson, Mississippi (as reported in *Lakeland Lounge of Jackson, Inc. v. City of Jackson*, 972 F.2d 1255 (5th Cir. 1992)).
- Jacksonville, Florida (discussed in *Lady J Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997)).
- Kitsap County, Washington (see *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986)).
- Los Angeles County, California (as discussed in *Smith v. County of Los Angeles*, 211 Cal.App.3d 188 (1989));
- Little Rock, Arkansas (as discussed in *Ambassador Books & Video v. City of Little Rock*, 20 F.3d 858 (8th Cir. 1994)).
- Minneapolis, Minnesota (as discussed in *Alexander v. City of Minneapolis*, 928 F.2d 278 (8th Cir. 1991) and *Excalibur Group, Inc. v. City of Minneapolis*, __ F.3d __ (8th Cir. 1997)).
- Myrtle Beach, South Carolina (as discussed in *D.G. Restaurant Corp. v. City of Myrtle Beach*, 953 F.2d 140 (4th Cir. 1991)).
- New Castle County, Delaware (as discussed in *State v. Huddleston*, 412 A.2d 1148 (Del. 1979), and *Amico v. New Castle County*, 101 F.R.D. 472 (D. Delaware 1984), in which the County established a factual basis for setbacks between adult uses and schools and churches.)
- New York, New York (as discussed in *Springfellow's of New York, Ltd. v. City of New York*, 98 NY Int. 0014 (1998); and *Plaza Health Clubs v. City of New York*, 76 A.D.2d 509, 430 N.Y.S.2d 815 (1980)).
- Palm Beach County, Florida (as discussed in *Movie & Video World v. Board of County Commissioners*, 723 F.Supp. 695 (S.D. Fla. 1989)).
- Phoenix, Arizona (as reported in *Ellwest Stereo Theatres, Inc. v. Wenner*, 681 F.2d 1243 (9th Cir. 1982)).
- Pinellas County, Florida (see *T-Marc, Inc. v. Pinellas County*, 804 F.Supp. 1500 (M.D. Fla. 1992)).
- Ramsey, Minnesota (see *City of Ramsey v. Holmberg*, 548 N.W.2d 302 (Minn.App. 1996); *Schneider v. City of Ramsey*, 800 F.Supp. 815 (D.Minn. 1992), *aff'd sub nom, Holmberg v. City of Ramsey*, 12 F.3d 140 (8th Cir. 1993), *cert. denied*, 115 S.Ct. 59, 130 L.Ed.2d 17 (1994)).
- Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1976));
- Rochester, Minnesota (as discussed in *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir.), *cert. denied*, 513 U.S. 1017 (1994)).
- Salt Lake City, Utah (see *Mini Spas, Inc. v. South Salt Lake City Corporation*, 810 F.2d 939 (10th Cir. 1987)).
- Seattle, Washington (as discussed in *Northend Cinema v. City of Seattle*, 90 Wash.2d 709, 585 P.2d 1153 (1978), *cert. denied sub nom., Apple Theatre, Inc. v. Seattle*, 441 U.S. 946 (1979)).
- St. Louis, Missouri (as discussed in *Thomas Enterprises, Inc. v. City of St. Louis*, 851 F.2d 199 (8th Cir. 1988)).
- West Allis, Wisconsin (see *Tee & Bee, Inc. v. City of West Allis*, 936 F.Supp. 1479 (E.D. Wis. 1996)).

WHEREAS, Prior to the adoption of this Ordinance, the City Council reviewed the detailed studies prepared by other jurisdictions regarding the social and economic effects on persons and properties surrounding established adult use facilities. Copies of these studies are available for public review upon request. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.

WHEREAS, Crime rates tend to be higher in residential areas surrounding adult uses than in industrial areas surrounding adult uses.

WHEREAS, Areas within walking distance of single and multiple family dwellings should be free of adult uses in order to prevent a deterioration in property values and to protect such areas from the noise, crime, and traffic generated by adult uses. One-quarter of a mile, or 1,320 feet, is considered walking distance by most planning professionals.

WHEREAS, Adult uses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by adult uses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential adult use site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and adult use operators with respect to potential adult use sites.

WHEREAS, The image of the City of Leawood as an attractive place to reside will be adversely affected by the presence of adult uses in close proximity to residential uses, schools, religious institutions and parks.

WHEREAS, The existence of adult uses in close proximity to residential areas has been shown in other cities and counties to reduce the property values in those residential areas.

WHEREAS, A reasonable regulation of the location of adult uses protects the image of the community and its property values and protects its residents from the adverse secondary effects of adult uses, while providing

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those who desire to patronize adult uses an opportunity to do so in appropriate areas in the City.

WHEREAS, There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by adult businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that adult businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for adult use businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

WHEREAS, The City Council recognizes and relies on the findings set forth in the *1986 Attorney* General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters. A copy of the *Attorney General's Report on Pornography* is available for public review upon request.

WHEREAS, The City Council also finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City of Leawood, and thus certain requirements with respect to the design, ownership and operation of adult businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and the blighting of areas in which such businesses are located, the City Council also takes legislative notice of the facts recited in the cases of *Moody v. Board of County Commissioners of Shawnee County*, 237 Kan. 67, 697 P.2d 1310 (1985); *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993); *BSA, Inc. v. King County*, 804 F.2d 1104, 1111 (9th Cir. 1986); *Key, Inc. v. Kitsap County*, 793 F.2d 1053, 1061 (9th Cir. 1986); *Colacurcio v. Kent*, 944 F.Supp. 1470, 1477 (W.D. Wash. 1996); *Zanganeh v. Hymas*, 844 F.Supp. 1087, 1091 (D. Md. 1994); *T-Marc, Inc. v. Pinellas County*, 804 F. Supp. 1500, 1506 (M.D. Fla. 1992); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); and *Ino Ino, Inc. v. City of Bellevue*, 937 P.2d 154 (Wa. 1997) regarding how live adult entertainment results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.

WHEREAS, there is a need to restrict the hours of operation of any adult use or adult business in order to minimize the impact on surrounding properties, to allow the marshals and other health and safety officials access to inspect properties, and to restrict criminal activity including, but not limited to, crime and prostitution. The City Council hereby takes legislative notice that there is a positive correlation between noise levels and an increase in crime and the hours of operation of an adult use or adult business. The City Council takes legislative notice of studies performed by other jurisdictions and experiences reported in case law which document said impacts including Jacksonville, Florida (as discussed in *Lady J Lingerie, Inc. v. City of Jacksonville*, 973 F.Supp. 1428 (M.D. Fla. 1997)) and the State of Delaware (as discussed in *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3d Cir. 1993)).

WHEREAS, the City Council hereby finds and declares that the licensing of owners, clerks and employees is needed to monitor the work force of adult businesses, to ensure that only duly authorized adults are employed at such enterprises, and to ensure that such persons do not have a history of regulatory violations or sexual misconduct. In support thereof, the City Council also takes legislative notice of the facts recited in the case of *TK's Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994).

WHEREAS, It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral Ordinance which addresses the secondary effects that adult business uses have on the City and provides for reasonable objective permit standards for all expressive uses. In developing this Ordinance, the City Council has been mindful of legal principles relating to regulation of adult businesses and all expressive uses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of adult businesses and which do not operate as an unconstitutional prior restraint. The City Council has considered decisions of the United States Supreme Court regarding local regulation of adult businesses, including but not limited to: *Young v. American Mini Theaters, Inc.*, 427 U.S. 50 (1976) (reh. denied 429 U.S. 873); *City of Renton v. Playtime Theaters*, 475 U.S. 41 (1986) (reh. denied 475 U.S. 1132); *FW/PBS, Inc. v. Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theater*, 501 U.S. 560 (1991); and United States Court of Appeals decisions, including but not limited to: *Topanga Press v. City of Los Angeles*, 989 F.2d 1524 (9th Cir. 1993); *Lakeland Lounge v. City of Jacksonville*, 975 F.2d 1255 (5th Cir. 1992), *Hang On, Inc. v. Arlington*, 65 F.3d 1248 (5th Cir. 1995), *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3rd Cir. 1993), *International Eateries v. Broward County*, 941 F.2d 1157 (11th Cir. 1991), and *Star Satellite v. City of Biloxi*, 779 F.2d 1074 (5th Cir. 1986); and Kansas cases including but not limited to: *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985).

WHEREAS, The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

(1) Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in adult businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons of adult businesses on the site of the adult business;

(2) Evidence has demonstrated that performers employed by adult businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

(3) Evidence indicates that performers at adult businesses have been found to engage in acts of prostitution with patrons of the establishment; and

(4) Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly have been found to be used as a location for engaging in unlawful sexual activity.

WHEREAS, As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at adult businesses.

WHEREAS, The City Council finds that preventing the direct exchange of money between performers and patrons will serve to reduce the likelihood of drug and sex transactions occurring in adult businesses.

WHEREAS, The City Council finds that requiring separations between entertainers and patrons also reduces the likelihood that such persons will negotiate narcotics sales and/or transact sexual favors within the adult business.

WHEREAS, Enclosed or concealed booths and dimly-lit areas within adult businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within adult businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

WHEREAS, The City Council has determined that the establishment of an adult use development permit process is a legitimate and reasonable means of ensuring that:

(1) Operators of adult businesses comply with the reasonable regulations of this Ordinance;

(2) The recognized secondary impacts of a proposed adult use business in a specific location are mitigated; and

(3) Adult use operators have specific guidelines with respect to where they can establish or operate an adult business.

WHEREAS, The City Council does not intend to regulate in any area preempted by Kansas law.

WHEREAS, The City Council desires to protect the rights conferred by the United States Constitution to adult use businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of adult uses.

WHEREAS, The City Council and Planning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the subject of regulation of adult uses and this proposed ordinance.

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

Section 1. Section 4.9 of Article 4 of the Leawood Development Ordinance is hereby repealed in its entirety and a new Section 4.9 of said Article 4 is hereby added to the Leawood Development Ordinance to read in its entirety as follows:

4-9.1 Purpose.

The purpose of this Chapter is to provide special design guidelines/standards and development regulations which regulate the time, place and manner of the operation of adult use facilities in order to minimize the negative secondary effects associated with such facilities. The specific purposes of the adult business permit are to:

A. Establish a procedure which places strict limits on processing time and eliminates any possibility for the exercise of unfettered discretion in reviewing applications for establishing adult uses.

B. Ensure orderly and thorough city review of applications for adult uses.

C. Establish reasonable and uniform regulations that will reduce possible adverse secondary effects that adult uses may have upon the residents of the city and preserve the integrity of existing commercial areas of the city and of residential areas which are in close proximity to such commercial areas.

D. To protect the rights conferred by the United States Constitution to adult uses in a manner that ensures the continued and orderly development of property within the city and diminishes those undesirable negative secondary effects that recognized studies have shown to be associated with the development and operation of adult uses.

E. To allow a process whereby the unusual site development features or operating characteristics of uses which must comply with this Section may be conditioned through an individual review, in order to be compatible with the surrounding uses of property.

4-9.2 Definitions.

In addition to the definitions contained in Article 8 of the Development Ordinance, the following words and phrases shall, for the purposes of this Section, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of the Development Ordinance, these definitions shall prevail:

A. Administrator: The Director of Planning and Development of the City of Leawood.

B. **Adult Arcade:** Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are considered 'adult material' as defined by this Section.

C. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade adult material, or an establishment with a segment or section devoted to the sale or display of such material.

1. An establishment shall be deemed to have a substantial or significant portion of its stock in trade if not less than twenty percent (20%) of the stock of the business or twenty percent (20%) of the floor area which houses the adult business is adult material provided, however, that if the adult business is housed in a building or structure which includes more than one business, then the 'floor area' shall mean and refer to only that portion of the building which is leased or otherwise demised to the adult business.

2. An establishment shall also be deemed to have a substantial or significant portion of its stock in trade if not less than twenty percent (20%) of the gross receipts of the business or use are derived from the sale of 'adult material' (as defined below).

D. **Adult Business or Adult Use:**

1. Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret or adult nightclub, figure modeling studio, adult dance studio, adult entertainment studio, erotic dance studio, adult hotel, or massage establishment; or

2. Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented merchandise or sexually oriented merchandise, or which offers to its patrons adult materials or other products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical parts.

E. **Adult Cabaret or Adult Nightclub:** A business establishment or concern which features live performances by dancers or similar entertainers in the nude.

F. **Adult Dance Studio:** Any business establishment or concern which provides for members of the public a partner for dance where the partner appears nude, or where the dance is distinguished or characterized by the emphasis on matter depicting, or describing or relating to specified sexual activities or specified anatomical areas.

G. **Adult Entertainment Studio:** Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, wherein an entertainer provides entertainment to a member of the public, a patron or a member, when such entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult entertainment studio includes, without being limited to, any premises that is physically arranged and used as such, whether advertised or represented as an entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Adult entertainment studio shall not include theaters, concert halls, or similar establishments where entertainment is performed for groups of four or more.

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H. **Adult Hotel:** A hotel which is used for presenting on a regular and substantial basis material which is distinguished or characterized by the emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas through closed circuit or cable television or through video tape recorder where video tapes are provided by the hotel/motel. For purposes of this subsection, a "Hotel" means any building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a motel, cabin camp, tourist cabin, or other type of lodging unit. Evidence that a sleeping room in a hotel has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult hotel as that term is defined in this Section.

I. **Adult Oriented Merchandise:** Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

J. **Adult Material:** Materials which are distinguished or characterized by their emphasis on matter which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

K. **Adult Theater:** A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, material which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to specified sexual activities or specified anatomical areas.

L. **Arcade Booth:** Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, or where a live performance is presented, on a regular or substantial basis, where the material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to specified sexual activities or specified anatomical areas.

M. **Commercial Zoning District:** Any property within the City which is zoned SD-CR (Special Development), CP-1 (Planned Neighborhood Retail) or CP-2 (Planned General Retail) on the City's official zoning map adopted pursuant to 2-2 of the Leawood Development Ordinance, as may be amended from time to time.

N. **Dancer:** A Performer who dances or otherwise performs for an erotic dance studio and who seeks to arouse or excite the patrons sexual desires.

O. **Employee:** Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment studio.

P. **Entertainer:** Any person who provides entertainment within an adult entertainment studio as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

Q. **Entertainment:** Any exhibition, performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered for amusement.

R. **Erotic Dance Studio:** A fixed place of business which emphasizes and seeks, through one or more dancers or performers, to arouse or excite the patrons sexual desires.

S. **Figure Modeling Studio:** Any establishment or business which provides for members of the public, the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, sketching, drawing, or other pictorial form.

T. **Footcandle:** A unit of illumination lighting a surface, on which there is uniformly distributed a light flux of one lumen over an area of one square foot. A lumen is a unit of measure of the quantity of light energy emitted by a light source without regard to the effectiveness of its distribution. A candela is the unit of intensity of a light source in a specific direction. One candela directed perpendicular to a surface one foot away generates one footcandle of light. A light source of one candela emits a total of 12.57 lumens. For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.

U. **Industrial Zoning District:** Any property within the City which is zoned BP (Planned Business Park) or PI (Planned Industrial) on the City's official zoning map adopted pursuant to 2-2 of the Leawood Development Ordinance, as may be amended from time to time.

V. **Massage Establishment.** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages. For purposes of this Section, a massage establishment shall not include the following:

1. Establishments which routinely provide massage services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed practical nurse or a registered professional nurse.

2. Electrolysis treatment by a licensed operator of electrolysis equipment.

3. Continuing instruction in marital or performing arts or in organized athletic activities.

4. Hospitals, nursing homes, medical clinics or medical offices.

5. Barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.

W. **Massage.** Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or appliance, with our without such supplementary aids as rubbing alcohol.

X. **Masseur or Masseuse:** A masseur means a male person, and a masseuse means a female person, who practices massage.

Y. ***Master Plan:*** The document entitled *Leawood Master Development Plan* adopted by Ordinance No. 1667 (March 31, 1997), which document is hereby incorporated by this reference as if set forth in its entirety herein.

Z. **Material:** Relative to adult businesses, material shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

AA. **Nude:** Any state of undress in which the whole or part of any human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

BB. **Obscene:** Any material or performance is obscene if the average person applying contemporary community standards would find that such material or performance, taken as a whole, appeals to the prurient interest; that the material or performance has patently offensive representations or descriptions of ultimate sexual acts, normal or perverted; and that the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

CC. **Operator:** Any person, partnership, or corporation operating, conducting or maintaining an adult use or adult business.

DD. **Park:** Any public or private land designated as Open Space - Public or Open Space - Private in the *Master Plan.*

EE. **Patron:** Any person who is a guest, member or customer on or in an adult business.

FF. **Performer:** Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business and who seeks to arouse or excite the patrons sexual desires.

GG. **Person:** Any natural person, or any association, partnership, or corporation.

HH. **Religious Institution:** A facility used primarily for religious assembly or worship and related religious activities.

II. **Residential Zone:** Any property within the City which is designated as a Residential District pursuant to 2-1 of the Leawood Development Ordinance, as may be amended from time to time, including any property within the City which is zoned RP-A (Planned Large Lot Single Family Residential), R-1 (Single Family Residential), RP-1 (Planned Single Family Residential), RP-2 (Planned Two Family Residential), RP-3 (Planned Apartment House Residential) or RP-4 (Planned Cluster Residential) on the City's official zoning map adopted pursuant to 2-2 of the Leawood Development Code, or RP-A5 (Planned Rural Density Single Family). The term Residential Zone shall also mean and refer to any property designated as Rural Density Residential, Low Density Residential, Medium Density Residential - Single Family Detached, Medium Density Residential - Single Family Attached, and Medium Density Residential - Apartments in the *Master Plan.*

JJ. **School:** Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the Kansas Board of Regents or which is maintained pursuant to standards set by the Kansas Board of Regents. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, but not including dancing schools, riding academies, or trade or vocational schools.

KK. **Specified Anatomical Areas** shall mean:

1. Less than completely and opaquely covered:

   a. human genitals, pubic region;

   b. buttock, or

   c. female breast below a point immediately above the top of the areola; or

2. Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, pubic region or buttock; or

3. Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

LL. **Specified Sexual Activities** shall mean:

1. Human genitals in a state of sexual stimulation or arousal; and/or

2. Acts of human masturbation, sexual intercourse or arousal; and/or

3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or

4. Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; and/or

5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or

6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

MM. **Tavern:** any premises on which alcoholic or cereal malt beverages are sold or served for consumption on the premises pursuant to a license or permit issued by the State of Kansas, the County of Johnson or any other political subdivision or agency of the State of Kansas.

4-9.3 Applicability.

A. No adult business or adult use shall be constructed, established, or operated unless and until a Special Use Permit has been approved by the Governing Body (the Leawood City Council).

B. Nothing in this Section 4.9 shall be construed to apply to any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression or opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

C. The establishment of any adult business shall include any of the following activities:

1. The opening of such a business as a new business.

2. The relocation of an adult business.

3. The conversion of an existing business to an adult business.

4. An increase of the square footage of an existing adult business.

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5. The conversion of an existing adult business to a different type of adult business.

4-9.4 Locational Limitations.

A. Subject to the limitations of 4-9.3.B hereto, adult businesses may be located in any Commercial Zoning District or Industrial Zoning District of the City as herein defined. No adult business shall be located in any Residential Zone. No adult business shall be located in any zoning district of the City except a Commercial Zoning District or industrial Zoning District.

B. In the zoning districts where adult businesses regulated by this Section would otherwise be permitted uses, it shall be unlawful to establish any such adult business if the location is:

1. Within a one-thousand (1,000) foot radius of a Residential Zone. The distance between a proposed use and a Residential Zone shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line included within the Residential Zone, measured along a straight line extended between the two points.

2. Within a one-thousand (1,000) foot radius of any School or Park. The distance between the proposed use and a School or Park shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line of the school or park site, along a straight line extended between the two points.

3. Within a one-thousand (1,000) foot radius of a Religious Institution. The distance between the adult use or proposed adult use and a religious institution shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the Religious Institution.

4. Within a one-thousand (1,000) foot radius of any other adult business. The distance between the adult use or proposed adult use and another adult business shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the other adult business.

5. Within a one-thousand (1,000) foot radius of any tavern. The distance between the adult use or proposed adult use and a tavern shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the tavern.

4-9.5 Development and Performance Standards.

A. Hours of Operation.

1. No adult use or adult business shall be open earlier than eleven o'clock (11:00) a.m. or later than eleven o'clock (11:00) p.m. No adult use or adult business shall be open on any Sunday. It shall be unlawful for any operator or employee of an adult business to allow such adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 11:00 p.m. and 11:00 a.m. of any day or on any Sunday.

2. All adult uses or adult businesses shall be open to inspection at all reasonable times by any law enforcement officer, the Administrator, or such other persons as the Administrator may designate in the normal course of his duties.

B. Lighting Requirements. All exterior areas of the adult business shall be illuminated at a minimum of 2.0 footcandles throughout the premises, minimally maintained and evenly distributed at ground level.

C. Signs. All adult uses or adult businesses shall comply with the following sign requirements in addition to the requirements of 4-5 of the Leawood Development Code:

1. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation of a performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult use or adult business.

2. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

D. Access Provision. The operator shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall ensure that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.

E. Minors Access.

1. No employee, owner, operator, responsible managing employee, manager or permittee of an adult business shall allow any person below the age of eighteen (18) years upon the premises or within the confines of any adult business.

2. X-rated movies. X-rated movies or video tapes shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated 'X' or rated 'NC-17' by the motion picture rating industry ('MPAA'), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said videos shall be located in a specific section of the establishment where persons under the age of eighteen (18) shall be prohibited and shall not be visible from outside the premises or from areas within the premises where persons under the age of eighteen (18) are allowed.

3. Other Adult Materials. Access to adult materials shall be restricted to persons over eighteen (18) years of age.

F. Closed Booths. No one shall maintain any arcade booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing area or partially or fully concealed booths/individual viewing area shall be maintained. No arcade booth shall be occupied by more than one patron at a time. No holes shall be permitted between arcade booths or individual viewing area.

G. A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT BUSINESS IS REGULATED BY LEAWOOD DEVELOPMENT ORDINANCE 4.9. ENTERTAINERS ARE:

1. Not permitted to engage in any type of sexual conduct;

2. Not permitted to expose their sex organs;

3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

H. Regulation of Viewing Areas. Every adult use or adult business shall be physically arranged in such manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein entertainment is provided is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever. All viewing areas within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not obscured in any manner by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle, or a video monitor shall be established at a location from which the inside of all of the viewing areas are visible at all times, in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one (1) person only, or more than ten (10) persons. The operator shall be responsible for and shall provide that any room or area used for the purpose of adult entertainment shall be readily accessible at all times and shall be opened to view in its entirety for inspection by the Administrator or a law enforcement officer at all reasonable times. Viewing area shall mean any area in which a person views performances, pictures, movies, videos, or other presentations.

I. Private Performances. Any area in which a private performance occurs shall:

1. Have a permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, which entranceway is not capable of being closed or partially closed by any curtain, door, or other partition which would be capable of wholly or partially obscuring any person situated in the area; and

2. Have a wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the employee from the person viewing the display.

J. On-Site Manager; Security Measures. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of an adult business unless each and all of the following requirements are met:

1. All adult businesses shall have a person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. The adult business shall register any and all individual(s) designated as the on-site manager with the Administrator by the owner to receive all complaints and be responsible for all violations taking place on the premises.

2. The adult business shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed two (2) by three (3) feet and shall at a minimum be one (1) foot by one and a half feet.

K. Clothing. All employees of adult businesses, other than performers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.

L. Dancing and Performing. In order to reduce the opportunity for prostitution and narcotics transactions, to prevent patrons and dancers/performers from engaging in sexual fondling and caressing, and to reduce the likelihood of drug and sex transactions, the following additional regulations shall apply to the operation of any adult cabaret, adult dance studio, erotic dance studio, or figure modeling studio:

1. Separation Distances Between Entertainers and Patrons. No person shall perform live entertainment for patrons of an adult business except upon a permanently fixed stage or platform which is at least two (2) feet above the level of the floor, separated by a distance of at least ten (10) feet from the nearest area occupied by patrons and surrounded with a three (3) foot high barrier. No patron shall be permitted within six (6) feet of the stage while the stage is occupied by a performer.

2. Contact between Entertainers and Patrons Prohibited. When patrons are present at the establishment, no dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier and, in the event that a patron disregards this requirement, by employees of the establishment.

3. Tipping. No patron shall directly pay or give any gratuity to any dancer or performer. No dancer or performer shall solicit any pay or gratuity from any patron.

4. Unlawful Sexual Acts. No operator, entertainer, or employee shall permit to be performed, offer to perform, or perform sexual intercourse or oral or anal copulation with a customer or manual or other contact stimulation of the genitalia of a customer. No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person. No operator, entertainer, or employee shall be unclothed or in such attire, costume or clothing, so as to expose to view any portion of the sex organs of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.

4-9.6 Massage establishments.

A. No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons or which can be viewed by patrons from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.

B. No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during its hours of operation while performing or available

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to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the masseur/masseuse or employee is fully covered. For purposes of this subsection, fully covered means a state of dress in which the covering shall be of an opaque material and shall be maintained in a clean and sanitary condition, and which extends from a point not to exceed four (4) inches above the center of the knee cap to the base of the neck.

C. No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.

D. Rooms in which massage is to be practiced or administered shall have at least fifty (50) square feet of clear floor area and shall maintain a light level of not less than forty (40) footcandles as measured three (3) feet above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less than twelve (12) inches wide and twelve (12) inches long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.

4-9.7 Special Use Permit.

A. No adult business may be established or operate within the City by right. All persons wishing to establish an adult business within the City shall apply for and receive a Special Use Permit pursuant to this Section. A Special Use Permit may be issued only for one (1) adult business or adult use located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult business or adult use shall have a Special Use Permit for each. No Special Use Permit or interest in a Special Use Permit may be transferred to any person, partnership, or corporation. All changes in ownership shall require a new permit application and approval. It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any adult business or adult use which does not hold an unexpired and unrevoked Special Use Permit.

B. Any person desiring to secure a Special Use Permit shall make application to the Administrator consistent with the procedures set forth in Article 6, 6-1 and 6-2 of the Leawood Development Code. The application for a Special Use Permit shall be submitted on a standard application form supplied by the Administrator, which form shall be consistent with the requirements of subsection F.1 of this subsection 4.9-7. It is the burden of the applicant to supply evidence to justify the grant of a Special Use Permit. The application shall be filed in triplicate with and dated by the Administrator. A copy of the application shall be distributed promptly by the Administrator to the Police Department, which shall submit a report to the Administrator as to compliance with the standards set forth in Section 4.9-12.D of this section within ten (10) working days after filing of the application. Within five (5) days after receipt of a Special Use Permit application, the Administrator shall determine whether the application is complete. If the Administrator determines that the application is incomplete, the Administrator shall return the application to the applicant with a written finding as to the manner in which the application is deficient, and the application shall not be processed unless and until a complete application is filed by the applicant. If the Administrator determines that the application is complete, the Administrator shall process the application in accordance with the requirements of this Section. Written notice of the Administrator's decision as to completeness shall be hand delivered or mailed to the applicant within twenty-four (24) hours after his decision has been rendered. The failure of the Administrator to render such a decision within the time frames set forth above shall be deemed to constitute a determination that the application is complete, and the matter shall be placed on the agenda of the Planning Commission as set forth in subsection c., below.

C. Once an application has been accepted as complete, the Administrator shall place the matter on the agenda of the Planning Commission and shall publish notice as prescribed in 6-2.1 of the Leawood Development Code.

D. The Leawood Planning Commission submit a recommendation and the Governing Body (the Leawood City Council) shall grant, conditionally grant or deny an application for a Special Use Permit in accordance with the objective development standards of Section 4-9.11 of this Section. Any conditions imposed upon the permit shall be in keeping with the objective development standards of Section 4-9.11 and the underlying zoning district in which the property is located.

E. The Governing Body (the Leawood City Council) shall grant, conditionally grant or deny the application for a Special Use Permit within sixty (60) days after submittal of a complete application. The failure of the Governing Body to render such a decision within the time frames set forth above shall be deemed to constitute an approval of the application.

F. Contents of Application. The City hereby finds that the following information is necessary in order to ensure the proper administration of this Section 4.9, as well as the proper inspection and identification of all persons which control the operation of any adult business permitted pursuant to this Ordinance, as approved in *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985).

1. The application shall be signed by the owner or lessee. If the application is signed by a lessee, a notarized statement signed by the owner shall accompany the application. Proof of status is required. No application for a Special Use Permit shall be accepted, processed or approved unless the applicant for a Special Use Permit including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding a majority of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business has furnished the following information under oath:

a. Name and address, including all aliases.

b. Written proof that the individual is at least eighteen (18) years of age.

c. All residential addresses of the applicant for the past three (3) years.

d. The applicant's height, weight, color of eyes and hair.

e. The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

f. The adult business or similar business license history of the applicant; whether such applicant, in previously operating in this or any other city, county, or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.

g. All criminal, city ordinance, or city resolution violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

h. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

i. The address of the adult business to be operated by the applicant.

j. The names and addresses of all persons, partnerships, or corporations holding any beneficial interest in the real estate upon which such adult business is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

k. If the premises are leased or being purchased under contract, a copy of such lease or contract.

l. If the applicant is a corporation, the name of the corporation and the date and state of incorporation, and the name and address of the registered agent.

m. A statement by the applicant that he or she is familiar with the provisions of this Section 4.9 and is in compliance with them.

2. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Section 4.9 shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Administrator.

4-9.8 Permit Application Fee. The City hereby finds and determines that the fee amounts set forth in the City of Leawood fee schedule do not exceed the costs that will be incurred by the City for processing applications for Special Use Permits and conducting inspections necessary to determine whether an application for a Special Use Permit is in compliance with the standards provided in this Section 4.9. No application for a Special Use Permit shall be issued unless and until the appropriate fee is paid pursuant to the City of Leawood fee schedule, as amended from time to time.

4-9.9 Appeals. Any person, official or governmental agency dissatisfied with any order or determination of the Governing Body (the Leawood City Council) may bring an action in the district court of Johnson County to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the Governing Body. The City hereby recognizes the requirement for prompt judicial review of a decision relating to the issuance of a Special Use Permit as set forth in *Freedman v. Maryland*, 380 U.S. 51 (1965). In accordance with said requirements, if the Special Use Permit is denied and an appeal or other legal challenge to said action is filed with the District Court of Johnson County or a federal District Court, the City Attorney shall submit the record or file any responsive pleading not more than ten (10) days after the service of process upon the City nonwithstanding any provision of the Kansas Code of Civil Procedure or the Rules of the Kansas Supreme Court which may permit a longer period of time for the filing of the administrative record or a responsive pleading.

4-9.10 Permit Expiration. Any Special Use Permit approved pursuant to this Section shall become null and void if not exercised within one year from the date of the approval. If an adult business ceases to operate for a period of six (6) months, the Special Use Permit shall become null and void. A permit extension shall be granted if prior to the expiration date the permittee demonstrates to the satisfaction of the Administrator that it has a good faith intent to presently commence the proposed use. Such extensions shall not exceed a total of two (2) six (6) month extensions.

4-9.11 Permit Approval Criteria. The Administrator shall not approve or conditionally approve an application for a Special Use Permit unless where the information submitted by the applicant substantiates the following findings:

A. The adult business is consistent with the location requirements of 4-9.4 hereto and development and the applicable performance standards of 4.9-5 through 4-9.6 hereto; and

B. The adult business is located in a zoning district which lists adult businesses as a permitted use; and

C. The adult business structure does not contain any apartments or other living quarters; and

D. The applicant, and all persons for whom disclosure is required pursuant to 4.9-7.D.1 of this Section, is at least 18 years of age; and

E. That neither the applicant, nor any of the persons for whom disclosure is required pursuant to 4.9-7.D.1 of this Section, have been found guilty or pleaded *nolo contendere* within the past four (4) years of a misdemeanor or a felony classified by the state as a sex or sex-related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated.

4-9.12 Display of License or Permit. The Special Use Permit shall at all times be displayed in a conspicuous public place in the adult business.

4-9.13 Responsibilities of the Operator. The City hereby finds that the following information is necessary in order to ensure the proper administration of this Section 4.9, as well as the proper inspection and identification of all persons which control the operation of any adult business permitted pursuant to this Ordinance, as approved in *Moody v. Board of County Commissioners*, 237 Kan. 67, 697 P.2d 1310 (1985).

A. The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birth date, sex, weight, color of hair and eyes, phone numbers, Social Security Number, date of employment and termination, and duties of each employee and such other information as may be required by the Board. The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination.

B. The operator shall make the register of employees available immediately upon demand of any law enforcement officer at all reasonable times.

C. Every act or omission by any employee constituting a violation of the provisions of this Section 4.9 shall be deemed the act or omission of the operator, if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

D. An operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Section 4.9 shall be deemed the act or omission of the operator for purposes of determining whether the operator's Special Use Permit shall be revoked, suspended or renewed.

E. There shall be posted and conspicuously displayed in the common areas of each adult entertainment studio a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed.

F. The operator shall make the list available immediately upon demand of any law enforcement officer at all reasonable times.

G. The owner or operator shall ensure that the premises comply, at all times, with the standards of 4.9-5 and 4.9-6, as applicable.

4-9.14 Permit Revocation.

A. Any permit issued pursuant to the provisions of this Section may be revoked by the Administrator on the basis of any of the following:

1. That the business or use has been conducted in a manner which violates one or more of the requirements of this Section 4.9, or if the operator or entertainer or any employee of the operator violates any provision of this Section 4.9 provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Administrator shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

CONTINUED ON PAGE 10

CONTINUED FROM PAGE 9

2. Any cost or fee required to be paid by this Section 4.9 is not paid.

3. An operator employs an entertainer who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs as an entertainer without a permit.

4. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult business or adult use.

5. That the permittee has failed to obtain or maintain all required City, County, and State licenses and permits;

6. That the permit is being used to conduct a use different from that for which it was issued;

7. That the building or structure in which the adult business is conducted is hazardous to the health or safety of the employees or patrons of the business or of the general public under the standards set forth in the Uniform Building Code (Article 2 of Chapter IV of the City Code, Ordinance No. 1477C, April 3, 1995, as amended), International Plumbing Code (Article 4 of Chapter IV of the City Code, Ordinance No. 1480C, April 3, 1995, as amended), or Uniform Fire Code (Article 2 of Chapter VII of the City Code, Ordinance No. 1486C, May 15, 1995, as amended);

8. That the permittee has failed to obtain a business license as required by ' 5-102 of the City Code; or

9. That the permittee, if an individual, or any of the officers or general partners, if a corporation or partnership is found guilty or pleaded *nolo contendere* to a misdemeanor or felony classified by the state as a sex or sex-related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated during the period of the adult establishment's operation; or

10. That the use for which the approval was granted has ceased to exist or has been suspended for six (6) months or more.

11. False or misleading information or data was given on any application or material facts were omitted from any application.

B. The transfer of a Special Use Permit shall automatically and immediately revoke the Special Use Permit.

C. Except in the case of subsection B hereto, the Administrator before revoking or suspending any license or permit shall give the operator or entertainer at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the Board of Zoning Appeals at which time the operator or entertainer may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The Board of Zoning Appeals shall notice and conduct a public hearing on the proposed permit revocation. Written notice shall be provided within at least ten (10) days prior to the hearing to all parties who have expressed their interest in writing. The revocation hearing shall be heard by the Board of Zoning Appeals. The Board of Zoning Appeals shall not be bound by the formal rules of evidence at the hearing. The Board of Zoning Appeals shall revoke, not revoke, or not revoke but add additional conditions to, the permittee's Special Use Permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this Section as set forth in 4.9-12, above, and the underlying zoning district in which the property is located. The Board of Zoning Appeals shall render its decision within thirty (30) days of the public hearing. All other procedures before the Board of Zoning Appeals shall be governed by 5-4 of the Leawood Development Code.

D. Any operator or entertainer whose Special Use Permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a Special Use Permit has been issued shall be used as an adult business or adult use for two (2) years from the date of revocation of the Special Use Permit.

4-9.15 Violations.

Any person who violates any section of this ' 4.9 shall be subject to the provisions of 9.5-5 of the Leawood Development Ordinance.

4-9.16 Applicability to Other Regulations.

The provisions of this Section are not intended to provide exclusive regulation of the regulated adult uses. Such uses shall comply with any and all applicable regulations imposed in other articles of the Leawood Development Ordinance, other City ordinances and state and federal law.

4-9.17 Conduct Constituting a Public Nuisance.

The conduct of any business within the City in violation of any of the terms of this Section is hereby found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult use establishment and restrain and enjoin any person from conducting, operating or maintaining an adult use establishment contrary to the provisions of this Section.

Section 2. Section 4-3 of Article 4 of the Leawood Development Ordinance is hereby amended by adding a new subsection 33) thereto, which subsection 33) shall read in its entirety as follows:

33) Adult uses or adult businesses, as defined in 4-9.2 of this Ordinance, which holds and unexpired and unrevoked Special Use Permit as provided in 4-9.7 of this Ordinance. Said adult uses or adult businesses are subject to the locational limitations of ' 4-9.4 of this Ordinance. Notwithstanding any other provisions of this Section, no other conditions as to operation, site development, signs, or time limits may be imposed except as required by 4-9.1 to 4-9.17 of this Ordinance.

Section 3. The Leawood City Code is hereby amended by adding a new Article 1A of Chapter V which shall read as follows:

Article 1A. Adult Employee Permits.

5-1A01. A. No person shall be an entertainer or employee in an adult business or an adult use, as defined in 4-9 of the Leawood Development Ordinance, without a valid permit issued by the City Clerk.

B. **Application for Permit.**

1. Any person desiring to secure a permit shall make application to the City Clerk. The application shall be filed in triplicate with and dated by the City Clerk.

2. The application for a permit shall be upon a form provided by the City Clerk. An applicant for a permit shall furnish the following information under oath:

a. Name.

b. Home address and telephone number.

c. Date and place of birth.

d. All aliases, stage names or nicknames.

e. Written proof that the individual is at least eighteen (18) years of age.

f. All residential addresses of the applicant for the past three (3) years.

g. The applicant's height, weight, color of eyes and hair.

h. The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

i. The adult use or adult business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.

j. All criminal, city ordinance, or county resolution violation convictions, forfeiture of bonds and pleadings of nolo contendere on all charges, except minor traffic violations.

k. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant taken within six (6) months prior to submission of the application.

l. The name and address of each business at which the applicant intends to work.

m. A statement by the applicant that he or she is familiar with the provisions of this Section and is in compliance with them.

C. No permit shall be issued until the Police Department has investigated the applicant's qualifications to receive a permit. The permit application shall be forwarded by the City Clerk to the Police Department within one (1) business day after receipt of a complete application. The results of that investigation shall be filed in writing with the City Clerk not later than five (5) days after the date of receipt of the application by the City Clerk. The City Clerk shall maintain the report of the Police Deparment as a confidential record and shall not disclose it to any person except members of the City Council, the applicant, and such other persons as the City Council may designate. Within five (5) days of receiving the results of the investigation conducted by the Police Department, the City Clerk shall notify the applicant that his application is granted or denied. Written notice of the City Clerk's decision shall be hand delivered or mailed to the applicant within twenty-four (24) hours after the decision has been rendered. The failure of the City Clerk to render such a decision within the time frames set forth above shall be deemed to constitute an approval.

D. The City Clerk shall grant, conditionally grant or deny an application for a permit in accordance with the standards set forth in subsection H of this Section. Any conditions imposed upon the permit shall be in keeping with the objective development standards of this subsection H of this Section.

E. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held before the City Council at which time the applicant may present evidence bearing upon the question.

F. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Section shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the City Clerk.

G. The City hereby recognizes the requirement for prompt judicial review of a decision relating to the issuance of an adult employee permit as set forth in *Freedman v. Maryland*, 380 U.S. 51 (1965). In accordance with said requirements, if the adult employee permit is denied and an appeal or other legal challenge to said action is filed with the District Court of Johnson County or a federal District Court, the City Attorney shall submit the record or file any responsive pleading not more than ten (10) days after the service of process upon the City notwithstanding any provision of the Kansas Code of Civil Procedure or the Rules of the Kansas Supreme Court which may permit a longer period of time for the filing of the administrative record or a responsive pleading.

H. Standards for Issuance of Permit. To receive a permit as an entertainer or employee, an applicant shall meet the following standards:

1. The applicant shall be at least 18 years of age.

2. The applicant shall not have been convicted of or pleaded no contest to a felony or misdemeanor classified by the State as a sex or sex related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated.

3. The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this Section.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 5. Effective Date and Posting.

This Ordinance shall be effective thirty (30) days from and after the date of the final passage and adoption hereof. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be posted in the four (4) places designated by resolution of the City Council and shall cause the same to be published in the manner prescribed by law.

Passed [redacted] at a regular meeting of the City Council of the City of Leawood held on the 18th day of May, 1998. Roll call vote was unanimous. Councilmember Bold was absent. By Resolution No. 1403.
[redacted] ordered posted at a regular meeting of the City Council of the City of Leawood held on the 1st day of June, 1998, by the following vote:

AYES: 8
NOES: 0
ABSENT: 0

(S E A L)

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM [redacted]

/s/ R.S. Wetzler
City Attorney

ORDINANCE NO. 1730

AN ORDINANCE REZONING PROPERTY (THE WOODS) LOCATED AT APPROXIMATELY 114TH STREET AND ROE AVENUE AROUND TO COLLEGE BOULEVARD FROM RP-4 (PLANNED CLUSTER RESIDENTIAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL), RP-5 (PLANNED APARTMENT HOUSE) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL), AND CP-0 (PLANNED OFFICE) TO RP-4 (PLANNED CLUSTER 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 the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50'04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet, to the True Point of Beginning; thence S 2°09'56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2°07'04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9°04'10" E, a distance of 218.54 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33°24'34" E, a distance of 40.40 feet; thence N 88°32'27" E, a distance of 313.69 feet; thence N 1°27'33" W, a distance of 405.00 feet, to a point on the North line of the NW1/4 of said Section 15; thence S 87°50'04" W, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet, to the true point of beginning, containing 2.972 Gross Acres, more or less

now zoned RP-4, is hereby rezoned RP-1.

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 15; thence

N 87°50'04" E, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet; thence S 1°27'33" E, a distance of 405.00 feet, to the True Point of Beginning; thence continuing S 1°27'33" E, a distance of 480.00 feet; thence S 88°32'27" W, a distance of 462.21 feet; thence N 1° 27'33" W, a distance of 271.93 feet; thence Northeasterly, along a curve to the left having a radius of 300 feet and whose initial tangent bearing is N 60°20'29" E, a distance of 65.14 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 215 feet and whose initial tangent bearing is N 47°54'00" E, a distance of 116.33 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 575 feet and whose initial tangent bearing is N 16° 54'00" E, a distance of 42.08 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33°24'34" E, a distance of 40.40 feet; thence N 88°32'27" E, a distance of 313.69 feet, to the true point of beginning, containing 4.639 Gross Acres, more or less

now zoned RP-5, is hereby rezoned RP-1.

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 16, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28'03" W, along the West line of the NE1/4 of said Section 16, a distance of 450.04 feet, to the True Point of Beginning; thence continuing N 1°28'03" W, along the West line of the NE1/4 of said Section 16, a distance of 349.96 feet; thence Northeasterly, along a curve to the left having a radius of 600 feet, whose initial tangent bearing is N 88° 31'57" E, a distance of 78.88 feet, to a point of tangency; thence N 81°00'00" E, a distance of 53.00 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along a curve to the right having a radius of 250 feet, a distance of 89.45 feet, to a point of tangency; thence S 78° 30'00" E, a distance of 156.00 feet; thence Southerly and Southwesterly, along a curve to the right having a radius of 325 feet and whose initial tangent bearing is S 10°42'00" E, a distance of 179.81 feet, to a point of tangency; thence S 21°00'00" W, a distance of 53.00 feet, to a point of curvature; thence Southwesterly, along a curve to the left having

a radius of 425 feet, a distance of 97.62 feet; thence S 87° 48'29" W, a distance of 304.73 feet, to the true point of beginning, containing 2.813 Gross Acres, more or less

now zoned CP-0, is hereby rezoned RP-4.

Section 4. 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 5. 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 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of May, 1998.

Approved by the Mayor the 18th day of May, 1998.

(SEAL)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORD1730

Publication Fees: $45.81

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1730--5/19/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

May 20, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$45.81

ORDINANCE NO. 1730

First published in The Legal Record, Tuesday, May 19, 1998.

ORDINANCE NO. 1730

AN ORDINANCE REZONING PROPERTY (THE WOODS) LOCATED AT APPROXIMATELY 114TH STREET AND ROE AVENUE AROUND TO COLLEGE BOULEVARD FROM RP-4 (PLANNED CLUSTER RESIDENTIAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL), RP-5 (PLANNED APARTMENT HOUSE) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL), AND CP-0 (PLANNED OFFICE) TO RP-4 (PLANNED CLUSTER 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 the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50'04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet, to the True Point of Beginning; thence S 2°09'56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2°07'04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9°04'10" E, a distance of 218.54 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33°24'34" E, a distance of 40.40 feet; thence N 88°32'27" E, a distance of 313.69 feet; thence N 1°27'33" W, a distance of 405.00 feet, to a point on the North line of the NW1/4 of said Section 15; thence S 87°50'04" W, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet, to the true point of beginning, containing 2.972 Gross Acres, more or less

now zoned RP-4, is hereby rezoned RP-1.

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87°50'04" E, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet; thence S 1°27'33" E, a distance of 405.00 feet, to the True Point of Beginning; thence continuing S 1°27'33" E, a distance of 480.00 feet; thence S 88°32'27" W, a distance of 462.21 feet; thence N 1° 27'33" W, a distance of 271.93 feet; thence Northeasterly, along a curve to the left having a radius of 300 feet and whose initial tangent bearing is N 60°20'29" E, a distance of 65.14 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 215 feet and whose initial tangent bearing is N 47°54'00" E, a distance of 116.33 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 575 feet and whose initial tangent bearing is N 16° 54'00" E, a distance of 42.08 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33°24'34" E, a distance of 40.40 feet; thence N 88°32'27" E, a distance of 313.69 feet, to the true point of beginning, containing 4.639 Gross Acres, more or less

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now zoned CP-0, is hereby rezoned RP-4.

Section 4. 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 5. 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 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of May, 1998.

Approved by the Mayor the 18th day of May, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

NOTICE OF PUBLIC HEARING

First published in The Legal Record, Tuesday, May 19, 1998.

NOTICE OF PUBLIC HEARING BEFORE
THE CITY OF MISSION
BOARD OF ZONING APPEALS

YOU ARE HEREBY NOTIFIED THAT Application 98-1 has been filed in the office of the City Clerk by Steve Thompson, to obtain a variance to the residential setback requirements pursuant to Zoning Ordinance (16-204.04).

ADDRESS

6329 W. 54th Terrace, Mission, KS

There will be a Board of Zoning Appeals Meeting on June 1, 1998 at 7:30 PM., Mission City Hall, 6090 Woodson, Mission, Kansas, at which time all interested persons will be heard.

The application is on file in the City Clerk's Office.

Barbara J. Sharp
Barbara J. Sharp, CMC
Board of Zoning Appeals Secretary
City of Mission, Kansas

ORDINANCE NO. 1729

AN ORDINANCE REZONING PROPERTY LOCATED SOUTH OF COLLEGE BOULEVARD BETWEEN BUENA VISTA AND TOMAHAWK CREEK PARKWAY (KANSAS CITY ORTHOPEDIC CENTER), FROM AG (AGRICULTURAL) 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:

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

All that part of the Northwest Quarter of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence North 87°50'04" East, along the North line of the Northwest Quarter of said Section 15, a distance of 450.03 feet (450.04 feet deed), to a point 450 feet East of the West line thereof; thence South 01°27'33" East, along a line 450 feet East of and parallel to said West line, a distance of 50.00 feet, to a point 50 feet South of said North line, said point being the South right-of-way of College Boulevard (111th Street) as now established and also the POINT OF BEGINNING; thence North 87°50'04" West, along said South right-of-way, a distance of 417.12 feet, to a point 867.09 feet East of said West line; thence South 01° 27'33" East, along a line 867.09 feet East of and parallel to said West line, a distance of 414.50 feet, to a point 464.47 feet South of said North line; thence South 87°50'04" West, along a line 464.47 feet South of and parallel to said North line, a distance of 417.12 feet, to a point 450 feet East of said West line; thence North 01°27'33" West, along a line 450 East of and parallel to said West line, a distance of 414.50 feet, to the POINT OF BEGINNING, containing 4.3 acres of land, more or less

now zoned AG, 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 18th day of May, 1998.

Approved by the Mayor the 18th day of May, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1729

Publication Fees: $23.82

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1729--5/19/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
May 20, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1729

First published in The Legal Record, Tuesday, May 19, 1998.

ORDINANCE NO. 1729

AN ORDINANCE REZONING PROPERTY LOCATED SOUTH OF COLLEGE BOULEVARD BETWEEN BUENA VISTA AND TOMAHAWK CREEK PARKWAY (KANSAS CITY ORTHOPEDIC CENTER), FROM AG (AGRICULTURAL) 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:

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

All that part of the Northwest Quarter of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 15; thence North 87°50'04" East, along the North line of the Northwest Quarter of said Section 15, a distance of 450.03 feet (450.04 feet deed), to a point 450 feet East of the West line thereof; thence South 01°27'33" East, along a line 450 feet East of and parallel to said West line, a distance of 50.00 feet, to a point 50 feet South of said North line, said point being the South right-of-way of College Boulevard (111th Street) as now established and also the POINT OF BEGINNING; thence North 87°50'04" West, along said South right-of-way, a distance of 417.12 feet, to a point 867.09 feet East of said West line; thence South 01° 27'33" East, along a line 867.09 feet East of and parallel to said West line, a distance of 414.50 feet, to a point 464.47 feet South of said North line; thence South 87°50'04" West, along a line 464.47 feet South of and parallel to said North line, a distance of 417.12 feet, to a point 450 feet East of said West line; thence North 01°27'33" West, along a line 450 East of and parallel to said West line, a distance of 414.50 feet, to the POINT OF BEGINNING, containing 4.3 acres of land, more or less

now zoned AG, 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 18th day of May, 1998.

Approved by the Mayor the 18th day of May, 1998.

(S E A L) Peggy J. Dunn — Peggy J. Dunn, Mayor

Attest:

Martha Heizer — Martha Heizer, City Clerk

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

$23.82

ORDINANCE NO. 1728 C

AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER 1 OF THE CODE OF THE CITY OF LEAWOOD TO CHANGE THE NAME OF THE LEAWOOD ARTS COMMITTEE TO THE LEAWOOD ARTS COUNCIL; AND REPEALING EXISTING ARTICLE.

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

Section 1. Code Amended. That Article 6 of Chapter 1 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 6. LEAWOOD ARTS COUNCIL

1-601. ESTABLISHMENT AND MEMBERSHIP. There is hereby established a Leawood Arts Council consisting of 9 members appointed by the Mayor with the consent of the City Council, as set out in Section 1-602. The Mayor shall appoint, with the consent of the City Council, one member of the City Council who shall serve as liaison to the Arts Council.

1-602. MEMBERSHIP TERMS AND QUALIFICATIONS. All members of the Arts Council shall be residents of the City and shall serve without compensation. The Councilmember who shall serve as liaison shall be appointed annually, and the 9 Arts Council members shall be appointed for a term of three years. Appointments will be from May to May. Whenever a vacancy appears, for whatever reason, appointment to fill the vacancy shall be by the Mayor, with the consent of the City Council, with the appointee serving the remainder of the unexpired term.

The Arts Council shall elect its own chairperson who shall serve for a term of one year, and shall elect a vice-chairperson who shall serve as chairperson in the absence of the chairperson.

1-603. MEETINGS. Meetings of the Arts Council shall be held at the call of the chairperson of the Arts Council and at such other times as the Arts Council may determine. Records of all official actions of the Arts Council shall be filed in the office of the City Clerk. One-half of the membership constitutes a quorum for the transaction of business.

1-604. STATEMENT OF PURPOSE. (a) The purpose of the Arts Council shall be:

1. To serve the Leawood community as its aesthetic conscience and to address issues to improve the cultural life of the City;

2. To provide advice and counsel to the Governing Body, committees, and department heads on matters relating to the arts and the aesthetics of all public

improvements;

3. To initiate and implement programs and proposals for the encouragement, promotion, and development of cultural activities.

(b) The term "cultural activities" as used herein, shall include the visual and performing arts, and shall include, but not be limited to, creative production of music, drama, dance, creative writing, arts and crafts, film, photocopying or photography; and works of art to include paintings, mural decorations, stained glass, bas-reliefs, tablets, sculptures, monuments, fountains, arches, or other structures of a permanent or temporary character intended for ornament or commemoration; and the creative presentation of such cultural activities.

Section 2. Repeal of Existing Article. That existing Article 6 of Chapter 1 of the Code of the City of Leawood is hereby repealed. (Prior law: Sections 1-601 and 1-602, Ord. No. 1671C; Sections 1-603 and 1-604, Ord. No. 1047C)

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 4th day of May, 1998.

Approved by the Mayor the 4th day of May, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler

ORD1728C

Publication Fees: $30.54

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1728C--5/5/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

May 6, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$30.54

ORDINANCE NO. 1728 C

First published in The Legal Record, Tuesday, May 5, 1998.

ORDINANCE NO. 1728 C

AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER 1 OF THE CODE OF THE CITY OF LEAWOOD TO CHANGE THE NAME OF THE LEAWOOD ARTS COMMITTEE TO THE LEAWOOD ARTS COUNCIL; AND REPEALING EXISTING ARTICLE.

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

Section 1. Code Amended. That Article 6 of Chapter 1 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 6. LEAWOOD ARTS COUNCIL

1-601. ESTABLISHMENT AND MEMBERSHIP. There is hereby established a Leawood Arts Council consisting of 9 members appointed by the Mayor with the consent of the City Council, as set out in Section 1-602. The Mayor shall appoint, with the consent of the City Council, one member of the City Council who shall serve as liaison to the Arts Council.

1-602. MEMBERSHIP TERMS AND QUALIFICATIONS. All members of the Arts Council shall be residents of the City and shall serve without compensation. The Councilmember who shall serve as liaison shall be appointed annually, and the 9 Arts Council members shall be appointed for a term of three years. Appointments will be from May to May. Whenever a vacancy appears, for whatever reason, appointment to fill the vacancy shall be by the Mayor, with the consent of the City Council, with the appointee serving the remainder of the unexpired term.

The Arts Council shall elect its own chairperson who shall serve for a term of one year, and shall elect a vice-chairperson who shall serve as chairperson in the absence of the chairperson.

1-603. MEETINGS. Meetings of the Arts Council shall be held at the call of the chairperson of the Arts Council and at such other times as the Arts Council may determine. Records of all official actions of the Arts Council shall be filed in the office of the City Clerk. One-half of the membership constitutes a quorum for the transaction of business.

1-604. STATEMENT OF PURPOSE. (a) The purpose of the Arts Council shall be:

1. To serve the Leawood community as its aesthetic conscience and to address issues to improve the cultural life of the City;
2. To provide advice and counsel to the Governing Body, committees, and department heads on matters relating to the arts and the aesthetics of all public improvements;
3. To initiate and implement programs and proposals for the encouragement, promotion, and development of cultural activities.

(b) The term "cultural activities" as used herein, shall include the visual and performing arts, and shall include, but not be limited to, creative production of music, drama, dance, creative writing, arts and crafts, film, photocopying or photography; and works of art to include paintings, mural decorations, stained glass, bas-reliefs, tablets, sculptures, monuments, fountains, arches, or other structures of a permanent or temporary character intended for ornament or commemoration; and the creative presentation of such cultural activities.

Section 2. Repeal of Existing Article. That existing Article 6 of Chapter 1 of the Code of the City of Leawood is hereby repealed. (Prior law: Sections 1-601 and 1-602, Ord. No. 1671C; Sections 1-603 and 1-604, Ord. No. 1047C)

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 4th day of May, 1998.

Approved by the Mayor the 4th day of May, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler

ORDINANCE NO. 1727

AN ORDINANCE REZONING PROPERTY (CAMDEN WOODS) LOCATED AT APPROXIMATELY THE SOUTHWEST CORNER OF 143RD STREET AND KENNETH ROAD FROM AG (AGRICULTURAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL), RP-4 (PLANNED CLUSTER RESIDENTIAL), AND CP-1 (PLANNED NEIGHBORHOOD RETAIL); 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 the North Half of Section 3, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NE1/4 of said Section 3; thence N 89°39'26" W, along the North line of the NE1/4 of said Section 3, a distance of 1630.87 feet, to the True Point of Beginning; thence continuing N 89°39'26" W, along the North line of the NE1/4 of said Section 3, a distance of 1025.00 feet, to the Northwest corner thereof, thence N 89°40'55" W, along the North line of the NW1/4 of said Section 3, a distance of 662.53 feet, to the Northwest corner of the East Half of the NE1/4 of the NW1/4 of said Section 3; thence S 0° 05'50" W, along the West line of the East Half of the NE1/4 of the NW1/4 of said Section 3, a distance of 1270.87 feet, to the Southwest corner thereof; thence S 89°41'00" E, along the South line of the East Half of the NE1/4 of the NW1/4 of said Section 3, a distance of 661.87 feet, to the Southeast corner thereof; thence S 89°41'03" E, along the South line of the North Half of the NE1/4 of said Section 3, a distance of 1397.55 feet; thence N 29°12'00" E, a distance of 220.18 feet; thence N 18°42'00" E, a distance of 109.00 feet; thence N 1°30'00" W, a distance of 245.60 feet; thence S 68°30'00" W, a distance of 33.10 feet, to a point of curvature; thence Westerly, Northwesterly and Northerly, along a curve to the right, being tangent to the last described course and having a radius of 250 feet, a distance of 661.86 feet; thence N 76° 30'00" W, a distance of 127.77 feet; thence N 37°00'00" W, a distance of 58.00 feet; thence N 8°30'00" W, a distance of 226.00 feet; thence N 0°20'34" E, a distance of 50.00 feet, to the true point of beginning, containing 56.707 Acres, more or less, subject to that part thereof dedicated for street purposes

now zoned AG, is hereby rezoned RP-1.

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 3, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NE1/4 of said Section 3; thence S 0° 15'18" W, along the East line of the NE1/4 of said Section 3, a distance of 353.00 feet, to the True Point of Beginning; thence continuing S 0°15'18" W, along the East line of the NE1/4 of said Section 3, a distance of 916.60 feet, to the Southeast corner of the North Half of the NE1/4 of said Section 3; thence N 89°41'03" W, along the South line of the North half of the NE1/4 of said Section 3, a distance of 1255.49 feet; thence N 29°12'00" E, a distance of 220.18 feet; thence N 18°42'00" E, a distance of 109.00 feet; thence N 1°30'00" W, a distance of 245.60 feet; thence S 68°30'00" W, a distance of 33.10 feet, to a point of curvature; thence Westerly, Northwesterly and Northerly, along a curve to the right, being tangent to the last described course and having a radius of 250 feet, a distance of 661.86 feet; thence N 76° 30'00" W, a distance of 127.77 feet; thence N 37°00'00" W, a distance of 58.00 feet; thence N 8°30'00" W, a distance of 226.00 feet; thence N 0°20'34" E, a distance of 50.00 feet, to a point on the North line of the NE1/4 of said Section 3; thence S 89°39'26" E, along the North line of the NE1/4 of said Section 3, a distance of 947.87 feet; thence S 0°20'34" W, a distance of 50.00 feet; thence S 51°18'00" E, a distance of 340.50 feet; thence S 75°36'00" E, a distance of 377.85 feet; thence S 89°44' 42" E, a distance of 50.00 feet, to the true point of beginning, containing 36.075 Acres, more or less, subject to that part thereof dedicated for street purposes

now zoned AG, is hereby rezoned RP-4.

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 3, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of the NE1/4 of said Section 3; thence S 0° 15'18" W, along the East line of the NE1/4 of said Section 3, a distance of 353.00 feet; thence N 89°44'42" W, a distance of 50.00 feet; thence N 75°36'00" W, a distance of 377.85 feet; thence N 51°18'00" W, a distance of 340.50 feet; thence

N 0°20'34" E, a distance of 50.00 feet, to a point on the North line of the NE1/4 of said Section 3; thence S 89°39'26" E, along the North line of the NE1/4 of said Section 3, a distance of 683.00 feet, to the point of beginning, containing 3.942 Acres, more or less, subject to that part thereof dedicated for street purposes

now zoned AG, is hereby rezoned CP-1.

Section 4. 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 5. 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 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 4th day of May, 1998.

Approved by the Mayor the 4th day of May, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORD1727

Publication Fees: $45.81

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1727--5/5/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

May 6, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$45.81

ORDINANCE NO. 1727

First published in The Legal Record, Tuesday, May 5, 1998.

ORDINANCE NO. 1727

AN ORDINANCE REZONING PROPERTY (CAMDEN WOODS) LOCATED AT APPROXIMATELY THE SOUTHWEST CORNER OF 143RD STREET AND KENNETH ROAD FROM AG (AGRICULTURAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL), RP-4 (PLANNED CLUSTER RESIDENTIAL), AND CP-1 (PLANNED NEIGHBORHOOD RETAIL); 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 the North Half of Section 3, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NE1/4 of said Section 3; thence N 89°39'26" W, along the North line of the NE1/4 of said Section 3, a distance of 1630.87 feet, to the True Point of Beginning; thence continuing N 89°39'26" W, along the North line of the NE1/4 of said Section 3, a distance of 1025.00 feet, to the Northwest corner thereof, thence N 89°40'55" W, along the North line of the NW1/4 of said Section 3, a distance of 662.53 feet, to the Northwest corner of the East Half of the NE1/4 of the NW1/4 of said Section 3; thence S 0°05'50" W, along the West line of the East Half of the NE1/4 of the NW1/4 of said Section 3, a distance of 1270.87 feet, to the Southwest corner thereof; thence S 89°41'00" E, along the South line of the East Half of the NE1/4 of the NW1/4 of said Section 3, a distance of 661.87 feet, to the Southeast corner thereof; thence S 89°41'03" E, along the South line of the North Half of the NE1/4 of said Section 3, a distance of 1397.55 feet; thence N 29°12'00" E, a distance of 220.18 feet; thence N 18°42'00" E, a distance of 109.00 feet; thence N 1°30'00" W, a distance of 245.60 feet; thence S 68°30'00" W, a distance of 33.10 feet, to a point of curvature; thence Westerly, Northwesterly and Northerly, along a curve to the right, being tangent to the last described course and having a radius of 250 feet, a distance of 661.86 feet; thence N 76°30'00" W, a distance of 127.77 feet; thence N 37°00'00" W, a distance of 58.00 feet; thence N 8°30'00" W, a distance of 226.00 feet; thence N 0°20'34" E, a distance of 50.00 feet, to the true point of beginning, containing 36.707 Acres, more or less, subject to that part thereof dedicated for street purposes

now zoned AG, is hereby rezoned RP-1.

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 3, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NE1/4 of said Section 3; thence S 0°15'18" W, along the East line of the NE1/4 of said Section 3, a distance of 353.00 feet, to the True Point of Beginning; thence continuing S 0°15'18" W, along the East line of the NE1/4 of said Section 3, a distance of 916.60 feet, to the Southeast corner of the North Half of the NE1/4 of said Section 3; thence N 89°41'03" W, along the South line of the North half of the NE1/4 of said Section 3, a distance of 1255.49 feet; thence N 29°12'00" E, a distance of 220.18 feet; thence N 18°42'00" E, a distance of 109.00 feet; thence N 1°30'00" W, a distance of 245.60 feet; thence S 68°30'00" W, a distance of 33.10 feet, to a point of curvature; thence Westerly, Northwesterly and Northerly, along a curve to the right, being tangent to the last described course and having a radius of 250 feet, a distance of 661.86 feet; thence N 76°30'00" W, a distance of 127.77 feet; thence N 37°00'00" W, a distance of 58.00 feet; thence N 8°30'00" W, a distance of 226.00 feet; thence N 0°20'34" E, a distance of 50.00 feet, to a point on the North line of the NE1/4 of said Section 3; thence S 89°39'26" E, along the North line of the NE1/4 of said Section 3, a distance of 947.87 feet; thence S 0°20'34" W, a distance of 50.00 feet; thence S 51°18'00" E, a distance of 340.50 feet; thence S 75°36'00" E, a distance of 377.85 feet; thence S 89°44' 42" E, a distance of 50.00 feet, to the true point of beginning, containing 36.075 Acres, more or less, subject to that part thereof dedicated for street purposes

now zoned AG, is hereby rezoned RP-4.

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of the NE1/4 of Section 3, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of the NE1/4 of said Section 3; thence S 0°15'18" W, along the East line of the NE1/4 of said Section 3, a distance of 353.00 feet; thence N 89°44'42" W, a distance of 50.00 feet; thence N 75°36'00" W, a distance of 377.85 feet; thence N 51°18'00" W, a distance of 340.50 feet; thence N 0°20'34" E, a distance of 50.00 feet, to a point on the North line of the NE1/4 of said Section 3; thence S 89°39'26" E, along the North line of the NE1/4 of said Section 3, a distance of 683.00 feet, to the point of beginning, containing 3.942 Acres, more or less, subject to that part thereof dedicated for street purposes

now zoned AG, is hereby rezoned CP-1.

Section 4. 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 5. 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 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 4th day of May, 1998.

Approved by the Mayor the 4th day of May, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn — Mayor

Attest:

Martha Heizer
Martha Heizer — City Clerk

APPROVED FOR FORM:

W.S. Wetzler
W.S. Wetzler — City Attorney

ORDINANCE NO. 1726

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 151ST AND LINDEN (VILLAGE AT IRONHORSE), FROM RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL) TO RP-4 (PLANNED CLUSTER 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:

A part of the North 1/2 of the Northwest 1/4 of Section 9, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Northwest 1/4; thence South 02 degrees, 01 minutes, 46 seconds East along the East line of said Northwest 1/4 a distance of 1,107.81 feet; thence North 85 degrees, 43 minutes, 42 seconds West a distance of 268.93 feet; thence South 26 degrees, 31 minutes, 00 seconds West a distance of 149.92 feet; thence North 48 degrees, 36 minutes, 49 seconds West a distance of 58.83 feet; thence North 58 degrees, 04 minutes, 49 seconds West a distance of 62.89 feet; thence North 67 degrees, 19 minutes, 43 seconds West a distance of 85.31 feet; thence South 89 degrees, 01 minutes, 22 seconds West a distance of 29.12 feet; thence South 52 degrees, 01 minutes, 33 seconds West a distance of 66.00 feet; thence South 25 degrees, 33 minutes, 16 seconds West a distance of 64.08 feet; thence North 28 degrees, 33 minutes, 12 seconds West a distance of 813.72 feet; thence North 02 degrees, 29 minutes, 26 seconds West a distance of 454.19 feet to a point on the North line of said Northwest 1/4; thence North 87 degrees, 18 minutes, 10 seconds East along said North line a distance of 990.67 feet to the point of beginning, except that part in streets and roads

now zoned RP-1, is hereby rezoned to RP-4.

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 20th day of April, 1998.

Approved by the Mayor the 20th day of April, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1726

Publication Fees: $23.27

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1726--4/21/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 22, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1726

First published in The Legal Record, Tuesday, April 21, 1998.

ORDINANCE NO. 1726

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 151ST AND LINDEN (VILLAGE AT IRONHORSE), FROM RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL) TO RP-4 (PLANNED CLUSTER 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:

A part of the North 1/2 of the Northwest 1/4 of Section 9, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Northwest 1/4; thence South 02 degrees, 01 minutes, 46 seconds East along the East line of said Northwest 1/4 a distance of 1,107.81 feet; thence North 85 degrees, 43 minutes, 42 seconds West a distance of 268.93 feet; thence South 26 degrees, 31 minutes, 00 seconds West a distance of 149.92 feet; thence North 48 degrees, 36 minutes, 49 seconds West a distance of 58.83 feet; thence North 58 degrees, 04 minutes, 49 seconds West a distance of 62.89 feet; thence North 67 degrees, 19 minutes, 43 seconds West a distance of 85.31 feet; thence South 89 degrees, 01 minutes, 22 seconds West a distance of 29.12 feet; thence South 52 degrees, 01 minutes, 33 seconds West a distance of 66.00 feet; thence South 25 degrees, 33 minutes, 16 seconds West a distance of 64.08 feet; thence North 29 degrees, 33 minutes, 12 seconds West a distance of 813.72 feet; thence North 02 degrees, 29 minutes, 26 seconds West a distance of 454.19 feet to a point on the North line of said Northwest 1/4; thence North 87 degrees, 18 minutes, 10 seconds East along said North line a distance of 990.67 feet to the point of beginning, except that part in streets and roads

now zoned RP-1, is hereby rezoned to RP-4.

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 20th day of April, 1998.

Approved by the Mayor the 20th day of April, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:

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

$23.27

ORDINANCE NO. 1725

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 151 (FIRE STATION NO. 3), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY AND ACQUISITION, CONSTRUCTION AND INSTALLATION OF A NEW FIRE STATION THEREON, INCLUDING PARKING FACILITIES AND ACCESS ROADS, AND FURNISHING AND EQUIPPING THE SAME.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1704, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> acquisition of certain real property in Leawood South Park currently leased by the City and acquisition, construction and installation of a new fire station thereon, including parking facilities and access roads, and furnishing and equipping the same

(the "Project") at an estimated cost of $3,195,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur costs payable within the next six months in the amount of $200,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes,

Project 151 (Fire Station No. 3), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring

the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1725

Publication Fees: $70.96

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1725--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$70.96

ORDINANCE NO. 1725

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1725

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE D DELIVERY OF TEMPORARY NOTES, PROJECT 151 (FIRE STATION NO. 3), OF E CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO OVIDE TEMPORARY FINANCING OF THE COST OF ACQUISITION OF CERTAIN AL PROPERTY WITHIN THE CITY AND ACQUISITION, CONSTRUCTION AND STALLATION OF A NEW FIRE STATION THEREON, INCLUDING PARKING CILITIES AND ACCESS ROADS, AND FURNISHING AND EQUIPPING THE ME.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 04, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore horized the following described improvement project within the City, to wit:

> acquisition of certain real property in Leawood South Park currently leased by the City and acquisition, construction and installation of a new fire station thereon, including parking facilities and access roads, and furnishing and equipping the same

e "Project") at an estimated cost of $3,195,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur sts payable within the next six months in the amount of $200,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as ended, to issue temporary notes of the City to pay the costs of the Project as the same come due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs the Project now due or to become due in the immediate future, including necessary ngineering, legal and incidental costs, there shall be issued and the City is hereby authorized issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 151 (Fire Station No. 3), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring

CONTINUED ON PAGE 7

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the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1724

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 168 (MISSION ROAD, 83RD to 95TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $600,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUISITION OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD FROM 83RD TO 95TH STREET AND A PORTION OF 89TH STREET, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended and Ordinance No. 1717, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improve and reimprove that section of Mission Road between 83rd Street and 95th Street

(the "Mission Road Project") at an estimated cost of $200,000; and

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended and Ordinance No. 1716, the Governing Body of the City has heretofore authorized the following described improvement project within the City, to wit:

> improve and reimprove that section of 89th Street beginning at Mission Road between Mohawk Lane Cul-de-sac East approximately 1500 feet to Wenonga Road

(the "89th Street Project") at an estimated cost of $400,000; and

WHEREAS, the Mission Road Project and the 89th Street Project (collectively, the "Project") are, as a matter of efficiency, to be undertaken together and have commenced, and the City has incurred or expects to incur costs payable within the next six months in the amount of $600,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 168 (Mission Road, 83rd to 95th Street), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized

and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1724

Publication Fees: $79.87

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1724--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$79.87

ORDINANCE NO. 1724

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1724

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 168 (MISSION ROAD, 83RD to 95TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $600,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUISITION OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD FROM 83RD TO 95TH STREET AND A PORTION OF 89TH STREET, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended and Ordinance No. 1717, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improve and reimprove that section of Mission Road between 83rd Street and 95th Street

(the "Mission Road Project") at an estimated cost of $200,000; and

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended and Ordinance No. 1716 the Governing Body of the City has heretofore authorized the following described improvement project within the City, to wit:

> improve and reimprove that section of 89th Street beginning at Mission Road between Mohawk Lane Cul-de-sac East approximately 1500 feet to Wenonga Road

(the "89th Street Project") at an estimated cost of $400,000; and

WHEREAS, the Mission Road Project and the 89th Street Project (collectively, the "Project") are, as a matter of efficiency, to be undertaken together and have commenced, and the City has incurred or expects to incur costs payable within the next six months in the amount of $600,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 168 (Mission Road, 83rd to 95th Street), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized

CONTINUED ON PAGE 6

CONTINUED FROM PAGE 5

and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1723

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 170 (MISSION ROAD REHAB. SOUTH OF 135TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE IMPROVEMENT OF A CERTAIN SECTION OF MISSION ROAD, BEGINNING AT A POINT 500 FEET SOUTH OF 135TH STREET, SOUTHERLY TO 143RD STREET, THEN WESTERLY 600 FEET, ALL WITHIN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1680, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> the improvement and reimprovement of certain portions of Mission Road, beginning at a point 500 feet south of 135th Street, southerly to 143rd Street, then westerly 600 feet, within the City of Leawood

(the "Project") at an estimated cost of $1,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 170 (Mission Road Rehab. South of 135th Street), dated July 25, 1997, in the principal amount of $800,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 170 (Mission Road Rehab. South of 135th Street), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice

of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the

Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1723

Publication Fees: $81.58

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1723--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$81.58

ORDINANCE NO. 1723

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1723

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 170 (MISSION ROAD REHAB. SOUTH OF 135TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE IMPROVEMENT OF A CERTAIN SECTION OF MISSION ROAD, BEGINNING AT A POINT 500 FEET SOUTH OF 135TH STREET, SOUTHERLY TO 143RD STREET, THEN WESTERLY 600 FEET, ALL WITHIN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1680, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> the improvement and reimprovement of certain portions of Mission Road, beginning at a point 500 feet south of 135th Street, southerly to 143rd Street, then westerly 600 feet, within the City of Leawood

(the "Project") at an estimated cost of $1,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 170 (Mission Road Rehab. South of 135th Street), dated July 25, 1997, in the principal amount of $800,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 170 (Mission Road Rehab. South of 135th Street), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1722

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 146 (TOWN CENTER PLAZA), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $3,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH STREET, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined); and the overly of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street

(the "Project") at an estimated cost of $4,100,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 146 (Town Center Plaza), dated July 25, 1997, in the principal

amount of $3,500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of Three Million Five Hundred Thousand Dollars ($3,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 35 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.74% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or

advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1722

Publication Fees: $82.59

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1722--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$82.59

ORDINANCE NO. 1722

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1722

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 146 (TOWN CENTER PLAZA), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $3,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH STREET, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined); and the overly of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street

(the "Project") at an estimated cost of $4,100,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 146 (Town Center Plaza), dated July 25, 1997, in the principal amount of $3,500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of Three Million Five Hundred Thousand Dollars ($3,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 35 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.74% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or

CONTINUED ON PAGE 14

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advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1721

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 144 (MISSION ROAD, 103RD - I-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD - I-435, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> *improvement of certain sections of Mission Road from 103rd Street to I-435,* within the City of Leawood

(the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 144 (Mission Road, 103rd - I-435), dated July 25, 1997, in the principal amount of $700,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 144 (Mission Road, 103rd - I-435), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 4 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail

to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements,

instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1721

Publication Fees: $73.32

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1721--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$73.32

ORDINANCE NO. 1721

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1721

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE ND DELIVERY OF TEMPORARY NOTES, PROJECT 144 (MISSION ROAD, 103RD - -435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF 400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF MPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD - I-435, NCLUDING 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement of certain sections of Mission Road from 103rd Street to I-435, within the City of Leawood

(the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 144 (Mission Road, 103rd - I-435), dated July 25, 1997, in the principal amount of $700,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 144 (Mission Road, 103rd - I-435), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 4 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

CONTINUED ON PAGE 15

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Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1720

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 128 (OLD KENNETH ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $600,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY, SAID IMPROVEMENTS TO CONSIST OF A 2-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, AND ALSO INCLUDING ALL NECESSARY STORM DRAINAGE FACILITIES, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1101, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> construction of Old Kenneth Road between K-150 and Kenneth Parkway, improvements to consist of a 2-lane undivided roadway with concrete curb and gutter, and also including all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances

(the "Project") at an estimated cost of $635,834.00 and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 128 (Old Kenneth Road), dated July 25, 1997, in the principal amount of $600,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 128 (Old Kenneth Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such

notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may

approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(S E A L)

ATTEST:

Peggy J. Dunn, Mayor

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1720

Publication Fees: $76.23

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1720--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$76.23

ORDINANCE NO. 1720

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1720

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 128 (OLD KENNETH ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $600,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY, SAID IMPROVEMENTS TO CONSIST OF A 2-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, AND ALSO INCLUDING ALL NECESSARY STORM DRAINAGE FACILITIES, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1101, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> construction of Old Kenneth Road between K-150 and Kenneth Parkway, improvements to consist of a 2-lane undivided roadway with concrete curb and gutter, and also including all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances

(the "Project") at an estimated cost of $635,834.00 and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 128 (Old Kenneth Road), dated July 25, 1997, in the principal amount of $600,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 128 (Old Kenneth Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 registered, said Notes shall be countersigned by the City Clerk and delivered to UMB Bank, N.A., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.786% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1719

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $3,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood

(the "Project") at an estimated cost of $4,959,851.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), dated July 25, 1997, in the principal amount of $3,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Three Million Dollars ($3,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 30 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail

to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.74% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements,

instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1719

Publication Fees: $77.50

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1719--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$77.50

ORDINANCE NO. 1719

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1719

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $3,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood

(the "Project") at an estimated cost of $4,959,851.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), dated July 25, 1997, in the principal amount of $3,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

CONTINUED ON PAGE 11

CONTINUED FROM PAGE 10.

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Three Million Dollars ($3,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 30 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.74% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1718

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 108 (COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $3,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 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, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1488, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement or reimprovement of College Boulevard located within the City of Leawood

(the "Project") at an estimated cost of $13,795,873.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 108 (College Boulevard), dated July 25, 1997, in the principal amount of $3,800,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 108 (College Boulevard), in the aggregate principal amount of Three Million Five Hundred Thousand Dollars ($3,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 35 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail

to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.74% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements,

instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORD1718

Publication Fees: $77.14

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1718--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$77.14

ORDINANCE NO. 1718

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1718

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 108 (COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $3,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 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, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1488, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit:

> improvement or reimprovement of College Boulevard located within the City of Leawood

(the "Project") at an estimated cost of $13,795,873.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 108 (College Boulevard), dated July 25, 1997, in the principal amount of $3,800,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 108 (College Boulevard), in the aggregate principal amount of Three Million Five Hundred Thousand Dollars ($3,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 35 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated April 8, 1998, shall mature by their stated terms and become due and payable on December 8, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail

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to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligations bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.74% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and come 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Findings and Representation as to Use. The Governing Body hereby finds, determines, represents and warrants that no portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 6th day of April, 1998.

APPROVED by the Mayor the 6th day of April, 1998.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Richard S. Wetzler, City Attorney

ORDINANCE NO. 1717

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF A CERTAIN SECTION OF MISSION ROAD, A MAIN TRAFFICWAY, BETWEEN 83RD STREET AND 95TH STREET WITHIN THE CITY OF LEAWOOD; PROVIDING FOR ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS OF THE CITY TO PAY THE COSTS THEREOF PURSUANT TO K.S.A. 12-689 AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND IMPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas 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 by, among other alternatives, the issuance of general obligation improvement bonds; and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove that section of Mission Road between 83rd Street and 95th Street within the City

of Leawood, 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. It is hereby deemed and declared to be necessary to improve and reimprove that section of Mission Road between 83rd Street and 95th Street within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be undertaken under the authority of K.S.A. 12-687.

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, and contingencies, is $200,000 and shall be chargeable to the City at large to be paid by the issuance of general obligation improvement bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation improvement bonds of the City in an amount not to exceed $200,000.

Section 4. That to the extent the City shall pay all or any portion of the costs of the Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditure with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of the bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account form which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passed by the Council the 6th day of April 1998.

Approved by the Mayor the 6th day of April 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

Approved for form:

R.S. Wetzler, City Attorney

195895

ORD1717

Publication Fees: $45.69

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1717--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$45.69

ORDINANCE NO. 1717

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1717

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF A CERTAIN SECTION OF MISSION ROAD, A MAIN TRAFFICWAY, BETWEEN 83RD STREET AND 95TH STREET WITHIN THE CITY OF LEAWOOD; PROVIDING FOR ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS OF THE CITY TO PAY THE COSTS THEREOF PURSUANT TO K.S.A. 12-689 AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND IMPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas 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 by, among other alternatives, the issuance of general obligation improvement bonds; and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove that section of Mission Road between 83rd Street and 95th Street within the City of Leawood, 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. It is hereby deemed and declared to be necessary to improve and reimprove that section of Mission Road between 83rd Street and 95th Street within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be undertaken under the authority of K.S.A. 12-687.

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, and contingencies, is $200,000 and shall be chargeable to the City at large to be paid by the issuance of general obligation improvement bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation improvement bonds of the City in an amount not to exceed $200,000.

Section 4. That to the extent the City shall pay all or any portion of the costs of the Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditure with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of the bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account form which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passed by the Council the 6th day of April 1998.

Approved by the Mayor the 6th day of April 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

Approved for form:

R.S. Wetzler, City Attorney

ORDINANCE NO. 1716

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF A CERTAIN SECTION OF 89TH STREET, A MAIN TRAFFICWAY, BEGINNING IN EAST OF THE INTERSECTION OF MISSION ROAD, IMPROVING APPROXIMATELY 1500 FEET OF 89TH STREET TO WENONGA WITHIN THE CITY OF LEAWOOD; PROVIDING FOR ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS OF THE CITY TO PAY THE COSTS THEREOF PURSUANT TO K.S.A. 12-689 AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND IMPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas has previously by Section 14-206 of the "Code of the City of Leawood, Kansas", designated that portion of 89th Street beginning at 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 by, among other alternatives, the issuance of general obligation improvement bonds; and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove that section of 89th Street beginning at Mission Road, a main trafficway, between Mohawk Lane Cul-de-sac East approximately 1500 feet to Wenonga within the City of Leawood, 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. It is hereby deemed and declared to be necessary to improve and reimprove that section of 89th Street within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be undertaken under the authority of K.S.A. 12-687.

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, and contingencies, is $400,000 and shall be chargeable to the City at large to be paid by the issuance of general obligation improvement bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation improvement bonds of the City in an amount not to exceed $400,000.

Section 4. That to the extent the City shall pay all or any portion of the costs of the Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditure with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for

inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of the bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account form which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passed by the Council the 6th day of April 1998.

Approved by the Mayor the 6th day of April 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

Approved for form:

R.S. Wetzler, City Attorney

195895

ORD1716

Publication Fees: $46.60

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1716--4/7/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$46.60

ORDINANCE NO. 1716

First published in The Legal Record, Tuesday, April 7, 1998.

ORDINANCE NO. 1716

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF A CERTAIN SECTION OF 89TH STREET, A MAIN TRAFFICWAY, BEGINNING IN EAST OF THE INTERSECTION OF MISSION ROAD, IMPROVING APPROXIMATELY 1500 FEET OF 89TH STREET TO WENONGA WITHIN THE CITY OF LEAWOOD; PROVIDING FOR ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS OF THE CITY TO PAY THE COSTS THEREOF PURSUANT TO K.S.A. 12-689 AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND IMPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas has previously by Section 14-206 of the "Code of the City of Leawood, Kansas", designated that portion of 89th Street beginning at 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 by, among other alternatives, the issuance of general obligation improvement bonds; and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove that section of 89th Street beginning at Mission Road, a main trafficway, between Mohawk Lane Cul-de-sac East approximately 1500 feet to Wenonga within the City of Leawood, 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. It is hereby deemed and declared to be necessary to improve and reimprove that section of 89th Street within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be undertaken under the authority of K.S.A. 12-687.

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, and contingencies, is $400,000 and shall be chargeable to the City at large to be paid by the issuance of general obligation improvement bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation improvement bonds of the City in an amount not to exceed $400,000.

Section 4. That to the extent the City shall pay all or any portion of the costs of the Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditure with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of the bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account form which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passed by the Council the 6th day of April 1998.

Approved by the Mayor the 6th day of April 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

Approved for form:

R.S. Wetzler, City Attorney

ORDINANCE NO. 1715

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF TWO PERMANENT DRAINAGE EASEMENTS IN THE ESTATES OF IRON HORSE, SECOND PLAT, AT APPROXIMATELY 154TH & MISSION ROAD, FOR CONSTRUCTION OF THE CITY'S STORM SEWER ACROSS IRONHORSE GOLF COURSE.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself 2 permanent drainage easements, more particularly described, to wit:

A strip of land 15 feet in width over part of the Northwest 1/4 of Section 9, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Commencing at the Northeasterly corner of Lot 54, The Estates of Iron Horse, 2nd Plat (formerly Iron Horse Estates, Second Plat), a subdivision of land in said Northwest 1/4; thence N. 59°-00'-21" E. along the Northerly line of Lot 55 of said subdivision, a distance of 0.90 feet to the Point of Beginning; thence N. 67° -35'-06" W., a distance of 79.60 feet; thence N. 37° -35'-06" W., a distance of 53.15 feet to the Point of Termination, the side lines being extended or foreshortened to terminate at the lot lines of said lots.

AND

A strip of land 15 feet in width over part of the Northwest 1/4 of Section 9, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Commencing at the Northeast corner of Lot 65, The Estates of Iron Horse, 2nd Plat (formerly Iron Horse Estates, Second Plat), a subdivision of land in said Northwest 1/4; thence N. 03°-13'-52" W. along the East line of Lot 64 of said subdivision, a distance of 0.40 feet to the Point of Beginning; thence S. 81° -57'-30" E., a distance of 11.87 feet; thence N. 53°-02'-30" E., a distance of 111.06 feet to the Point of Termination, the said lines being extended or foreshortened to terminate at the lot lines of said lots.

Section 2. That copies of said permanent drainage easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1715

Publication Fees: $23.41

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1715--3/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

March 25, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1715

First published in The Legal Record, Tuesday, March 24, 1998.

ORDINANCE NO. 1715

AN ORDINANCE WHEREBY THE CITY CONVEYS UNTO ITSELF TWO PERMANENT DRAINAGE EASEMENTS IN THE ESTATES OF IRON HORSE, SECOND PLAT, AT APPROXIMATELY 154TH & MISSION ROAD, FOR CONSTRUCTION OF THE CITY'S STORM SEWER ACROSS IRONHORSE GOLF COURSE.

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

Section 1. That the City of Leawood, Kansas, does hereby convey unto itself 2 permanent drainage easements, more particularly described, to wit:

A strip of land 15 feet in width over part of the Northwest 1/4 of Section 9, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Commencing at the Northeasterly corner of Lot 54, The Estates of Iron Horse, 2nd Plat (formerly Iron Horse Estates, Second Plat), a subdivision of land in said Northwest 1/4; thence N. 59°-00'-21" E. along the Northerly line of Lot 55 of said subdivision, a distance of 0.90 feet to the Point of Beginning; thence N. 67°-35'-06" W., a distance of 79.60 feet; thence N. 37°-35'-06" W., a distance of 53.15 feet to the Point of Termination, the side lines being extended or foreshortened to terminate at the lot lines of said lots.

AND

A strip of land 15 feet in width over part of the Northwest 1/4 of Section 9, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Commencing at the Northeast corner of Lot 65, The Estates of Iron Horse, 2nd Plat (formerly Iron Horse Estates, Second Plat), a subdivision of land in said Northwest 1/4; thence N. 03°-13'-52" W. along the East line of Lot 64 of said subdivision, a distance of 0.40 feet to the Point of Beginning; thence S. 81°-57'-30" E., a distance of 11.87 feet; thence N. 53°-02'-30" E., a distance of 111.06 feet to the Point of Termination, the said lines being extended or foreshortened to terminate at the lot lines of said lots.

Section 2. That copies of said permanent drainage easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn, Mayor

Attest:

Martha Heizer
Martha Heizer, City Clerk

APPROVED FOR FORM:

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

$23.41

ORDINANCE NO. 1714 C

AN ORDINANCE AMENDING ARTICLES 1 AND 2 OF CHAPTER VII (FIRE PROTECTION) OF THE CODE OF THE CITY OF LEAWOOD; ADOPTING THE 1997 UNIFORM FIRE CODE; AND REPEALING EXISTING ARTICLES.

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

Section 1. Code Amended. That Article 1 of Chapter VII of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. FIRE DEPARTMENT

7-101. FIRE DEPARTMENT ESTABLISHED.

(a) There is hereby established a fire department to extinguish and prevent fires in the city and in such other places as the city council shall by resolution direct, and which shall perform duties in connection therewith as the governing body shall, from time to time, by ordinance direct.

(b) The fire department shall maintain and operate rescue equipment to be used within the city and in such other places as the governing body shall by resolution direct.

(c) The fire department shall maintain and operate the fire department building, grounds, and other equipment under the direction of the fire chief.

(d) The fire department shall be operated under the supervision and administration of the fire chief in accordance with such rules and regulations as the fire chief shall from time to time formulate, copies of which shall be furnished to the city administrator upon request.

7-102. MEMBERSHIP. Membership in the fire department shall consist of three categories which are set forth below:

(a) Full-time paid personnel who shall be selected in accordance with the "Personnel Rules and Regulations" incorporated by section 1-306.

(b) Volunteer firefighters who shall be selected by the fire chief and who shall serve with compensation of $1 per year paid by the city.

(c) "On Call", part time paid personnel who shall be selected in accordance with the "Personnel Rules and Regulations" incorporated by Section 1-306.

7-103. FIREMEN'S RELIEF ASSOCIATION. The Firemen's Relief Association of the City of Leawood, Kansas, is hereby authorized:

(a) The Firemen's Relief Association of the City of Leawood, Kansas, shall operate under the regulations set forth by the statutes of the State of Kansas under the supervision of the state commissioner of insurance. Each year on or before April 1, the fire chief shall present a copy of the annual report submitted to the commissioner of insurance, which sets forth receipts and disbursements for the year ending the preceding December 31, to the governing body.

(b) The treasurer of the Firemen's Relief Association, incorporated, shall be bonded by sureties as required by the laws of the state of Kansas.

(c) The distribution of funds shall be under such provisions as shall be made by the governing body. In all cases involving expenditures or payments in the amount of $500 or more, prior certification shall be obtained from the city attorney that such expenditures or payment complies with the requirements of this article.

(d) Investments as provided for by K.S.A. 40-1706 must be approved by the governing body. It shall be the duty of the city attorney to examine all bonds as to their validity and report thereon in writing to the governing body and the Firemen's Relief Association until they have been approved and found valid by the city attorney.

7-104. MUTUAL ASSISTANCE BETWEEN CITIES IN EMERGENCIES.

(a) The fire chief is hereby authorized and directed to enter into mutual assistance pacts with the chiefs of the fire departments of such other cities as the chief deems advisable and upon such conditions as he or she deems necessary for the purpose of planning in advance what personnel and equipment of each department will be made mutually available.

(b) Whenever the necessity arises during any emergency resulting from the existence of a state of war, or from fire, or any other cause, the firefighters and officers of the fire department of the city may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of the city to any point within the state, to assist in meeting such emergency. The fire chief shall have the right in every case to determine whether or not the city can spare all or any portion of its fire equipment and firefighters at any particular time.

(c) The fire chief is hereby authorized and directed to enter into mutual assistance pacts with the chiefs of the fire departments of such other cities as the chief deems advisable in order to determine in advance what personnel and equipment of each department will be made mutually available, and upon what conditions.

(d) In such event the acts performed for such purposes by such firefighters or officers, and the expenditures made for such purpose by the city shall be deemed conclusively to be for a public and government purpose and all of the immunities from liability enjoyed by the city when acting

through its firefighters or officers of the fire department for public or governmental purposes within its territorial limits shall be enjoyed by it to the same extent when such city is so acting under this section or under other lawful authority beyond its territorial limits. The firefighters and officers of the fire department of the city, when acting hereunder, or under other lawful authority, beyond the territorial limits of this city, shall have all of the immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability and other benefits, enjoyed by them while performing their respective duties within the territorial limits of the city.

7-105. COOPERATION WITH DEFENSE AGENCIES. The fire chief is hereby authorized and directed to cooperate with any state, district or local civil defense agency for the purpose of coordinating the chief's mutual assistance pacts with the overall planning of civilian defense.

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

ARTICLE 2. FIRE PREVENTION

7-201. ADOPTION OF UNIFORM FIRE CODE. In addition to other standards set forth in this chapter, there is hereby incorporated by reference that certain Fire Code known as the "Uniform Fire Code," edition of 1997, prepared and published by the International Fire Code Institute, including Appendix chapters *I-A (delete section 2.3)*, *I-C*, II-B, II-F, II-H, *IV-B*, *VI-B*, VI-C, VI-D, VI-E, VI-F and Appendix Standard V-A, save and except such portions as are hereinafter deleted, modified or amended by Article 2 of Chapter 7 of the Code of the City of Leawood as amended. Not less than three (3) copies of said Fire Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1714C." A copy of this ordinance shall be attached to each Code copy and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours. The police department, municipal judges, concerned public officials and all administrative departments of the City charged with the enforcement of such codes shall be supplied, at the cost of the City, with such numbers of official copies similarly marked as deemed expedient.

7-202. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(a) The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the City of Leawood, Kansas which

hereby established and which shall be operated under the supervision of the chief of the fire department.

(b) The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department on the basis of examination to determine his or her qualifications.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the City of Leawood, Kansas the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

7-203. DEFINITIONS.

(a) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it is the City of Leawood, Kansas.

(b) Wherever the words "chief" is used with regard to regulations and procedures relating to fire prevention and the enforcement of this code, it shall be held to be mean either the chief of the fire department or the fire marshal.

7-204. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 7902.2.2.1 (a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: No use of liquefied petroleum gas, requiring storage, exceeding a water capacity of 100 gallons will be allowed in residential areas consisting of building sites of one acre or less.

7-205. AMENDMENT TO THE UNIFORM FIRE CODE. PERMIT FEES. Sec. 105.2.1.1 is hereby added and shall read as follows: A fee shall be charged to persons receiving permits under section 105.2 of the Uniform Fire Code. Fees for permits shall be established by the City of Leawood fee resolution.

7-206. SAME; PERMITS REQUIRED: TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES. Section 105.8.t.1 is changed and shall read as follows: To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 400 square feet or a canopy in excess of 800 square feet, except for structure used exclusively for camping (See Article 32).

7-207. SAME; PERMITS REQUIRED: USE OF FIRE HYDRANTS. Section 901.2.1 Permits is hereby deleted.

7-208. SAME; SEC 903. WATER SUPPLIES AND FIRE HYDRANTS. Sec. 903 is deleted. (For hydrant requirements see City of Leawood Building Code)

7-209. SAME; SEC. 1001.5.1 MAINTENANCE, INSPECTION, TESTING AND SYSTEMS OUT OF SERVICE. Sec. 1001.5.1 is hereby changed to read as follows: Sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire-protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications and fire alarm systems shall be maintained in accordance with nationally recognized standards and shall be tested annually to insure the same. Such testing and any costs or damages associated with it shall be the responsibility of the property owner and not of the City of Leawood. Proof of such testing shall be furnished to the fire marshal upon request.

7-210. SAME; SEC. 1003 FIRE EXTINGUISHING SYSTEMS. Sec. 1003 is hereby deleted. (For fire extinguishing systems requirements see Leawood Building Code.)

7-211. SAME; SEC. 1102.3 OPEN BURNING. Sec. 1102.3 *Open Burning* is changed to read as follows:

Sec. 1102.3.1 *General.* A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without a permit.

Exception 1: Wood may be burned for the heating of construction materials so long as it is in a noncombustible container, is located at least 20 feet from any combustible vegetation or other construction material, the fuel load does not exceed 40 cubic feet, and the location is attended.

Exception 2: In R-3 occupancies, wood may be burned for cooking purposes provided it is burned in a noncombustible container and no single piece of wood exceeds 18 inches in any dimension and no more than four such pieces are burned at any one time.

Exception 3: In R-1 occupancies, open burning is permitted for cooking purposes provided a listed fuel gas cooking appliance is used. Solid fuel may not be burned.

Sec. 1102.3.2 Permit. A permit to undertake open burning may be issued to a person upon making proper application as described herein to the fire prevention bureau.

Sec. 1102.3.3 Burn Permit Application Procedure. Any person wishing to undertake open burning may apply for permission by providing such information as the prevention bureau shall require with regard to location, reason for burning, fuel type and amount, dates and time of burning, personnel to be involved and provisions for extinguishment.

Sec. 1102.3.4 Permit conditions. Permits for open burning shall only be issued when the fire prevention bureau is satisfied that the following conditions can and will be met:

(a) Location is 1000 feet from nearest occupied dwelling or public roadway.
(b) Proposed fuel is only vegetation from land clearing or agricultural operations.
(c) Weather conditions are suitable.
(d) Fuel load does not exceed specified amount.
(e) Fuels will not be ignited before sunrise nor added to the fire after two hours before sunset.
(f) Such burning shall be attended by personnel equipped to control the fire.
(g) No unusual or distinct hazard or hardship is presented to the public by the proposed burning.

Sec. 1102.3.5 Permit suspension, revocation. The chief may suspend, revoke or modify the conditions of the permit for cause after it has been issued.

7-212. SAME; ARTICLE 77, EXPLOSIVE MATERIALS. Article 77, *Explosive Materials*, is hereby enacted in its entirety with the following changes and additions:

Sec. 7705 CONSTRUCTION BLASTING. Section 7705 Construction Blasting is hereby adopted and shall read as follows:

Sec. 7705.1 BLASTING PERMIT, DEFINED - "Permit" whenever used hereafter in this section shall refer to the written authorization of the Director of Public Works and the Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to store, possess, and use explosive materials and blasting agents for construction blasting operations only. Permits for other types of operations involving explosives shall be in accordance with the preceding sections of Article 77.

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

Sec. 7705.2 RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this Section as the "Director", shall be responsible for the administration and enforcement of this Section as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 7705.3 APPLICATION PROCESS - The following shall be the process for applying for a permit to store or use explosives in the City of Leawood for the purpose of blasting as part of construction operations. Permits for other types of operations involving explosives shall be according to the applicable sections of the UFC as amended by the Governing Body.

Sec. 7705.3.1 PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 7705.3.2 SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (UFC Appendix VI-E). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other application submittals.

Sec. 7705.3.3 INSURANCE REQUIRED. The applicant shall provide proof of insurance coverage's meeting the following minimum requirements:

1. Workers Compensation, Statutory Coverage

2. Employers Liability:

Bodily Injury by Accident	$1,000,000 each accident
Bodily Injury by Disease	$1,000,000 policy limit
Bodily Injury by Disease	$1,000,000 each employee

3. Commercial General Liability:
   Bodily Injury and Property Damage
   $2,000,000 Combined Single Limit
   $4,000,000 Aggregate

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

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

Section 7705.3.4 BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the applicant's expense;
7. The names of all responsible on-site personnel and copies of their blaster's licenses.

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

Sec. 7705.3.5 NOTIFICATION OF ADJACENT PROPERTY OWNERS. The applicant shall provide written notification of property or utility owners within 500 feet of a blast site. Evidence of delivery of such notification shall be retained by the applicant. Failure to provide such evidence of such notification to the Director of Public Works on demand shall be construed to mean that such notification has not occurred. Notice shall be approved by the Director and shall include the following:

1. notice of intent to blast;
2. name of blasting contractor;
3. agency making the pre-blast inspection;
4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
5. notice to property owner to contact the Director of Public Works within three (3) days of notification to request a copy of the pre-blast inspection of structures on their property;
6. notification shall include a complete copy of Section 7705 Construction Blasting;
7. contractor shall meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.

Sec. 7705.3.6 PRE-BLAST INSPECTIONS shall be performed by the applicant on all structures within 500 feet of a blast site unless permission for the inspection is denied by the occupant or owner. Applicant shall provide a copy of the pre-blast inspection to all property owners requesting same at applicant's expense.

Sec. 7705.3.7 FEE. Prior to providing an intent to issue a permit letter, the applicant shall pay to the City, a non-refundable application fee as determined by the fee resolution adopted annually by the Governing Body.

Sec. 7705.3.8 NOTICE OF INTENT TO ISSUE PERMIT. The applicant, if he or she has fulfilled all application requirements and has not given cause for denial by previous permit violations, will be notified of the City's intent to issue the permit. The applicant shall then provide copies of such notification to all property owners within 500 feet of a proposed blast site. The notice required by this section shall be mailed by certified mail not less than ten days prior to issuance of a blasting permit. The applicant shall retain evidence that such notification has occurred. Failure to provide such evidence to the Director shall be construed to mean that such notification has not occurred.

Sec. 7705.3.9 GRACE PERIOD FOR REQUESTING APPEAL. A grace period of ten working days from the date that the written notice of intent to

blast is mailed (as provided by Section 7705.3.8) will allow owners of adjacent property an opportunity to file an appeal of the decision to issue a permit.

Sec. 7705.3.10 APPEALS. The owner, lessee, agent, operator, or occupant of property located within five hundred feet of a blast site who is aggrieved by any decision, order or permit issued pursuant to this section may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works including name and address of appellant and the location of blast site. Any such appeals must be filed within ten working days of the date that the written notice of intent of the City to issue a blasting permit is mailed as provided by Section 7705.3.8 of this ordinance. Any appeal or appeals filed within the time established by this ordinance shall be heard at the next available City Council meeting. However, there shall be only one hearing for each blasting permit issued or intended to be issued. Such appeal shall stay the execution of any decision, order or permit issued pursuant to this section until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this section shall be deemed to deny the right of any person, firm corporation, copartnership, or voluntary association to appeal such decision to a court of competent jurisdiction.

Sec. 7705.3.11 GRACE PERIOD FOR PRIVATE INSPECTION. After the ten days appeal period or after an appeal is heard by the City Council, and the outcome of that appeal is confirmation of the issuance of the permit, there shall be a five (5) working day grace period for property owners to obtain an independent pre-blast inspection at their own expense prior to issuance of a permit.

Sec. 7705.4 ISSUANCE OF PERMIT. When all requirements specified in this ordinance have been fulfilled, including the expiration of any grace periods and the completion of any appeals, the applicant will be issued a permit. After the permit is issued, the permittee shall have the explosive storage site inspected by the Fire Marshal or his designee. After the approval of such site, the permittee must inform the Public Works Department and Fire Department of their intent to commence operations and must inform them each day that such operations are to take place. Blasting operations may then commence.

Sec. 7705.4.1 DURATION OF PERMIT. Each permit granted by the City shall be valid for such a period of time as may be specified by the Director of Public Works, but not to exceed one (1) year, or until revoked, whichever shall first occur. At the cessation of operations, it shall be the responsibility of the

permittee to inform the Public Works Director that the permit is no longer needed and it shall then be terminated.

Sec. 7705.4.2 REISSUING OF PERMITS. Permits may be reissued if they have expired or been terminated, subject to such provisions of inspection, reporting, notification, and amendments contained in this ordinance as the Director of Public Works and the Fire Chief deem necessary. The fee for reissuance of a permit shall be in accordance with the fee resolution adopted annually by the Governing Body.

Sec. 7705.4.3 PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 7705.4.4 SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 7705.4.5 INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or Fire Chief or their designees so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 7705.4.6 BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 7705.4.7 BLASTING RECORDS. The Director of Public Works shall maintain records pertaining to all blasting permits issued by the City for a period of five years. In addition to the records required by the ordinance, the Director shall include records regarding compliance with this ordinance by all persons and entities that have received blasting permits from the City.

Sec. 7705.4.8 PERMITS NOT ISSUED TO ENTITIES VIOLATING ORDINANCE. In addition to the penalties provided by this ordinance, it is the policy of the City that the Director of Public Works, in reviewing applications for blasting permits, shall consider the applicants' prior history of compliance with the requirements of this ordinance. The Director of Public Works may refuse to issue a blasting permit to any person or entity that has violated the ordinance within the preceding five years.

Sec. 7705.4.9 REVOCATION OF PERMITS. Permits issued in accordance with this section, whether confirmed by City Council appeal or not, may be revoked by the Director of Public Works for any violation of this ordinance. Appeal of such revocations shall be in accordance with Section 103.1.4 of the UFC as amended by the Governing Body.

Sec. 7705.4.10 COURT APPEALS. No decision, order or permit issued pursuant to this section shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

7-213. APPEALS. Whenever the chief disapproves any type of application or refuses to grant any type of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the building code appeal committee within 30 days from the date of the decision appealed.

7-214. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The city administrator, the chief, and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

7-215. PENALTIES.

(a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the appeals board

or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than one (1) dollar nor more than five hundred (500) dollars or by imprisonment for not less than one (1) day nor more than thirty (30) days or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or otherwise remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 3. Repeal of Existing Articles. That existing Articles 1 and 2 of Chapter VII of the Code of the City of Leawood are hereby repealed. (Prior law: Article 2, Ord. No. 1486C)

Section 4. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

Section 5. Take Effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

Approved for Form:

R.S. Wetzler, City Attorney

ORD1714C

Publication Fees: $210.34

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1714C--4/14/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 15, 1998

Debra Dziatura
Notary Public

DEBRA DZIATURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$210.34

ORDINANCE NO. 1714 C

First published in The Legal Record, Tuesday, April 14, 1998.

ORDINANCE NO. 1714 C

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(d) The fire department shall be operated under the supervision and administration of the fire chief in accordance with such rules and regulations as the fire chief shall from time to time formulate, copies of which shall be furnished to the city administrator upon request.

7-102. MEMBERSHIP. Membership in the fire department shall consist of three categories which are set forth below:

(a) Full-time paid personnel who shall be selected in accordance with the "Personnel Rules and Regulations" incorporated by section 1-306.

(b) Volunteer firefighters who shall be selected by the fire chief and who shall serve with compensation of $1 per year paid by the city.

(c) "On Call", part time paid personnel who shall be selected in accordance with the "Personnel Rules and Regulations" incorporated by Section 1-306.

7-103. FIREMEN'S RELIEF ASSOCIATION. The Firemen's Relief Association of the City of Leawood, Kansas, is hereby authorized:

(a) The Firemen's Relief Association of the City of Leawood, Kansas, shall operate under the regulations set forth by the statutes of the State of Kansas under the supervision of the state commissioner of insurance. Each year on or before April 1, the fire chief shall present a copy of the annual report submitted to the commissioner of insurance, which sets forth receipts and disbursements for the year ending the preceding December 31, to the governing body.

(b) The treasurer of the Firemen's Relief Association, incorporated, shall be bonded by sureties as required by the laws of the state of Kansas.

(c) The distribution of funds shall be under such provisions as shall be made by the governing body. In all cases involving expenditures or payments in the amount of $500 or more, prior certification shall be obtained from the city attorney that such expenditures or payment complies with the requirements of this article.

(d) Investments as provided for by K.S.A. 40-1706 must be approved by the governing body. It shall be the duty of the city attorney to examine all bonds as to their validity and report thereon in writing to the governing body and the Firemen's Relief Association until they have been approved and found valid by the city attorney.

7-104. MUTUAL ASSISTANCE BETWEEN CITIES IN EMERGENCIES.

(a) The fire chief is hereby authorized and directed to enter into mutual assistance pacts with the chiefs of the fire departments of such other cities as the chief deems advisable and upon such conditions as he or she deems necessary for the purpose of planning in advance what personnel and equipment of each department will be made mutually available.

(b) Whenever the necessity arises during any emergency resulting from the existence of a state of war, or from fire, or any other cause, the firefighters and officers of the fire department of the city may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of the city to any point within the state, to assist in meeting such emergency. The fire chief shall have the right in every case to determine whether or not the city can spare all or any portion of its fire equipment and firefighters at any particular time.

(c) The fire chief is hereby authorized and directed to enter into mutual assistance pacts with the chiefs of the fire departments of such other cities as the chief deems advisable in order to determine in advance what personnel and equipment of each department will be made mutually available, and upon what conditions.

(d) In such event the acts performed for such purposes by such firefighters or officers, and the expenditures made for such purpose by the city shall be deemed conclusively to be for a public and government purpose and all of the immunities from liability enjoyed by the city when acting

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through its firefighters or officers of the fire department for public or governmental purposes within its territorial limits shall be enjoyed by it to the same extent when such city is so acting under this section or under other lawful authority beyond its territorial limits. The firefighters and officers of the fire department of the city, when acting hereunder, or under other lawful authority, beyond the territorial limits of this city, shall have all of the immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability and other benefits, enjoyed by them while performing their respective duties within the territorial limits of the city.

7-105. COOPERATION WITH DEFENSE AGENCIES. The fire chief is hereby authorized and directed to cooperate with any state, district or local civil defense agency for the purpose of coordinating the chief's mutual assistance pacts with the overall planning of civilian defense.

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

ARTICLE 2. FIRE PREVENTION

7-201. ADOPTION OF UNIFORM FIRE CODE. In addition to other standards set forth in this chapter, there is hereby incorporated by reference that certain Fire Code known as the "Uniform Fire Code," edition of 1997, prepared and published by the International Fire Code Institute, including Appendix chapters *I-A (delete section 2.3)*, *I-C*, II-B, II-F, II-H, *IV-B*, *VI-B*, VI-C, VI-D, VI-E, VI-F and Appendix Standard V-A, save and except such portions as are hereinafter deleted, modified or amended by Article 2 of Chapter 7 of the Code of the City of Leawood as amended. Not less than three (3) copies of said Fire Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1714C." A copy of this ordinance shall be attached to each Code copy and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours. The police department, municipal judges, concerned public officials and all administrative departments of the City charged with the enforcement of such codes shall be supplied, at the cost of the City, with such numbers of official copies similarly marked as deemed expedient.

7-202. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(a) The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the City of Leawood, Kansas which hereby established and which shall be operated under the supervision of the chief of the fire department.

(b) The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department on the basis of examination to determine his or her qualifications.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the City of Leawood, Kansas the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

7-203. DEFINITIONS.

(a) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it is the City of Leawood, Kansas.

(b) Wherever the words "chief" is used with regard to regulations and procedures relating to fire prevention and the enforcement of this code, it shall be held to be mean either the chief of the fire department or the fire marshal.

7-204. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 7902.2.2.1 (a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: No use of liquefied petroleum gas, requiring storage, exceeding a water capacity of 100 gallons will be allowed in residential areas consisting of building sites of one acre or less.

7-205. AMENDMENT TO THE UNIFORM FIRE CODE. PERMIT FEES. Sec. 105.2.1.1 is hereby added and shall read as follows: A fee shall be charged to persons receiving permits under section 105.2 of the Uniform Fire Code. Fees for permits shall be established by the City of Leawood fee resolution.

7-206. SAME; PERMITS REQUIRED: TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES. Section 105.8.1.1 is changed and shall read as follows: To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 400 square feet or a canopy in excess of 800 square feet, except for structure used exclusively for camping (See Article 32).

7-207. SAME; PERMITS REQUIRED: USE OF FIRE HYDRANTS. Section 901.2.4 Permits is hereby deleted.

7-208. SAME; SEC 903. WATER SUPPLIES AND FIRE HYDRANTS. Sec. 903 is deleted. (For hydrant requirements see City of Leawood Building Code)

7-209. SAME; SEC. 1001.5.1 MAINTENANCE, INSPECTION, TESTING AND SYSTEMS OUT OF SERVICE. Sec. 1001.5.1 is hereby changed to read as follows: Sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire-protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications and fire alarm systems shall be maintained in accordance with nationally recognized standards and shall be tested annually to insure the same. Such testing and any costs or damages associated with it shall be the responsibility of the property owner and not of the City of Leawood. Proof of such testing shall be furnished to the fire marshal upon request.

7-210. SAME; SEC. 1003 FIRE EXTINGUISHING SYSTEMS. Sec. 1003 is hereby deleted. (For fire extinguishing systems requirements see Leawood Building Code.)

7-211. SAME; SEC. 1102.3 OPEN BURNING. Sec. 1102.3 *Open Burning* is changed to read as follows:

Sec. 1102.3.1 *General.* A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without a permit.

Exception 1: Wood may be burned for the heating of construction materials so long as it is in a noncombustible container, is located at least 20 feet from any combustible vegetation or other construction material, the fuel load does not exceed 40 cubic feet, and the location is attended.

Exception 2: In R-3 occupancies, wood may be burned for cooking purposes provided it is burned in a noncombustible container and no single piece of wood exceeds 18 inches in any dimension and no more than four such pieces are burned at any one time.

Exception 3: In R-1 occupancies, open burning is permitted for cooking purposes provided a listed fuel gas cooking appliance is used. Solid fuel may not be burned.

Sec. 1102.3.2 Permit. A permit to undertake open burning may be issued to a person upon making proper application as described herein to the fire prevention bureau.

Sec. 1102.3.3 Burn Permit Application Procedure. Any person wishing to undertake open burning may apply for permission by providing such information as the prevention bureau shall require with regard to location, reason for burning, fuel type and amount, dates and time of burning, personnel to be involved and provisions for extinguishment.

Sec. 1102.3.4 Permit conditions. Permits for open burning shall only be issued when the fire prevention bureau is satisfied that the following conditions can and will be met:

(a) Location is 1000 feet from nearest occupied dwelling or public roadway.

(b) Proposed fuel is only vegetation from land clearing or agricultural operations.

(c) Weather conditions are suitable.

(d) Fuel load does not exceed specified amount.

(e) Fuels will not be ignited before sunrise nor added to the fire after two hours before sunset.

(f) Such burning shall be attended by personnel equipped to control the fire.

(g) No unusual or distinct hazard or hardship is presented to the public by the proposed burning.

Sec. 1102.3.5 Permit suspension, revocation. The chief may suspend, revoke or modify the conditions of the permit for cause after it has been issued.

7-212. SAME; ARTICLE 77, EXPLOSIVE MATERIALS. Article 77, *Explosive Materials*, is hereby enacted in its entirety with the following changes and additions:

Sec. 7705 CONSTRUCTION BLASTING. Section 7705. Construction Blasting is hereby adopted and shall read as follows:

Sec. 7705.1. BLASTING PERMIT, DEFINED: "Permit" whenever used hereafter in this section shall refer to the written authorization of the Director of Public Works and the Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to store, possess, and use explosive materials and blasting agents for construction blasting operations only. Permits for other types of operations involving explosives shall be in accordance with the preceding sections of Article 77.

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

Sec. 7705.2 RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this Section as the "Director", shall be responsible for the administration and enforcement of this Section as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 7705.3 APPLICATION PROCESS - The following shall be the process for applying for a permit to store or use explosives in the City of Leawood for the purpose of blasting as part of construction operations. Permits for other types of operations involving explosives shall be according to the applicable sections of the UFC as amended by the Governing Body.

Sec. 7705.3.1 PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 7705.3.2 SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (UFC Appendix VI-E). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other application submittals.

Sec. 7705.3.3 INSURANCE REQUIRED. The applicant shall provide proof of insurance coverage's meeting the following minimum requirements:

1. Workers Compensation, Statutory Coverage

2. Employers Liability:

Bodily Injury by Accident	$1,000,000 each accident
Bodily Injury by Disease	$1,000,000 policy limit
Bodily Injury by Disease	$1,000,000 each employee

3. Commercial General Liability:
Bodily Injury and Property Damage
$2,000,000 Combined Single Limit
$4,000,000 Aggregate

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

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

Section 7705.3.4 BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the applicant's expense;
7. The names of all responsible on-site personnel and copies of their blaster's licenses.

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

Sec. 7705.3.5 NOTIFICATION OF ADJACENT PROPERTY OWNERS. The applicant shall provide written notification of property or utility owners within 500 feet of a blast site. Evidence of delivery of such notification shall be retained by the applicant. Failure to provide such evidence of such notification to the Director of Public Works on demand shall be construed to mean that such notification has not occurred. Notice shall be approved by the Director and shall include the following:

1. notice of intent to blast;
2. name of blasting contractor;
3. agency making the pre-blast inspection;
4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
5. notice to property owner to contact the Director of Public Works within three (3) days of notification to request a copy of the pre-blast inspection of structures on their property;
6. notification shall include a complete copy of Section 7705 Construction Blasting;
7. contractor shall meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.

Sec. 7705.3.6 PRE-BLAST INSPECTIONS shall be performed by the applicant on all structures within 500 feet of a blast site unless permission for the inspection is denied by the occupant or owner. Applicant shall provide a copy of the pre-blast inspection to all property owners requesting same at applicant's expense.

Sec. 7705.3.7 FEE. Prior to providing an intent to issue a permit letter, the applicant shall pay to the City, a non-refundable application fee as determined by the fee resolution adopted annually by the Governing Body.

Sec. 7705.3.8 NOTICE OF INTENT TO ISSUE PERMIT. The applicant, if he or she has fulfilled all application requirements and has not given cause for denial by previous permit violations, will be notified of the City's intent to issue the permit. The applicant shall then provide copies of such notification to all property owners within 500 feet of a proposed blast site. The notice required by this section shall be mailed by certified mail not less than ten days prior to issuance of a blasting permit. The applicant shall retain evidence that such notification has occurred. Failure to provide such evidence to the Director shall be construed to mean that such notification has not occurred.

Sec. 7705.3.9 GRACE PERIOD FOR REQUESTING APPEAL. A grace period of ten working days from the date that the written notice of intent to blast is mailed (as provided by Section 7705.3.8) will allow owners of adjacent property an opportunity to file an appeal of the decision to issue a permit.

Sec. 7705.3.10 APPEALS. The owner, lessee, agent, operator, or occupant of property located within five hundred feet of a blast site who is aggrieved by any decision, order or permit issued pursuant to this section may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works including name and address of appellant and the location of blast site. Any such appeals must be filed within ten working days of the date that the written notice of intent of the City to issue a blasting permit is mailed as provided by Section 7705.3.8 of this ordinance. Any appeal or appeals filed within the time established by this ordinance shall be heard at the next available City Council meeting. However, there shall be only one hearing for each blasting permit issued or intended to be issued. Such appeal shall stay the execution of any decision, order or permit issued pursuant to this section until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this section shall be deemed to deny the right of any person, firm corporation, copartnership, or voluntary association to appeal such decision to a court of competent jurisdiction.

Sec. 7705.3.11 GRACE PERIOD FOR PRIVATE INSPECTION. After the ten days appeal period or after an appeal is heard by the City Council, and the outcome of that appeal is confirmation of the issuance of the permit, there shall be a five (5) working day grace period for property owners to obtain an independent pre-blast inspection at their own expense prior to issuance of a permit.

Sec. 7705.4 ISSUANCE OF PERMIT. When all requirements specified in this ordinance have been fulfilled, including the expiration of any grace periods and the completion of any appeals, the applicant will be issued a permit. After the permit is issued, the permittee shall have the explosive storage site inspected by the Fire Marshal or his designee. After the approval of such site, the permittee must inform the Public Works Department and Fire Department of their intent to commence operations and must inform them each day that such operations are to take place. Blasting operations may then commence.

Sec. 7705.4.1 DURATION OF PERMIT. Each permit granted by the City shall be valid for such a period of time as may be specified by the Director of Public Works, but not to exceed one (1) year, or until revoked, whichever shall first occur. At the cessation of operations, it shall be the responsibility of the

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permittee to inform the Public Works Director that the permit is no longer needed and it shall then be terminated.

Sec. 7705.4.2 REISSUING OF PERMITS. Permits may be reissued if they have expired or been terminated, subject to such provisions of inspection, reporting, notification, and amendments contained in this ordinance as the Director of Public Works and the Fire Chief deem necessary. The fee for reissuance of a permit shall be in accordance with the fee resolution adopted annually by the Governing Body.

Sec. 7705.4.3 PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 7705.4.4 SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 7705.4.5 INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or Fire Chief or their designees so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 7705.4.6 BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 7705.4.7 BLASTING RECORDS. The Director of Public Works shall maintain records pertaining to all blasting permits issued by the City for a period of five years. In addition to the records required by the ordinance, the Director shall include records regarding compliance with this ordinance by all persons and entities that have received blasting permits from the City.

Sec. 7705.4.8 PERMITS NOT ISSUED TO ENTITIES VIOLATING ORDINANCE. In addition to the penalties provided by this ordinance, it is the policy of the City that the Director of Public Works, in reviewing applications for blasting permits, shall consider the applicants' prior history of compliance with the requirements of this ordinance. The Director of Public Works may refuse to issue a blasting permit to any person or entity that has violated the ordinance within the preceding five years.

Sec. 7705.4.9 REVOCATION OF PERMITS. Permits issued in accordance with this section, whether confirmed by City Council appeal or not, may be revoked by the Director of Public Works for any violation of this ordinance. Appeal of such revocations shall be in accordance with Section 103.1.4 of the UFC as amended by the Governing Body.

Sec. 7705.4.10 COURT APPEALS. No decision, order or permit issued pursuant to this section shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision; order or permit.

7-213. APPEALS. Whenever the chief disapproves any type of application or refuses to grant any type of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the building code appeal committee within 30 days from the date of the decision appealed.

7-214. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The city administrator, the chief, and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

7-215. PENALTIES.

(a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the appeals board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than one (1) dollar nor more than five hundred (500) dollars or by imprisonment for not less than one (1) day nor more than thirty (30) days or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or otherwise remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 3. Repeal of Existing Articles. That existing Articles 1 and 2 of Chapter VII of the Code of the City of Leawood are hereby repealed. (Prior law: Article 2, Ord. No. 1486C)

Section 4. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

Section 5. Take Effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

Approved for Form:

/s/ R. S. Wetzler

R.S. Wetzler, City Attorney

ORDINANCE NO. 1713 C

AN ORDINANCE ADOPTING THE 1997 EDITION OF THE INTERNATIONAL PLUMBING CODE GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF THE DESIGN AND INSTALLATION OF PLUMBING SYSTEMS WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Code Amended. That Article 4 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 4. PLUMBING CODE

4-401. INTERNATIONAL PLUMBING CODE ADOPTED. The International Plumbing Code, including all appendices, except Appendix A, 1997 edition, as published by the International Code Council, is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or changed in Sections 4-402 through 4-406 of this article. Three copies of this document shall be on file in the Office of the City Clerk.

4-402. INTERNATIONAL PLUMBING CODE AMENDED; SEC. 106. PERMITS. Sec. 106.4 Permit Issuance is hereby changed to read as follows: . Permit issuance shall be in accordance with Sections 4-207 and 4-208 of the Code of the City of Leawood.

4-403. INTERNATIONAL PLUMBING CODE AMENDED; SEC. 108. VIOLATIONS. Sec. 108.4 Violation Penalties is hereby changed to read as follows: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs any plumbing system in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, or other references incorporated, is guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed a separate offense.

4-404. INTERNATIONAL PLUMBING CODE AMENDED; SECT. 305. PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS. SEC. 305.6 Freezing, is hereby changed in the last sentence to read: Water service piping shall be installed not less than 3 feet below grade.

4-405. INTERNATIONAL PLUMBING CODE AMENDED; SECT. 305. PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS. SEC. 305.6.1, Sewer Depth, is hereby changed to read: Sewers shall be installed in accordance with Johnson County Wastewater District regulations.

4-406. INTERNATIONAL PLUMBING CODE AMENDED; SECT. 312. TESTS AND INSPECTIONS. SECT. 312.9, Inspection and testing of backflow prevention assemblies is hereby changed as follows: Backflow prevention assemblies shall be tested by a certified tester on initial installation and a copy of the test report shall be filed, as a part of the inspection, in the permit file. Testing shall be accomplished in accordance with one of the standards listed in Section 312.9 of the 1997 International Plumbing Code.

Section 2. Repeal of Existing Article. That existing Article 4 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1480C)

Section 3. Validity of ordinance. That if any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

Section 4. Take effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(SEAL)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1713C

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CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, depose 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 trade, religious or fraternal publication, is published at lea weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for period of more than five (5) years prior to the first publicatio of the notice attached, and has been admitted at the post c as second class matter (now called periodicals class).
That a notice was published in all editions of the regular anc entire issue for the following subject matter (also identified

the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1713C--4/14/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 15, 1998

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1713 C

First published in The Legal Record, Tuesday, April 14, 1998.

ORDINANCE NO. 1713 C

AN ORDINANCE ADOPTING THE 1997 EDITION OF THE INTERNATIONAL PLUMBING CODE GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF THE DESIGN AND INSTALLATION OF PLUMBING SYSTEMS WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Code Amended. That Article 4 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 4. PLUMBING CODE

4-401. INTERNATIONAL PLUMBING CODE ADOPTED. The International Plumbing Code, including all appendices, except Appendix A, 1997 edition, as published by the International Code Council, is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or changed in Sections 4-402 through 4-406 of this article. Three copies of this document shall be on file in the Office of the City Clerk.

4-402. INTERNATIONAL PLUMBING CODE AMENDED; SEC. 106. PERMITS. Sec. 106.4 Permit Issuance is hereby changed to read as follows: Permit issuance shall be in accordance with Sections 4-207 and 4-208 of the Code of the City of Leawood.

4-403. INTERNATIONAL PLUMBING CODE AMENDED; SEC. 108. VIOLATIONS. Sec. 108.4 Violation Penalties is hereby changed to read as follows: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs any plumbing system in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, or other references incorporated, is guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed a separate offense.

4-404. INTERNATIONAL PLUMBING CODE AMENDED; SECT. 305. PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS. SEC. 305.6 Freezing, is hereby changed in the last sentence to read: Water service piping shall be installed not less than 3 feet below grade.

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 shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(SEAL)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1712 C

AN ORDINANCE ADOPTING THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS REGULATING THE ABATEMENT OF DANGEROUS BUILDINGS OR STRUCTURES WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 10 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 10. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

4-1001. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED. The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as published by the International Conference of Building Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed in Section 4-1002 through 4-1004. Three copies of said Code shall be on file with the City Clerk.

4-1002. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AMENDED; SEC. 202. ABATEMENT OF DANGEROUS BUILDINGS. Sec. 202. Add the following: Permit shall be in accordance with Sections 4-207 and 4-208 of the Code of the City of Leawood.

4-1003. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AMENDED; VIOLATIONS. Sec. 203 Violations, is hereby changed to read as follows; Violations and Penalties. Any person, form or corporation violating any provision of this Code shall be deemed guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed as a separate offense.

4-1004. LIABILITY. Requirements stated in this chapter and all existing codes and ordinances in force shall not be construed as imposing on the City, its officials, agents, or employees, any liability or responsibility for damages to any property or injury to any person due to defective installations. The City or any official, employee, or agent thereof, shall not assume any liability or responsibility whatsoever by reason of inspection or approval of any installation.

Section 2. Repeal of Existing Article. That existing Article 10 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1478C)

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 shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

ORD1712C

Publication Fees: $32.24

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1712C--4/14/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 15, 1998

Debra Dziaduza
Notary Public

DEBRA DZIADUZA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$32.24

ORDINANCE NO. 1712 C

First published in The Legal Record, Tuesday, April 14, 1998.

ORDINANCE NO. 1712 C

AN ORDINANCE ADOPTING THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS REGULATING THE ABATEMENT OF DANGEROUS BUILDINGS OR STRUCTURES WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 10 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 10. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

4-1001. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED. The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as published by the International Conference of Building Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed in Section 4-1002 through 4-1004. Three copies of said Code shall be on file with the City Clerk.

4-1002. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AMENDED; SEC. 202. ABATEMENT OF DANGEROUS BUILDINGS. Sec. 202. Add the following: Permit shall be in accordance with Sections 4-207 and 4-208 of the Code of the City of Leawood.

4-1003. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AMENDED; VIOLATIONS. Sec. 203 Violations, is hereby changed to read as follows; Violations and Penalties. Any person, form or corporation violating any provision of this Code shall be deemed guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed as a separate offense.

4-1004. LIABILITY. Requirements stated in this chapter and all existing codes and ordinances in force shall not be construed as imposing on the City, its officials, agents, or employees, any liability or responsibility for damages to any property or injury to any person due to defective installations. The City or any official, employee, or agent thereof, shall not assume any liability or responsibility whatsoever by reason of inspection or approval of any installation.

Section 2. Repeal of Existing Article. That existing Article 10 of Chapter 4 of the Code *of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1478C)*

4-405. INTERNATIONAL PLUMBING CODE AMENDED; SECT. 305. PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS. SEC. 305.6.1, Sewer Depth, is hereby changed to read: Sewers shall be installed in accordance with Johnson County Wastewater District regulations.

4-406. INTERNATIONAL PLUMBING CODE AMENDED; SECT. 312. TESTS AND INSPECTIONS. SECT. 312.9, Inspection and testing of backflow prevention assemblies is hereby changed as follows: Backflow prevention assemblies shall be tested by a certified tester on initial installation and a copy of the test report shall be filed, as a part of the inspection, in the permit file. Testing shall be accomplished in accordance with one of the standards listed in Section 312.9 of the 1997 International Plumbing Code.

Section 2. Repeal of Existing Article. That existing Article 4 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1480C)

Section 3. Validity of ordinance. That if any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

Section 4. Take effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(SEAL)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

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

R. S. Wetzler City Attorney

ORDINANCE NO. 1711 C

AN ORDINANCE ADOPTING THE 1997 EDITIONS OF THE UNIFORM BUILDING CODE, VOLUMES I, II AND III, GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF CONSTRUCTION WITHIN THE CITY OF LEAWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Code Amended. That Article 2 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 2. BUILDING CODE

4-201. UNIFORM BUILDING CODE ADOPTED. The Uniform Building Code, including appendices listed below, 1997 editions, as published by the International Conference of Building Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or changed. Three copies of each of these documents shall be on file with the City Clerk, being marked and designated as:

> UNIFORM BUILDING CODE, 1997 EDITION; VOLUMES I, II, AND III, published by the International Conference of Building Officials, including Appendix Chapter 3, Division II and Division IV; Appendix Chapter 4, Division I, as amended; Appendix Chapter 12; Appendix Chapter 15; Appendix Chapter 18; Appendix Chapter 30 as amended; Appendix Chapter 31; Appendix Chapter 33, and Appendix Chapter 34, Division I as amended.

except those parts or portions thereof as are specifically added or changed in Sections 4-202 through 4-232 of this article, and same are hereby adopted for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Leawood; providing for issuance of permits and collections of fees therefor; and each and all of the regulations, provisions, conditions and terms of such UNIFORM BUILDING CODE, 1997 EDITION, published by the International Conference of Building Officials which is on file in the Office of the City Clerk, is hereby referred to, adopted and made a part hereof as is fully set out in this ordinance.

4-202. UNIFORM BUILDING CODE AMENDED; SEC. 103. VIOLATIONS. Sec. 103 Violations is hereby changed to read as follows: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, or other references incorporated, is guilty of a public offense,

punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed a separate offense.

4-203. SAME; SEC. 106. PERMITS. Sec. 106.2 Work Exempt from permit, delete numbers 1, 2, 3, 6, 7, and 11.

4-204. SAME; SEC. 106.3. APPLICATION FOR PERMIT. Sec. 106.3.2 Submittal Documents shall be changed to read as follows: The application for a permit shall be accompanied by no fewer than four copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed (six copies for new commercial building). When quality of materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent be used as a substitute for specific information. The building official may waive the requirement for filing plans when the work involved is of a minor nature.

Plans and specifications for all buildings and structures except for accessory buildings and non-structural residential remodeling and alterations shall be prepared or approved by an architect or engineer duly licensed or registered by the State of Kansas and shall bear his or her seal. Said architect or engineer shall sign a certificate that the plans and specifications have been prepared in accordance with the adopted codes and that all requirements of the "Americans with Disabilities Act" have been satisfied.

EXCEPTIONS: 1. Two copies of specifications and/or plans drawn to scale shall be required for Group R, Division 3 occupancies. 2. Two copies of plans, specifications and/or installation instructions shall be required for all individual residential pools and hot tubs. 3. Three copies of plans drawn to scale and specifications shall be required for all swimming pools other than individual residential pools. Residential pool kits containing a plan with an engineer's seal are acceptable. Plans shall be prepared and certified by an architect or engineer responsible for the structural components of the pool design.

4-205. SAME; SEC. 106.3.6 SITE PLAN. Sec. 106.3.6 Site Plan is hereby added and shall read as follows: There shall be a site plan showing to scale the size and location of all the new construction and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, and established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site.

Fire apparatus access roads provided in accordance with the Uniform Fire Code Section 902 shall be indicated as such on the site plan.

The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, and building setbacks.

4-206. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.4 Expiration, add the following: Permits for exterior work, i.e., grading, walls, fences, decks, patios, patio covers, and similar type work requiring permits, as well as permits for residential room additions, remodels, and re-roofing shall be limited to 180 days duration. One additional time extension anywhere from 1 to 180 days depending on the size of the project, may be granted by the Building Official or Deputy Building Official upon finding by same that substantial progress has been made toward completion. Upon determination that substantial progress has not been made, the applicant or permit holder may be issued a court complaint and notice to appear in Municipal Court. Work carrying on for a period longer than 360 days shall require a new permit and associated fees.

Permits for other new construction shall be limited to 1 year duration with one possible extension as discussed in the aforementioned paragraph. Failure to complete projects in the allowed time period may be cause for summons to municipal or district court.

Substantial progress is to mean that the project is over 50% complete and, in the opinion of the Building Official and Deputy Building Official, the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the Building Official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, prior to the granting of the time extension. **All permits shall be posted so as to be visible from the street.**

4-207. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.6 Issuance of Permits to Licensed or Registered Craftsmen is hereby added and shall read as follows: Permits shall be issued only to individuals or persons responsible to a company or organization who are the legal possessors of a valid occupation license in the City of Leawood. Sub-contractor permits will normally be issued as part of general contractor permits. Certification of at least one employee of the respective company as a master tradesman shall be a requisite for licensing a plumbing, electrical, or HVAC contractor. A master technician certification must have been obtained via a governmental program where both a written examination and experience were pre-requisites. The city licensing technician shall be responsible for verifying the certification status of contractor applicants for a license. The certification of the technician and the city occupation license must remain current throughout the period of construction. Occupation licenses are required for all contractors doing business in Leawood. Questionable certification documents or licensing questions shall be referred to the Codes Administrator for review and resolution. In addition, each contractor and sub-contractor must show proof of comprehensive general liability insurance coverage with minimum limits of $100,000 per person and $300,000 per occurrence for personal injuries and/or property damage that arises from work the contractor performed during the term of the building permit or during actual construction, whichever date is later. Proof of insurance will be a copy of the "Certificate of Insurance" naming the City of Leawood as a certificate holder.

EXCEPTION: Permits may be issued to homeowners doing construction work at their own residence who do not possess a valid license, insurance, or registration. Homeowners, however, must certify that they are capable and will personally participate in the "permitted" work.

4-208. SAME; SEC. 106.4. PERMITS ISSUANCE. Sec. 106.4.7 Fire Protection Certification is hereby added and shall read as follows: A permit shall not be issued until evidence is presented to the building official certifying that adequate means of fire protection is available. This certification shall be issued by the Fire Marshall upon approval of an automatic sprinkler system installed throughout the structure in accordance with the UBC Standards referenced in Chapter 9 and the Uniform Fire Code. In addition, one approved hydrant per 20,000 square feet of first-story floor area and within 300 feet of every part of the structure in an approved location will be required.

EXCEPTION: 1. R3 and U1 occupancies within 500 feet of an approved hydrant or hydrants supplying a minimum of 1000 gpm. 2. Groups B, F, H4, M, and S occupancies with less than 1000 square feet of floor area. 3. Structures or portions of structures which are omitted in accordance with Section 904.4 of the 1997 Uniform Building Code. 4. Temporary structures allowed under a special use permit for a period not to exceed two years.

4-209. SAME; SEC. 106.4. PERMITS ISSUANCE Sec. 106.4.8 Outside Sanitary Sewer Construction and Connection Permit Required is hereby added and shall read as follows: No building permit for any building to be located within a legally created sewer district in the City in which sanitary sewage will, or may originate, shall be issued until and unless the applicant, or his or her agent, has previously applied for and received from the sewer district an outside sanitary sewer construction and connection permit or a waiver letter as required by the rules and regulations of the Wastewater District. The building official has the right to waive this requirement in special situations.

4-210. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.9 Performance Bond Required *is hereby added to read as follows: A performance bond in the amount of* $5,000 shall be required from each contractor prior to the issuance of the first building permit of the year. Said performance bond will be approved by the building official and shall be predicated and guaranteed upon the fact that the permit applicant will keep streets and sidewalks, in the area that they are working in, free and clear of dirt, mud, gravel, rubbish, or other construction debris. The building official may waive the performance bond required by this ordinance when the applicant is an individual homeowner and the permit will authorize minor construction such as additions or remodeling. One performance bond may cover multiple permit applications by one applicant.

4-211. SAME; SEC. 107 FEES. Sec. 107.3 Plan Review Fees is changed to read as follows; A plan review fee shall be required on all new commercial construction including tenant finish spaces. Said plan review fee may be a maximum of 25 percent of the building permit fee as derived from Table No. 1-A. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee may be

charged. New residential and remodel, and commercial tenant space finish or remodel shall have a plan review fee equal to 10% of the total of all permit fees.

4-212. SAME; SEC. 305. REQUIREMENTS FOR GROUP E OCCUPANCIES. Sec 305.2.3 Special Provisions; delete Exception 3.

4-213. SAME; SEC. 310 REQUIREMENTS FOR GROUP R OCCUPANCIES; Sec. 310.4, ACCESS AND MEANS OF EGRESS FACILITIES AND EMERGENCY ESCAPES. Exceptions 2 and 3 are added and shall read as follows:

EXCEPTION 2. Emergency escape exiting from a dwelling unit basement may be by way of a second stairway which leads to an escape exit on the main floor different from that of the first stairway or to the exterior.

EXCEPTION 3. The second escape exit from a dwelling unit basement may be through one of the basement windows, enlarged to 5.7 square feet minimum opening (minimum openable height 24 inches; minimum openable width 20 inches) with either stairs, a landing, or a ladder installed beneath the window.

4-214. SAME; SEC. 504 ALLOWABLE FLOOR AREAS. Sec. 504.6.4 Terminating; add Exception 4, area separation walls may terminate at the underside of non-combustible roof sheathing deck or slab when an automatic fire sprinkler system is installed per Ordinance Section 4-208.

4-215. SAME; SEC. 506, MAXIMUM HEIGHT OF BUILDINGS AND INCREASES. Sec. 506, Exception No. 3 is added and shall read as follows: The maximum height for Group R, Division 3 occupancies may be 50 feet on all sides not facing the street provided;. the side facing the street shall not exceed 40 feet and no window from a sleeping area shall have a sill height in excess of 25 feet from grade level or an approved balcony or deck within 25 feet of grade level; or, the building is equipped with an approved automatic sprinkler system.

4-216. SAME; SEC. 904, FIRE EXTINGUISHING SYSTEMS. Sec. 904.2.9 Group R, Division I, Occupancies, is changed to read as follows: An automatic sprinkler system shall be installed throughout every apartment house, every congregate residence and every hotel. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building.

4-217. SAME; SEC. 1500 ROOFING AND ROOF STRUCTURES. Sec. 1503 Roofing Requirements is changed to read as follows: Roof coverings shall be Class A rated.

EXCEPTION: Group R, Division 3 single family dwellings may be covered with roofing materials and methods complying with Leawood Development Ordinance, Sections 3-1k, 3-2K, and 3-3K provided that a minimum of 20 feet between structures exists.

4-218. SAME; SEC. 1505, ATTICS: ACCESS, DRAFT STOPS AND VENTILATION. Sec. 1505.1 Access - Change 3rd sentence to read: The opening shall not be less than 32 inches by 30 inches and shall be located in a corridor, hallway or other readily accessible location.

4-219. SAME; CHAPTER 16, STRUCTURAL DESIGN REQUIREMENTS, Table 16-A, Category 12, Residential. The following is added to Category 12, Residential: occupancy attic live loads shall be as follows: 1. Where the roof slope above is greater than 3 in 12 or if there is over 42 inches of headroom for more than 50% of the space above the room below, the live load shall be 20 pounds per square foot. 2. Where the attic space is accessible for more than limited storage (i.e., doors, doorways stairs, or pull down stairways) or where the space has the potential to be developed into habitable spaces the live load shall be 40 pounds per square foot. 3. Where the roof slope above is less than or equal to 3 in 12 and no attic storage is possible the live load may be reduced to 10 pounds per square foot. 4. Where roof trusses are spaced not more than 30 inches apart the bottom chord may be designed to withstand a 10 pound per square foot superimposed load.

4-220. SAME; SEC. 1806 FOOTINGS. Sec. 1806.1 General, first sentence is changed to read as follows: Footings and foundations shall be constructed of masonry, concrete or treated wood in conformance with Division II and shall extend below the frost line, hereby established as 36 inches.

4-221. SAME; SEC. 3102.4 MASONRY CHIMNEYS SEC. 3102.4.3 - REINFORCING AND SEISMIC ANCHORAGE, delete references and requirements for steel reinforcing bars.

4-222. SAME; APPENDIX CHAPTER 4, DIVISION 1, BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Sec. 420, Definitions: Above Ground/On-Ground Pool; Delete; above ground or on-ground swimming pools are not permitted in the city of Leawood. Swimming Pool; delete the words, "above ground and on-ground". Sec. 421 - Requirements: Delete the term "aboveground" from all parts of this section.

4-223. SAME; APPENDIX CHAPTER 30, ELEVATORS, DUMBWAITERS, ESCALATORS AND MOVING WALKS. SECTION 3010, Definitions is hereby changed to read: For purposes of this appendix, certain terms are defined as follows: ANSI CODE is the latest edition of ASME/ANSI A17.1 with Supplements, Safety Code for Elevators and Escalators.

4-224. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection. Section 3011.2 Certificates of Inspection required. Delete from the 4th and 5th lines the words "payment of prescribed fees and the".

4-225. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection. Section 3011.3, Application for Permits is changed to read: Application for a

permit to install shall be made on forms provided by the building official, and the permit shall be issued to a contractor upon payment of the permit fees specified in the annual fee schedule. Fees for major alterations shall be as set forth in Table 1-A.

4-226. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection. Section 3011.4, Applications for certificates of inspection is changed to read: "A certificate of inspection shall be issued on receipt of a satisfactory maintenance inspection report."

4-227. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection section 3011.5 Fees; deleted.

4-228. SAME; APPENDIX CHAPTER 30, SECTION 3012. ANSI CODE ADOPTED. Section 3012 ANSI CODE ADOPTED is hereby changed to read: "New elevators, dumbwaiters, escalators and moving walks and major alterations to such conveyances and the installation thereof shall conform to the requirements of the latest edition of the American National Standards Institute ASME/ANSI A17.1, Safety Code for Elevators and Escalators, including Supplements published by the American Society of Mechanical Engineers. Existing elevators and escalators shall conform with the latest edition of the ASME/ANSI A17.3, Safety Code for Existing Elevators and Escalators, including Supplements."

4-229. SAME; APPENDIX CHAPTER 30; SECTION 3014. SECTION 3014.1, General is hereby changed as follows: in the 3rd line, change the word "periodic" to "annual".

4-230. SAME; APPENDIX CHAPTER 30; SECTION 3014. SECTION 3014.2, Periodic Inspections and Tests is hereby changed as follows: in the first line, change "Routine and periodic" to read "Annual".

4-231. SAME; APPENDIX CHAPTER 30; SECTION 3015, UNSAFE CONDITIONS. The first sentence is changed to read: "When a maintenance inspection reveals an unsafe condition the maintenance inspector shall immediately file with the owner and the building official a full and true report of such inspection and such unsafe condition (s).

4-232. SAME; APPENDIX CHAPTER 34, DIVISION 1, LIFE-SAFETY REQUIREMENTS FOR EXISTING BUILDINGS OTHER THAN HIGH-RISE BUILDINGS. SECTION 3406.2 Effective date is deleted. Any alterations must satisfy current code requirements..

Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1477C)

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 shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

ORD1711C

Publication Fees: $116.35

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1711C--4/14/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 15, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$116.35

ORDINANCE NO. 1711 C

First published in The Legal Record, Tuesday, April 14, 1998.

ORDINANCE NO. 1711 C

AN ORDINANCE ADOPTING THE 1997 EDITIONS OF THE UNIFORM BUILDING CODE, VOLUMES I, II AND III, GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF CONSTRUCTION WITHIN THE CITY OF LEAWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Code Amended. That Article 2 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 2. BUILDING CODE

4-201. UNIFORM BUILDING CODE ADOPTED. The Uniform Building Code, including appendices listed below, 1997 editions, as published by the International Conference of Building Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or changed. Three copies of each of these documents shall be on file with the City Clerk, being marked and designated as:

> UNIFORM BUILDING CODE, 1997 EDITION; VOLUMES I, II, AND III, published by the International Conference of Building Officials, including Appendix Chapter 3, Division II and Division IV; Appendix Chapter 4, Division I, as amended; Appendix Chapter 12; Appendix Chapter 15; Appendix Chapter 18; Appendix Chapter 30 as amended; Appendix Chapter 31; Appendix Chapter 33, and Appendix Chapter 34, Division I as amended.

except those parts or portions thereof as are specifically added or changed in Sections 4-202 through 4-232 of this article, and same are hereby adopted for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Leawood; providing for issuance of permits and collections of fees therefor; and each and all of the regulations, provisions, conditions and terms of such UNIFORM BUILDING CODE, 1997 EDITION, published by the International Conference of Building Officials which is on file in the Office of the City Clerk, is hereby referred to, adopted and made a part hereof as is fully set out in this ordinance.

4-202. UNIFORM BUILDING CODE AMENDED; SEC. 103. VIOLATIONS. Sec. 103 Violations is hereby changed to read as follows: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, or other references incorporated, is guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed a separate offense.

4-203. SAME; SEC. 106. PERMITS. Sec. 106.2 Work Exempt from permit, delete numbers 1, 2, 3, 6, 7, and 11.

4-204. SAME; SEC. 106.3. APPLICATION FOR PERMIT. Sec. 106.3.2 Submittal Documents shall be changed to read as follows: The application for a permit shall be accompanied by no fewer than four copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed (six copies for new commercial building). When quality of materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent be used as a substitute for specific information. The building official may waive the requirement for filing plans when the work involved is of a minor nature.

Plans and specifications for all buildings and structures except for accessory buildings and non-structural residential remodeling and alterations shall be prepared or approved by an architect or engineer duly licensed or registered by the State of Kansas and shall bear his or her seal. Said architect or engineer shall sign a certificate that the plans and specifications have been prepared in accordance with the adopted codes and that all requirements of the "Americans with Disabilities Act" have been satisfied.

EXCEPTIONS: 1. Two copies of specifications and/or plans drawn to scale shall be required for Group R, Division 3 occupancies. 2. Two copies of plans, specifications and/or installation instructions shall be required for all individual residential pools and hot tubs. 3. Three copies of plans drawn to scale and specifications shall be required for all swimming pools other than individual residential pools. Residential pool kits containing a plan with an engineer's seal are acceptable. Plans shall be prepared and certified by an architect or engineer responsible for the structural components of the pool design.

4-205. SAME; SEC. 106.3.6 SITE PLAN. Sec. 106.3.6 Site Plan is hereby added and shall read as follows: There shall be a site plan showing to scale the size and location of all the new construction and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, and established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site.

Fire apparatus access roads provided in accordance with the Uniform Fire Code Section 902 shall be indicated as such on the site plan.

The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, and building setbacks.

4-206. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.4 Expiration, add the following: Permits for exterior work, i.e., grading, walls, fences, decks, patios, patio covers, and similar type work requiring permits, as well as permits for residential room additions, remodels, and re-roofing shall be limited to 180 days duration. One additional time extension anywhere from 1 to 180 days depending on the size of the project, may be granted by the Building Official or Deputy Building Official upon finding by same that substantial progress has been made toward completion. Upon determination that substantial progress has not been made, the applicant or permit holder may be issued a court complaint and notice to appear in Municipal Court. Work carrying on for a period longer than 360 days shall require a new permit and associated fees.

Permits for other new construction shall be limited to 1 year duration with one possible extension as discussed in the aforementioned paragraph. Failure to complete projects in the allowed time period may be cause for summons to municipal or district court.

Substantial progress is to mean that the project is over 50% complete and, in the opinion of the Building Official and Deputy Building Official, the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the Building Official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, prior to the granting of the time extension. **All permits shall be posted so as to be visible from the street.**

4-207. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.6 Issuance of Permits to Licensed or Registered Craftsmen is hereby added and shall read as follows: Permits shall be issued only to individuals or persons responsible to a company or organization who are the legal possessors of a valid occupation license in the City of Leawood. Sub-contractor permits will normally be issued as part of general contractor permits. Certification of at least one employee of the respective company as a master tradesman shall be a requisite for licensing a plumbing, electrical, or HVAC contractor. A master technician certification must have been obtained via a governmental program where both a written examination and experience were pre-requisites. The city licensing technician shall be responsible for verifying the certification status of contractor applicants for a license. The certification of the technician and the city occupation license must remain current throughout the period of construction. Occupation licenses are required for all contractors doing business in Leawood. Questionable certification documents or licensing questions shall be referred to the Codes Administrator for review and resolution. In addition, each contractor and sub-contractor must show proof of comprehensive general liability insurance coverage with minimum limits of $100,000 per person and $300,000 per occurrence for personal injuries and/or property damage that arises from work the contractor performed during the term of the building permit or during actual construction, whichever date is later. Proof of insurance will be a copy of the "Certificate of Insurance" naming the City of Leawood as a certificate holder.

EXCEPTION: Permits may be issued to homeowners doing construction work at their own residence who do not possess a valid license, insurance, or registration. Homeowners, however, must certify that they are capable and will personally participate in the "permitted" work.

4-208. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.7 Fire Protection Certification is hereby added and shall read as follows: A permit shall not be issued until evidence is presented to the building official certifying that adequate means of fire protection is available. This certification shall be issued by the Fire Marshall upon approval of an automatic sprinkler system installed throughout the structure in accordance with the UBC Standards referenced in Chapter 9 and the Uniform Fire Code. In addition, one approved hydrant per 20,000 square feet of first-story floor area and within 300 feet of every part of the structure in an approved location will be required.

EXCEPTION: 1. R3 and U1 occupancies within 500 feet of an approved hydrant or hydrants supplying a minimum of 1000 gpm. 2. Groups B, F, H4, M, and S occupancies with less than 1000 square feet of floor area. 3. Structures or portions of structures which are omitted in accordance with Section 904.4 of the 1997 Uniform Building Code. 4. Temporary structures allowed under a special use permit for a period not to exceed two years.

4-209. SAME; SEC. 106.4. PERMITS ISSUANCE Sec. 106.4.8 Outside Sanitary Sewer Construction and Connection Permit Required is hereby added and shall read as follows: No building permit for any building to be located within a legally created sewer district in the City in which sanitary sewage will, or may originate, shall be issued until and unless the applicant, or his or her agent, has previously applied for and received from the sewer district an outside sanitary sewer construction and connection permit or a waiver letter as required by the rules and regulations of the Wastewater District. The building official has the right to waive this requirement in special situations.

4-210. SAME; SEC. 106.4 PERMITS ISSUANCE. Sec. 106.4.9 Performance Bond Required is hereby added to read as follows: A performance bond in the amount of $5,000 shall be required from each contractor prior to the issuance of the first building permit of the year. Said performance bond will be approved by the building official and shall be predicated and guaranteed upon the fact that the permit applicant will keep streets and sidewalks, in the area that they are working in, free and clear of dirt, mud, gravel, rubbish, or other construction debris. The building official may waive the performance bond required by this ordinance when the applicant is an individual homeowner and the permit will authorize minor construction such as additions or remodeling. One performance bond may cover multiple permit applications by one applicant.

4-211. SAME; SEC. 107 FEES. Sec. 107.3 Plan Review Fees is changed to read as follows; A plan review fee shall be required on all new commercial construction including tenant finish spaces. Said plan review fee may be a maximum of 25 percent of the building permit fee as derived from Table No. 1-A. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee may be

CONTINUED ON PAGE 4

CONTINUED FROM PAGE 3

charged. New residential and remodel, and commercial tenant space finish or remodel shall have a plan review fee equal to 10% of the total of all permit fees.

4-212. SAME; SEC. 305. REQUIREMENTS FOR GROUP E OCCUPANCIES. Sec 305.2.3 Special Provisions; delete Exception 3.

4-213. SAME; SEC. 310 REQUIREMENTS FOR GROUP R OCCUPANCIES; Sec. 310.4, ACCESS AND MEANS OF EGRESS FACILITIES AND EMERGENCY ESCAPES. Exceptions 2 and 3 are added and shall read as follows:

EXCEPTION 2. Emergency escape exiting from a dwelling unit basement may be by way of a second stairway which leads to an escape exit on the main floor different from that of the first stairway or to the exterior.

EXCEPTION 3. The second escape exit from a dwelling unit basement may be through one of the basement windows, enlarged to 5.7 square feet minimum opening (minimum openable height 24 inches; minimum openable width 20 inches) with either stairs, a landing, or a ladder installed beneath the window.

4-214. SAME; SEC. 504 ALLOWABLE FLOOR AREAS. Sec. 504.6.4 Terminating; add Exception 4, area separation walls may terminate at the underside of non-combustible roof sheathing deck or slab when an automatic fire sprinkler system is installed per Ordinance Section 4-208.

4-215. SAME; SEC. 506, MAXIMUM HEIGHT OF BUILDINGS AND INCREASES. Sec. 506, Exception No. 3 is added and shall read as follows: The maximum height for Group R, Division 3 occupancies may be 50 feet on all sides not facing the street provided;. the side facing the street shall not exceed 40 feet and no window from a sleeping area shall have a sill height in excess of 25 feet from grade level or an approved balcony or deck within 25 feet of grade level; or, the building is equipped with an approved automatic sprinkler system.

4-216. SAME; SEC. 904, FIRE EXTINGUISHING SYSTEMS. Sec. 904.2.9 Group R, Division I, Occupancies, is changed to read as follows: An automatic sprinkler system shall be installed throughout every apartment house, every congregate residence and every hotel. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building.

4-217. SAME; SEC. 1500 ROOFING AND ROOF STRUCTURES. Sec. 1503 Roofing Requirements is changed to read as follows: Roof coverings shall be Class A rated.

EXCEPTION: Group R, Division 3 single family dwellings may be covered with roofing materials and methods complying with Leawood Development Ordinance, Sections 3-1K, 3-2K, and 3-3K provided that a minimum of 20 feet between structures exists.

4-218. SAME; SEC. 1505, ATTICS: ACCESS, DRAFT STOPS AND VENTILATION. Sec. 1505.1 Access - Change 3rd sentence to read: The opening shall not be less than 32 inches by 30 inches and shall be located in a corridor, hallway or other readily accessible location.

4-219. SAME; CHAPTER 16, STRUCTURAL DESIGN REQUIREMENTS, Table 16-A, Category 12, Residential. The following is added to Category 12, Residential: occupancy attic live loads shall be as follows: 1. Where the roof slope above is greater than 3 in 12 or if there is over 42 inches of headroom for more than 50% of the space above the room below, the live load shall be 20 pounds per square foot. 2. Where the attic space is accessible for more than limited storage (i.e., doors, doorways stairs, or pull down stairways) or where the space has the potential to be developed into habitable spaces the live load shall be 40 pounds per square foot. 3. Where the roof slope above is less than or equal to 3 in 12 and no attic storage is possible the live load may be reduced to 10 pounds per square foot. 4. Where roof trusses are spaced not more than 30 inches apart the bottom chord may be designed to withstand a 10 pound per square foot superimposed load.

4-220. SAME; SEC. 1806 FOOTINGS. Sec. 1806.1 General, first sentence is changed to read as follows: Footings and foundations shall be constructed of masonry, concrete or treated wood in conformance with Division II and shall extend below the frost line, hereby established as 36 inches.

4-221. SAME; SEC. 3102.4 MASONRY CHIMNEYS SEC. 3102.4.3 - REINFORCING AND SEISMIC ANCHORAGE, delete references and requirements for steel reinforcing bars.

4-222. SAME; APPENDIX CHAPTER 4, DIVISION 1, BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Sec. 420, Definitions: Above Ground/On-Ground Pool; Delete; above ground or on-ground swimming pools are not permitted in the city of Leawood. Swimming Pool; delete the words, "above ground and on-ground". Sec. 421 - Requirements: Delete the term "aboveground" from all parts of this section.

4-223. SAME; APPENDIX CHAPTER 30, ELEVATORS, DUMBWAITERS, ESCALATORS AND MOVING WALKS. SECTION 3010, Definitions is hereby changed to read: For purposes of this appendix, certain terms are defined as follows: ANSI CODE is the latest edition of ASME/ANSI A17.1 with Supplements, Safety Code for Elevators and Escalators.

4-224. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection. Section 3011.2 Certificates of Inspection required. Delete from the 4th and 5th lines the words "payment of prescribed fees and the".

4-225. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection, Section 3011.3. Application for Permits is changed to read: Application for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to a contractor upon payment of the permit fees specified in the annual fee schedule. Fees for major alterations shall be as set forth in Table 1-A.

4-226. SAME; APPENDIX CHAPTER 30, SECTION 3011. Permits - Certificates of Inspection. Section 3011.4, Applications for certificates of inspection is changed to read: "A certificate of inspection shall be issued on receipt of a satisfactory maintenance inspection report."

4-227. SAME; APPENDIX CHAPTER 30; SECTION 3011. Permits - Certificates of Inspection section 3011.5 Fees; deleted.

4-228. SAME; APPENDIX CHAPTER 30, SECTION 3012. ANSI CODE ADOPTED. Section 3012 ANSI CODE ADOPTED is hereby changed to read: "New elevators, dumbwaiters, escalators and moving walks and major alterations to such conveyances and the installation thereof shall conform to the requirements of the latest edition of the American National Standards Institute ASME/ANSI A17.1, Safety Code for Elevators and Escalators, including Supplements published by the American Society of Mechanical Engineers. Existing elevators and escalators shall conform with the latest edition of the ASME/ANSI A17.3, Safety Code for Existing Elevators and Escalators, including Supplements."

4-229. SAME; APPENDIX CHAPTER 30; SECTION 3014. SECTION 3014.1, General is hereby changed as follows: in the 3rd line, change the word "periodic" to "annual".

4-230. SAME; APPENDIX CHAPTER 30; SECTION 3014. SECTION 3014.2, Periodic Inspections and Tests is hereby changed as follows: in the first line, change "Routine and periodic" to read "Annual".

4-231. SAME; APPENDIX CHAPTER 30; SECTION 3015, UNSAFE CONDITIONS. The first sentence is changed to read: "When a maintenance inspection reveals an unsafe condition the maintenance inspector shall immediately file with the owner and the building official a full and true report of such inspection and such unsafe condition (s).

4-232. SAME; APPENDIX CHAPTER 34, DIVISION 1, LIFE-SAFETY REQUIREMENTS FOR EXISTING BUILDINGS OTHER THAN HIGH-RISE BUILDINGS. SECTION 3406.2 Effective date is deleted. Any alterations must satisfy current code requirements..

Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1477C)

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 shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force on April 15, 1998.

Passed by the Council the 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

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

R. S. Wetzler — City Attorney

ORDINANCE NO. 1710 C

AN ORDINANCE AMENDING SECTION 14-206 OF THE CODE OF THE CITY OF LEAWOOD DESIGNATING MAIN TRAFFICWAYS, AND REPEALING EXISTING SECTION.

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

Section 1. Code Amended. That Section 14-206 of the Code of the City of Leawood is hereby amended to read as follows:

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

(a) Lee Boulevard
(b) 103rd Street
(c) Mission Road
(d) 123rd Street
(e) 95th Street
(f) College Boulevard (111th Street)
(g) Roe Avenue
(h) 119th Street
(i) State Line Road
(j) 135th Street (K-150)
(k) 143rd Street
(l) 83rd Street
(m) Nall Avenue
(n) 151st Street
(o) Tomahawk Creek Parkway
(p) Somerset Drive
(q) Kenneth Parkway/Kenneth Road
(r) 127th Street
(s) 89th Street
(t) 117th Street
(u) 115th Street
(v) 133rd Street (reverse frontage road)
(w) 137th Street (reverse frontage road)
(x) Town Center Drive

Section 2. Repeal of Existing Section. That existing Section 14-206 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1130C)

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 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1710C

Publication Fees: $26.86

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1710C--3/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

March 25, 1998

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1710 C

First published in The Legal Record, Tuesday, March 24, 1998.

ORDINANCE NO. 1710 C

AN ORDINANCE AMENDING SECTION 14-206 OF THE CODE OF THE CITY OF LEAWOOD DESIGNATING MAIN TRAFFICWAYS, AND REPEALING EXISTING SECTION.

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

Section 1. Code Amended. That Section 14-206 of the Code of the City of Leawood is hereby amended to read as follows:

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

(a) Lee Boulevard
(b) 103rd Street
(c) Mission Road
(d) 123rd Street
(e) 95th Street
(f) College Boulevard (111th Street)
(g) Roe Avenue
(h) 119th Street
(i) State Line Road
(j) 135th Street (K-150)
(k) 143rd Street
(l) 83rd Street
(m) Nall Avenue
(n) 151st Street
(o) Tomahawk Creek Parkway
(p) Somerset Drive
(q) Kenneth Parkway/Kenneth Road
(r) 127th Street
(s) 89th Street
(t) 117th Street
(u) 115th Street
(v) 153rd Street (reverse frontage road)
(w) 137th Street (reverse frontage road)
(x) Town Center Drive

Section 2. Repeal of Existing Section. That existing Section 14-206 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1130C)

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 23rd day of March, 1998.

Approved by the Mayor the 23rd day of March, 1998.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

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

$26.86

ORDINANCE NO. 1709

A ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING CERTAIN REAL PROPERTY IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE CITY OF LEAWOOD AND THE ALTER GROUP, LTD. SAID PROPERTY BEING LOCATED ON TOMAHAWK CREEK PARKWAY BETWEEN 114TH AND 115TH STREETS IN THE CITY OF LEAWOOD, KANSAS AND CONSENTING TO THE VACATION OF CERTAIN RIGHT OF WAY AND PARK PROPERTY ON APPROVAL OF FINAL PLAT PURSUANT TO THE PROVISIONS OF K.S.A. 12-512b.

WHEREAS, the City is the legal title holder in and to certain real property located in Johnson County, Kansas, that is located adjacent to Tomahawk Creek Parkway between 114th and 115th Street in the City of Leawood.

WHEREAS, The Alter Group, Ltd., an Illinois corporation ("Alter"), is the contract purchaser of property that adjoins the property owned by the City of Leawood and referred to in the preceding paragraph.

WHEREAS, the City and Alter have determined that it is in their respective best interest to exchange the property owned by the City for a similar portion of the property that Alter has contracted to purchase;

WHEREAS, under the terms of the Agreement between the City and Alter, it is necessary for the City to convey certain property to Alter and to vacate unused right of way and park interests of the City in the property that is subject to the Agreement and is to be conveyed to Alter..

NOW THEREFORE be it Ordained by the Governing Body of the City of Leawood, Kansas.

Section 1. Conveyance Authorized. The Mayor is hereby authorized to execute a deed conveying property of the City according to the terms of the previously authorized agreement between the City of Leawood and Alter, said conveyance to be filed of record at the time of the exchange of certain property between the City of Leawood and Alter.

Section 2. Consent to Vacation of Right of Way and Park Property. The Governing Body of the City does hereby expressly consent to the vacation of that land that is to this date held by the City for use as right of way and as park ground and that is included within the property that

is authorized to be conveyed pursuant section 1 of this ordinance, said vacation to be effective upon filing and recording of a revised plat of the property according to the provisions of K.S.A. 12-512b.

Section 3. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE City Council the 17th day of February, 1998.

APPROVED BY THE Mayor this 17th day of February, 1998.

(SEAL)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1709

Publication Fees: $23.63

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1709--2/24/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

February 25, 1998

Notary Public

DEBRA DZIKOURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1709

First published in The Legal Record, Tuesday, February 24, 1998.

ORDINANCE NO. 1709

A ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING CERTAIN REAL PROPERTY IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE CITY OF LEAWOOD AND THE ALTER GROUP, LTD. SAID PROPERTY BEING LOCATED ON TOMAHAWK CREEK PARKWAY BETWEEN 114TH AND 115TH STREETS IN THE CITY OF LEAWOOD, KANSAS AND CONSENTING TO THE VACATION OF CERTAIN RIGHT OF WAY AND PARK PROPERTY ON APPROVAL OF FINAL PLAT PURSUANT TO THE PROVISIONS OF K.S.A. 12-512b.

WHEREAS, the City is the legal title holder in and to certain real property located in Johnson County, Kansas, that is located adjacent to Tomahawk Creek Parkway between 114th and 115th Street in the City of Leawood.

WHEREAS, The Alter Group, Ltd., an Illinois corporation ("Alter"), is the contract purchaser of property that adjoins the property owned by the City of Leawood and referred to in the preceding paragraph.

WHEREAS, the City and Alter have determined that it is in their respective best interest to exchange the property owned by the City for a similar portion of the property that Alter has contracted to purchase;

WHEREAS, under the terms of the Agreement between the City and Alter, it is necessary for the City to convey certain property to Alter and to vacate unused right of way and park interests of the City in the property that is subject to the Agreement and is to be conveyed to Alter..

NOW THEREFORE be it Ordained by the Governing Body of the City of Leawood, Kansas.

Section 1. Conveyance Authorized. The Mayor is hereby authorized to execute a deed conveying property of the City according to the terms of the previously authorized agreement between the City of Leawood and Alter, said conveyance to be filed of record at the time of the exchange of certain property between the City of Leawood and Alter.

Section 2. Consent to Vacation of Right of Way and Park Property. The Governing Body of the City does hereby expressly consent to the vacation of that land that is to this date held by the City for use as right of way and as park ground and that is included within the property that is authorized to be conveyed pursuant section 1 of this ordinance, said vacation to be effective upon filing and recording of a revised plat of the property according to the provisions of K.S.A. 12-512b.

Section 3. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE City Council the 17th day of February, 1998.

APPROVED BY THE Mayor this 17th day of February, 1998.

Peggy J. Dunn
Peggy J. Dunn, Mayor

(SEAL)

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

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

$23.63

ORDINANCE NO. 1708

AN ORDINANCE AMENDING SECTIONS OF THE "LEAWOOD DEVELOPMENT ORDINANCE" AND "AMENDMENT TO THE LEAWOOD DEVELOPMENT ORDINANCE" WHICH PERTAIN TO ARTICLE 6 OF THE "LEAWOOD DEVELOPMENT ORDINANCE," AND REPEALING EXISTING SECTIONS.

Be it ordained by the Governing Body of the City of Leawood:
Section 1. "Leawood Development Ordinance" Amended. That Section 2-4 of the "Leawood Development Ordinance" is hereby amended to read as follows:

2-4 APPLICATION AND SCOPE OF REGULATIONS

2.4-1 Principal Permitted Uses

No building, structure, or part thereof, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, operated or designed for use or occupancy except for a use that is listed as a Principal Permitted Use or Accessory Use under the District Regulations for the Zoning District in which the building, structure or land is located. No Principal Permitted Use already established on the effective date of this ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations for the zoning district in which such use is located.

2-4.2 Planned Districts

Planned zoning procedures are hereby incorporated in this title as provided in K.S.A. 12-725 to 12-735. Except in the case of standard single family subdivisions, which may be zoned to District R-1, or when land is to be zoned District AG, Agriculture District, all rezoning of land within the City of Leawood shall hereafter follow planned zoning procedures as set out in Section 6-2 of this ordinance. All land that is zoned to a planned zoning district on the Zoning District Map adopted herewith and for which no development plans have been submitted, shall require the submittal of preliminary and final development plans for any new construction, reconstruction and alteration of any building, structure or parking area. Such preliminary and final plans shall conform to the conditions and procedures set out in Article 6 for the rezoning of land, including public hearing thereon.

2-4.3 Special Uses

No use of building, structure or land that is designated as a Special Use in any zoning district shall hereafter be established, and no existing Special Use, or part thereof, shall hereafter be changed to another Special Use in such district, unless a Special Use Permit has been secured in accordance with the provisions of Section 4-3 of this ordinance. Any established use on the effective date of this ordinance that would be reclassified as a Special Use in the district in which it is located has all the rights of an approved Special Use and does not require any additional approval or review. No Special Use already established on the effective date of this ordinance shall be altered, modified, or enlarged so as to conflict with, or further conflict with, the regulations applicable to the zoning district in which such use is located.

2-4.4 Temporary Uses

Within any district established by this ordinance, temporary uses shall be permitted as listed within the zoning district in which the proposed temporary use is located, but only provided that:

a) A site plan indicating the proposed use, length of stay, off-street paring, and traffic circulation be submitted with the appropriate filing fee as established in Section 7 and approved by signature of the Director of Planning and Development except otherwise provided for in the District Regulations;

b) The use is of a limited and temporary duration, and in no case will exceed 6 months;

c) The use will serve a public need or contribute to the public convenience and welfare;

d) The use bears some functional or other beneficial relationship to a permitted use within the district;

e) The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation.

2-4.5 Accessory Buildings, Structures, and Uses

No accessory building, structure or use, or temporary building, structure or use shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory building, structure or use is permitted by and in conformance with the provisions of Section 4-1 of this ordinance, and all other regulations or requirements pertaining to the district in which such building, structure or use is located.

2-4.6 Classification of Uses Not Listed

In the case where a use is not specifically listed under any of the permitted, special, temporary, or accessory uses of the individual districts, the Director of Planning and Development shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use. In the event of an appeal from the Planning Director's decision, the Plan Commission shall make a final determination

2-4.7 Lot Size Requirements

Except as may be otherwise specifically provided in this ordinance:

a) No building, structure, or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, arranged, or designed for use or occupancy of a zoning lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot width; or shallower than the minimum lot depth required in the zoning district in which the building, structure or land is located;

b) No existing building or structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the building or structure is located.

2-4.8 Bulk Regulations

This ordinance expresses bulk regulations in terms of maximum building or structure height, maximum lot coverage, and minimum front, side and rear yards. Unless permitted elsewhere in

this ordinance, no building, structure, or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy:

a) So as to exceed the maximum building or structure height, or maximum lot coverage specified for the zoning district in which the building or structure is located;

b) So as to provide any front, side, or rear yard that is less than that specified for the zoning district in which such building, structure or use of land is located or maintained.

2-4.9 Off-Street Parking and Loading Requirements

No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by the provisions of this ordinance are provided. No structure or use already established on the effective date of this ordinance shall be enlarged, expanded or increased in use unless the minimum off-street parking and loading spaces, which would be required by the provisions of this ordinance for such enlargement, expansion or increase in use, are provided.

2-4.10 Exemption from Regulations

The following structures or uses are exempt from the regulations of this ordinance and shall be permitted in any district. This Section shall not be construed to exempt any public utility from other ordinances or regulations of the City including but not limited to franchise agreements and building codes.

a) Poles, wires, cables, conduits, vaults (when totally screened), laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility;

b) Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

2-4.11 Buildings, Structures and Uses of the City

All buildings, structures, or uses owned or operated by the City of Leawood not exempted by Section 2-4.10 shall be exempted from the regulation of this ordinance and shall be permitted in any district provided that:

a) Plans are submitted and approved in accordance with the provisions of Section 6-2 of this ordinance.

2-4.12 Structures Permitted Above the Height Limits

The following may exceed the prescribed height limit provided they are required for a use permitted in the district in which they are erected or constructed: chimneys, cooling towers, condensers, elevator bulkheads, belfries, stacks, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing, and provided that a parapet wall is used to screen such appurtenances from view. Parapet walls shall not be calculated in the overall height of the structure they serve. Places of worship, such as churches, may be erected to a height not exceeding 75 feet, for steeples or architectural features not to

include additional stories provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.

Section 2. "Leawood Development Ordinance" Amended. That Section 2-6 of the "Leawood Development Ordinance" is hereby amended to read as follows:

2-6 YARD REQUIRED

All yards required by this ordinance shall be provided as open, unobstructed space except as permitted in Section 2-6.1.

2.6-1 Permitted Obstructions in Required Yards

a) All Required Yards: Awnings, shutters, canopies, arbors, trellises, and chimneys cannot project more than 3 feet into a required yard; flag poles; steps necessary for access to a building or lot, fences and walls as provided in Section 2-7 of this ordinance; and hedges and other vegetation.

b) Required Front Yards: Bay windows, oriels, or balconies projecting not more than 5 feet into the required front yard; overhanging eaves and gutters projecting into the required front yard not more than 3 feet from the vertical wall of the structure; off-street parking, except that the clear site triangle shall be maintained on corner lots in accordance with Section 4-6.3(2)(d) of this ordinance.

c) Required Rear Yards: Accessory uses, buildings or structures only as permitted by Section 4-1.2 of this ordinance; off-street parking spaces; balconies, breezeways, open unroofed porches, terraces, decks and bay windows projecting not more than 5 feet into the required rear yard; overhanging eaves and gutters projecting into the required rear yard not more than 3 feet from the vertical wall of the structure.

d) Required Side Yards: Overhanging eaves and gutters projecting into the required side yard not more than 3 feet from the vertical wall of the structure; open off-street parking, except as provided for in Section 4-1 of this ordinance.

2-6.2 Continuing Maintenance Required

The maintenance of any yard, open space, minimum lot area, or off-street parking space required by this ordinance shall be a continuing obligation of the owner of the property to which such requirements apply. No yard, open space, lot area, or off-street parking area required by this ordinance for any building, structure, or use shall, by virtue of change of ownership or any other reason, be used to satisfy any yard, open space, lot area, or off-street parking area required for any other building, structure, or use, except as may be otherwise specifically provided herein. In addition, no yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located except as specifically provided for in Section 6-2.3 of this ordinance.

Section 3. "Leawood Development Ordinance" Amended. That section 3-5 of the "Leawood Development Ordinance" is hereby amended to read as follows:

3-5 RP-3 (PLANNED APARTMENT HOUSE RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-3 Planned Apartment House Residential shall be to provide for apartment houses and other selected uses which are compatible with a medium/high density residential character of this district. Property zoned RP-3 should correspond to the Medium/High Density land use category identified in the Master Development Plan and meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance. This district is to be limited in its use and placement so as not to detrimentally affect adjoining residential land uses. The RP-3 district is to be placed at intersecting arterial streets and/or be used to buffer more intense land use from less intense residential land use.

B) Principal Permitted Uses: In District RP-3 no building, structure, land or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1) Apartment House buildings containing up to 8 dwelling units.

2) Nursing Home

3) Elderly Housing

4) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-3 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Leasing offices

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 30 feet [1]

3) Rear Setback: 30 feet[1]

4) Lot Area: 4,000 square feet per dwelling unit

5) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: (See Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

K) Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, shingles, wood siding, wood paneling, masonite paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Roofs shall be covered with Class A roof material as approved by the Plan Commission and Governing Body.

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[1] Measured from building lines and building clusters.

Section 4. "Leawood Development Ordinance" Amended. That Section 3-6 of the "Leawood Development Ordinance" is hereby amended to read as follows:

3-6 RP-4 (PLANNED CLUSTER RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-4 Planned Cluster Residential shall be to provide for laterally attached residential units such as townhouses for an alternate living style unit and other selected uses which are compatible with medium density residential character of this district. Properly zoned RP-4 should be those tracts that correspond to the Medium Density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance.

B) Principal Permitted Uses: In District RP-4 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1) Laterally attached residential buildings containing 1 to 8 dwelling units, designed as individual ownership, either under condominium statutes or other ownership procedures involving corporate maintenance of common areas and facilities.

2) Clubs, swimming pools, garages, carport and other similar facilities normally accessory to the main use of the premises.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-4 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model units

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 20 feet [2]

3) Rear Setback: 20 feet [2]

4) Lot Area: 6,000 square feet per dwelling unit

5) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: (See Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plan is required.

K) Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, shingles, wood siding, wood paneling, masonite paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Roofs shall be covered with a Class A roof material as approved by the Plan Commission and Governing Body.

Section 5. "Leawood Development Ordinance" Amended. That Section 3-12 of the "Leawood Development Ordinance" is hereby amended to read as follows:

3-12 SD (SPECIAL DEVELOPMENT OVERLAY DISTRICT)

A) Statement of Objectives

1) Purpose: The City of Leawood recognizes that certain large land areas, because of their prominent location, thoroughfare exposure, parcel size, and their potential impact upon surrounding residential neighborhoods, require special consideration in their approval. Therefore, the SD, Special Development "Overlay" District has been created to identify and further establish such "special" areas of development in

[2] Measured from building lines and building clusters.

accordance with those areas indicated as SD, Special Development, on the Master Development Plan Map.

2) "Overlay" Defined: "Overlay" means a broad zoning category to which special land use categories (subdistricts) can be attached. For purposes of this section the SD district is the overlay zoning category to which the special land use categories (subdistricts) established in (4) below are to be attached.

3) Intent: The Special Development Overlay District is intended to:

   a) Encourage a selected mix of high quality residential and non-residential development of particular land areas to expand the City's tax base and promote economic development.

   b) Provide for appropriate design guidelines and development standards and conditions to protect the public health, safety and welfare.

   c) Provide for necessary commercial facilities and employment centers conveniently located to housing particularly in the southern part of the City.

   d) Encourage and require orderly development at a quality level equal to or exceeding that found in projects developed under planned zoning.

   e) Permit certain deviations from the normal and established development techniques as provided herein when such deviation will result in a higher quality project.

   f) Encourage a mix of selected residential, office and retail large scale developments.

   g) Provide for innovative and imaginative site planning.

   h) Encourage conservation of natural resources.

   i) Encourage development of groupings of buildings or building sites that are planned as an integrated unit or clustered on property under unified control or ownership.

   j) Provide for control of vehicular access.

   k) Provide for control of architectural quality, landscaping and signage in order to soften any impact of such mixed use developments on nearby residential neighborhoods.

   l) Minimize the effects of such development on the street system and other city provided services.

4) Sub-districts: For purposes of regulating the use and development of land within the Special Development Overlay District the following sub-districts have been established:

   a) Sub-district (O): Office,

   b) Sub-district (OH): Office - High Rise

   c) Sub-district (NCR): Neighborhood Commercial Retail-Mixed Use

d) Sub-district (CR): Commercial-Retail

Application for one or more of the sub-districts as established above shall be requested at the time of rezoning to an SD district and preliminary development plan approval or a revised preliminary development plan approval. Any substantial change requested to an approved preliminary or final development plan or request for change to a different sub-district shall be considered a revised preliminary plan and shall be subject to the same notice and public hearing requirements and protest provisions as the original zoning application request.

5) Substantial Change - A substantial change for purposes of this section shall include any proposed:

a) Increase in F.A.R. Floor Area Ratio

b) Increase in building square footage over 5%

c) Increase in building height

d) Decrease in landscape open space ratio

e) Building relocation

f) Increase in outparcel size or their relocation

B) District Uses:

In District SD, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the permitted uses, conditionally permitted uses or accessory uses set forth under the appropriate sub-district in Table 3-12A. All such uses are further subject to conformance with the other provisions of this section.

C) Permitted Uses: With respect to the applicable sub-district "Permitted Uses" are those uses listed as such in Table 3-12A.

D) Accessory Uses: Those uses specifically listed as "Accessory Uses" in Table 3-12A.

1) The total square footage devoted to all accessory uses within a given building or an integrated group of buildings shall not exceed 25% of the total square footage of the building or the grouping of buildings.

2) (Reserved).

E) Conditional Uses: Those uses specifically listed as "Conditional Use" in Table 3-12A.

1) Requests for a conditional use as listed under a specific sub-district shown in Table 3-12A may be made as part of an application for preliminary or final development plan approval or may be made independently at anytime after zoning and sub-district are in place provided notice and hearing requirements have been met pursuant to Section 6-3 of this ordinance. If the proposed use is not a conditional use in the applicable sub-district, or if the application or site plan is determined to be incomplete, the Planning Director shall notify the applicant within 10 working days of the date of filing. Thereafter, the applicant may resubmit the application and site plan and the Planning Director shall treat the application and site plan as a new matter. If it is again rejected

by the Planning Director, the applicant may file an appeal of such determination to the Plan Commission within 10 days of receipt of the Planning Director's decision. Failure of the Planning Director to act within 10 working days as set forth above shall constitute a determination that the proposed use is not permitted in the applicable sub-district or that the application or site plan is incomplete. The application and site plan shall not be "deemed approved" by a failure to act within the time period specified.

2) The Plan Commission shall consider an application for a conditional use as part of its consideration of any preliminary or final development plan. If the proposed use conforms with the general standards and specific requirements of this section, the Plan Commission shall make the appropriate findings, and approve the application for conditional use permit and site plan. Any such approval shall be conditioned upon approval of same by the Governing Body. If the proposed use does not conform with one or more of the general standards or specific requirements of this section , the findings of the Plan Commission shall so state, and the Plan Commission may either disapprove the application for conditional use or approve with stipulations so as to make the conditional use conform to the requirements. If disapproved the applicant may appeal such decision to the Governing Body by filing a request for appeal to the city clerk within 10 days of the date of disapproval by the Plan Commission.

F) Findings of Fact

1) The Plan Commission shall make the following findings of fact prior to approval of any application for rezoning to a Special Development Overlay District (SD) classification, request for change from one sub-district to another, preliminary or revised preliminary development plan approval, and/or application for a conditional use:

a) That the proposed development/conditional use is in harmony with the general purpose, goals, objectives and standards of the SD Statement of Objectives, Master Development Plan and other adopted planning policies.

b) That the proposed development/conditional use will not be detrimental to existing adjacent uses or to other permitted uses in the sub-district.

c) That the proposed development/conditional use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the sub-district or surrounding area.

d) That the proposed development/conditional use meets the height, area and design standards for the sub-district.

e) That the site plan for the proposed development/conditional use promotes a project design which will be compatible with permitted uses in the sub-district.

f) That the proposed development/conditional use will not result in an over concentration of such uses within the sub-district or surrounding area.

2) If the Plan Commission is unable to make one or more of the findings listed in the previous subsection, the Plan Commission may either recommend denial of the site plan application and/or conditional use request or recommend the attachment of specific conditions to the application for site plan approval and/or conditional use

approval to ameliorate the adverse impact of the proposed use on the sub-district. Such conditions may include, but are not necessarily limited to, the following:

a) A time limit on the duration of a conditional use within the sub-district.

b) Mitigation of adverse impacts by additional on-site buffer, landscaping, setback or open space requirements.

c) Mitigation of adverse impacts by restrictions on density, floor area ratio, building or structure height or percentage of lot coverage.

d) Mitigation of adverse impacts by the provision of off-site public facilities or improvements.

e) Limitations on hours of operation of the proposed use.

f) Limitations on noise, odor, vibration, glare or particulate matter emanating from the proposed use.

g) Limitations on the number of employees of the proposed use.

h) Limitations on the materials stored or used on the site.

i) Requirements for a larger minimum lot area.

G) Temporary Uses: See Section 4-3, (32), Administrative Special Use Permit, of this ordinance.

H) Height and Area Regulations: In District SD, the minimum lot size, minimum building setback from residentially zoned/planned property, minimum yard dimensions (front, side and rear), maximum building height, minimum landscaped open space ratio and maximum floor area ratio shall be as set forth in Table 3-12B, except as may be otherwise permitted by Section 3-12 (I) (4)of this ordinance.

I) Standards of Development

1) The preliminary development plan shall designate the applicable sub-district for each lot or tract shown on the plan. The uses for each lot or tract shall be those designated for the applicable sub-district in Table 3-12A. Except as may be otherwise provided in Section 3-12 (I) (4) of this ordinance, the height and area regulations shall be as set forth for the applicable sub-district in Table 3-12B.

2) Performance Criteria:

a) General:

1) All operations shall be conducted within a fully enclosed building; however, normal outdoor loading and unloading of materials is permitted.

2) Loading docks and service areas are not permitted on a street side of a building unless completely landscaped and totally screened from view and approved as a part of the development plan by the Plan Commission. Any loading dock or loading area shall be completely screened from public streets by a solid wall, fence or evergreen plantings. Hours of loading and unloading may be limited, depending upon location and surrounding property use.

3) All utility distribution lines shall be installed underground within the project.

4) All storage of materials, products or equipment shall be within a fully enclosed building except as specifically authorized by the Plan Commission and Governing Body, i.e. drive up windows, or sales requiring outdoor areas such as auto dealers, etc.

5) Drive in restaurants where food is normally served to customers in parked vehicles or where food is consumed outside a building are not permitted unless specifically authorized by the Plan Commission.

6) No use shall create noise in excess of that of normal daily traffic measured at the lot lines of the premises. In no case shall the noise level exceed 60 dB at repeated intervals or for a sustained length of time, measured at any point along the property line.

7) Architectural quality of the buildings must be equal on all sides of the structure such that all sides of the building are "finished".

8) No wholesale sales shall be conducted.

9) A proposed development shall contain not less than 10 acres and shall be developed by a single entity. Lots may be sold to separate users but the sale of lots must be accompanied by restrictive covenants assuring a high level of architecture, site improvements and their continued maintenance. Covenants shall include at a minimum, property owners' association, maintenance of individual sites and common areas, standards for finishing of buildings, and design standards for signs. Such standards shall be submitted with the preliminary site plan.

10) All trash must be stored inside of a structure that is compatible with the building design. The structure must be of materials that are comparable to the materials used in the buildings in the development. The design of the trash enclosures must be shown on the preliminary and final site plan.

11) All public sidewalks, where required or otherwise provided, shall be a minimum of 5 feet wide. Sidewalks at store fronts shall be a minimum of 10 feet wide.

12) No use shall create dust, dirt, particulate matter, smoke, noxious odor, radiation, noxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises.

13) All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties in an area zoned for or developed with residential structures.

b) 135th Street Corridor Additional Performance Standards/Criteria.

3) Additional Studies: The Plan Commission or Governing Body may, at any time in the process of approving preliminary development plans, revised preliminary development plans or conditional uses within district SD and its related subdristricts, require additional studies to be completed. Such studies may include but are not limited to the following:

a) Traffic Impact (Existing and Projected)

b) Noise

c) Lighting

d) Economic Impact

4) The Plan Commission or Governing Body may, in the process of approving preliminary or final development plans, approve deviations from the minimum standards set forth in Table 3-12B or other applicable provisions, provided that any deviation so approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record, in accordance with the following limitations:

a) Deviations from minimum lot areas may be granted where buildings are clustered so long as the overall density of the development does not exceed applicable floor area ratios for the entire parcel. Any common open space resulting from the variance of such density standard shall be set aside for the use and benefit of the occupants of such development.

b) Floor area ratio FAR bonuses may be awarded only for developments in sub-districts (O) and (OH) as follows:

1) projects with landscaped open space ratios significantly in excess of the required minimum -- up to 10% increase in the applicable maximum FAR;

2) projects with a landscaping plan demonstrating quantities and qualities of landscaping significantly superior to that of other developments in the City -- up to 10% increase in the applicable maximum FAR;

3) projects with architecturally significant fountains, statuary and other decorative features -- up to 10% increase in the applicable maximum FAR;

4) projects with pedestrian plazas and linkages, street furniture and other features designed to encourage pedestrian circulation and usage-- up to 10% increase in the applicable maximum FAR;

5) projects containing lakes or ponds -- up to 10% increase in the applicable maximum FAR; and

6) projects incorporating and demonstrating transportation management systems i.e., ride sharing, van pooling, flextime or other measures designed to significantly decrease peak hour vehicular trip generation -- up to 10% increase in the applicable maximum FAR.

7) projects incorporating parking structures resulting in significant increases in landscaped open space - up to 20% increase in the applicable maximum FAR.

The determination of the satisfaction of the bonus criteria, and the amount of any bonus to be awarded, shall be at the sole discretion of the Governing Body. The total FAR, including all bonuses, shall not exceed an FAR of .35 for sub-district (O) or.45 for sub-district (OH). All approved bonus increases are to be added together before being applied to the base FAR of the sub-district for calculation.

J) Open Space: (See Section M.)

K) Building Coverage: (See Table 3-12B)

L) Parking and Loading Requirements:

1) Except as otherwise provided herein, the provisions of Section 4-4, Off-Street Parking, Storage, Loading Regulations and Parking Lot Design Standards, shall apply to all developments in district SD.

2) Where specific parking requirements are established for land uses in Section 4-4, those standards shall apply in this district. For buildings or portions of buildings for uses which are not listed in Section 4-4, the following general parking ratios shall be applied:

Subdistrict (O), (OH), (CR) and (NCR) -- 5 spaces for each 1,000 square feet of gross floor area.

3) Shared Parking.

a) In mixed use buildings or developments where several buildings containing different uses share common parking areas, the applicant may be permitted to reduce the total number of parking spaces otherwise required by utilizing shared parking. For purposes of this subsection, shared parking is defined as parking spaces that can be used to serve 2 or more individual land uses without conflict or encroachment. Shared parking may result from either variations in the peak accumulation of parked vehicles due to time differences in the activity patterns of adjacent or nearby land uses (by hour, by day or by season) or as a result of relationships among land use activities that result in people being attracted to 2 or more land uses in a given area or development using a single vehicle trip. A shared parking study may be required by the Plan commission, Governing Body or Staff in order to determine the feasibility of its application in the proposed development. When required it shall be prepared by a professional traffic engineer acceptable to the City.

b) Shared parking studies submitted pursuant to this subsection shall, at a minimum, include the following information:

1) project analysis -- involving the sizing and functional relationship of project land uses based upon market research, site constraints and other considerations;

2) peak parking factor adjustments -- involving the selection of appropriate peak parking accumulation factors for each land use, and the adjustment of each factor to reflect site-specific factors such as transit use, ride sharing, flextime and captive markets;

3) accumulation analysis -- involving the hourly, daily and seasonal estimation of parking accumulation for each component land use;

4) shared parking estimation -- involving the hourly, daily and seasonal estimation of parking accumulation for the entire project.

c) Where a reduction in the number of required parking spaces for a project occurs as a result of a shared parking study, approval of the reduced number of parking spaces shall be conditioned upon a land use mix within the parameters of the uses described in the shared parking study. Changes in uses within the project may require compliance with the parking requirements otherwise applicable under this section or a revision of the shared parking study establishing different parking requirements.

4) Except as may be otherwise permitted by Section 3-12(I), paved parking areas shall be set back a minimum of 30 feet from any street right-of-way or perimeter property line.

M) Landscaping and Screening

1) In addition to any other requirement for landscaping and screening imposed pursuant to Section 4-6 of this ordinance, an application for final development plan shall be accompanied by a landscaping and screening plan complying with the provisions of this section.

2) Except to the extent that the requirements of this section are more stringent, the provisions of Section 4-6 shall also apply.

3) All landscaping plans shall be prepared and sealed by a Kansas or Missouri registered landscape architect and shall include the following information:

a) North point and scale.

b) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

c) The location and size of all structures and parking areas.

d) The location, size and type of all above-ground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during installation of landscaping.

e) The location, size, type and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards.

f) The location, size and common name of all existing plant materials to be retained on the site.

g) Mature sizes of plant materials shall be drawn to scale and called out on the plan by a common name or appropriate key.

h) Location of hose connections and other watering sources.

i) The location of all trees, 12 inch caliper or larger, measured at 4-1/2 feet above ground level, that are proposed for removal.

j) All screening required by this section.

4) Plantings within landscaped open space areas, trees and shrubs shall be provided in accordance with the following minimum requirements:

   a) 1 tree shall be provided for each 30 feet of public or private street frontage within the landscaped setback abutting said street frontage. Such trees may be clustered or arranged within the setback if approved as part of the landscape plan In addition to the street trees, 1 shrub shall be provided for each 5 feet of public or private street frontage, or portion thereof, within the landscaped setback abutting such frontage. Such shrubs may be clustered or arranged within the setback.

   b) A landscaped setback/buffer area is required along all property lines on the periphery of the area covered by the plan, other than street frontages. Notwithstanding any other provisions relating to yard requirements, such landscaped setback/buffer area shall be at least 30 feet. Within such landscaped setback/buffer area, 1 tree shall be provided for every 20 lineal feet along the property line, and one shrub shall be provided for each 10 feet along the property line. Such trees and shrubs may be clustered or arranged within the setback.

   c) In addition to the trees required based upon street frontage, additional trees shall be required at a ratio of 1 tree for every 3,000 square feet of landscaped open space.

   d) Existing trees saved on the site during construction may be credited toward the minimum number of trees required provided that such trees are a minimum 4 inch caliper as measured 4 1/2 feet above ground for medium and large deciduous species or 3 feet in height for ornamental and evergreen species. All existing plant material saved shall be healthy and free of mechanical injury.

   e) All landscape areas shall be irrigated.

5) Parking areas shall be screened and landscaped in accordance with the following minimum requirements.

   a) Parking Area Screening.

      1) The perimeter area of all on-site, open parking areas shall be screened from the view of adjacent properties and streets at the time of planting to a minimum height of 3 feet by the use of berms, walls or plantings.

      2) Parking lot screening shall be designed so as to avoid obstructing visibility at intersections from both vehicles in the parking lot and on adjacent streets. A clear sight distance triangle of 25 feet from an intersection shall be established to ensure visibility and safety.

      3) 100% of the affected street frontage or property boundary, excluding intersecting driveways, must have the required screening.

4) Structures such as decorative walls or fences may be approved if:

   a) The structure avoids a blank and monotonous appearance by such means as architectural articulation and/or the planting of vines, shrubs or trees; or

   b) The total use of berms or plantings is not physically feasible; or

   c) The structures complement the use of berms or plantings.

5) The reference elevation for the base of the required screen shall be the surface of the parking area that is to be screened.

6) The following maximum grades shall be permitted in the parking lot screen area:

   a) Sodded Grass berms shall be 3 feet horizontal for each 1 foot vertical rise; and

   b) Planting beds shall be 2 feet horizontal for each 1 foot vertical rise.

7) Where a parking lot is located adjacent to or come in direct contact with any landscaped setback/buffer area required pursuant to subsection 4 above, the landscaped setback/buffer area requirement shall apply and the above parking area screening requirements shall be waived.

b) Parking Area Landscaping:

1) Not less than 6% of the interior of a parking area shall be landscaped. The interior of a parking area shall be calculated by multiplying the number of parking spaces by 280 square feet. Plantings required along the perimeter of the parking area for screening shall not be considered as part of the interior landscaping requirement.

2) Landscaping and planting areas shall be reasonably dispersed throughout the parking area.

3) The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth; in no event shall any such area be less than 60 square feet in area or 8 feet in width. Each area shall be protected by Portland cement concrete vertical curbs or similar structures.

4) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.

5) In those instances where plant materials exist on a parking area site prior to its development, such materials may be used if approved as meeting the requirements in subsection 6 below.

6) Minimum planting requirements shall be as follows:

   a) Medium and large deciduous shade trees – 2 1/2 inch caliper as measured 6 inches above ground.

   b) Small deciduous or ornamental trees -- 8 feet in height,

   c) Conifers – 6 to 8 feet in height.

   d) Upright evergreen trees -- 8 feet in height,

   e) Shrubs shall be a minimum container size of 5 gallons with a minimum mature height of 4 to 6 feet in height. The size of spreader and globe tree form shall be determined by the applicant.

   f) Ground cover plants, whether in the form of crowns, plugs or containers, shall be planted in a number as appropriate by species to provide 50% surface coverage after two growing seasons.

   g) Seeding for turf and native grass shall be as appropriate to provide complete coverage within the first growing season.

   h) Sod shall be used where required or where necessary to provide coverage and soil stabilization.

   i) Landscaped open space shall consist of a minimum of 60% living materials; the remaining area may consist of non-living materials such as bark, wood chips, decorative rock or stone or other similar materials.

7) All required landscaping materials, both living and non-living, shall be in place prior to the time of issuance of a final Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to all landscaping be installed prior to the final Certificate of Occupancy being issued.

8) All landscaping shall be maintained in accordance with the following requirements:

   a) All landscaping materials depicted on landscaping plans approved by the City shall be considered to be elements of the project in the same manner as parking, building materials and other details. The developer, its successor and/or subsequent owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development. Plant materials which exhibit evidence of insect pests, disease or damage shall be appropriately treated, and

dead plants promptly removed and replaced within the next planting season after installation. All landscaping will be subject to periodic inspection by the City. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and its agent or agents shall be considered to be in violation of the terms of the Certificate of Occupancy. The Director of Planning and Development is empowered to enforce the terms of this section.

b) (Reserved)

9) Landscaping and screening plans shall include a detailed drawing of enclosure and screening methods as provided hereinafter:

a) Trash enclosures shall be screened from public view on at least 3 sides with a 6 foot solid fence constructed of cedar, redwood, masonry or other compatible building material, and shall be appropriately landscaped.

b) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and meter banks, shall be screened from public view with landscaping or with an architectural treatment compatible with the building structure.

c) All rooftop equipment shall be screened from the public view with an architectural treatment which is compatible with the building architecture.

d) For purposes of this subsection, the phrase screened from public view," means not visible at eye level from an adjoining property line or any street right-of-way.

N) Signage:

1) Sign criteria for each development or each phase of the development shall be submitted for review by the Staff prior to filing an application for final development plan approval. The sign criteria shall address all aspects of signage within the development, or phase of the development, including numbers, types, sizes, shapes and colors of signs to be permitted in the development. The Staff shall make its recommendation concerning the sign criteria to the Plan Commission at the time of consideration of the final development plan. Once the sign criteria has been approved as part of the final development plan, the requirements of the sign criteria shall be enforced by the City in the same manner that it enforces any other sign regulation contained in this ordinance.

2) As a guide for preparing sign criteria for SD developments, the developer should generally refer to sign requirements for the most analogous zoning district in determining the number, types and sizes of signs to be permitted in any sub-district. For purposes of this subsection, the "most analogous zoning district" for each SD sub-district shall be as follows:

a) Sub-district (O), (OH) -- District CP-O.

b) Sub-districts (NCR) -- District CP-1.

c) Sub-districts (CR) --District CP-2.

3) Except as altered above, the provisions of Section 4-5 of this ordinance shall apply to all SD developments.

O) Procedures for Rezoning to SD and Approval of Development Plans

1) Except to the extent modified by Section 3-12, rezoning to the SD district shall follow the same procedure of other zoning reclassifications as set forth in Article 6 of this ordinance.

2) Preliminary, revised preliminary and final development plans shall be considered and acted upon as set forth in Section 6-3 of this ordinance.

3) Applications for conditional uses, and site plans in support thereof, may be considered as part of the Plan Commission's consideration of any preliminary, revised preliminary or final development plan. Where publication notice and notice to surrounding property owners pursuant to Section 6-3 of this ordinance is required for consideration of any such plan, the publication notice and notice to surrounding property owners shall include a statement that specified conditionally permitted use(s) are being requested. Applications for conditional uses to be considered separately shall also require a public hearing, pursuant to Section 6-3 of this ordinance Any conditional use approved for a lot or tract covered by a plan shall be so designated on the plan.

P) Planned Zoning Procedures: Except to the extent modified by this Section, the provisions of Section 6-2 pertaining to planned zoning districts shall be applicable to district SD.

Q) 135th Street Corridor Supplemental Provisions (Reserved for future addition/135th Street Study)

1) Purpose Statement (Reserved)

2) Design Guidelines (Reserved)

R) FAR (Floor Area Ratio) Calculations (See Definition and Corresponding Diagram)

S) Definitions: The following definitions are to be used in conjunction with Article 8 of this ordinance. If overlapping of definitions occur the ones specifically included below shall govern in the SD District.

<u>Animal Care, Limited</u> means a use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See also "Kennel".

<u>Assisted Living</u> means multi-family dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Communication Tower means commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

Convalescent Care means an establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

Cultural Service means a facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

Day Care, Commercial means a day care establishment that provides care, protection and supervision for 11 or more individuals at any one time, including those under the supervision or custody of the day care provider.

Day Care, General means a day care center that provides care, protection and supervision for seven to ten individuals at any one time, including those under the supervision or custody of the day care provider.

Day Care, Limited means a day care center that provides care, protection and supervision for six or fewer individuals at any one time, including those under the supervision or custody of the day care provider.

Day Care means an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term includes kindergartens, nursery schools and other similar programs regardless of auspices.

Floor Area Ratio (FAR) means the total square foot of floor area on a zoning lot, divided by the total square feet of lot area of that zoning lot. *Floor area ratio (FAR) is used to impose limits on commercial development intensity. An FAR of 1 allows one square foot of building for each square foot of land use, while an FAR of 4 allows four square feet of building for each square foot of land area. A commercial zone with FAR requirements may also have bulk requirements, such as a 50-percent limit on lot coverage, which would mean that a building in a zone with an FAR of 1 may be a two-story building on half the lot.*-The Practice of Local Government Planning.

Funeral Home means an establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Golf Course means a facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See "Recreation and Entertainment, Outdoor."

Government Service means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies and utility billing offices.

Health Club means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Heliport or Helipad means an area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

Kennel means boarding, breeding or training facilities for three or more dogs that are more than six months of age, including dogs owned by the occupants of the property. See also "Animal Care, Limited".

Library means a publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

Medical Service means an establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists, blood banks and medical laboratories.

Office, General means an establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Parks and Recreation means a park, playground or community facility, owned by or under the control of a public agency or homeowners' association, that provides opportunities for active or passive recreational activities.

Post Office means a facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

Printing and Publication means the production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services. See "Retail Sales and Services."

Recreation and Entertainment, Indoor means an establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theatres, bingo parlors, pool halls, billiard parlors and video game arcades.

Recreation and Entertainment, Outdoor means an establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses.

Religious Assembly means a site used by a religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

Repair Service means an establishment primarily engaged in the provision of repair services to individuals and households but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.

Research Services means an establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production o products used primarily or customarily for sale or for use in non-prototype production operations.

Retail Sales and Service means an establishment engaged in the sale or rental of goods and services, excluding uses more specifically defined.

Safety Service means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School Elementary, Middle or High means the use of a site for instructional purposes on an elementary or secondary level.

Studio, Television or Film means an establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

Vocational School means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School."

Table 3-12A

TABLE OF USES

	Special Development Sub-Districts		
(Uses)	(O), (OH)	(CR)	(NCR)
Residential			
Assisted Living	C	C	C
Medium Density Single Family Residential	C	C	C
Multi-family	C	C	C
Public/Quasi-Public and Commercial			
Adult Entertainment	X	X	X
Animal Care, Limited	X	P	P
Bank or Financial Institution	C	P	P
Bed and Breakfast	C	C	C
Club, Private	C	C	C
College or University	C	C	C
Communication Tower	C	C	X
Convalescent Care	C	P	P
Cultural Service	C	C	C
Delivery Services (Not to include freight transfer, i.e. semi-tractor trailers)	C	P	P
Day Care, Limited (1-6)	A	A	A
Day Care, General (7-10)	C	P	P
Day Care, Commercial (11+)	C	C	C
Funeral Home	C	P	C
Golf Course	C	C	C
Government Service	P	P	P
Health Club	C	P	P
Heliport or Helipad	C	C	X
P = Permitted Use **C= Conditional Use** **A= Accessory Use**	**X= Prohibited Use**		
(Uses)	(O),	(CR)	(NCR

	(OH)		)
Hospital	C	C	X
Hotel/Motel	C	C	X
Kennel, Indoor (no outside exercise area or dog run)	X	C	X
Library	P	P	P
Medical Service	C	P	P
Office, General	P	P	P
Parks and Recreation	C	C	C
Personal Services	P	P	P
Post Office	C	P	C
Printing and Publishing	C	P	C
Recreation and Entertainment, Indoor (excludes uses in retail Sales and Services)	C	C	C
Recreation and Entertainment, Outdoor	C	C	X
Religious Assembly	C	C	C
Repair Service	X	P	C
Research Service	X	C	C
Retail Sales and Service			
*Appliance Sales/Service	X	P	P
*Art Gallery/Commercial	X	P	P
*Auto Parts supply	X	C	C
*Auto Service Centers/TBA (Tire, Battery & Accessories)	X	C	C
*Bakery(Retail only)	X	P	P
*Bar/Tavern	X	C	C
*Barber/Beauty Shop	A	P	P
*Boat Sales/Service	X	C	C
*Bicycle Shop	X	P	P
*Book/Stationary/Gift Shop	X	P	P
*Bowling Alley/Center	X	C	C
*Business Services	X	P	P
*Building Materials Sales, Indoor/Totally Enclosed	X	C	X
*Camera Shop/Photographic Studio	X	P	P
*Catalog Center	X	P	P
*Car Wash, Full Service/Totally Enclosed	X	C	X

P = Permitted Use **C= Conditional Use** **A= Accessory Use** **X= Prohibited Use**

(Uses)	(O), (OH)	(CR)	(NCR)
Retail Sales and Service *(continued)*			
*Clothing/Accessory Store	X	P	P
*Computer Sales and Service	X	P	P
*Construction Sales and Service, Indoor/Totally Enclosed	X	C	X
*Convenience Store	X	C	C
*Department Store	X	P	C
*Dry Cleaner	X	P	P
*Drug Store/Health Care Supply	X	P	P
*Electronic Sales and Service	X	P	P
*Flower Shop/Garden Store	X	P	P
*Food Stores, Specialty	X	P	P
*Furniture/Home Furnishings	X	P	C
*Gas Station	X	C	C
*Grocery Store/Supermarket	X	P	C
*Hardware Store	X	P	P
*Home Accessory Shop/Boutique	X	P	P
*Home Remodeling and Light construction Supply/Sales	X	C	C
*Jewelry Store	X	P	P
*Movie Rental/Sales	X	P	P
*Movie Theater/Indoor	X	P	X
*Music Store	X	P	P
*Office Supply	X	P	P
*Packaged Liquor Sales	X	C	X
*Pet Shop	X	P	P
*Restaurant, Fast Food with Drive Through	X	C	X

*Restaurant, Fast Food, Dine In/Carry Out	X	C	P
*Restaurant, General	X	P	P
*Sewing/Fabric Store	X	P	P
*Shoe Store/Repair	X	P	P
*Shopping Center	X	P	C
*Sporting Goods Sales/Rental	X	P	P
*Tailoring/Alterations	X	P	P

P = Permitted Use **C= Conditional Use** **A= Accessory Use** **X= Prohibited Use**

(Uses)	(O), (OH)	(CR)	(NCR)
Retail Sales and Service *(continued)*			
*Toy/Hobby Shop	X	P	P
*Vehicle and Equipment Sales and Service	X	C	X
BIG BOX RETAIL (OVER 60,000 SQ.FT.)	***X***	***C***	***X***
Public/Quasi-Public and Commercial continued…			
Safety Services	C	P	C
School, Public and Private, Elementary, Middle or High	C	C	C
Studio, Television or Film	C	P	P
Transitional Living Facility	C	P	C
Veterinarian	X	P	P
Vocational School	C	P	C

P = Permitted Use **C = Conditional Use** **A = Accessory Use** **X = Prohibited Use**

Table 3-12B

TABLE OF REGULATIONS

Applicable Regulations	Special Development Sub-Districts			
	(O)	**(CR)**	**(NCR)**	**(OH)**
Minimum lot size	10 acres minimum are required for SD district establishment.	10 acres minimum are required for SD district establishment	10 acres minimum are required for SD district establishment	10 acres minimum are required for SD district establishment
Building setback from residential master planned or -zoned property	75 ft. or applicable yard requirement whichever is greater	75 ft. or applicable yard requirement whichever is greater	125 ft. or applicable yard requirement whichever is greater	Same as (O)
Maximum height	6 Stories	50 ft.	40 ft.	none
Maximum floor area ratio without bonuses (with bonuses)	.25 (.35)	.25	.20	.35 (.45)
Minimum landscaped open space ratio	.25	.25	.35	.25
Minimum front yard	40 ft. or height of building whichever is greater up to maximum of 150 ft.	40 ft. or height of building whichever is greater	40 ft.	Same as (O)
Minimum side yard	40 ft. plus 1 ft. for each 1 ft. of building height in excess of 75 ft., up to maximum of 150 ft.	40 ft.	40 ft.	Same as (O)
Minimum rear yard	40 ft. plus 1 ft. for each 1 ft. of building height in excess of 75 ft., up to maximum of 150 ft.	40 ft.	40 ft.	Same as (O)

Section 6. "Amendment of the Leawood Development Ordinance" Amended. That section 3-3 of the "Amendment to the Leawood Development Ordinance" is hereby amended to read as follows:

3-3 RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL DIST.)

A) General Purpose and Description: Property zoned and developed as RP-1 Planned Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned RP-1 should be those tracts that correspond to the low density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance.

B) Principal Permitted Uses: In District RP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Dwellings

2) Group Homes as defined herein.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-1 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 35 feet except that the side yard on street side of corner lot may be 30 feet.

2) Side Setback: 12 feet

3) Rear Setback: 30 feet except that when structure is placed at approximately a 45 degree angle toward street then irregular lot setbacks shall apply.

4) Irregular Lot Setbacks: On lots bounded by two intersecting streets, irregular rear property line or of other than generally rectangular shape the rear yard setback shall average a distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewall lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 12 feet from any property line.

5) Lot Area: 12,000 square feet per dwelling

6) Lot Frontage: 100 feet

7) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

K) Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling,

tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass.

1) Roofs shall be covered with:

   a) Wood Shingles: Number 1 or 2 grade

   b) Wood Shakes:

      1) Number 1 or 2 grade

      2) Minimum 1/2 inch thickness measured at butt

   c) Slate

   d) Clay Tile

   e) Concrete Tile

   f) Other Tile

      1) Synthetic slate within similar color range of slate, clay or concrete tile.

      2) Gerard Tile and other stone-coated steel roofing tile meeting the same characteristics shall be limited to the following colors:

         A) Chestnut

         B) Driftwood

         C) Mahogany

      3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

   g) Laminated Composition Shingles:

      1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

      2) Required to be installed with sheet metal valleys and flashings.

      3) Required to be installed with preformed ridge shingles.

      4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

      5) Must use a minimum of five (5) color blend granules.

      6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

      7) Minimum thickness 3/16 inch measured at exposed buttend of overlap creating the shadow line or individual thickness of the ply of roof material.

      8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

Section 7. "Amendment to the Leawood Development Ordinance" Amended. That Section 3-4 of the "Amendment to the Leawood Development Ordinance" is hereby amended to read as follows:

3-4 RP-2 (PLANNED TWO FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-2 Planned Two Family Residential shall be to provide for duplexes (two family attached dwelling units) and other selected uses which are compatible with medium density residential character of this district. Property zoned RP-2 should be those tracts that correspond to the Medium Density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance. Two family dwellings which otherwise comply with the codes and ordinances of the City of Leawood may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownerships shall not constitute violation of the lot and yard requirements of this ordinance.

B) Principal Permitted Uses: In District RP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:

1) Two Family Dwellings

2) Group Homes as defined herein

3) Single Family dwellings when incorporated with a planned two family project

4) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-2 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 10 feet

3) Rear Setback: 30 feet

4) Lot Area: 6,000 square feet/dwelling unit

5) Lot Frontage: 100 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence or two family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles per unit in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence or two family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family and two family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way)as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) Gerard Tile and other stone-coated steel roofing tile meeting the same characteristics shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) *Must use a minimum of five (5) color blend granules.*

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the

unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

Section 8. "Amendment to the Leawood Development Ordinance" Amended. That Section 4-4 of the "Amendment to the Leawood Development Ordinance" is hereby amended to read as follows:

4-4 OFF-STREET PARKING, STORAGE, LOADING REGULATIONS AND PARKING LOT DESIGN STANDARDS

4-4.1 General Purpose

The provisions of this section shall apply to uses within all zoning districts of the City of Leawood. No such use shall be commenced, expanded, or enlarged in any manner unless the off-street parking and loading provisions are complied with as required in this section.

4-4.2 Site Development Plan Required

A site development plan shall be submitted and approved by the Plan Commission prior to the construction or creation of any parking lot or the expansion of any existing parking lot in accordance with the provisions of Section 6-2 of this ordinance.

4-4.3 Computation of Off-Street Parking and Loading Requirements

The following provisions shall govern the computation of required off-street parking and loading spaces:

1) Where computation of required off-street parking spaces results in a fractional number, the required spaces for the use shall be the next higher whole number.

2) Where more than one use is established on a single lot, the off-street parking and loading requirements for the lot shall be the sum of the separate requirements for each use established on the lot.

3) No building or structure shall be erected or structurally altered, nor shall any land be used, for any purpose, without provision for off-street parking and loading as required by this section.

4) Where a lawful use exists at the time of adoption of this ordinance that is deficient in the provision of required off-street parking, any new use hereafter established in its place shall conform to the parking requirements of this ordinance.

4-4.4 Location of Required Parking and Loading Spaces

All off-street parking and loading spaces required by this ordinance shall be located on the same lot as the use for which such spaces are required, with the following additional regulations and exceptions:

1) Required off-street parking and/or loading spaces shall not be located upon any public right-of-way unless specifically authorized and approved by the Plan Commission and Governing Body.

2) Where, within an office, commercial, or industrial district, an increase in the number of off-street parking spaces is required by an alteration, enlargement, or change of a use, the required off-street parking spaces may be located no farther than 300 feet from the use(s) they serve. Whenever off-street parking is required and cannot be provided within the principal building or upon the same lot as the principal building and is located on another parcel or property as permitted in this section, such parcel or property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the use within the principal building. If and when such use would expire, the required off-street parking for a new use within the principal building would be evaluated on its own merit.

3) Off-street loading spaces shall be located only on the side or rear of buildings, but not in required yard areas. Location of loading spaces shall be approved in accordance with the provisions of Section 6-2 of this ordinance.

4-4.5 Off-Street Loading Space Requirements

1) The required number of off-street loading spaces for truck and/or other bulk pickup or deliveries shall be determined through the plan review process.

2) Such loading and unloading space(s) shall be an area of adequate size for the type of building use as approved by the Plan Commission and must be able to accommodate vehicles entirely off street rights-of-way. Area for ample turnaround space and maneuvering must be allotted so that all vehicle/truck activity shall be accommodated entirely on-site and without interference with traffic movements either on or off-site. Vehicles shall not be allowed to back onto or off of street rights-of-way.

3) The location of off-street loading space(s) for a building must be in accordance with Section 4-4.4 above.

4) Such loading space(s) shall be permanently surfaced of either asphaltic concrete or Portland cement concrete and have direct access from a permanently surfaced drive of the same. Where turnaround for truck/vehicle traffic is required, such turnaround space must also be permanently surfaced of the same.

5) No building or structure shall be erected or structurally altered significantly, nor shall any land be used for any purpose without, provision for off-street loading as required by this section.

6) When off-street loading is required, such loading space(s) shall be provided at the time of erection, alteration, establishment, or addition of any building, structure, or use of the land. The timing of such loading requirements may be extended by the Director of Planning and Development for a period not to exceed 6 months due to weather conditions provided that adequate surety for such improvements has been made.

7) Loading space(s) shall be screened in accordance with Section 4-6 of this ordinance.

8) Required off-street loading space(s) shall not be used for storage and shall be open for its function at all times.

9) The provision of off-street loading space(s) shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street loading requirements of this section to discontinue, reduce, or dispense with (or cause same) the required off-street loading space(s) as established by this section. Should an existing building change use, the size of the loading and unloading space(s) shall be reevaluated as to adequacy in regard to the new use and thereafter altered as necessary.

10) Further, any off-street loading space(s) not required by this section, but which is voluntarily provided, shall observe all requirements of this section in the development of such loading space(s).

4-4.6 Special Provisions for Off-Street Parking and Storage of Vehicles in Residential District

A) Statement of Intent. In order to avoid the obstruction of public streets and sidewalks, improve traffic visibility, insure the provision of necessary light and air to residential dwellings, and maintain the visual harmony and character deemed appropriate in residential neighborhoods within the City, it is the intent of this ordinance that the provisions of this section should be narrowly construed so as to prohibit any parking or storage of vehicles on residential lots except as clearly and specifically authorized herein. The provisions of this Section shall govern the off-street parking or storage of vehicles as an accessory use to any permitted residential use, and no such accessory off-street parking or storage of vehicles shall be permitted except in conformance with these provisions.

B) Definitions. The following definitions shall govern the interpretation of this Section.

1) "Truck". Any self-propelled motor vehicle, designed for or used for the transportation or delivery of freight and merchandise, with a gross weight in excess of three-quarter ton.

2) "Bus". A self-propelled motor vehicle, designed for or used for the transportation of passengers, exceeding any of the following: 25 feet in overall length, or 8 feet in height, or gross weight of 3,000 pounds per axle.

3) "Trailer". A vehicle without motive power designed for (1) the carrying of property, trash or debris, or (2) containing living quarters, and exceeding 25 feet in length, 8 feet in height, or gross weight of 3,000 pounds per axle.

4) "Recreational Vehicles". Any unit less than 22 feet in width designed for recreation, living, or sleeping purposes, permanently equipped with wheels or permanently placed upon a wheel device for the purpose of transporting from place to place. This shall include but is not limited to camping trailers, campers, tent trailers, motor homes, tent campers, buses, and boats.

5) "Storage". The substantially uninterrupted placement on a residential lot of any vehicle for any consecutive period of time exceeding 48 hours.

6) "Parking". The placement on a residential lot of a vehicle for any substantially uninterrupted period of time not exceeding 48 hours.

7) "Driveway". A hard drivable surfaced area of either concrete or asphalt upon which vehicles are driven from the street to their respective garages.

8) "Pad". A hard drivable surfaced area of either concrete or asphalt used to park or store vehicles off to the side of driveways but connected thereto so as not to conflict with the daily use of the driveway.

C) Standards Governing the Parking and Storage of Trucks, Buses, Trailers and Recreational Vehicles in Residential Districts (to include Residential Uses in an Agricultural District).

1) Parking of Trucks, Buses, and Trailers. No person shall park any of the named vehicles in Section 4-4.6 (B) on any street of the City, or upon any lot, improved or unimproved, in a residential area of the City except for the purpose of making a delivery or pickup, and except for parking of recreational vehicles as provided herein.

2) Parking and Storage of Recreational Vehicles. Parking and storage of recreational vehicles as defined in Section 4-4.6 (B) of this ordinance shall be allowed in single family residential districts upon residential lots provided that:

(a) Parking and storage of recreational vehicles shall be limited to asphalt or concrete pads.

(b) Storage shall be limited to pads adjacent and connected to the driveway or in the case of rear yard parking or storage such pad shall be permanently connected to the driveway with an asphalt or concrete drive.

(c) Storage on the residential driveway shall be prohibited except for corner lots where a separate driveway is provided off of the street on the other street frontage specifically for the purpose of storage which does not interfere with the residential parking of passenger vehicles.

3) Parking and Storage of Recreational Vehicles in Other Districts. Parking and storage of recreational vehicles in other districts shall be prohibited except when approved by the Plan Commission and Governing Body as part of a site development plan approval process. Such request shall be made on application furnished by the Department of Planning and Development.

4) Parking Yards or Parkways. In areas which are residentially zoned, no parking shall be permitted in the front, rear, or side yard except that parking of motor vehicle passenger cars, truck 3/4 ton or less, and motorcycles shall be permitted on the hard surfaced driveways of single family residences.

4-4.7 Off-Street Parking Requirements in Office, Commercial, and Industrial Districts

A) Off-Street Parking.

1) No building or structure shall be erected or structurally altered significantly, nor shall any land be used for any purpose, without provision for off-street parking as required by this section.

2) Required off-street parking spaces shall not be used for storage and shall be open for their function at all times.

3) The provision of off-street parking shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking requirements of this section to discontinue, reduce, or dispense with (or cause same) the required off-street parking as established by this section.

4) Off-street parking space(s) shall be screened in accordance with the approved development plan.

5) The location and size of off-street parking space(s) shall be in accordance with Section 4-4.10, Parking Lot Design Standards, and shall include the requirements for handicapped parking as stated in Section 4-4.9 of this ordinance. Required yard setbacks shall be complied with for each individual district.

6) Further, any off-street parking space(s) not required by this section but which is voluntarily provided shall observe all requirements of this section in the development of such parking space(s).

B) Improvement of Parking Areas.

1) All parking areas shall be ready for use upon occupying a building and shall be surfaced with not less than 6 inches of rolled stone base and 3 inches of hot mix asphaltic wearing surface or equivalent strength full thickness hot mix asphalt or Portland cement concrete prior to the issuance of an occupancy permit, unless special permission is granted by the Director of Planning and Development due to weather conditions that are not satisfactory for placing materials.

2) Ingress and egress shall be by means of paved driveways not exceeding 35 feet in width except as otherwise approved on the development plan by the Plan Commission. Head-in parking from any public right-of-way shall not be permitted.

3) Parking lot lighting shall be so arranged as to direct light away from any adjacent premises in a residential district and shall be of a design that the source of illumination shall not be visible from off the premises.

4) All parking lots and drives leading thereto shall have curbs and drainage facilities approved by the City Engineer.

5) No signs shall be permitted except those necessary for the orderly parking thereon. Not more than 1 sign with maximum area of 6 square feet shall be permitted at each entrance to identify such parking area and present any regulations governing same. Signs identifying reserved parking shall first be approved by the Plan Commission as part of an overall sign concept and shall include complimentary materials to the building it serves. For additional information see Section 4-5 Sign Regulations.

6) The Plan Commission may require that a parking area be screened on any side where it may adversely affect adjacent property.

C) Maintenance of Parking Areas.

The maintenance of parking areas shall be a continuing obligation of the owner of the real estate on which parking areas are located. Maintenance of parking areas shall include: 1) the proper filling and sealing of pot holes and cracks; 2) the replacement of deteriorated parking sections; 3) the repainting of striping identifying the individual parking spaces; 4) the overlaying with asphalt of deteriorating sections or entire lots; 5) the reconditioning or replacement of lot signage, lighting, or screening; and 6) the removal of trash and debris from the lot including the drainage structures so as not to hinder water flow. The Director of Planning and Development, upon finding that inadequate maintenance is occurring on any parking area, shall notify the owner of such finding and shall require the deficiencies corrected to the Director's satisfaction within a reasonable time but not to exceed 60 days from written notification.

4-4.8 Required Off-Street Parking Numbers

A) Spaces Required by Zoning District.

See Table 4-4.8A, next page.

Table 4-4.8A

SPACES REQUIRED

Zoning District	Required Off-Street Parking Numbers
Agricultural	
AG	2 totally enclosed garage spaces
Residential	
R-A	2 totally enclosed garage spaces
R-1	2 totally enclosed garage spaces
RP-1	2 totally enclosed garage spaces

RP-2	2 totally enclosed garage spaces
RP-3	2/DU
RP-4	Same as R-1
Commercial	
CP-O	5/1000 square feet-Not in required front yard
CP-1	5/1000 square feet
CP-2	5/1000 square feet
BP	3/1000 square feet for mixed office & warehouse
PI	1/5000 square feet leasable (minimum)
SD	Determined by Plan Commission & Governing Body
Recreational	
REC	Determined by Plan Commission & Governing Body

B) Additional Parking Regulations

Off-street parking shall be provided by the requirements specified under the appropriate zoning district, as listed above. For any pad site or individual land parcel containing the following uses, the corresponding number of spaces shall be required as established herein. Those uses not included in this section shall be assigned a parking ratio by the Plan Commission.

C) Land Use Number of Spaces Required[3]

1) Art Gallery. 1 per 500 square feet gross area.

2) Auditorium. 1 for every 4 permanent seats plus 1 per 100 square feet area devoted to assembly use. Without permanent seating 1 per 50 square feet floor area devoted to assembly use.

3) Automobile Service Station. 3 spaces plus 1 space for each service bay.

4) Beauty Parlor. 5 per 1000 square feet gross area.

5) Bed & Breakfast. 1 per guest room plus 2 per owners requirement.

6) Bowling Alleys. 5 spaces for each alley plus additional spaces for affiliated uses.

7) Churches & Synagogues. 1 space for each 3 permanent seats.

8) Convenience Store. 5 per 1000 square feet gross area.

9) Convalescent & Nursing Homes. 1 space for each 2 beds.

10) Day Care Center. 1.5 per employee on maximum shift.

11) Discount Store. 3.57 per 1000 square feet leasable area 3.40 per 1000 square feet leasable area

12) Elementary/Jr./High School. 1 space for each teacher and staff member.

13) Express Delivery Service. 1 per employee plus 1.5 per delivery vehicle.

[3] All land uses included herein shall provide 1 space/employee on the maximum shift plus additional spaces as provided in the list above.

14) Fast Food Restaurant. 1 space for each 4 permanent seats plus 1 space for each employee on maximum shift plus 1 per 50 square feet floor with drive devoted to customer service.

15) Funeral Home. 1 per 100 square feet of viewing area or other public area.

16) Furniture Store. 1 per 400 square feet floor area accessible to general public.

17) Golf Course. 50 spaces for each 9 holes.

18) Greenhouse (Commercial). 1 space for each 200 square feet of contributing floor area.

19) Group Home. 1 per resident.

20) Health Club. 1 per 100 square feet plus 1 per employee on maximum shift.

21) Hospitals. 0.35 spaces per bed plus 0.95 spaces per doctor and 0.35 spaces per employee.

22) Hotels & Motor Hotels. 1 space per bedroom plus 1 space per employee. Restaurants & meeting rooms included in the hotel shall provide an additional parking space for each 4 seats of seating capacity.

23) Movie Theater. 1 for each 3 permanent seats plus 1 per employee on maximum shift.

24) Private, Commercial & Trade Schools. 1 space for each 100 square feet of contributing floor area.

25) Research Center. 3 per 1000 square feet.

26) Restaurant. 1 space for each 50 square feet of seating area plus 1 space for each remaining 300 square feet of contributing floor area.

27) Retirement Community. .27 per dwelling unit (weekday) and 1 per dwelling unit (Sunday).

28) Swim Club. 10 per employee (Saturday).

29) Taverns. 1 space for each employee plus 1 for each 2 seats or building capacity calculated by Building Code Standards.

30) Veterinarian Office. 1 for each employee plus 1 per 100 square feet floor area accessible to public.

4-4.9 Handicapped Parking Space Requirements

Parking facilities shall be provided for physically handicapped persons according to the following regulations, for the exclusive use of vehicles which display a distinguishing license plate or placard issued pursuant to Kansas Statutes K.S.A., and shall be established in accordance with the following standards.

1) All off-street parking facilities shall provide parking for physically handicapped persons, except those parking facilities maintained in conjunction with single-family or two-family residential units and owner-occupied townhouse developments where parking is assigned.

2) The number of handicapped parking spaces required shall be determined in accordance with the following table:

Table 4-4.9A

SPACES REQUIRED

Parking Capacity	Required Off-Street Parking Numbers
Up to 25	1 space
26 - 50	2 spaces
51+	2 plus 1 for each 200 over 50

3) The parking space shall be indicated by the posting of a sign upon which shall be the international symbol of accessibility in white on a blue background and which may include appropriate wording to further identify the space. Sign dimensions and height shall be in accordance with ANSI Standards and Regulations.

4) Such space shall be located as close as possible to the nearest accessible entrance and, if possible, be located so that no traffic or parking lane (or other similar obstacle) must be crossed to get from the space to the entrance.

5) Such spaces shall be a minimum of 12 feet by 19 feet in area, with an unobstructed access aisle on one or both sides, the purpose of which is to provide unimpeded ingress and egress for handicapped persons.

4-4.10 Parking Lot Design Standards

A) Parking Space Dimensions.

1) Each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

2) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.

B) Required Widths of Parking Area Aisles and Driveways.

1) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Table 4-4.9B

AISLE WIDTHS

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One-way Traffic	13'	13'	15'	18'	25'
Two-way Traffic	20'	20'	24'	24'	25'

2) Driveways shall be not less than 12 feet in width for one-way traffic and 20 feet in width for two-way traffic.

C) General Design Requirements.

1) Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street.

2) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

3) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

4) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

D) Joint Use of Required Parking Spaces.

1) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

2) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of

capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

E) Special Provisions For Lots With Existing Buildings.

1) Notwithstanding any other provisions of this section, whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this section, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the parking requirements of Section 4-4.8 of this ordinance that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 4-4.8 of this ordinance to the extent that parking space is practicably available on the lot where the development is located.

Section 9. Existing Sections Repealed. That existing Sections 2-4, 2-6, 3-5, 3-6, and 3-12 of the "Leawood Development Ordinance" and Sections 3-3, 3-4, and 4-4 of the "Amendment to the Leawood Development Ordinance" are hereby repealed. (Prior law: Sections 3-3 and 3-4, Ordinance No. 1415; Section 3-12, Ordinance No. 1635.)

Section 10. 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 February, 1998.

Approved by the Mayor the 17th day of February, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1708

Publication Fees: $695.57

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1708--5/19/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

May 20, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$695.57

ORDINANCE NO. 1708

First published in The Legal Record, Tuesday, May 19, 1998.

ORDINANCE NO. 1708

AN ORDINANCE AMENDING SECTIONS OF THE "LEAWOOD DEVELOPMENT ORDINANCE" AND "AMENDMENT TO THE LEAWOOD DEVELOPMENT ORDINANCE" WHICH PERTAIN TO ARTICLE 6 OF THE "LEAWOOD DEVELOPMENT ORDINANCE," AND REPEALING EXISTING SECTIONS.

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

Section 1. "Leawood Development Ordinance" Amended. That Section 2-4 of the "Leawood Development Ordinance" is hereby amended to read as follows:

2-4 APPLICATION AND SCOPE OF REGULATIONS

2-4-1 Principal Permitted Uses

No building, structure, or part thereof, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, operated or designed for use or occupancy except for a use that is listed as a Principal Permitted Use or Accessory Use under the District Regulations for the Zoning District in which the building, structure or land is located. No Principal Permitted Use already established on the effective date of this ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations for the zoning district in which such use is located.

2-4.2 Planned Districts

Planned zoning procedures are hereby incorporated in this title as provided in K.S.A. 12-725 to 12-735. Except in the case of standard single family subdivisions, which may be zoned to District R-1, or when land is to be zoned District AG, Agriculture District, all rezoning of land within the City of Leawood shall hereafter follow planned zoning procedures as set out in Section 6-2 of this ordinance. All land that is zoned to a planned zoning district on the Zoning District Map adopted herewith and for which no development plans have been submitted; shall require the submittal of preliminary and final development plans for any new construction, reconstruction and alteration of any building, structure or parking area. Such preliminary and final plans shall conform to the conditions and procedures set out in Article 6 for the rezoning of land, including public hearing thereon.

2-4.3 Special Uses

No use of building, structure or land that is designated as a Special Use in any zoning district shall hereafter be established, and no existing Special Use, or part thereof, shall hereafter be changed to another Special Use in such district, unless a Special Use Permit has been secured in accordance with the provisions of Section 4-3 of this ordinance. Any established use on the effective date of this ordinance that would be reclassified as a Special Use in the district in which it is located has all the rights of an approved Special Use and does not require any additional approval or review. No Special Use already established on the effective date of this ordinance shall be altered, modified, or enlarged so as to conflict with, or further conflict with, the regulations applicable to the zoning district in which such use is located.

2-4.4 Temporary Uses

Within any district established by this ordinance, temporary uses shall be permitted as listed within the zoning district in which the proposed temporary use is located, but only provided that:

a) A site plan indicating the proposed use, length of stay, off-street paring, and traffic circulation be submitted with the appropriate filing fee as established in Section 7 and approved by signature of the Director of Planning and Development except otherwise provided for in the District Regulations;

b) The use is of a limited and temporary duration, and in no case will exceed 6 months;

c) The use will serve a public need or contribute to the public convenience and welfare;

d) The use bears some functional or other beneficial relationship to a permitted use within the district;

e) The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation.

2-4.5 Accessory Buildings, Structures, and Uses

No accessory building, structure or use, or temporary building, structure or use shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory building, structure or use is permitted by and in conformance with the provisions of Section 4-1 of this ordinance, and all other regulations or requirements pertaining to the district in which such building, structure or use is located.

2-4.6 Classification of Uses Not Listed

In the case where a use is not specifically listed under any of the permitted, special, temporary, or accessory uses of the individual districts, the Director of Planning and Development shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use. In the event of an appeal from the Planning Director's decision, the Plan Commission shall make a final determination

2-4.7 Lot Size Requirements

Except as may be otherwise specifically provided in this ordinance:

a) No building, structure, or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, arranged, or designed for use or occupancy of a zoning lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot width; or shallower than the minimum lot depth required in the zoning district in which the building, structure or land is located;

b) No existing building or structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the building or structure is located.

2-4.8 Bulk Regulations

This ordinance expresses bulk regulations in terms of maximum building or structure height, maximum lot coverage, and minimum front, side and rear yards. Unless permitted elsewhere in this ordinance, no building, structure, or part thereof shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy:

a) So as to exceed the maximum building or structure height, or maximum lot coverage specified for the zoning district in which the building or structure is located;

b) So as to provide any front, side, or rear yard that is less than that specified for the zoning district in which such building, structure or use of land is located or maintained.

2-4.9 Off-Street Parking and Loading Requirements

No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by the provisions of this ordinance are provided. No structure or use already established on the effective date of this ordinance shall be enlarged, expanded or increased in use unless the minimum off-street parking and loading spaces, which would be required by the provisions of this ordinance for such enlargement, expansion or increase in use, are provided.

2-4.10 Exemption from Regulations

The following structures or uses are exempt from the regulations of this ordinance and shall be permitted in any district. This Section shall not be construed to exempt any public utility from other ordinances or regulations of the City including but not limited to franchise agreements and building codes.

a) Poles, wires, cables, conduits, vaults (when totally screened), laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility;

b) Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

2-4.11 Buildings, Structures and Uses of the City

All buildings, structures, or uses owned or operated by the City of Leawood not exempted by Section 2-4.10 shall be exempted from the regulation of this ordinance and shall be permitted in any district provided that:

a) Plans are submitted and approved in accordance with the provisions of Section 6-2 of this ordinance.

2-4.12 Structures Permitted Above the Height Limits

The following may exceed the prescribed height limit provided they are required for a use permitted in the district in which they are erected or constructed: chimneys, cooling towers, condensers, elevator bulkheads, belfries, stacks, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing, and provided that a parapet wall is used to screen such appurtenances from view. Parapet walls shall not be calculated in the overall height of the structure they serve. Places of worship, such as churches, may be erected to a height not exceeding 75 feet, for steeples or architectural features not to include additional stories provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.

Section 2. "Leawood Development Ordinance" Amended. That Section 2-6 of the "Leawood Development Ordinance" is hereby amended to read as follows:

2-6 YARD REQUIRED

All yards required by this ordinance shall be provided as open, unobstructed space except as permitted in Section 2-6.1.

2.6-1 Permitted Obstructions in Required Yards

a) All Required Yards: Awnings, shutters, canopies, arbors, trellises, and chimneys cannot project more than 3 feet into a required yard; flag poles; steps necessary for access to a building or lot, fences and walls as provided in Section 2-7 of this ordinance; and hedges and other vegetation.

b) Required Front Yards: Bay windows, oriels, or balconies projecting not more than 5 feet into the required front yard; overhanging eaves and gutters projecting into the required front yard not more than 3 feet from the vertical wall of the structure; off-street parking, except that the clear site triangle shall be maintained on corner lots in accordance with Section 4-6.3(2)(d) of this ordinance.

c) Required Rear Yards: Accessory uses, buildings or structures only as permitted by Section 4-1.2 of this ordinance; off-street parking spaces; balconies, breezeways, open unroofed porches, terraces, decks and bay windows projecting not more than 5 feet into the required rear yard; overhanging eaves and gutters projecting into the required rear yard not more than 3 feet from the vertical wall of the structure.

d) Required Side Yards: Overhanging eaves and gutters projecting into the required side yard not more than 3 feet from the vertical wall of the structure; open off-street parking, except as provided for in Section 4-1 of this ordinance.

2-6.2 Continuing Maintenance Required

The maintenance of any yard, open space, minimum lot area, or off-street parking space required by this ordinance shall be a continuing obligation of the owner of the property to which such requirements apply. No yard, open space, lot area, or off-street parking area required by this ordinance for any building, structure, or use shall, by virtue of change of ownership or any other reason, be used to satisfy any yard, open space, lot area, or off-street parking area required for any other building, structure, or use, except as may be otherwise specifically provided herein. In addition, no yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located except as specifically provided for in Section 6-2.3 of this ordinance.

Section 3. "Leawood Development Ordinance" Amended. That section 3-5 of the "Leawood Development Ordinance" is hereby amended to read as follows:

3-5 RP-3 (PLANNED APARTMENT HOUSE RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-3 Planned Apartment House Residential shall be to provide for apartment houses and other selected uses which are compatible with a medium/high density residential character of this district. Property zoned RP-3 should correspond to the Medium/High Density land use category identified in the Master Development Plan and meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance. This district is to be limited in its use and placement so as not to detrimentally affect adjoining residential land uses. The RP-3 district is to be placed at intersecting arterial streets and/or be used to buffer more intense land use from less intense residential land use.

B) Principal Permitted Uses: In District RP-3 no building, structure, land or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, [illegible] or altered, except for one or more of the following uses:

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1) Apartment House buildings containing up to 8 dwelling units.

2) Nursing Home

3) Elderly Housing

4) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-3 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Leasing offices

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 30 feet [1]

3) Rear Setback: 30 feet[1]

4) Lot Area: 4,000 square feet per dwelling unit

5) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: (See Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

K) Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, shingles, wood siding, wood paneling, masonite paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Roofs shall be covered with Class A roof material as approved by the Plan Commission and Governing Body.

Section 4. "Leawood Development Ordinance" Amended. That Section 3-6 of the "Leawood Development Ordinance" is hereby amended to read as follows:

3-6 RP-4 (PLANNED CLUSTER RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-4 Planned Cluster Residential shall be to provide for laterally attached residential units such as townhouses for an alternate living style unit and other selected uses which are compatible with medium density residential character of this district. Properly zoned RP-4 should be those tracts that correspond to the Medium Density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance.

B) Principal Permitted Uses: In District RP-4 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1) Laterally attached residential buildings containing 1 to 8 dwelling units, designed as individual ownership; either under condominium statutes or other ownership procedures involving corporate maintenance of common areas and facilities.

2) Clubs, swimming pools, garages, carport and other similar facilities normally accessory to the main use of the premises.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools, (municipal)

k) Other municipal facilities

[1] Measured from building lines and building clusters.

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-4 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model units

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 20 feet [2]

3) Rear Setback: 20 feet [2]

4) Lot Area: 6,000 square feet per dwelling unit

5) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: (See Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plan is required.

K) Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, shingles, wood siding, wood paneling, masonite paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Roofs shall be covered with a Class A roof material as approved by the Plan Commission and Governing Body.

Section 5. "Leawood Development Ordinance" Amended. That Section 3-12 of the "Leawood Development Ordinance" is hereby amended to read as follows:

3-12 SD (SPECIAL DEVELOPMENT OVERLAY DISTRICT)

A) Statement of Objectives

1) Purpose: The City of Leawood recognizes that certain large land areas, because of their prominent location, thoroughfare exposure, parcel size, and their potential impact upon surrounding residential neighborhoods, require special consideration in their approval. Therefore, the SD, Special Development "Overlay" District has been created to identify and further establish such "special" areas of development in accordance with those areas indicated as SD, Special Development, on the Master Development Plan Map.

2) "Overlay" Defined: "Overlay" means a broad zoning category to which special land use categories (subdistricts) can be attached. For purposes of this section the SD district is the overlay zoning category to which the special land use categories (subdistricts) established in (4) below are to be attached.

3) Intent: The Special Development Overlay District is intended to:

a) Encourage a selected mix of high quality residential and non-residential development of particular land areas to expand the City's tax base and promote economic development.

b) Provide for appropriate design guidelines and development standards and conditions to protect the public health, safety and welfare.

c) Provide for necessary commercial facilities and employment centers conveniently located to housing particularly in the southern part of the City.

d) Encourage and require orderly development at a quality level equal to or exceeding that found in projects developed under planned zoning.

e) Permit certain deviations from the normal and established development techniques as provided herein when such deviation will result in a higher quality project.

f) Encourage a mix of selected residential, office and retail large scale developments.

g) Provide for innovative and imaginative site planning.

h) Encourage conservation of natural resources.

i) Encourage development of groupings of buildings or building sites that are planned as an integrated unit or clustered on property under unified control or ownership.

j) Provide for control of vehicular access.

k) Provide for control of architectural quality, landscaping and signage in order to soften any impact of such mixed use developments on nearby residential neighborhoods.

l) Minimize the effects of such development on the street system and other city provided services.

4) Sub-districts: For purposes of regulating the use and development of land within the Special Development Overlay District the following sub-districts have been established:

a) Sub-district (O): Office,

b) Sub-district (OH): Office - High Rise

c) Sub-district (NCR): *Neighborhood Commercial Retail-Mixed Use*

d) Sub-district (CR): Commercial-Retail

Application for one or more of the sub-districts as established above shall be requested at the time of rezoning to an SD district and preliminary development plan approval or a revised preliminary development plan approval. Any substantial change requested to an approved preliminary or final development plan or request for change to a different sub-district shall be considered a revised preliminary plan and shall be subject to the same notice and public hearing requirements and protest provisions as the original zoning application request.

5) Substantial Change - A substantial change for purposes of this section shall include any proposed:

a) Increase in F.A.R. Floor Area Ratio

[2] Measured from building lines and building clusters.

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b) Increase in building square footage over 5%

c) Increase in building height

d) Decrease in landscape open space ratio

e) Building relocation

f) Increase in outparcel size or their relocation

B) District Uses:

In District SD, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the permitted uses, conditionally permitted uses or accessory uses set forth under the appropriate sub-district in Table 3-12A. All such uses are further subject to conformance with the other provisions of this section.

C) Permitted Uses: With respect to the applicable sub-district "Permitted Uses" are those uses listed as such in Table 3-12A.

D) Accessory Uses: Those uses specifically listed as "Accessory Uses" in Table 3-12A.

1) The total square footage devoted to all accessory uses within a given building or an integrated group of buildings shall not exceed 25% of the total square footage of the building or the grouping of buildings.

2) (Reserved).

E) Conditional Uses: Those uses specifically listed as "Conditional Use" in Table 3-12A.

1) Requests for a conditional use as listed under a specific sub-district shown in Table 3-12A may be made as part of an application for preliminary or final development plan approval or may be made independently at anytime after zoning and sub-district are in place provided notice and hearing requirements have been met pursuant to Section 6-3 of this ordinance. If the proposed use is not a conditional use in the applicable sub-district, or if the application or site plan is determined to be incomplete, the Planning Director shall notify the applicant within 10 working days of the date of filing. Thereafter, the applicant may resubmit the application and site plan and the Planning Director shall treat the application and site plan as a new matter. If it is again rejected by the Planning Director, the applicant may file an appeal of such determination to the Plan Commission within 10 days of receipt of the Planning Director's decision. Failure of the Planning Director to act within 10 working days as set forth above shall constitute a determination that the proposed use is not permitted in the applicable sub-district or that the application or site plan is incomplete. The application and site plan shall not be "deemed approved" by a failure to act within the time period specified.

2) The Plan Commission shall consider an application for a conditional use as part of its consideration of any preliminary or final development plan. If the proposed use conforms with the general standards and specific requirements of this section, the Plan Commission shall make the appropriate findings, and approve the application for conditional use permit and site plan. Any such approval shall be conditioned upon approval of same by the Governing Body. If the proposed use does not conform with one or more of the general standards or specific requirements of this section, the findings of the Plan Commission shall so state, and the Plan Commission may either disapprove the application for conditional use or approve with stipulations so as to make the conditional use conform to the requirements. If disapproved the applicant may appeal such decision to the Governing Body by filing a request for appeal to the city clerk within 10 days of the date of disapproval by the Plan Commission.

F) Findings of Fact

1) The Plan Commission shall make the following findings of fact prior to approval of any application for rezoning to a Special Development Overlay District (SD) classification, request for change from one sub-district to another, preliminary or revised preliminary development plan approval, and/or application for a conditional use:

a) That the proposed development/conditional use is in harmony with the general purpose, goals, objectives and standards of the SD Statement of Objectives, Master Development Plan and other adopted planning policies.

b) That the proposed development/conditional use will not be detrimental to existing adjacent uses or to other permitted uses in the sub-district.

c) That the proposed development/conditional use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the sub-district or surrounding area.

d) That the proposed development/conditional use meets the height, area and design standards for the sub-district.

e) That the site plan for the proposed development/conditional use promotes a project design which will be compatible with permitted uses in the sub-district.

f) That the proposed development/conditional use will not result in an over concentration of such uses within the sub-district or surrounding area.

2) If the Plan Commission is unable to make one or more of the findings listed in the previous subsection, the Plan Commission may either recommend denial of the site plan application and/or conditional use request or recommend the attachment of specific conditions to the application for site plan approval and/or conditional use approval to ameliorate the adverse impact of the proposed use on the sub-district. Such conditions may include, but are not necessarily limited to, the following:

a) A time limit on the duration of a conditional use within the sub-district.

b) Mitigation of adverse impacts by additional on-site buffer, landscaping, setback or open space requirements.

c) Mitigation of adverse impacts by restrictions on density, floor area ratio, building or structure height or percentage of lot coverage.

d) Mitigation of adverse impacts by the provision of off-site public facilities or improvements.

e) Limitations on hours of operation of the proposed use.

f) Limitations on noise, odor, vibration, glare or particulate matter emanating from the proposed use.

g) Limitations on the number of employees of the proposed use.

h) Limitations on the materials stored or used on the site.

i) Requirements for a larger minimum lot area.

G) Temporary Uses: See Section 4-3, (32), Administrative Special Use Permit, of this ordinance.

H) Height and Area Regulations: In District SD, the minimum lot size, minimum building setback from residentially zoned/planned property, minimum yard dimensions (front, side and rear), maximum building height, minimum landscaped open space ratio and maximum floor area ratio shall be as set forth in Table 3-12B, except as may be otherwise permitted by Section 3-[illegible] of this ordinance.

I) Standards of Development

1) The preliminary development plan shall designate the applicable sub-district for each lot or tract shown on the plan. The uses for each lot or tract shall be those designated for the applicable sub-district in Table 3-12A. Except as may be otherwise provided in Section 3-12 (I) (4) of this ordinance, the height and area regulations shall be as set forth for the applicable sub-district in Table 3-12B.

2) Performance Criteria:

a) General:

1) All operations shall be conducted within a fully enclosed building; however, normal outdoor loading and unloading of materials is permitted.

2) Loading docks and service areas are not permitted on a street side of a building unless completely landscaped and totally screened from view and approved as a part of the development plan by the Plan Commission. Any loading dock or loading area shall be completely screened from public streets by a solid wall, fence or evergreen plantings. Hours of loading and unloading may be limited, depending upon location and surrounding property use.

3) All utility distribution lines shall be installed underground within the project.

4) All storage of materials, products or equipment shall be within a fully enclosed building except as specifically authorized by the Plan Commission and Governing Body, i.e. drive up windows, or sales requiring outdoor areas such as auto dealers, etc.

5) Drive in restaurants where food is normally served to customers in parked vehicles or where food is consumed outside a building are not permitted unless specifically authorized by the Plan Commission.

6) No use shall create noise in excess of that of normal daily traffic measured at the lot lines of the premises. In no case shall the noise level exceed 60 dB at repeated intervals or for a sustained length of time, measured at any point along the property line.

7) Architectural quality of the buildings must be equal on all sides of the structure such that all sides of the building are "finished".

8) No wholesale sales shall be conducted.

9) A proposed development shall contain not less than 10 acres and shall be developed by a single entity. Lots may be sold to separate users but the sale of lots must be accompanied by restrictive covenants assuring a high level of architecture, site improvements and their continued maintenance. Covenants shall include at a minimum, property owners' association, maintenance of individual sites and common areas, standards for finishing of buildings, and design standards for signs. Such standards shall be submitted with the preliminary site plan.

10) All trash must be stored inside of a structure that is compatible with the building design. The structure must be of materials that are comparable to the materials used in the buildings in the development. The design of the trash enclosures must be shown on the preliminary and final site plan.

11) All public sidewalks, where required or otherwise provided, shall be a minimum of 5 feet wide. Sidewalks at store fronts shall be a minimum of 10 feet wide.

12) No use shall create dust, dirt, particulate matter, smoke, noxious odor, radiation, noxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises.

13) All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties in an area zoned for or developed with residential structures.

b) 135th Street Corridor Additional Performance Standards/Criteria.

3) Additional Studies: The Plan Commission or Governing Body may, at any time in the process of approving preliminary development plans, revised preliminary development plans or conditional uses within district SD and its related subdistricts, require additional studies to be completed. Such studies may include but are not limited to the following:

a) Traffic Impact (Existing and Projected)

b) Noise

c) Lighting

d) Economic Impact

4) The Plan Commission or Governing Body may, in the process of approving preliminary or final development plans, approve deviations from the minimum standards set forth in Table 3-12B or other applicable provisions, provided that any deviation so approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record, in accordance with the following limitations:

a) Deviations from minimum lot areas may be granted where buildings are clustered so long as the overall density of the development does not exceed applicable floor area ratios for the entire parcel. Any common open space resulting from the variance of such density standard shall be set aside for the use and benefit of the occupants of such development.

b) Floor area ratio FAR bonusas may be awarded only for developments in sub-districts (O) and (OH) as follows:

1) projects with landscaped open space ratios significantly in excess of the required minimum – up to 10% increase in the applicable maximum FAR;

2) projects with a landscaping plan demonstrating quantities and qualities of landscaping significantly superior to that of other developments in the City – up to 10% increase in the applicable maximum FAR;

3) projects with architecturally significant fountains, statuary and other decorative features – up to 10% increase in the applicable maximum FAR;

4) projects with pedestrian plazas and linkages, street furniture and other features designed to encourage pedestrian circulation and usage – up to 10% increase in the applicable maximum FAR;

5) projects containing lakes or ponds – up to 10% increase in the

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applicable maximum FAR; and

6) projects incorporating and demonstrating transportation management systems i.e., ride sharing, van pooling, flextime or other measures designed to significantly decrease peak hour vehicular trip generation – up to 10% increase in the applicable maximum FAR.

7) projects incorporating parking structures resulting in significant increases in landscaped open space - up to 20% increase in the applicable maximum FAR.

The determination of the satisfaction of the bonus criteria, and the amount of any bonus to be awarded, shall be at the sole discretion of the Governing Body. The total FAR, including all bonuses, shall not exceed an FAR of .35 for sub-district (O) or .45 for sub-district (OH). All approved bonus increases are to be added together before being applied to the base FAR of the sub-district for calculation.

J) Open Space: (See Section M.)

K) Building Coverage: (See Table 3-12B)

L) Parking and Loading Requirements:

1) Except as otherwise provided herein, the provisions of Section 4-4, Off-Street Parking, Storage, Loading Regulations and Parking Lot Design Standards, shall apply to all developments in district SD.

2) Where specific parking requirements are established for land uses in Section 4-4, those standards shall apply in this district. For buildings or portions of buildings for uses which are not listed in Section 4-4, the following general parking ratios shall be applied:

Subdistrict (O), (OH), (CR) and (NCR) – 5 spaces for each 1,000 square feet of gross floor area.

3) Shared Parking.

a) In mixed use buildings or developments where several buildings containing different uses share common parking areas, the applicant may be permitted to reduce the total number of parking spaces otherwise required by utilizing shared parking. For purposes of this subsection, shared parking is defined as parking spaces that can be used to serve 2 or more individual land uses without conflict or encroachment. Shared parking may result from either variations in the peak accumulation of parked vehicles due to time differences in the activity patterns of adjacent or nearby land uses (by hour, by day or by season) or as a result of relationships among land use activities that result in people being attracted to 2 or more land uses in a given area or development using a single vehicle trip. A shared parking study may be required by the Plan commission, Governing Body or Staff in order to determine the feasibility of its application in the proposed development. When required it shall be prepared by a professional traffic engineer acceptable to the City.

b) Shared parking studies submitted pursuant to this subsection shall, at a minimum, include the following information:

1) project analysis – involving the sizing and functional relationship of project land uses based upon market research, site constraints and other considerations;

2) peak parking factor adjustments – involving the selection of appropriate peak parking accumulation factors for each land use, and the adjustment of each factor to reflect site-specific factors such as transit use, ride sharing, flextime and captive markets;

3) accumulation analysis – involving the hourly, daily and seasonal estimation of parking accumulation for each component land use;

4) shared parking estimation – involving the hourly, daily and seasonal estimation of parking accumulation for the entire project.

c) Where a reduction in the number of required parking spaces for a project occurs as a result of a shared parking study, approval of the reduced number of parking spaces shall be conditioned upon a land use mix within the parameters of the uses described in the shared parking study. Changes in uses within the project may require compliance with the parking requirements otherwise applicable under this section or a revision of the shared parking study establishing different parking requirements.

4) Except as may be otherwise permitted by Section 3-12(i), paved parking areas shall be set back a minimum of 30 feet from any street right-of-way or perimeter property line.

M) Landscaping and Screening

1) In addition to any other requirement for landscaping and screening imposed pursuant to Section 4-6 of this ordinance, an application for final development plan shall be accompanied by a landscaping and screening plan complying with the provisions of this section.

2) Except to the extent that the requirements of this section are more stringent, the provisions of Section 4-6 shall also apply.

3) All landscaping plans shall be prepared and sealed by a Kansas or Missouri registered landscape architect and shall include the following information:

a) North point and scale.

b) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

c) The location and size of all structures and parking areas.

d) The location, size and type of all above-ground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during installation of landscaping.

e) The location, size, type and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards.

f) The location, size and common name of all existing plant materials to be retained on the site.

g) Mature sizes of plant materials shall be drawn to scale and called out on the plan by a common name or appropriate key.

h) L[illegible] of hose connections and other watering sources.

i) The location of all trees, 12 inch caliper or larger, measured at 4-1/2-feet above ground level, that are proposed for removal.

j) All screening required by this section.

4) Plantings within landscaped open space areas, trees and shrubs shall be provided in accordance with the following minimum requirements:

a) 1 tree shall be provided for each 30 feet of public or private street frontage within the landscaped setback abutting said street frontage. Such trees may be clustered or arranged within the setback if approved as part of the landscape plan. In addition to the street trees, 1 shrub shall be provided for each 5 feet of public or private street frontage, or portion thereof, within the landscaped setback abutting such frontage. Such shrubs may be clustered or arranged within the setback.

b) A landscaped setback/buffer area is required along all property lines on the periphery of the area covered by the plan, other than street frontages. Notwithstanding any other provisions relating to yard requirements, such landscaped setback/buffer area shall be at least 30 feet. Within such landscaped setback/buffer area, 1 tree shall be provided for every 20 lineal feet along the property line, and one shrub shall be provided for each 10 feet along the property line. Such trees and shrubs may be clustered or arranged within the setback.

c) In addition to the trees required based upon street frontage, additional trees shall be required at a ratio of 1 tree for every 3,000 square feet of landscaped open space.

d) Existing trees saved on the site during construction may be credited toward the minimum number of trees required provided that such trees are a minimum 4 inch caliper as measured 4 1/2 feet above ground for medium and large deciduous species or 3 feet in height for ornamental and evergreen species. All existing plant material saved shall be healthy and free of mechanical injury.

e) All landscape areas shall be irrigated.

5) Parking areas shall be screened and landscaped in accordance with the following minimum requirements.

a) Parking Area Screening.

1) The perimeter area of all on-site, open parking areas shall be screened from the view of adjacent properties and streets at the time of planting to a minimum height of 3 feet by the use of berms, walls or plantings.

2) Parking lot screening shall be designed so as to avoid obstructing visibility at intersections from both vehicles in the parking lot and on adjacent streets. A clear sight distance triangle of 25 feet from an intersection shall be established to ensure visibility and safety.

3) 100% of the affected street frontage or property boundary, excluding intersecting driveways, must have the required screening.

4) Structures such as decorative walls or fences may be approved if:

a) The structure avoids a blank and monotonous appearance by such means as architectural articulation and/or the planting of vines, shrubs or trees; or

b) The total use of berms or plantings is not physically feasible; or

c) The structures complement the use of berms or plantings.

5) The reference elevation for the base of the required screen shall be the surface of the parking area that is to be screened.

6) The following maximum grades shall be permitted in the parking lot screen area:

a) Sodded Grass berms shall be 3 feet horizontal for each 1 foot vertical rise; and

b) Planting beds shall be 2 feet horizontal for each 1 foot vertical rise.

7) Where a parking lot is located adjacent to or come in direct contact with any landscaped setback/buffer area required pursuant to subsection 4 above, the landscaped setback/buffer area requirement shall apply and the above parking area screening requirements shall be waived.

b) Parking Area Landscaping:

1) Not less than 6% of the interior of a parking area shall be landscaped. The interior of a parking area shall be calculated by multiplying the number of parking spaces by 280 square feet. Plantings required along the perimeter of the parking area for screening shall not be considered as part of the interior landscaping requirement.

2) Landscaping and planting areas shall be reasonably dispersed throughout the parking area.

3) The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth; in no event shall any such area be less than 60 square feet in area or 8 feet in width. Each area shall be protected by Portland cement concrete vertical curbs or similar structures.

4) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.

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5) In those instances where plant materials exist on a parking area site prior to its development, such materials may be used if approved as meeting the requirements in subsection 6 below.

6) Minimum planting requirements shall be as follows:

a) Medium and large deciduous shade trees – 2 1/2 inch caliper as measured 6 inches above ground.

b) Small deciduous or ornamental trees – 8 feet in height.

c) Conifers – 6 to 8 feet in height.

d) Upright evergreen trees – 8 feet in height.

e) Shrubs shall be a minimum container size of 5 gallons with a minimum mature height of 4 to 6 feet in height. The size of spreader and globe tree form shall be determined by the applicant.

f) Ground cover plants, whether in the form of crowns, plugs or containers, shall be planted in a number as appropriate by species to provide 50% surface coverage after two growing seasons.

g) Seeding for turf and native grass shall be as appropriate to provide complete coverage within the first growing season.

h) Sod shall be used where required or where necessary to provide coverage and soil stabilization.

i) Landscaped open space shall consist of a minimum of 60% living materials; the remaining area may consist of non-living materials such as bark, wood chips, decorative rock or stone or other similar materials.

7) All required landscaping materials, both living and non-living, shall be in place prior to the time of issuance of a final Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to all landscaping be installed prior to the final Certificate of Occupancy being issued.

8) All landscaping shall be maintained in accordance with the following requirements:

a) All landscaping materials depicted on landscaping plans approved by the City shall be considered to be elements of the project in the same manner as parking, building materials and other details. The developer, its successor and/or subsequent owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development. Plant materials which exhibit evidence of insect pests, disease or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. All landscaping will be subject to periodic inspection by the City. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and its agent or agents shall be considered to be in violation of the terms of the Certificate of Occupancy. The Director of Planning and Development is empowered to enforce the terms of this section.

b) (Reserved)

9) Landscaping and screening plans shall include a detailed drawing of enclosure and screening methods as provided hereinafter:

a) Trash enclosures shall be screened from public view on at least 3 sides with a 6 foot solid fence constructed of cedar, redwood, masonry or other compatible building material, and shall be appropriately landscaped.

b) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and meter banks, shall be screened from public view with landscaping or with an architectural treatment compatible with the building structure.

c) All rooftop equipment shall be screened from the public view with an architectural treatment which is compatible with the building architecture.

d) For purposes of this subsection, the phrase screened from public view," means not visible at eye level from an adjoining property line or any street right-of-way.

N) Signage:

1) Sign criteria for each development or each phase of the development shall be submitted for review by the Staff prior to filing an application for final development plan approval. The sign criteria shall address all aspects of signage within the development, or phase of the development, including numbers, types, sizes, shapes and colors of signs to be permitted in the development. The Staff shall make its recommendation concerning the sign criteria to the Plan Commission at the time of consideration of the final development plan. Once the sign criteria has been approved as part of the final development plan, the requirements of the sign criteria shall be enforced by the City in the same manner that it enforces any other sign regulation contained in this ordinance.

2) As a guide for preparing sign criteria for SD developments, the developer should generally refer to sign requirements for the most analogous zoning district in determining the number, types and sizes of signs to be permitted in any sub-district. For purposes of this subsection, the "most analogous zoning district" for each SD sub-district shall be as follows:

a) Sub-district (O), (OH) – District CP-O.

b) Sub-districts (NCR) – District CP-1.

c) Sub-districts (CR) –District CP-2.

3) Except as altered above, the provisions of Section 4-5 of this ordinance shall apply to all SD developments.

O) Procedures for Rezoning to SD and Approval of Development Plans

1) Except to the extent modified by Section 3-12, rezoning to the SD district shall follow the same procedure of other zoning reclassifications as set forth in Article 6 of this ordinance.

2) Preliminary, revised preliminary and final development plans shall be considered and acted upon as set forth in Section 6-3 of this ordinance.

3) Applications for conditional uses, and site plans in support thereof, may be considered as part of the Plan Commission's consideration of any preliminary, revised preliminary or final development plan. Where publication notice and notice to surrounding property owners pursuant to Section 6-3 of this ordinance. is required for consideration of any such plan, the publication notice and notice to surrounding property owners shall include a statement that specified conditionally permitted use(s) are being requested. Applications for conditional uses to be considered separately shall also require a public hearing, pursuant to Section 6-3 of this ordinance Any conditional use approved for a lot or tract covered by a plan shall be so designated on the plan.

P) Planned Zoning Procedures: Except to the extent modified by this Section, the provisions of Section 6-2 pertaining to planned zoning districts shall be applicable to district SD.

Q) 135th Street Corridor Supplemental Provisions (Reserved for future addition/135th Street Study)

1) Purpose Statement (Reserved)

2) Design Guidelines (Reserved)

R) FAR (Floor Area Ratio) Calculations (See Definition and Corresponding Diagram)

S) Definitions: The following definitions are to be used in conjunction with Article 8 of this ordinance. If overlapping of definitions occur the ones specifically included below shall govern in the SD District.

Animal Care, Limited means a use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See also "Kennel".

Assisted Living means multi-family dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Communication Tower means commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

Convalescent Care means an establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

Cultural Service means a facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

Day Care, Commercial means a day care establishment that provides care, protection and supervision for 11 or more individuals at any one time, including those under the supervision or custody of the day care provider.

Day Care, General means a day care center that provides care, protection and supervision for seven to ten individuals at any one time, including those under the supervision or custody of the day care provider.

Day Care, Limited means a day care center that provides care, protection and supervision for six or fewer individuals at any one time, including those under the supervision or custody of the day care provider.

Day Care means an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term includes kindergartens, nursery schools and other similar programs regardless of auspices.

Floor Area Ratio (FAR) means the total square foot of floor area on a zoning lot, divided by the total square feet of lot area of that zoning lot. *Floor area ratio (FAR) is used to impose limits on commercial development intensity. An FAR of 1 allows one square foot of building for each square foot of land use, while an FAR of 4 allows four square feet of building for each square foot of land area. A commercial zone with FAR requirements may also have bulk requirements, such as a 50-percent limit on lot coverage, which would mean that a building in a zone with an FAR of 1 may be a two-story building on half the lot.* The Practice of Local Government Planning.

Funeral Home means an establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Golf Course means a facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See "Recreation and Entertainment, Outdoor."

Government Service means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies and utility billing offices.

Health Club means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

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Heliport or Helipad means an area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

Kennel means boarding, breeding or training facilities for three or more dogs that are more than six months of age, including dogs owned by the occupants of the property. See also "Animal Care, Limited".

Library means a publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

Medical Service means an establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists, blood banks and medical laboratories.

Office, General means an establishment providing executive, management, administrative, or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Parks and Recreation means a park, playground or community facility, owned by or under the control of a public agency or homeowners' association, that provides opportunities for active or passive recreational activities.

Post Office means a facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

Printing and Publication means the production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services. See "Retail Sales and Services."

Recreation and Entertainment, Indoor means an establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theatres, bingo parlors, pool halls, billiard parlors and video game arcades.

Recreation and Entertainment, Outdoor means an establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses.

Religious Assembly means a site used by a religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

Repair Service means an establishment primarily engaged in the provision of repair services to individuals and households but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.

Research Services means an establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production o products used primarily or customarily for sale or for use in non-prototype production operations.

Retail Sales and Service means an establishment engaged in the sale or rental of goods and services, excluding uses more specifically defined.

Safety Service means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School Elementary, Middle or High means the use of a site for instructional purposes on an elementary or secondary level.

Studio, Television or Film means an establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

Vocational School means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School."

Table 3-12A

TABLE OF USES

(Uses)	Special Development Sub-Districts (O), (OH)	(CR)	(NCR)
Residential			
Assisted Living	C	C	C
Medium Density Single Family Residential	C	C	C
Multi-family	C	C	C
Public/Quasi-Public and Commercial			
Adult Entertainment	X	X	X
Animal Care, Limited	X	P	P
Bank or Financial Institution	C	P	P
Bed and Breakfast	C	C	C
Club, Private	C	C	C
College or University	C	C	C
Communication Tower	C	C	X
Convalescent Care	C	P	P
Cultural Service	C	C	C
Delivery Services (Not to include freight transfer, i.e. semi-tractor trailers)	C	P	P
Day Care, Limited (1-6)	A	A	A
Day Care, General (7-10)	C	P	P
Day Care, Commercial (11+)	C	C	C
Funeral Home	C	P	C
Golf Course	C	C	C
Government Service	P	P	P
Health Club	C	P	P
Heliport or Helipad	C	C	X

P = Permitted Use C= Conditional Use A= Accessory Use X= Prohibited Use

(Uses)	(O), (OH)	(CR)	(NCR)
Hospital	C	C	X
Hotel/Motel	C	C	X
Kennel, Indoor (no outside exercise area or dog run)	X	C	X
Library	P	P	P
Medical Service	C	P	P
Office, General	P	P	P
Parks and Recreation	C	C	C
Personal Services	P	P	P
Post Office	C	P	C
Printing and Publishing	C	P	C
Recreation and Entertainment, Indoor (excludes uses in retail Sales and Services)	C	C	C
Recreation and Entertainment, Outdoor	C	C	X
Religious Assembly	C	C	C
Repair Service	X	P	C
Research Service	X	C	C
Retail Sales and Service			
*Appliance Sales/Service	X	P	P
*Art Gallery/Commercial	X	P	P
*Auto Parts Supply	X	C	C
*Auto Service Centers/TBA (Tire, Battery & Accessories)	X	C	C
*Bakery(Retail only)	X	P	P
*Bar/Tavern	X	C	C
*Barber/Beauty Shop	A	P	P
*Boat Sales/Service	X	C	C
*Bicycle Shop	X	P	P
*Book/Stationary/Gift Shop	X	P	P
*Bowling Alley/Center	X	C	C
*Business Services	X	P	P
*Building Materials Sales, Indoor/Totally Enclosed	X	C	X
*Camera Shop/Photographic Studio	X	P	P
*Catalog Center	X	P	P
*Car Wash, Full Service/Totally Enclosed	X	C	X

P = Permitted Use C= Conditional Use A= Accessory Use X= Prohibited Use

(Uses)	(O), (OH)	(CR)	(NCR)
Retail Sales and Service *(continued)*			
*Clothing/Accessory Store	X	P	P
*Computer Sales and Service	X	P	P
*Construction Sales and Service, Indoor/Totally Enclosed	X	C	X
*Convenience Store	X	C	C
*Department Store	X	P	C
*Dry Cleaner	X	P	P
*Drug Store/Health Care Supply	X	P	P
*Electronic Sales and Service	X	P	P
*Flower Shop/Garden Store	X	P	P
*Food Stores, Specialty	X	P	P
*Furniture/Home Furnishings	X	P	C
*Gas Station	X	C	C
*Grocery Store/Supermarket	X	P	C
*Hardware Store	X	P	P
*Home Accessory Shop/Boutique	X	P	P
*Home Remodeling and Light construction Supply/Sales	X	C	C
*Jewelry Store	X	P	P
*Movie Rental/Sales	X	P	P
*Restaurant, Fast Food, Dine In/Carry Out	X	C	P
*Restaurant, General	X	P	P
*Sewing/Fabric Store	X	P	P
*Shoe Store/Repair	X	P	P
*Shopping Center	X	P	C
*Sporting Goods Sales/Rental	X	P	P
*Tailoring/Alterations	X	P	P

P = Permitted Use C= Conditional Use A= Accessory Use X= Prohibited Use

(Uses)	(O), (OH)	(CR)	(NCR)
Retail Sales and Service *(continued)*			
*Toy/Hobby Shop	X	P	P
*Vehicle and Equipment Sales and Service	X	C	X
*BIG BOX RETAIL (OVER 60,000 SQ.FT.)	X	C	X
Public/Quasi-Public and Commercial continued...			
Safety Services	C	P	C
School, Public and Private, Elementary, Middle or High	C	C	C
Studio, Television or Film	C	P	P
Transitional Living Facility	C	P	C
Veterinarian	X	P	P
Vocational School	C	P	C

P = Permitted Use C = Conditional Use A = Accessory Use X = Prohibited Use

Table 3-12B

TABLE OF REGULATIONS

Applicable Regulations	Special Development Sub-Districts (O)	(CR)	(NCR)	(OH)
Minimum lot size	10 acres minimum are required for SD district establishment.	10 acres minimum are required for SD district establishment	10 acres minimum are required for SD district establishment	10 acres minimum are required the SD district establishment
Building setback from residential master planned or zoned property	75 ft. or applicable yard requirement whichever is greater	75 ft. or applicable yard requirements whichever is greater	125 ft. or applicable yard requirement whichever is greater	Same as (O)
Maximum height	6 Stories	50 ft.	40 ft.	none
Maximum floor area ratio without bonuses (with bonuses)	25 (.35)	25	20	35 (.45)
Minimum landscaped open space ratio	25	25	35	25
Minimum front yard	40 ft. or height of building whichever is greater up to maximum of 150 ft.	40 ft. or height of building whichever is greater	40 ft.	Same as (O)
Minimum side yard	40 ft. plus 1 ft. for each 1 ft. of building height in excess of 75 ft., up to maximum of 150 ft.	40 ft.	40 ft.	Same as (O)
Minimum rear yard	40 ft. plus 1 ft. for each 1 ft. of building height in excess of 75 ft., up to maximum of 150 ft.	40 ft.	40 ft.	Same as (O)

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Section 6. "Amendment of the Leawood Development Ordinance" Amended. That section 3-3 of the "Amendment to the Leawood Development Ordinance" is hereby amended to read as follows:

3-3 RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL DIST.)

A) General Purpose and Description: Property zoned and developed as RP-1 Planned Single Family Residential shall be to provide for single family detached dwellings and other selected uses which are compatible with low density residential character of this district. Property zoned RP-1 should be those tracts that correspond to the low density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance.

B) Principal Permitted Uses: In District RP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1) Single Family Dwellings

2) Group Homes as defined herein.

3) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools. (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-1 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 35 feet except that the side yard on street side of corner lot may be 30 feet.

2) Side Setback: 12 feet

3) Rear Setback: 30 feet except that when structure is placed at approximately a 45 degree angle toward street then irregular lot setbacks shall apply.

4) Irregular Lot Setbacks: On lots bounded by two intersecting streets, irregular rear property line or of other than generally rectangular shape the rear yard setback shall average a distance of 30 feet. This setback shall be determined by extending the sidewalls of the structure to the rear property line and calculating the square footage within the area between the rear walls, the side extensions and the rear property line(s). This figure will then be divided by the distance between the extended sidewall lines. This will give the average depth of the area enclosed and this must be equal to or greater than 30 feet. In no case shall the structure be located less than 12 feet from any property line.

5) Lot Area: 12,000 square feet per dwelling

6) Lot Frontage: 100 feet

7) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color, nor shall any existing single family residence be altered in such away as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way) as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) Gerard Tile and other stone-coated steel roofing tile meeting the same characteristics shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed buttend of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

Section 7. "Amendment to the Leawood Development Ordinance" Amended. That Section 3-4 of the "Amendment to the Leawood Development Ordinance" is hereby amended to read as follows:

3-4 RP-2 (PLANNED TWO FAMILY RESIDENTIAL DISTRICT)

A) General Purpose and Description: Property zoned and developed as RP-2 Planned Two Family Residential shall be to provide for duplexes (two family attached dwelling units) and other selected uses which are compatible with medium density residential character of this district. Property zoned RP-2 should be those tracts that correspond to the Medium Density land use category identified in the Master Development Plan and that meet the intent and objectives of Planned District Requirements in Section 6-2.1 of this ordinance. Two family dwellings which otherwise comply with the codes and ordinances of the City of Leawood may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownerships shall not constitute violation of the lot and yard requirements of this ordinance.

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B) Principal Permitted Uses: In District RP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:

1) Two Family Dwellings

2) Group Homes as defined herein

3) Single Family dwellings when incorporated with a planned two family project

4) The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the Governing Body:

a) Athletic Fields

b) Cemeteries

c) Community center buildings

d) Convents, when a part of a school or church complex

e) Fire station

f) Libraries

g) Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon

h) Parks, playgrounds and other recreational areas of municipal ownership

i) Police stations

j) Swimming pools (municipal)

k) Other municipal facilities

C) Accessory Uses: (See Section 4-1 of this ordinance.)

D) Special Uses: (See Section 4-3 of this ordinance.)

E) Temporary Uses: The following use shall be permitted as a temporary use in the RP-2 District in accordance with Section 2-4.4 of this ordinance.

1) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Director of Planning and Development.

2) Sales office

3) Model homes

F) Bulk Regulations:

1) Front Setback: 30 feet

2) Side Setback: 10 feet

3) Rear Setback: 30 feet

4) Lot Area: 6,000 square feet/dwelling unit

5) Lot Frontage: 100 feet

6) Height Limit: 2 1/2 stories

G) Parking Requirements: Refer to individual parking group in Section 4-4 of this ordinance. No single family residence or two family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for 2 standard passenger vehicles per unit in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence or two family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

H) Signs: (See Section 4-5 of this ordinance.)

I) Landscaping and Screening Requirements: Single family and two family dwellings shall maintain a minimum of 25% of lot area (exclusive of right-of-way)as a permeable and uncovered surface that contains living material. All land areas which are to remain unpaved and not covered by buildings shall be brought to finish grade and sodded except those areas receiving other landscaping materials. (For additional requirements see Section 4-6 of this ordinance.)

J) Sewage Disposal: Connection to a sanitary sewer system with treatment plant is required.

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

1) Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade

b) Wood Shakes:

1) Number 1 or 2 grade

2) Minimum 1/2 inch thickness measured at butt

c) Slate

d) Clay Tile

e) Concrete Tile

f) Other Tile

1) Synthetic slate within similar color range of slate, clay or concrete tile.

2) Gerard Tile and other stone-coated steel roofing tile meeting the same characteristics shall be limited to the following colors:

A) Chestnut

B) Driftwood

C) Mahogany

3) Other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council provided that all building code requirements are met.

g) Laminated Composition Shingles:

1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.

2) Required to be installed with sheet metal valleys and flashings.

3) Required to be installed with preformed ridge shingles.

4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

5) Must use a minimum of five (5) color blend granules.

6) Required to be placed on solid decking. All existing roofing materials shall be removed down to the stringers and/or 1/4's.

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap creating the shadow line or individual thickness of the ply of roof material.

8) Required to be U.L. Class A fire rated material.

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

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

L) Type of Construction - Residential Design Manufactured Homes: Exterior walls of all residential design manufactured homes shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal or glass.

1) All residential design manufactured homes shall have a minimum of 1200 square feet of main floor area, excluding any attached garage or porch, and the longest exterior dimension of the body shall be not more than 2 1/2 times the shortest exterior dimension.

2) The exterior siding must be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Non-masonry siding material shall extend below the top of the exterior foundation or curtain wall and the joint shall be flashed in accordance with the city building codes.

3) All residential design manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer and city building codes. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation. A continuous, permanent masonry or concrete foundation, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

4) The home shall have an attached two car garage.

5) Roofing shall be the same as for single family dwellings as stated in subsection K.

Section 8. "Amendment to the Leawood Development Ordinance" Amended. That Section 4-4 of the "Amendment to the Leawood Development Ordinance" is hereby amended to read as follows:

4-4 OFF-STREET PARKING, STORAGE, LOADING REGULATIONS AND PARKING LOT DESIGN STANDARDS

4-4.1 General Purpose

The provisions of this section shall apply to uses within all zoning districts of the City of Leawood. No such use shall be commenced, expanded, or enlarged in any manner unless the off-street parking and loading provisions are complied with as required in this section.

4-4.2 Site Development Plan Required

A site development plan shall be submitted and approved by the Plan Commission prior to the construction or creation of any parking lot or the expansion of any existing parking lot in accordance with the provisions of Section 6-2 of this ordinance.

4-4.3 Computation of Off-Street Parking and Loading Requirements

The following provisions shall govern the computation of required off-street parking and loading spaces:

1) Where computation of required off-street parking spaces results in a fractional number, the required spaces for the use shall be the next higher whole number.

2) Where more than one use is established on a single lot, the off-street parking and loading requirements for the lot shall be the sum of the separate requirements for each use established on the lot.

3) No building or structure shall be erected or structurally altered, nor shall any land be used, for any purpose, without provision for off-street parking and loading as required by this section.

4) Where a lawful use exists at the time of adoption of this ordinance that is deficient in the provision of required off-street parking, any new use hereafter established in its place shall conform to the parking requirements of this ordinance.

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4-4.4 Location of Required Parking and Loading Spaces

All off-street parking and loading spaces required by this ordinance shall be located on the same lot as the use for which such spaces are required, with the following additional regulations and exceptions:

1) Required off-street parking and/or loading spaces shall not be located upon any public right-of-way unless specifically authorized and approved by the Plan Commission and Governing Body.

2) Where, within an office, commercial, or industrial district, an increase in the number of off-street parking spaces is required by an alteration, enlargement, or change of a use, the required off-street parking spaces may be located no farther than 300 feet from the use(s) they serve. Whenever off-street parking is required and cannot be provided within the principal building or upon the same lot as the principal building and is located on another parcel or property as permitted in this section, such parcel or property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the use within the principal building. If and when such use would expire, the required off-street parking for a new use within the principal building would be evaluated on its own merit.

3) Off-street loading spaces shall be located only on the side or rear of buildings, but not in required yard areas. Location of loading spaces shall be approved in accordance with the provisions of Section 6-2 of this ordinance.

4-4.5 Off-Street Loading Space Requirements

1) The required number of off-street loading spaces for truck and/or other bulk pickup or deliveries shall be determined through the plan review process.

2) Such loading and unloading space(s) shall be an area of adequate size for the type of building use as approved by the Plan Commission and must be able to accommodate vehicles entirely off street rights-of-way. Area for ample turnaround space and maneuvering must be allotted so that all vehicle/truck activity shall be accommodated entirely on-site and without interference with traffic movements either on or off-site. Vehicles shall not be allowed to back onto or off of street rights-of-way.

3) The location of off-street loading space(s) for a building must be in accordance with Section 4-4.4 above.

4) Such loading space(s) shall be permanently surfaced of either asphaltic concrete or Portland cement concrete and have direct access from a permanently surfaced drive of the same. Where turnaround for truck/vehicle traffic is required, such turnaround space must also be permanently surfaced of the same.

5) No building or structure shall be erected or structurally altered significantly, nor shall any land be used for any purpose without, provision for off-street loading as required by this section.

6) When off-street loading is required, such loading space(s) shall be provided at the time of erection, alteration, establishment, or addition of any building, structure, or use of the land. The timing of such loading requirements may be extended by the Director of Planning and Development for a period not to exceed 6 months due to weather conditions provided that adequate surety for such improvements has been made.

7) Loading space(s) shall be screened in accordance with Section 4-6 of this ordinance.

8) Required off-street loading space(s) shall not be used for storage and shall be open for its function at all times.

9) The provision of off-street loading space(s) shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street loading requirements of this section to discontinue, reduce, or dispense with (or cause same) the required off-street loading space(s) as established by this section. Should an existing building change use, the size of the loading and unloading space(s) shall be reevaluated as to adequacy in regard to the new use and thereafter altered as necessary.

10) Further, any off-street loading space(s) not required by this section, but which is voluntarily provided, shall observe all requirements of this section in the development of such loading space(s).

4-4.6 Special Provisions for Off-Street Parking and Storage of Vehicles in Residential District

A) Statement of Intent. In order to avoid the obstruction of public streets and sidewalks, improve traffic visibility, insure the provision of necessary light and air to residential dwellings, and maintain the visual harmony and character deemed appropriate in residential neighborhoods within the City, it is the intent of this ordinance that the provisions of this section should be narrowly construed so as to prohibit any parking or storage of vehicles on residential lots except as clearly and specifically authorized herein. The provisions of this Section shall govern the off-street parking or storage of vehicles as an accessory use to any permitted residential use, and no such accessory off-street parking or storage of vehicles shall be permitted except in conformance with these provisions.

B) Definitions. The following definitions shall govern the interpretation of this Section.

1) "Truck". Any self-propelled motor vehicle, designed for or used for the transportation or delivery of freight and merchandise, with a gross weight in excess of three-quarter ton.

2) "Bus". A self-propelled motor vehicle, designed for or used for the transportation of passengers, exceeding any of the following: 25 feet in overall length, or 8 feet in height, or gross weight of 3,000 pounds per axle.

3) "Trailer". A vehicle without motive power designed for (1) the carrying of property, trash or debris, or (2) containing living quarters, and exceeding 25 feet in length, 8 feet in height, or gross weight of 3,000 pounds per axle.

4) "Recreational Vehicles". Any unit less than 22 feet in width designed for recreation, living, or sleeping purposes, permanently equipped with wheels or permanently placed upon a wheel device for the purpose of transporting from place to place. This shall include but is not limited to camping trailers, campers, tent trailers, motor homes, tent campers, buses, and boats.

5) "Storage". The substantially uninterrupted placement on a residential lot of any vehicle for any consecutive period of time exceeding 48 hours.

6) "Parking". The placement on a residential lot of a vehicle for any substantially uninterrupted period of time not exceeding 48 hours.

7) "Driveway". A hard drivable surfaced area of either concrete or asphalt upon which vehicles are driven from the street to their respective garages.

8) "Pad". A hard drivable surfaced area of either concrete or asphalt used to park or store vehicles off to the side of driveways but connected thereto so as not to conflict with the daily use of the driveway.

C) Standards Governing the Parking and Storage of Trucks, Buses, Trailers and Recreational Vehicles in Residential Districts (to include Residential Uses in an Agricultural District).

1) Parking of Trucks, Buses, and Trailers. No person shall park any of the named vehicles in Section 4-4.6 (B) on any street of the City, or upon any lot, improved or unimproved, in a residential area of the City except for the purpose of making a delivery or pickup, and except for parking of recreational vehicles as provided herein.

2) Parking and Storage of Recreational Vehicles. Parking and storage of recreational vehicles as defined in Section 4-4.6 (B) of this ordinance shall be allowed in single family residential districts upon residential lots provided that:

(a) Parking and storage of recreational vehicles shall be limited to asphalt or concrete pads.

(b) Storage shall be limited to pads adjacent and connected to the driveway or in the case of rear yard parking or storage such pad shall be permanently connected to the driveway with an asphalt or concrete drive.

(c) Storage on the residential driveway shall be prohibited except for corner lots where a separate driveway is provided off of the street on the other street frontage specifically for the purpose of storage which does not interfere with the residential parking of passenger vehicles.

3) Parking and Storage of Recreational Vehicles in Other Districts. Parking and storage of recreational vehicles in other districts shall be prohibited except when approved by the Plan Commission and Governing Body as part of a site development plan approval process. Such request shall be made on application furnished by the Department of Planning and Development.

4) Parking Yards or Parkways. In areas which are residentially zoned, no parking shall be permitted in the front, rear, or side yard except that parking of motor vehicle-passenger cars, truck 3/4 ton or less, and motorcycles shall be permitted on the hard surfaced driveways of single family residences.

4-4.7 Off-Street Parking Requirements in Office, Commercial, and Industrial Districts

A) Off-Street Parking.

1) No building or structure shall be erected or structurally altered significantly, nor shall any land be used for any purpose, without provision for off-street parking as required by this section.

2) Required off-street parking spaces shall not be used for storage and shall be open for their function at all times.

3) The provision of off-street parking shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking requirements of this section to discontinue, reduce, or dispense with (or cause same) the required off-street parking as established by this section.

4) Off-street parking space(s) shall be screened in accordance with the approved development plan.

5) The location and size of off-street parking space(s) shall be in accordance with Section 4-4.10, Parking Lot Design Standards, and shall include the requirements for handicapped parking as stated in Section 4-4.9 of this ordinance. Required yard setbacks shall be complied with for each individual district.

6) Further, any off-street parking space(s) not required by this section but which is voluntarily provided shall observe all requirements of this section in the development of such parking space(s).

B) Improvement of Parking Areas.

1) All parking areas shall be ready for use upon occupying a building and shall be surfaced with not less than 6 inches of rolled stone base and 3 inches of hot mix asphaltic wearing surface or equivalent strength full thickness hot mix asphalt or Portland cement concrete prior to the issuance of an occupancy permit, unless special permission is granted by the Director of Planning and Development due to weather conditions that are not satisfactory for placing materials.

2) Ingress and egress shall be by means of paved driveways not exceeding 35 feet in width except as otherwise approved on the development plan by the Plan Commission. Head-in parking from any public right-of-way shall not be permitted.

3) Parking lot lighting shall be so arranged as to direct light away from any adjacent premises in a residential district and shall be of a design that the source of illumination shall not be visible from off the premises.

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4) All parking lots and drives leading thereto shall have curbs and drainage facilities approved by the City Engineer.

5) No signs shall be permitted except those necessary for the orderly parking thereon. Not more than 1 sign with maximum area of 6 square feet shall be permitted at each entrance to identify such parking area and present any regulations governing same. Signs identifying reserved parking shall first be approved by the Plan Commission as part of an overall sign concept and shall include complimentary materials to the building it serves. For additional information see Section 4-5 Sign Regulations.

6) The Plan Commission may require that a parking area be screened on any side where it may adversely affect adjacent property.

C) Maintenance of Parking Areas.

The maintenance of parking areas shall be a continuing obligation of the owner of the real estate on which parking areas are located. Maintenance of parking areas shall include: 1) the proper filling and sealing of pot holes and cracks; 2) the replacement of deteriorated parking sections; 3) the repainting of striping identifying the individual parking spaces; 4) the overlaying with asphalt of deteriorating sections or entire lots; 5) the reconditioning or replacement of lot signage, lighting, or screening; and 6) the removal of trash and debris from the lot including the drainage structures so as not to hinder water flow. The Director of Planning and Development, upon finding that inadequate maintenance is occurring on any parking area, shall notify the owner of such finding and shall require the deficiencies corrected to the Director's satisfaction within a reasonable time but not to exceed 60 days from written notification.

4-4.8 Required Off-Street Parking Numbers

A) Spaces Required by Zoning District.

See Table 4-4.8A, next page.

Table 4-4.8A

SPACES REQUIRED

Zoning District	Required Off-Street Parking Numbers
Agricultural	
AG	2 totally enclosed garage spaces
Residential	
R-A	2 totally enclosed garage spaces
R-1	2 totally enclosed garage spaces
RP-1	2 totally enclosed garage spaces
RP-2	2 totally enclosed garage spaces
RP-3	2/DU
RP-4	Same as R-1
Commercial	
CP-O	5/1000 square feet-Not in required front yard
CP-1	5/1000 square feet
CP-2	5/1000 square feet
BP	3/1000 square feet for mixed office & warehouse
PI	1/5000 square feet leasable (minimum)
SD	Determined by Plan Commission & Governing Body
Recreational	
REC	Determined by Plan Commission & Governing Body

B) Additional Parking Regulations

Off-street parking shall be provided by the requirements specified under the appropriate zoning district, as listed above. For any pad site or individual land parcel containing the following uses, the corresponding number of spaces shall be required as established herein. Those uses not included in this section shall be assigned a parking ratio by the Plan Commission.

C) Land Use Number of Spaces Required[3]

1) Art Gallery. 1 per 500 square feet gross area.

2) Auditorium. 1 for every 4 permanent seats plus 1 per 100 square feet area devoted to assembly use. Without permanent seating 1 per 50 square feet floor area devoted to assembly use.

3) Automobile Service Station. 3 spaces plus 1 space for each service bay.

4) Beauty Parlor. 5 per 1000 square feet gross area.

5) Bed & Breakfast. 1 per guest room plus 2 per owners requirement.

6) Bowling Alleys. 5 spaces for each alley plus additional spaces for affiliated uses.

7) Churches & Synagogues. 1 space for each 3 permanent seats.

8) Convenience Store. 5 per 1000 square feet gross area.

9) Convalescent & Nursing Homes. 1 space for each 2 beds.

10) Day Care Center. 1.5 per employee on maximum shift.

11) Discount Store. 3.57 per 1000 square feet leasable area 3.40 per 1000 square feet leasable area

12) Elementary/Jr./High School. 1 space for each teacher and staff member.

13) Express Delivery Service. 1 per employee plus 1.5 per delivery vehicle.

14) Fast Food Restaurant. 1 space for each 4 permanent seats plus 1 space for each employee on maximum shift plus 1 per 50 square feet floor with drive devoted to customer service.

15) Funeral Home. 1 per 100 square feet of viewing area or other public area.

16) Furniture Store. 1 per 400 square feet floor area accessible to general public.

17) Golf Course. 50 spaces for each 9 holes.

18) Greenhouse (Commercial). 1 space for each 200 square feet of contributing floor area.

19) Group Home. 1 per resident.

20) Health Club. 1 per 100 square feet plus 1 per employee on maximum shift.

21) Hospitals. 0.35 spaces per bed plus 0.95 spaces per doctor and 0.35 spaces per employee.

22) Hotels & Motor Hotels. 1 space per bedroom plus 1 space per employee. Restaurants & meeting rooms included in the hotel shall provide an additional parking space for each 4 seats of seating capacity.

23) Movie Theater. 1 for each 3 permanent seats plus 1 per employee on maximum shift.

24) Private, Commercial & Trade Schools. 1 space for each 100 square feet of contributing floor area.

25) Research Center. 3 per 1000 square feet.

26) Restaurant. 1 space for each 50 square feet of seating area plus 1 space for each remaining 300 square feet of contributing floor area.

27) Retirement Community. .27 per dwelling unit (weekday) and 1 per dwelling unit (Sunday).

28) Swim Club. 10 per employee (Saturday).

29) Taverns. 1 space for each employee plus 1 for each 2 seats or building capacity calculated by Building Code Standards.

30) Veterinarian Office. 1 for each employee plus 1 per 100 square feet floor area accessible to public.

4-4.9 Handicapped Parking Space Requirements

Parking facilities shall be provided for physically handicapped persons according to the following regulations, for the exclusive use of vehicles which display a distinguishing license plate or placard issued pursuant to Kansas Statutes K.S.A., and shall be established in accordance with the following standards.

1) All off-street parking facilities shall provide parking for physically handicapped persons, except those parking facilities maintained in conjunction with single-family or two-family residential units and owner-occupied townhouse developments where parking is assigned.

2) The number of handicapped parking spaces required shall be determined in accordance with the following table:

Table 4-4.9A

SPACES REQUIRED

Parking Capacity	Required Off-Street Parking Numbers
Up to 25	1 space
26 - 50	2 spaces
51+	2 plus 1 for each 200 over 50

3) The parking space shall be indicated by the posting of a sign upon which shall be the international symbol of accessibility in white on a blue background and which may include appropriate wording to further identify the space. Sign dimensions and height shall be in accordance with ANSI Standards and Regulations.

4) Such space shall be located as close as possible to the nearest accessible entrance and, if possible, be located so that no traffic or parking lane (or other similar obstacle) must be crossed to get from the space to the entrance.

5) Such spaces shall be a minimum of 12 feet by 19 feet in area, with an unobstructed access aisle on one or both sides, the purpose of which is to provide unimpeded ingress and egress for handicapped persons.

4-4.10 Parking Lot Design Standards

A) Parking Space Dimensions.

1) Each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

2) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.

B) Required Widths of Parking Area Aisles and Driveways.

1) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Table 4-4.9B

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[3] All land uses included herein shall provide 1 space/employee on the maximum shift plus additional spaces as provided in the list above.

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AISLE WIDTHS

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One-way Traffic	13'	13'	15'	18'	25'
Two-way Traffic	20'	20'	24'	24'	25'

2) Driveways shall be not less than 12 feet in width for one-way traffic and 20 feet in width for two-way traffic.

C) General Design Requirements.

1) Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street.

2) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

3) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

4) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

D) Joint Use of Required Parking Spaces.

1) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

2) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

E) Special Provisions For Lots With Existing Buildings.

1) Notwithstanding any other provisions of this section, whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this section, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the parking requirements of Section 4-4.8 of this ordinance that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 4-4.8 of this ordinance to the extent that parking space is practicably available on the lot where the development is located.

Section 9. Existing Sections Repealed. That existing Sections 2-4, 2-6, 3-5, 3-6, and 3-12 of the "Leawood Development Ordinance" and Sections 3-3, 3-4, and 4-4 of the "Amendment to the Leawood Development Ordinance" are hereby repealed. (Prior law: Sections 3-3 and 3-4, Ordinance No. 1415; Section 3-12, Ordinance No. 1635.)

Section 10. 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 February, 1998.

Approved by the Mayor the 17th day of February, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1707 C

AN ORDINANCE AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO STREET TREES, AND REPEALING EXISTING SECTIONS.

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

Section 1. Code Amended. That Section 13-403 of the Code of the City of Leawood is hereby amended to read as follows:

13-403. SAME; SPACING. The minimum spacing of street trees shall be 15 feet for small trees, 30 feet for medium trees, and 40 feet for large trees.

Section 2. Code Amended. That Section 13-404 of the Code of the City of Leawood is hereby amended to read as follows:

13-404. PLACEMENT OF TREES. No street tree shall be planted:

(a) Closer than five feet from any street pavement or curbline, however, this requirement shall not be applicable to trees presently in place or trees planted to replace trees in place prior to the enactment of this ordinance;

(b) Within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines;

(c) Within 10 feet of any fire hydrant;

(d) Under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility, with the exception of small ornamental trees.

Section 3. Code Amended. That Section 13-406 of the Code of the City of Leawood is hereby amended to read as follows:

13-406. TREE-TOPPING UNLAWFUL; EXEMPTION. It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, part tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Parks Supervisor.

Section 4. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 13-412 to read as follows:

13-412. ENFORCEMENT AUTHORITY. The Planning and Development Department's code enforcement officers, in cooperation with and on the recommendations of the Parks and Recreation Department, will be responsible for enforcement of this Article.

Section 5. Existing Sections Repealed. That existing Sections 13-403, 13-404, and 13-406 of the Code of the City of Leawood are hereby repealed.

Section 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 19th day of January, ~~1997~~ 1998.

Approved by the Mayor the 19th day of January, ~~1997~~ 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

ORD1707C

Publication Fees: $25.82

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1707C--2/3/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

February 4, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1707 C

First published in The Legal Record, Tuesday, February 3, 1998.

ORDINANCE NO. 1707 C

AN ORDINANCE AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO STREET TREES, AND REPEALING EXISTING SECTIONS.

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

Section 1. Code Amended. That Section 13-403 of the Code of the City of Leawood is hereby amended to read as follows:

13-403. SAME; SPACING. The minimum spacing of street trees shall be 15 feet for small trees, 30 feet for medium trees, and 40 feet for large trees.

Section 2. Code Amended. That Section 13-404 of the Code of the City of Leawood is hereby amended to read as follows:

13-404. PLACEMENT OF TREES. No street tree shall be planted:
(a) Closer than five feet from any street pavement or curbline, however, this requirement shall not be applicable to trees presently in place or trees planted to replace trees in place prior to the enactment of this ordinance;
(b) Within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines;
(c) Within 10 feet of any fire hydrant;
(d) Under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility, with the exception of small ornamental trees.

Section 3. Code Amended. That Section 13-406 of the Code of the City of Leawood is hereby amended to read as follows:

13-406. TREE-TOPPING UNLAWFUL; EXEMPTION. It shall be unlawful as a normal practice for any person, firm or city department to top any street trea, part tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Parks Supervisor.

Section 4. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 13-412 to read as follows:

13-412. ENFORCEMENT AUTHORITY. The Planning and Development Department's code enforcement officers, in cooperation with and on the recommendations of the Parks and Recreation Department, will be responsible for enforcement of this Article.

Section 5. Existing Sections Repealed. That existing Sections 13-403, 13-404, and 13-406 of the Code of the City of Leawood are hereby repealed.

Section 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 19th day of January, ~~1998~~ 1998.

Approved by the Mayor the 19th day of January, ~~1998~~ 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn — Mayor

Attest:

Martha Heizer
Martha Heizer — City Clerk

APPROVED FOR FORM:
(S) Netzler
City Attorney

$25.82

ORDINANCE NO. 1706 C

AN ORDINANCE REPEALING SECTION 4-709 OF THE CODE OF THE CITY OF LEAWOOD; REPEALING EFFECTIVE SCOPE OR SUNSET CLAUSE OF ORDINANCE REGULATING THE CUTTING OF WEEDS AND VEGETATION.

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

Section 1. Repeal of Existing Section. That existing Section 4-709 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1646C)

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 19th day of January, 1998.

Approved by the Mayor the 19th day of January, 1998.

(S E A L)

Peggy J. Dunn Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

ORD1706C

Publication Fees: $11.45

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1706C--1/20/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 21, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1706 C

First published in The Legal Record, Tuesday, January 20, 1997.

ORDINANCE NO. 1706 C

AN ORDINANCE REPEALING SECTION 4-709 OF THE CODE OF THE CITY OF LEAWOOD; REPEALING EFFECTIVE SCOPE OR SUNSET CLAUSE OF ORDINANCE REGULATING THE CUTTING OF WEEDS AND VEGETATION.

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

Section 1. Repeal of Existing Section. That existing Section 4-709 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1646C)

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 19th day of January, 1998.

Approved by the Mayor the 19th day of January, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

$11.45

ORDINANCE NO. 1705

AN ORDINANCE GRANTING A "RIGHT-OF-WAY GRANT AND CANCELLATION OF EXISTING RIGHT-OF-WAY GRANT" TO PANHANDLE EASTERN PIPE LINE COMPANY FOR AN EASEMENT IN THE BI-STATE BUSINESS PARK.

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 Grant and Cancellation of Existing Right-of-way Grant" to Panhandle Eastern Pipe Line Co. for an easement in the Bi-State Business Park, hereinafter more particularly described, to wit:

Tract "A" - The West 60 feet of Lots 30, 31 and 32, "Bi-State Business Park", a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Southwest corner of said Lot 30; thence North 0°06'21" West 615.76 feet, along the West line of said Lots 30, 31, and 32, said line also being the East right-of-way line of Kenneth Road, as now established, to the Northwest corner of said Lot 32; thence South 89°56'13" East 60.00 feet, along the North line of said Lot 32; thence South 0°06'21" East 615.58 feet to a point on the South line of said Lot 30; thence South 89°59'18" West 60.00 feet, along said South line, to the "point of beginning" of the tract herein described, containing 36,943 square feet or 0.85 acres, more or less.

Subject to all easements and restrictions of record.

Section 2. That a copy of said grant 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 January, 1998.

Approved by the Mayor the 19th day of January, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

ORD1705

Publication Fees: $16.18

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1705--1/20/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 21, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 1705

First published in The Legal Record, Tuesday, January 20, 1997.

ORDINANCE NO. 1705

AN ORDINANCE GRANTING A "RIGHT-OF-WAY GRANT AND CANCELLATION OF EXISTING RIGHT-OF-WAY GRANT" TO PANHANDLE EASTERN PIPE LINE COMPANY FOR AN EASEMENT IN THE BI-STATE BUSINESS PARK.

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 Grant and Cancellation of Existing Right-of-way Grant" to Panhandle Eastern Pipe Line Co. for an easement in the Bi-State Business Park, hereinafter more particularly described, to wit:

Tract "A" - The West 60 feet of Lots 30, 31 and 32, "Bi-State Business Park", a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Southwest corner of said Lot 30; thence North 0°06'21" West 615.76 feet, along the West line of said Lots 30, 31, and 32, said line also being the East right-of-way line of Kenneth Road, as now established, to the Northwest corner of said Lot 32; thence South 89°56'13" East 60.00 feet, along the North line of said Lot 32; thence South 0°06'21" East 615.58 feet to a point on the South line of said Lot 30; thence South 89°59'18" West 60.00 feet, along said South line, to the "point of beginning" of the tract herein described, containing 36,943 square feet or 0.85 acres, more or less.

Subject to all easements and restrictions of record.

Section 2. That a copy of said grant 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 January, 1998.

Approved by the Mayor the 19th day of January, 1998.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn — Mayor

Attest:

Martha Heizer
Martha Heizer — City Clerk

APPROVED FOR FORM:

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

$16.18

ORDINANCE NO. 1704

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN LEAWOOD SOUTH PARK CURRENTLY LEASED BY THE CITY AND PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF A FIRE STATION THEREON; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS OF SUCH FIRE STATION, PURSUANT TO THE PROVISIONS OF K.S.A. 12-1736 ET SEQ., AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE FIRE STATION PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas (the "City") has previously executed, entered into and delivered that certain Lease Agreement dated as of April 1, 1995, as amended (the "Lease") between Merlyn P. McMorris and Larry D. Parsons, Trustees under a Trust Agreement dated December 13, 1977, lessors, and the City, as lessee, to enable the City to acquire certain real property for park and other City purposes (the "South Park Property"); and

WHEREAS, the Lease provides that the City may acquire a portion of the South Park Property to be used as a site for a new fire station to serve the City (the "Fire Station Site"); and

WHEREAS, K.S.A. 12-1736 provides that any city may procure a site and acquire and construct a public building or buildings thereon and furnish and equip the same and issue bonds of the city to provide funds for such purpose; and

WHEREAS, the Governing body finds and determines that it is necessary and desirable to acquire the Fire Station Site and acquire, construct and install a new fire station thereon, including parking facilities and access roads and furnish and equip the same (the "Fire Station Project"), and to provide for payment of the costs thereof as provided by and under the authority of K.S.A. 12-1736 et seq. (the "Act"); and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to the Fire Station Project.

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

Section 1. It is hereby deemed and declared to be necessary and desirable that the City acquire, construct and install the Fire Station Project, and it is hereby authorized, ordered, and directed that the City undertake the said Fire Station Project under the authority of the Act.

That the City is hereby authorized to exercise the option to purchase the Fire Station Site pursuant to the Lease. The Mayor and City Clerk of the City and other officers of the City are hereby authorized to take all action necessary to effect the purchase of the Fire Station Site on behalf of the City.

Section 2. The total estimated cost of the above Fire Station Project, including construction, engineering fees, inspection, financing costs and contingencies, is $3,195,000 and shall be chargeable to the City at large and may be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-1737.

Section 3. That the costs incurred in connection with the Fire Station Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Fire Station Project shall be permanently financed with the proceeds of the sale of general obligation bonds of the City in an amount not to exceed $3,195,000.

Section 4. That to the extent the City shall pay all or any portion of the costs of the Fire Station Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditure out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditures with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Fire Station Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the city on every business day until the date of issuance of bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amounts of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Fire Station Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual prior expenditure being

reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect and be of force from and after its passage and approval and publication once in the official city newspaper.

PASSED by the Governing Body this 19th day of January, 1998.

APPROVED by the Mayor this 19th day of January, 1998.

(SEAL)

Peggy J. Dunn, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED AS TO FORM

R. S. Wetzler, City Attorney

169915

ORD1704

Publication Fees: $47.32

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1704--1/20/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 21, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$47.32

ORDINANCE NO. 1704

First published in The Legal Record, Tuesday, January 20, 1997.

ORDINANCE NO. 1704

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN LEAWOOD SOUTH PARK CURRENTLY LEASED BY THE CITY AND PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF A FIRE STATION THEREON; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS OF SUCH FIRE STATION, PURSUANT TO THE PROVISIONS OF K.S.A. 12-1736 ET SEQ., AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE FIRE STATION PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas (the "City") has previously executed, entered into and delivered that certain Lease Agreement dated as of April 1, 1995, as amended (the "Lease") between Merlyn P. McMorris and Larry D. Parsons, Trustees under a Trust Agreement dated December 13, 1977, lessors, and the City, as lessee, to enable the City to acquire certain real property for park and other City purposes (the "South Park Property"); and

WHEREAS, the Lease provides that the City may acquire a portion of the South Park Property to be used as a site for a new fire station to serve the City (the "Fire Station Site"); and

WHEREAS, K.S.A. 12-1736 provides that any city may procure a site and acquire and construct a public building or buildings thereon and furnish and equip the same and issue bonds of the city to provide funds for such purpose; and

WHEREAS, the Governing body finds and determines that it is necessary and desirable to acquire the Fire Station Site and acquire, construct and install a new fire station thereon, including parking facilities and access roads and furnish and equip the same (the "Fire Station Project"), and to provide for payment of the costs thereof as provided by and under the authority of K.S.A. 12-1736 et seq. (the "Act"); and

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to the Fire Station Project.

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

Section 1. It is hereby deemed and declared to be necessary and desirable that the City acquire, construct and install the Fire Station Project, and it is hereby authorized, ordered, and directed that the City undertake the said Fire Station Project under the authority of the Act.

That the City is hereby authorized to exercise the option to purchase the Fire Station Site pursuant to the Lease. The Mayor and City Clerk of the City and other officers of the City are hereby authorized to take all action necessary to effect the purchase of the Fire Station Site on behalf of the City.

Section 2. The total estimated cost of the above Fire Station Project, including construction, engineering fees, inspection, financing costs and contingencies, is $3,195,000 and shall be chargeable to the City at large and may be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-1737.

Section 3. That the costs incurred in connection with the Fire Station Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Fire Station Project shall be permanently financed with the proceeds of the sale of general obligation bonds of the City in an amount not to exceed $3,195,000.

Section 4. That to the extent the City shall pay all or any portion of the costs of the Fire Station Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditure out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditures with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Fire Station Project, other than pursuant to the issuance of temporary notes or the bonds. This Ordinance, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the city on every business day until the date of issuance of bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amounts of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Fire Station Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Ordinance shall take effect and be of force from and after its passage and approval and publication once in the official city newspaper.

PASSED by the Governing Body this 19th day of January, 1998.

APPROVED by the Mayor this 19th day of January, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM

R.S. Wetzler, City Attorney

ORDINANCE NO. 1703

AN ORDINANCE REZONING PROPERTY, SEVERAL TRACTS (VILLAGE ASSOCIATES - SPEARS PROPERTY), LOCATED AT APPROXIMATELY THE NORTHEAST CORNER OF 115TH STREET AND ROE AVENUE AND NORTHEAST TO COLLEGE BOULEVARD; 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:

DESCRIPTION (TRACT 2):

All that part of the NE1/4 of Section 16, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 800.00 feet, to the True Point of Beginning; thence continuing N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 43.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right having a radius of 1550 feet, a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left having a radius of 600 feet, a distance of 471.03 feet; thence Southeasterly, along a curve to the right having a radius of 200 feet and whose initial tangent bearing is S 79° 06' 27" E, a distance of 80.66 feet, to a point of tangency; thence S 56° 00' 00" E, a distance of 50.00 feet, to a point of curvature; thence Southeasterly, Easterly, Northeasterly and Northerly, along a curve to the left having a radius of 200 feet, a distance of 470.59 feet; thence S 88° 06' 25" E, a distance of 252.74 feet; thence Southerly, Southwesterly, Westerly and Northwesterly, along a curve to the right having a radius of 450 feet and whose initial tangent bearing is S 3° 43' 03" E, a distance of 946.25 feet; thence S 87° 48' 29" W, a distance of 1150.56 feet; thence Northerly and Northeasterly, along a curve to the right having a radius of 425 feet and whose initial tangent bearing is N 4° 25' 56" E, a distance of 122.89 feet, to a point of tangency; thence N 21° 00' 00" E, a distance of 53.00 feet, to a point of curvature; thence Northeasterly and Northerly, along a curve to the left having a radius of 325 feet, a distance of 179.81 feet; thence N 78° 30' 00" W, a distance of 156.00 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left having a radius of 250 feet, a distance of 89.45 feet, to a point of tangency; thence S 81° 00' 00" W, a distance of 53.00 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 600 feet, a distance of 78.88 feet, to the true point of beginning, containing 12.351 Gross Acres, more or less.

now zoned CP-O, is hereby rezoned to RP-4.

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 3):

All that part of the NE1/4 of Section 16, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 843.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right having a radius of 1550 feet, a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left having a radius of 600 feet, a distance of 471.03 feet, to the True Point of Beginning; thence Northeasterly, continuing along a curve to the left having a radius of 600 feet and whose initial tangent bearing is N 59° 56' 22" E, a distance of 226.40 feet, to a point of tangency; thence N 38° 19' 10" E, a distance of 470.66 feet, to a point of curvature; thence Northeasterly and Easterly, along a curve to the right having a radius of 400 feet, a distance of 277.09 feet; thence N 1° 58' 10" W, a distance of 155.50 feet; thence N 35° 44' 17" E, a distance of 355.43 feet; thence N 88° 32' 27" E, a distance of 287.79 feet; thence S 1° 27' 33" E, a distance of 171.21 feet; thence S 13° 26' 10" W, a distance of 127.13 feet; thence S 4° 47' 32" W, a distance of 293.45 feet; thence S 77° 58' 58" W, a distance of 485.87 feet; thence S 3° 43' 03" E, a distance of 286.79 feet; thence N 88° 06' 25" W, a distance of 252.74 feet; thence Southerly, Southwesterly, Westerly and Northwesterly, along a curve to the right having a radius of 200 feet and whose initial tangent bearing is S 10° 48' 52" E, a distance of 470.59 feet, to a point of tangency; thence N 56° 00' 00" W, a distance of 50.00 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left having a radius of 200 feet, a distance of 80.66 feet, to the true point of beginning, containing 11.269 Gross Acres, more or less.

now zoned CP-O, is hereby rezoned to RP-1.

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 4):

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 843.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right having a radius of 1550 feet, a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left having a radius of 600 feet, a distance of 471.03 feet, to the True Point of Beginning; thence Northwesterly, along a curve to the left having a radius of 200 feet and whose initial tangent bearing is N 79° 06' 27" W, a distance of 149.03 feet, to a point of tangency; thence S 58° 12' 00" W, a distance of 50.41 feet; thence N 8° 26' 00" W, a distance of 270.30 feet; thence N 23° 02' 55" E, a distance of 127.81 feet; thence N 52° 59' 49" E, a distance of 75.17 feet; thence N 1° 27' 48" W, along the East line and its extension of BRITTANY COURT REPLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, a distance of 562.05 feet; thence N 87° 44' 20" E, along the South line of HUNTINGTON FARMS, a subdivision of land in the City of Leawood, Johnson County, Kansas, a distance of 331.54 feet; thence N 1° 27' 33" W, along the East line of said HUNTINGTON FARMS, a distance of 738.53 feet; thence N 87° 41' 51" E, along the South line of LEAWOOD VILLAGE, a subdivision of land in the City of Leawood, Johnson County, Kansas, a distance of 415.04 feet; thence N 1° 27' 33" W, along the East line of said LEAWOOD VILLAGE, a distance of 260.03 feet, to a point on the North line of the NE1/4 of said Section 16; thence N 87° 41' 51" E, along the North line of the NE1/4 of said Section 16, a distance of 582.38 feet, to the Northeast corner thereof; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet; thence S 2° 09' 56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2° 07' 04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9° 04' 10" E, a distance of 218.54 feet; thence Southwesterly and Westerly, along a curve to the right having a radius of 175 feet and whose initial tangent bearing

(Tract 4 continued)

is S 33° 24' 34" W, a distance of 185.37 feet, to a point of tangency; thence N 85° 54' 00" W, a distance of 80.23 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 180 feet, a distance of 141.73 feet, to a point of tangency; thence S 48° 59' 11" W, a distance of 46.04 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 200 feet, a distance of 127.31 feet, to a point of tangency; thence S 85° 27' 31" W, a distance of 65.11 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 150 feet, a distance of 111.72 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 75 feet and whose initial tangent bearing is S 42° 47' 05" W, a distance of 44.05 feet; thence S 13° 30' 29" W, a distance of 290.05 feet; thence S 42° 19' 29" E, a distance of 259.47 feet; thence S 1° 58' 10" E, a distance of 155.50 feet; thence Westerly and Southwesterly, along a curve to the left having a radius of 400 feet and whose initial tangent bearing is S 78° 00' 34" W, a distance of 277.09 feet, to a point of tangency; thence S 38° 19' 10" W, a distance of 470.66 feet, to a point of curvature; thence Southwesterly, along a curve to the right having a radius of 600 feet, a distance of 226.40 feet, to the true point of beginning, containing 28.119 Gross Acres, more or less.

now zoned RP-4, is hereby rezoned to RP-1.

Section 4. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 5):

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet; thence S 2° 09' 56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2° 07' 04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9° 04' 10" E, a distance of 218.54 feet, to the True Point of Beginning; thence Southwesterly and Westerly, along a curve to the right having a radius of 175 feet and whose initial tangent bearing is S 33° 24' 34" W, a distance of 185.37 feet, to a point of tangency; thence N 85° 54' 00" W, a distance of 80.23 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 180 feet, a distance of 141.73 feet, to a point of tangency; thence S 48° 59' 11" W, a distance of 46.04 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 200 feet, a distance of 127.31 feet, to a point of tangency; thence S 85° 27' 31" W, a distance of 65.11 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 150 feet, a distance of 111.72 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 75 feet and whose initial tangent bearing is S 42° 47' 05" W, a distance of 44.05 feet; thence S 13° 30' 29" W, a distance of 290.05 feet; thence S 42° 19' 29" E, a distance of 259.47 feet; thence N 35° 44' 17" E, a distance of 355.43 feet; thence N 88° 32' 27" E, a distance of 287.79 feet; thence N 1° 27' 33" W, a distance of 271.93 feet; thence Northeasterly, along a curve to the left having a radius of 300 feet and whose initial tangent bearing is N 60° 20' 29" E, a distance of 65.14 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 215 feet and whose initial tangent bearing is N 47° 54' 00" E, a distance of 116.33 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 575 feet and whose initial tangent bearing is N 16° 54' 00" E, a distance of 42.08 feet, to the true point of beginning, containing 5.899 Gross Acres, more or less.

now zoned RP-5, is hereby rezoned to RP-1.

Section 5. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 6):

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet; thence S 1° 27' 33" E, a distance of 405.00 feet, to the True Point of Beginning; thence continuing S 1° 27' 33" E, a distance of 480.00 feet; thence S 88° 32' 27" W, a distance of 462.21 feet; thence N 1° 27' 33" W, a distance of 271.93 feet; thence Northeasterly, along a curve to the left having a radius of 300 feet and whose initial tangent bearing is N 60° 20' 29" E, a distance of 65.14 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 215 feet and whose initial tangent bearing is N 47° 54' 00" E, a distance of 116.33 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 575 feet and whose initial tangent bearing is N 16° 54' 00" E, a distance of 42.08 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33° 24' 34" E, a distance of 40.40 feet; thence N 88° 32' 27" E, a distance of 313.69 feet, to the true point of beginning, containing 4.639 Gross Acres, more or less.

now zoned RP-5, is hereby rezoned to CP-O.

Section 6. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 7):

All that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet, to the True Point of Beginning; thence S 2° 09' 56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2° 07' 04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9° 04' 10" E, a distance of 218.54 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33° 24' 34" E, a distance of 40.40 feet; thence N 88° 32' 27" E, a distance of 313.69 feet; thence N 1° 27' 33" W, a distance of 405.00 feet, to a point on the North line of the NW1/4 of said Section 15; thence S 87° 50' 04" W, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet, to the true point of beginning, containing 2.972 Gross Acres, more or less.

now zoned RP-4, is hereby rezoned to CP-0.

Section 7. 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 8. 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 9. 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 December, 1997.

Approved by the Mayor the 15th day of December, 1997.

(SEAL)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORD1703

Publication Fees: $99.63

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1703--12/30/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

December 31, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$99.63

ORDINANCE NO. 1703

First published in The Legal Record, Tuesday, December 30, 1997.

ORDINANCE NO. 1703

AN ORDINANCE REZONING PROPERTY, SEVERAL TRACTS (VILLAGE ASSOCIATES -- SPEARS PROPERTY), LOCATED AT APPROXIMATELY THE NORTHEAST CORNER OF 115TH STREET AND ROE AVENUE AND NORTHEAST TO COLLEGE BOULEVARD; 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:

DESCRIPTION (TRACT 2):

All that part of the NE1/4 of Section 16, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 800.00 feet, to the True Point of Beginning; thence continuing N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 43.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right having a radius of 1550 feet, a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left having a radius of 600 feet, a distance of 471.03 feet; thence Southeasterly, along a curve to the right having a radius of 200 feet and whose initial tangent bearing is S 79° 06' 27" E, a distance of 80.66 feet, to a point of tangency; thence S 56° 00' 00" E, a distance of 50.00 feet, to a point of curvature; thence Southeasterly, Easterly, Northeasterly and Northerly, along a curve to the left having a radius of 200 feet, a distance of 470.59 feet; thence S 88° 06' 25" E, a distance of 252.74 feet; thence Southerly, Southwesterly, Westerly and Northwesterly, along a curve to the right having a radius of 450 feet and whose initial tangent bearing is S 3° 43' 03" E, a distance of 946.25 feet; thence S 87° 48' 29" W, a distance of 1150.56 feet; thence Northerly and Northeasterly, along a curve to the right having a radius of 425 feet and whose initial tangent bearing is N 4° 25' 56" E, a distance of 122.89 feet, to a point of tangency; thence N 21° 00' 00" E, a distance of 53.00 feet, to a point of curvature; thence Northeasterly and Northerly, along a curve to the left having a radius of 325 feet, a distance of 179.81 feet; thence N 78° 30' 00" W, a distance of 156.00 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left having a radius of 250 feet, a distance of 89.45 feet, to a point of tangency; thence S 81° 00' 00" W, a distance of 53.00 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 600 feet, a distance of 78.88 feet, to the true point of beginning, containing 12.351 Gross Acres, more or less.

now zoned CP-0, is hereby rezoned to RP-4.

Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 3):

All that part of the NE1/4 of Section 16, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 843.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right having a radius of 1550 feet, a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left having a radius of 600 feet, a distance of 471.03 feet, to the True Point of Beginning; thence Northeasterly, continuing along a curve to the left having a radius of 600 feet and whose initial tangent bearing is N 59° 56' 22" E, a distance of 226.40 feet, to a point of tangency; thence N 38° 19' 10" E, a distance of 470.66 feet, to a point of curvature; thence Northeasterly and Easterly, along a curve to the right having a radius of 400 feet, a distance of 277.09 feet; thence N 1° 58' 10" W, a distance of 155.50 feet; thence N 35° 44' 17" E, a distance of 355.43 feet; thence N 88° 32' 27" E, a distance of 287.79 feet; thence S 1° 27' 33" E, a distance of 171.21 feet; thence S 13° 26' 10" W, a distance of 127.13 feet; thence S 4° 47' 32" W, a distance of 293.45 feet; thence S 77° 58' 58" W, a distance of 485.87 feet; thence S 3° 43' 03" E, a distance of 286.79 feet; thence N 88° 06' 25" W, a distance of 252.74 feet; thence Southerly, Southwesterly, Westerly and Northwesterly, along a curve to the right having a radius of 200 feet and whose initial tangent bearing is S 10° 48' 52" E, a distance of 470.59 feet, to a point of tangency; thence N 56° 00' 00" W, a distance of 50.00 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left having a radius of 200 feet, a distance of 80.66 feet, to the true point of beginning, containing 11.269 Gross Acres, more or less.

now zoned CP-0, is hereby rezoned to RP-1.

Section 3. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 4):

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE1/4 of said Section 16, a distance of 843.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right having a radius of 1550 feet, a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left having a radius of 600 feet, a distance of 471.03 feet, to the True Point of Beginning; thence Northwesterly, along a curve to the left having a radius of 200 feet and whose initial tangent bearing is N 79° 06' 27" W, a distance of 149.03 feet, to a point of tangency; thence S 58° 12' 00" W, a distance of 50.41 feet; thence N 8° 26' 00" W, a distance of 270.30 feet; thence N 23° 02' 55" E, a distance of 127.81 feet; thence N 52° 59' 49" E, a distance of 75.17 feet; thence N 1° 27' 48" W, along the East line and its extension of BRITTANY COURT REPLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, a distance of 562.05 feet; thence N 87° 44' 20" E, along the South line of HUNTINGTON FARMS, a subdivision of land in the City of Leawood, Johnson County, Kansas, a distance of 331.54 feet; thence N 1° 27' 33" W, along the East line of said HUNTINGTON FARMS, a distance of 738.53 feet; thence N 87° 41' 51" E, along the South line of LEAWOOD VILLAGE, a subdivision of land in the City of Leawood, Johnson County, Kansas, a distance of 415.04 feet; thence N 1° 27' 33" W, along the East line of said LEAWOOD VILLAGE, a distance of 260.03 feet, to a point on the North line of the NE1/4 of said Section 16; thence N 87° 41' 51" E, along the North line of the NE1/4 of said Section 16, a distance of 582.38 feet, to the Northeast corner thereof; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet; thence S 2° 09' 56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2° 07' 04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9° 04' 10" E, a distance of 218.54 feet; thence Southwesterly and Westerly, along a curve to the right having a radius of 175 feet and whose initial tangent bearing is S 33° 24' 34" W, a distance of 185.37 feet, to a point of tangency; thence N 85° 54' 00" W, a distance of 80.23 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 180 feet, a distance of 141.73 feet, to a point of tangency; thence S 48° 59' 11" W, a distance of 46.04 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 200 feet, a distance of 127.31 feet, to a point of tangency; thence S 85° 27' 31" W, a distance of 65.11 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 150 feet, a distance of 111.72 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 75 feet and whose initial tangent bearing is S 42° 47' 05" W, a distance of 44.05 feet; thence S 13° 30' 29" W, a distance of 290.05 feet; thence S 42° 19' 29" E, a distance of 259.47 feet; thence S 1° 58' 10" E, a distance of 155.50 feet; thence Westerly and Southwesterly, along a curve to the left having a radius of 400 feet and whose initial tangent bearing is S 78° 00' 34" W, a distance of 277.09 feet, to a point of tangency; thence S 38° 19' 10" W, a distance of 470.66 feet, to a point of curvature; thence Southwesterly, along a curve to the right having a radius of 600 feet, a distance of 226.40 feet, to the true point of beginning, containing 28.119 Gross Acres, more or less.

now zoned RP-4, is hereby rezoned to RP-1.

Section 4. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 5):

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet; thence S 2° 09' 56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2° 07' 04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9° 04' 10" E, a distance of 218.54 feet, to the True Point of Beginning; thence Southwesterly and Westerly, along a curve to the right having a radius of 175 feet and whose initial tangent bearing is S 33° 24' 34" W, a distance of 185.37 feet, to a point of tangency; thence N 85° 54' 00" W, a distance of 80.23 feet, to a point of curvature; thence

CONTINUED ON PAGE 16

CONTINUED FROM PAGE 15

Westerly and Southwesterly, along a curve to the left having a radius of 180 feet, a distance of 141.73 feet, to a point of tangency; thence S 48° 59' 11" W, a distance of 46.04 feet, to a point of curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 200 feet, a distance of 127.31 feet, to a point of tangency; thence S 85° 27' 31" W, a distance of 65.11 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left having a radius of 150 feet, a distance of 111.72 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right having a radius of 75 feet and whose initial tangent bearing is S 42° 47' 05" W, a distance of 44.05 feet; thence S 13° 30' 29" W, a distance of 290.05 feet; thence S 42° 19' 29" E, a distance of 259.47 feet; thence N 35° 44' 17" E, a distance of 355.43 feet; thence N 88° 32' 27" E, a distance of 287.79 feet; thence N 1° 27' 33" W, a distance of 271.93 feet; thence Northeasterly, along a curve to the left having a radius of 300 feet and whose initial tangent bearing is N 60° 20' 29" E, a distance of 65.14 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 215 feet and whose initial tangent bearing is N 47° 54' 00" E, a distance of 116.33 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 575 feet and whose initial tangent bearing is N 16° 54' 00" E, a distance of 42.08 feet, to the true point of beginning, containing 5.899 Gross Acres, more or less.

now zoned RP-5, is hereby rezoned to RP-1.

Section 5. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 6):

All that part of the NE1/4 of Section 16, Township 13, Range 25, and all that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet; thence S 1° 27' 33" E, a distance of 405.00 feet, to the True Point of Beginning; thence continuing S 1° 27' 33" E, a distance of 480.00 feet; thence S 88° 32' 27" W, a distance of 462.21 feet; thence N 1° 27' 33" W, a distance of 271.93 feet; thence Northeasterly, along a curve to the left having a radius of 300 feet and whose initial tangent bearing is N 60° 20' 29" E, a distance of 65.14 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 215 feet and whose initial tangent bearing is N 47° 54' 00" E, a distance of 116.33 feet, to a point of compound curvature; thence Northeasterly, along a curve to the left having a radius of 575 feet and whose initial tangent bearing is N 16° 54' 00" E, a distance of 42.08 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33° 24' 34" E, a distance of 40.40 feet; thence N 88° 32' 27" E, a distance of 313.69 feet, to the true point of beginning, containing 4.639 Gross Acres, more or less.

now zoned RP-5, is hereby rezoned to CP-0.

Section 6. Rezoning of Property. That the real estate hereinafter described, to wit:

DESCRIPTION (TRACT 7):

All that part of the NW1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW1/4 of said Section 15, a distance of 127.23 feet, to the True Point of Beginning; thence S 2° 09' 56" E, a distance of 55.00 feet, to a point of curvature; thence Southerly, along a curve to the right having a radius of 900 feet, a distance of 67.28 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left having a radius of 500 feet and whose initial tangent bearing is S 2° 07' 04" W, a distance of 97.63 feet, to a point of reverse curvature; thence Southeasterly and Southerly, along a curve to the right having a radius of 575 feet and whose initial tangent bearing is S 9° 04' 10" E, a distance of 218.54 feet; thence Northeasterly, along a curve to the left having a radius of 175 feet and whose initial tangent bearing is N 33° 24' 34" E, a distance of 40.40 feet; thence N 88° 32' 27" E, a distance of 313.69 feet; thence N 1° 27' 33" W, a distance of 405.00 feet, to a point on the North line of the NW1/4 of said Section 15; thence S 87° 50' 04" W, along the North line of the NW1/4 of said Section 15, a distance of 450.03 feet, to the true point of beginning, containing 2.972 Gross Acres, more or less.

now zoned RP-4, is hereby rezoned to CP-0.

Section 7. 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 8. 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 9. 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 December, 1997.

Approved by the Mayor the 15th day of December, 1997.

(S E A L)

Peggy J. Dunn — Mayor

Attest:

Martha Heizer — City Clerk

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

ORDINANCE NO. 1702 C

AN ORDINANCE AMENDING SECTION 11-603 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO DRUG OFFENSES.

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

Section 1. Code Amended. That Section 11-603 of the Code of the City of Leawood is hereby amended to read as follows:

11-603. USE OF DRUG PARAPHERNALIA AND/OR POSSESSION OF AN OBJECT WITH THE INTENTION OF USING THE OBJECT AS DRUG PARAPHERNALIA. (a) It shall be unlawful for any person to use drug paraphernalia.

(b) It shall be unlawful for any person to possess an object with the intention of using the object as drug paraphernalia.

Section 2. Repeal of Existing Section. That existing Section 11-603 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1128C)

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 November, 1997.

Approved by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORD1702C

Publication Fees: $14.54

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1702C--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$14.54

ORDINANCE NO. 1702 C

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1702 C

AN ORDINANCE AMENDING SECTION 11-603 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO DRUG OFFENSES.

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

Section 1. Code Amended. That Section 11-603 of the Code of the City of Leawood is hereby amended to read as follows:

11-603. USE OF DRUG PARAPHERNALIA AND/OR POSSESSION OF AN OBJECT WITH THE INTENTION OF USING THE OBJECT AS DRUG PARAPHERNALIA. (a) It shall be unlawful for any person to use drug paraphernalia.

(b) It shall be unlawful for any person to possess an object with the intention of using the object as drug paraphernalia.

Section 2. Repeal of Existing Section. That existing Section 11-603 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1128C)

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 November, 19[illegible]

Approved by the Mayor the 3rd day of November, 1997.

(S E A L)

Attest:

Peggy J. Dunn — Mayor

Martha Heizer — City Clerk

APPROVED AS TO FORM:

R.S. Wetzler — City Attorney

ORDINANCE NO. 1701

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 172 (OXFORD HILLS STORMWATER IMPROVEMENTS), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF STORM SEWERS WITHIN THE CITY OF LEAWOOD, KANSAS, BEGINNING ON THE SOUTHEAST CORNER OF 119TH STREET AND ENSLEY ROAD (11901 ENSLEY ROAD), THENCE SOUTHERLY FOR A DISTANCE OF APPROXIMATELY 662 FEET STOPPING AT 11919 WINDSOR ROAD, TO INCLUDE IMPROVEMENTS ALONG 120 FEET OF WINDSOR ROAD IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-631r, et seq., as amended, and Ordinance No. 1633, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of storm sewers within the City of Leawood, Kansas, beginning on the southeast corner of 119th Street and Ensley Road (11901 Ensley Road), thence southerly for a distance of approximately 662 feet stopping at 11919 Windsor Road, to include improvements along 120 feet of Windsor Road (the "Project") at an estimated cost of $500,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 172 (Oxford Hills Stormwater Improvements), dated February 26, 1997, in the principal amount of $400,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 172 (Oxford Hills Stormwater Improvements), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 4 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City

and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-tnr172

ORD1701

Publication Fees: $97.68

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and *entire issue for the following subject matter* (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1701--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$97.68

ORDINANCE NO. 1701

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1701

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 172 (OXFORD HILLS STORMWATER IMPROVEMENTS), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF STORM SEWERS WITHIN THE CITY OF LEAWOOD, KANSAS, BEGINNING ON THE SOUTHEAST CORNER OF 119TH STREET AND ENSLEY ROAD (11901 ENSLEY ROAD), THENCE SOUTHERLY FOR A DISTANCE OF APPROXIMATELY 662 FEET STOPPING AT 11919 WINDSOR ROAD, TO INCLUDE IMPROVEMENTS ALONG 120 FEET OF WINDSOR ROAD IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-631r, et seq., as amended, and Ordinance No. 1633, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of storm sewers within the City of Leawood, Kansas, beginning on the southeast corner of 119th Street and Ensley Road (11901 Ensley Road), thence southerly for a distance of approximately 662 feet stopping at 11919 Windsor Road, to include improvements along 120 feet of Windsor Road (the "Project") at an estimated cost of $500,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 172 (Oxford Hills Stormwater Improvements), dated February 26, 1997, in the principal amount of $400,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 172 (Oxford Hills

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Stormwater Improvements), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 4 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

WII-tnr172

ORDINANCE NO. 1700

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 165 (KENNETH ROAD REHABILITATION), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE REHABILITATION OF KENNETH ROAD FROM 1,000 FEET SOUTH OF 143RD STREET NORTHERLY TO 700 FEET SOUTH OF 135TH STREET, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1652, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: rehabilitation of Kenneth Road from 1,000 feet south of 143rd Street northerly to 700 feet south of 135th Street (the "Project") at an estimated cost of $2,104,956; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 165 (Kenneth Road Rehabilitation), dated February 26, 1997, in the principal amount of $1,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 165 (Kenneth Road Rehabilitation), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as

herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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

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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

SEAL

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-tnr165

ORD1700

Publication Fees: $92.59

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1700--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$92.59

ORDINANCE NO. 1700

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1700

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 165 (KENNETH ROAD REHABILITATION), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE REHABILITATION OF KENNETH ROAD FROM 1,000 FEET SOUTH OF 143RD STREET NORTHERLY TO 700 FEET SOUTH OF 135TH STREET, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1652, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore

wit: rehabilitation of Kenneth Road from 1,000 feet south of 143rd Street northerly to 700 feet south of 135th Street (the "Project") at an estimated cost of $2,104,956; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 165 (Kenneth Road Rehabilitation), dated February 26, 1997, in the principal amount of $1,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 165 (Kenneth Road Rehabilitation), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the

CONTINUED FROM PAGE 32

territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes, and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

WII-tnr165

ORDINANCE NO. 1699

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 146 (TOWN CENTER PLAZA), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH STREET, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined); and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street (the "Project") at an estimated cost of $5,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 146 (Town Center Plaza), dated February 26, 1997, in the principal amount of $1,200,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of One Million Two Hundred Thousand Dollars ($1,200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 12 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid,

interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes; and

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but

not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions

in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-tnr146

ORD1699

Publication Fees: $104.95

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1699--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$104.95

ORDINANCE NO. 1699

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1699

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 146 (TOWN CENTER PLAZA), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH STREET, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined), and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street (the "Project") at an estimated cost of $5,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 146 (Town Center Plaza), dated February 26, 1997, in the principal amount of $1,200,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of One Million Two Hundred Thousand Dollars ($1,200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 12 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes; and

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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

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the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

WII-tnr146

ORDINANCE NO. 1698

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 144 (MISSION ROAD, 103RD - I-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD - I-435, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of certain sections of Mission Road from 103rd Street to I-435 within the City of Leawood (the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 144 (Mission Road, 103rd - I-435), dated February 26, 1997, in the principal amount of $500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $1,000,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 144 (Mission Road, 103rd - I-435), in the aggregate principal amount of

One Million Five Hundred Thousand Dollars ($1,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 15 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and

interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.79% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $500,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of

the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-tnnmr144

ORD1698

Publication Fees: $97.68

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1698--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$97.68

ORDINANCE NO. 1698

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1698

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 144 (MISSION ROAD, 103RD - I 435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD - I-435, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of certain sections of Mission Road from 103rd Street to I-435 within the City of Leawood (the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 144 (Mission Road, 103rd - I-435), dated February 26, 1997, in the principal amount of $500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $1,000,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to

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become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 144 (Mission Road, 103rd - I-435), in the aggregate principal amount of One Million Five Hundred Thousand Dollars ($1,500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 15 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.79% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $500,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

WII-tnnmr144

ORDINANCE NO. 1697

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 137 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTERLINE OF 103RD STREET TO A POINT 123.76 FEET SOUTH OF THE CENTERLINE OF CARONDOLET, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of State Line Road from a point 25.50 feet south of the centerline of 103rd Street, to a point 123.76 feet south of the centerline of Carondolet, a distance of approximately 2646 feet, within the City of Leawood (the "Project") at an estimated cost of $3,680,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 137 (State Line Road, Phase IV), dated February 26, 1997, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 137 (State Line Road,

Phase IV), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer note numbered 1 in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and

interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.79% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City

and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-tnr137

ORD1697

Publication Fees: $97.68

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1697--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$97.68

ORDINANCE NO. 1697

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1697

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 137 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTERLINE OF 103RD STREET TO A POINT 123.76 FEET SOUTH OF THE CENTERLINE OF CARONDOLET, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of State Line Road from a point 25.50 feet south of the centerline of 103rd Street, to a point 123.76 feet south of the centerline of Carondolet, a distance of approximately 2646 feet, within the City of Leawood (the "Project") at an estimated cost of $3,680,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 137 (State Line Road, Phase IV), dated February 26, 1997, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 137 (State Line Road, Phase IV), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer note numbered 1 in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing

CONTINUED ON PAGE 29

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Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.79% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

Peggy J. Dunn

(S E A L)

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

WII-tnr137

ORDINANCE NO. 1696

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $2,700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood (State Line-Nall Avenue) (the "Project") at an estimated cost of $6,850,400; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), dated February 26, 1997, in the principal amount of $2,900,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Two Million

Seven Hundred Thousand Dollars ($2,700,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 27 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and

interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1997, the City, any related issuer on behalf of the City

and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1997 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public 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 Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-tnr124

ORD1696

Publication Fees: $97.68

The Legal Record
600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, 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 (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 1696--11/4/97

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

November 5, 1997

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$97.68

ORDINANCE NO. 1696

First published in The Legal Record, Tuesday, November 4, 1997.

ORDINANCE NO. 1696

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $2,700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, 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, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood (State Line-Nall Avenue) (the "Project") at an estimated cost of $6,850,400; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), dated February 26, 1997, in the principal amount of $2,900,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City; and

WHEREAS, said Prior Notes become due and payable in the immediate future but all aspects of the Project will not be completed at the date of maturity thereof; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Two Million Seven Hundred Thousand Dollars ($2,700,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 27 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated November 5, 1997, shall mature by their stated terms and become due and payable on July 30, 1998. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. 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 the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. 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 and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized 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 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 99.69% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above 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 Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

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CONTINUED FROM PAGE 27

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PASSED by the Council the 3rd day of November, 1997.

APPROVED by the Mayor the 3rd day of November, 1997.

(S E A L)

Peggy J. Dunn

Peggy J. Dunn, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

WEI-tnr124