

APPENDIX A. CHARTER ORDINANCES

NOTE:

The charter ordinances included herein are for information only. Each contains the substance as adopted by the Governing Body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each ordinance as adopted are on file in the office of the City Clerk. Date of passage and effective date are shown in parenthesis at the end of the text.

CHARTER ORDINANCE NO. 40

CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 27, EXEMPTING THE CITY OF LEAWOOD, KANSAS FROM THE PROVISIONS OF K.S.A. 12-681, 12-682, AND 13-1038, CONCERNING IMPROVEMENT OF CERTAIN STREETS AND ALLEYS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS AND REPEALING ANY PROVISIONS IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS THAT CHARTER ORDINANCE NO. 27 IS HEREBY AMENDED AND RESTATED TO READ AS FOLLOWS:

Section 1. The City of Leawood, a Kansas municipal corporation, by the power vested in it by Article XII, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 12-681, 12-682, and 13-1038, and any amendments thereto, which applies to the City, but is part of an enactment which does not apply uniformly to all cities, and provide substitute and additional provisions therefor as hereinafter provided.

Section 2. Governing Body is authorized and empowered to recurb, regutter, resurface or repave, including necessary drainage facilities, any street or alley or any portion thereof when said street or alley has by reason of public travel thereon or by reason of the elements become in need of surface restoration or other construction and improvement, and the Governing Body shall have the power to determine such need, and when the Governing Body determines that the making of such improvement is deemed expedient it may by resolution so declare the necessity therefor and cause said improvement to be made without necessity of an election on the issue and regardless of protest or remonstrance. All proceedings relating to such improvements and to any assessment of benefits for the payment of the costs thereof, if any, and for the issuance of bonds shall be the same as provided by law in case of pavement regardless of protest in the first instance, except as otherwise herein provided; provided, however, the determination of whether assessments shall be made against properties benefited by such improvements shall be in the sole discretion of the Governing Body.

The cost of said recurbing, reguttering, resurfacing or repaving, shall be borne by the city at large, and the Governing Body of said City is hereby empowered to issue general obligation improvement bonds for the purpose of providing funds for making such improvements in an amount not exceeding the total cost of said improvement, including costs associated with the issuance of such bonds and interest incurred during the period of construction of such improvements.

Section 3. Any sections of the Code of the City of Leawood, 2000 and amendments thereto or any sections of Charter Ordinance 27 or other Charter Ordinances in conflict herewith are hereby repealed.

[Date Passed: 06-18-12]
[Effective Date: 09-02-12]