ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT FOR ORD.
1023	12/7/87	12/11/87	N/A	AN ORD. RELATING TOZONING - Camelot Court; south side of 117th St., east of Roe; CP-2 to CP-1
1024 C	12/7/87	12/11/87	X	AN ORD. AMENDING THE UNIFORM FIRE CODE, 1985 EDITION
1025 C	12/7/87	12/11/87	X	AN ORD. ADOPTING THE 1987 EDITION OF THE STANDARD TRAFFIC ORDINANCE.
1026 C	12/21/87	12/30/87	X	AN ORD. ESTABLISHING COURT COSTS TO BE ASSESSED IN CERTAIN MUNICIPAL COURT CASES.
1027 C	1/4/88	1/13/88	X	AN ORD. ESTABLISHING A K-150 CORRIDOR IMPACT FEE
1028 C	1/4/88	1/13/88	X	AN ORD. RELATING TO DRINKING ESTABLISHMENT LICENSE TAX
1029	1/18/88	1/22/88	N/A	AN ORD. ACCEPTING DEEDS FOR STREET PURPOSES - Nall Ave. Improvement, College/119th
1030	1/18/88	1/22/88	N/A	AN ORD. ACCEPTING EASEMENTS FOR DRAINAGE PURPOSES - Nall Ave. Improvements, College/119th
1031 C	2/1/88	2/5/88	X	AN ORD. ESTABLISHING A SOUTH LEAWOOD TRANSPORTATION IMPACT FEE - for area south of K-150 Corridor
1032	2/1/88	2/5/88	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE PLAT OF MERRY LEA FARMS - utility easement, Lots 7 & 8
1033	2/1/88	2/5/88	N/A	AN ORD. ACCEPTING AN EASEMENT FOR UTILITY PURPOSES - from Sasan Shadfar, Lot 7, Merry Lea Farms
1034 C	2/16/88	2/19/88	X	AN ORD. PROVIDING FOR REGULAR SESSIONS OF THE GOVERNING BODY - providing for 2 regular sessions rather than 1
1035 C	2/16/88	2/19/88	X	AN ORD. PROVIDING FOR AN ORGANIZATIONAL MEETING - at 1st regular session after certification of City election results
1036	2/16/88	2/19/88	N/A	AN ORD. RELATING TO ZONING - A to CP-0, Leawood Campus, J.D. Spears property

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1008	11/2/87	11/6/87	N/A	AN ORD. AMENDING THE "ZONING ORDINANCE" RELATING TO FLOOD PLAIN DISTRICTS
1009	11/2/87	11/6/87	N/A	AN ORD. DEFERRING AND POSTPONING CONSIDERATION OF PRELIMINARY PLANS, PRELIMINARY PLATS AND ZONING IN THE AREA OF THE K-150 CORRIDOR AND THAT PORTION OF THE CITY LYING SOUTH OF K-150
1010C	11/2/87	11/6/87	X	AN ORD. REVISING APPOINTMENT PROCESS FOR CITY OFFICIALS
1011	11/2/87	11/6/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF RENEWAL T.N.'S, ROE AVE., 112TH-121ST, $260,000
1012	11/2/87	11/6/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF RENEWAL T.N'S, STATE LINE RD., 81ST-84TH, $825,000
1013	11/2/87	11/6/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF T.N.'S, NALL AVE., COLLEGE-119TH, $360,000
1014	11/2/87	11/6/87	N/A	AN ORD. ACCEPTING PERMANENT SANITARY SEWER EASEMENTS FROM TERRY & JANICE SIGLER, AND FORUM GROUP, INC. - relating to Forum Retirement Center on site of former Marsha Bagby School on 95th St.
1015	11/2/87	11/6/87	N/A	AN ORD. GRANTING A PERMANENT SEWER EASEMENT TO JO. CO. WASTEWATER DISTRICT - Tract "A", "Leawood Greenway & Parks"
1016 C	11/16/87	11/20/87	X	AN ORD. ADOPTING 1985 EDITION OF UNIFORM BUILDING CODE
1017 C	11/16/87	11/20/87	X	AN ORD. ADOPTING 1985 EDITION OF UNIFORM PLUMBING CODE
1018 C	11/16/87	11/20/87	X	AN ORD. ADOPTING 1985 EDITION OF UNIFORM MECHANICAL CODE
1019 C	11/16/87	11/20/87	X	AN ORD. ADOPTING 1983 EDITION OF CABO ONE & TWO FAMILY DWELLING CODE
1020 C	11/16/87	11/20/87	X	AN ORD. ADOPTING 1986 EDITION OF CABO ONE & TWO FAMILY DWELLING CODE
1021 C	11/16/87	11/20/87	X	AN ORD. ADOPTING 1985 EDITION OF UNIFORM FIRE CODE
1022 C	11/16/87	11/20/87	X	AN ORD. AMENDING 1984 EDITION OF NATIONAL ELECTRICAL CODE

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
993	8/17/87	8/21/87	N/A	AN ORD. RELATING TO ZONING - Hall Farm, Hallbrook
994 C	8/17/87	8/28/87	N/A	AN ORD. AMENDING "ZONING ORDINANCE", PROVIDING FOR DEDICATION OF PARK LAND/OPEN SPACE
995 C	8/17/87	8/28/87	N/A	AN ORD. AMENDING "SUBDIVISION REGULATIONS", PROVIDING FOR DEDICATION OF PARK LAND/OPEN SPACE
996 C	8/17/87	8/21/87	X	AN ORD. REGULATING CEREAL MALT BEVERAGES & ALCOHOLIC LIQUOR
997	8/17/87	8/21/87 & 8/28/87	N/A	AN ORD. ESTABLISHING 1988 ANNUAL ASSESSMENT FOR LEAWOOD SEWER SYTEM
998	9/8/87	9/11/87	N/A	AN ORD. VACATING A PORTION OF 111TH STREET FOR HALLBROOK FARMS
999	9/8/87	9/11/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF T.N.'S; $2,109,000; KENNETH RD., 135TH/146TH
1000	9/8/87	9/11/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF T.N.'S; $585,000; 119TH ST., ROE/MISSION
1001 C	9/21/87	9/25/87	X	AN ORD. REGULATING POSSESSION & SALE OF DRUGS
1002 C	10/6/87	10/9/87	X	AN ORD. REGULATING SOLICITORS, CANVASSERS, PEDDLERS, AND TRANSIENT MERCHANTS, AND REPEAL OF SECTIONS
1003 C	10/6/87	10/9/87	X	AN ORD. RELATING TO DOG LICENSE FEES, AND REPEAL OF SECTION
1004 C	10/6/87	10/9/87	X	AN ORD. RELATING TO PARKING, AND REPEAL OF SECTION
1005 C	10/6/87	10/9/87	X	AN ORD. RELATING TO REGULATION OF TRUCK TRAFFIC, AND REPEAL OF SECTION
1006	10/19/87	10/23/87	N/A	AN ORD. GRANTING RIGHTS-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICT FOR SEWER PURPOSES - for construction in Leawood Park and on the Greenway
1007	10/19/87	10/23/87	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE THIRD PLAT OF PATRICIAN WOODS - 10'-wide utility easement, Lot 22, Block 3

ORDINANCE NO. 1036

AN ORDINANCE RELATING TO ZONING OF PROPERTY (LEAWOOD CAMPUS) IN THE CITY OF LEAWOOD, KANSAS.

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

18-1807. Section 1. The following described real property is hereby designated as being zoned CP-O, Planned Office Building District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, R-1, and CP-O:

All that part of the NW 1/4 of Section 15 and all that part of the NE1/4 of Section 16, all in the Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of the NE 1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE 1/4 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 and a central angle of 16° 23' 13" , 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 Easterly, Southeasterly and Northeasterly, along a curve to the left, having a radius of 600 feet and a central angle of 66° 36', a distance of 697.43 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, along a curve to the right, having a radius of 400 feet and a central angle of 39° 41' 24", 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 750 feet, to a point on the East line of the West 450 feet of the NW1/4 of said Section 15; thence S 1° 27' 33" E, along the East line of the West 450 feet of the NW 1/4 of said Section 15, a distance of 614.46 feet; thence S 87° 50' 04" W, along the South line of the North 1499.35 feet of the NW 1/4 of said Section 15, a distance of 450.03 feet, to a point on the West line of the NW 1/4 of said Section 15; thence S 1° 27' 33" E, along the East line of the NE 1/4 of said Section 16, a distance of 1165.23 feet, to the Southeast corner thereof; thence S 87° 48' 29" W, along the South line of the NE 1/4 of said Section 16, a distance of 2657.62 feet, to the point of beginning.

Containing 68.923 gross acres of land more or less.

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

Passed by the Governing Body this 16th day of February, 1988.

Approved by the Mayor this 17th day of February, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, February 17, 1988.

ORDINANCE NO. 1036

AN ORDINANCE RELATING TO ZONING OF PROPERTY (LEAWOOD CAMPUS) IN THE CITY OF LEAWOOD, KANSAS.

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

18-1807. Section 1. The following described real property is hereby designated as being zoned CP-0, Planned Office Building District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, R-1, and CP-0: All that part of the NW ¼ of Section 15 and all that part of the NE ¼ of Section 16, all in the Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of the NE ¼ of said Section 16; thence N 1° 28' 03" W, along the West line of the NE ¼ 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 and a central angle of 16° 23' 13", 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 Easterly, Southeasterly and Northeasterly, along a curve to the left, having a radius of 600 feet and a central angle of 66° 36', a distance of 697.43 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, along a curve to the right, having a radius of 400 feet and a central angle of 39° 41' 24", 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 750 feet, to a point on the East line of the West 450 feet of the NW ¼ of said Section 15; thence S 1° 27' 33" E, along the East line of the West 450 feet of the NW ¼ of said Section 15, a distance of 614.46 feet; thence S 87° 50' 04" W, along the South line of the North 1499.35 feet of the NW ¼ of said Section 15, a distance of 450.03 feet, to a point on the West line of the NW ¼ of said Section 15; thence S 1° 27' 33" E, along the East line of the NE ¼ of said Section 16, a distance of 1165.23 feet, to the Southeast corner thereof; thence S 87° 48' 29" W, along the South line of the NE ¼ of said Section 16, a distance of 2657.62 feet, to the point of beginning.

Containing 68.923 gross acres of land more or less.

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

Passed by the Governing Body this 16th day of February, 1988.

Approved by the Mayor this 17th day of February, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

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

(3483 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
poses and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
general circulation in JOHNSON County, Kansas, with a general paid circulation
y basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
r fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been
ed continuously and uninterruptedly in said county and state for a period of
five years prior to the first publication of said notice; and has been admitted
t office of SHAWNEE MISSION, KANSAS in said County as a second class

e attached notice is a true copy thereof and was published in the regular and
e of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
on the ---19th--- day of, ---February 1988---, with subsequent
ns being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---February--- 1988

Pearlie A. Peterson

NOTARY PUBLIC

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

My Commission expires: ---
Printer's Fee $ ---51.86---
Additional copies $ ---

ORDINANCE NO. 1035 C

AN ORDINANCE PROVIDING FOR AN ORGANIZATIONAL MEETING OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 1-206 of the "Code of the City of Leawood, 1984" is hereby repealed.

Section 2. Section 1-206 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:

1-206. SAME; ORGANIZATIONAL MEETING. At the first regular session following certification of the results of the City election held each year as provided by Section 6-101 of this Code, the governing body, as constituted before said election, shall meet and proceed to any unfinished business, and thereafter seat the new governing body, and the new governing body shall proceed to the order of business as hereinabove prescribed.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 16th day of February, 1988.

Approved by the Mayor this 17th day of February, 1988.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, February 19, 1988.

ORDINANCE NO. 1035 C

AN ORDINANCE PROVIDING FOR AN ORGANIZATIONAL MEETING OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 1-206 of the "Code of the City of Leawood, 1984" is hereby repealed.

Section 2. Section 1-206 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:

1-206. SAME; ORGANIZATIONAL MEETING. At the first regular session following certification of the results of the City election held each year as provided by Section 6-101 of this Code, the governing body, as constituted before said election, shall meet and proceed to any unfinished business, and thereafter seat the new governing body, and the new governing body shall proceed to the order of business as hereinabove prescribed.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall *not be thereby affected.*

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body *this 16th day of February,* 1988.

Approved by the Mayor this 17th day of February, 1988.

(SEAL)

(s) Marcia Rinehart,
Mayor

Attest:

(s) Martha Heizer
City Clerk

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

(3482 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published f general circulation in JOHNSON County, Kansas, with a general paid circulation rly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

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

the attached notice is a true copy thereof and was published in the regular and sue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---19th--- day of, ---February--- 1988---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---February--- 1988---

Pearlie A. Peterson

NOTARY PUBLIC

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

My Commission expires: --31.91--

Printer's Fee $ ---

Additiona' copies $ ---

ORDINANCE NO. 1034 C

AN ORDINANCE PROVIDING FOR REGULAR SESSIONS OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 1-203 of the "Code of the City of Leawood, 1984" is hereby repealed.

Section 2. Section 1-203 of the "Code of the City of Leawood, 1984" 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 upon the written request of not less than three members of the council, 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. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 16th day of February, 1988.

Approved by the Mayor this 17th day of February, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, February 19, 1988.

ORDINANCE NO. 1034 C

AN ORDINANCE PROVIDING FOR REGULAR SESSIONS OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 1-203 of the "Code of the City of Leawood, 1984" is hereby repealed.

Section 2. Section 1-203 of the "Code of the City of Leawood, 1984" 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 upon the written request of not less than three members of the council, 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. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 16th day of February, 1988.

Approved by the Mayor this 17th day of February, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

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

(3481 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly poses and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation y basis in JOHNSON County, Kansas, and that said newspaper is not a trade, r fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been ned continuously and uninterruptedly in said county and state for a period of n five years prior to the first publication of said notice; and has been admitted st office of SHAWNEE MISSION, KANSAS in said County as a second class

e attached notice is a true copy thereof and was published in the regular and ue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as on the ---19th--- day of, ---February--- 19---88---, with subsequent ns being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---February--- 19---88---

Pearlie A. Peterson

NOTARY PUBLIC

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

My Commission expires: ---

Printer's Fee $ ---38.14---

Additional copies $ ---

ORDINANCE NO. 1033

AN ORDINANCE ACCEPTING AN EASEMENT FOR UTILITY PURPOSES.

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

19-6,195. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept an easement for utility purposes, over and through the following described real estate, to-wit:

> The West 10' of the E1/2 of Lot 7, Merry Lea Farms, an official Plat of Leawood, Johnson County, Kansas.

19-6,196. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Governing Body this 1st day of February, 1988.

Approved by the Mayor this 2nd day of February, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

1770523

ORIGINAL COMPARED WITH RECORD

PERMANENT UTILITY EASEMENT

This agreement made and entered into this 21st day of January, 1988, by and between Sasan (San) Shadfar party of the first part, does hereby remise, let and release to the party of the second part, the following described real estate to-wit:
City of Leawood, Kansas

The West ten (10) feet of the east 1/2 of lot 7
Merry Lea Farm, an official plat of Leawood,
Johnson County, Kansas.

for the sole use of said party of the second part as and for utility purposes within said City; when same shall cease to be used for said purposes to revert to the grant of their successors, assigns or grantees. Said Permanent ~~Drainage~~ Utility Easement is conveyed on and subject to the condition set forth in Exhibit A, which is attached hereto and made a part of this Permanent ~~Drainage~~ Utility Easement.

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

By: Sasan Shadfar
Sasan (San) Shadfar

ATTEST:
Tammy K. Ellis
Tammy K. Ellis
Notary Public for the State of Kansas
Jan. 21, 1988 Johnson County

TAMMY K. ELLIS
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 7-22-91

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1988 FEB 12 A 10: 51 3

7.00

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

7.00CK

VOL 2741 PAGE 111

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas SS.

COUNTY OF Johnson

BE IT REMEMBERED, That on this 21st day of January, 19 88, before me, the undersigned, a Notary Public in and for said County and State, came Sasan (San) Shadfar

Sam Shadfar

who 15 personally known to me to be the same person ____ who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Tammy K. Ellis
Notary Public
Tammy K. Ellis

July 22 1991
My Commission Expires

TAMMY K. ELLIS
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 7-22-91

CORPORATE ACKNOWLEDGMENT

STATE OF _____ SS.

COUNTY OF _____

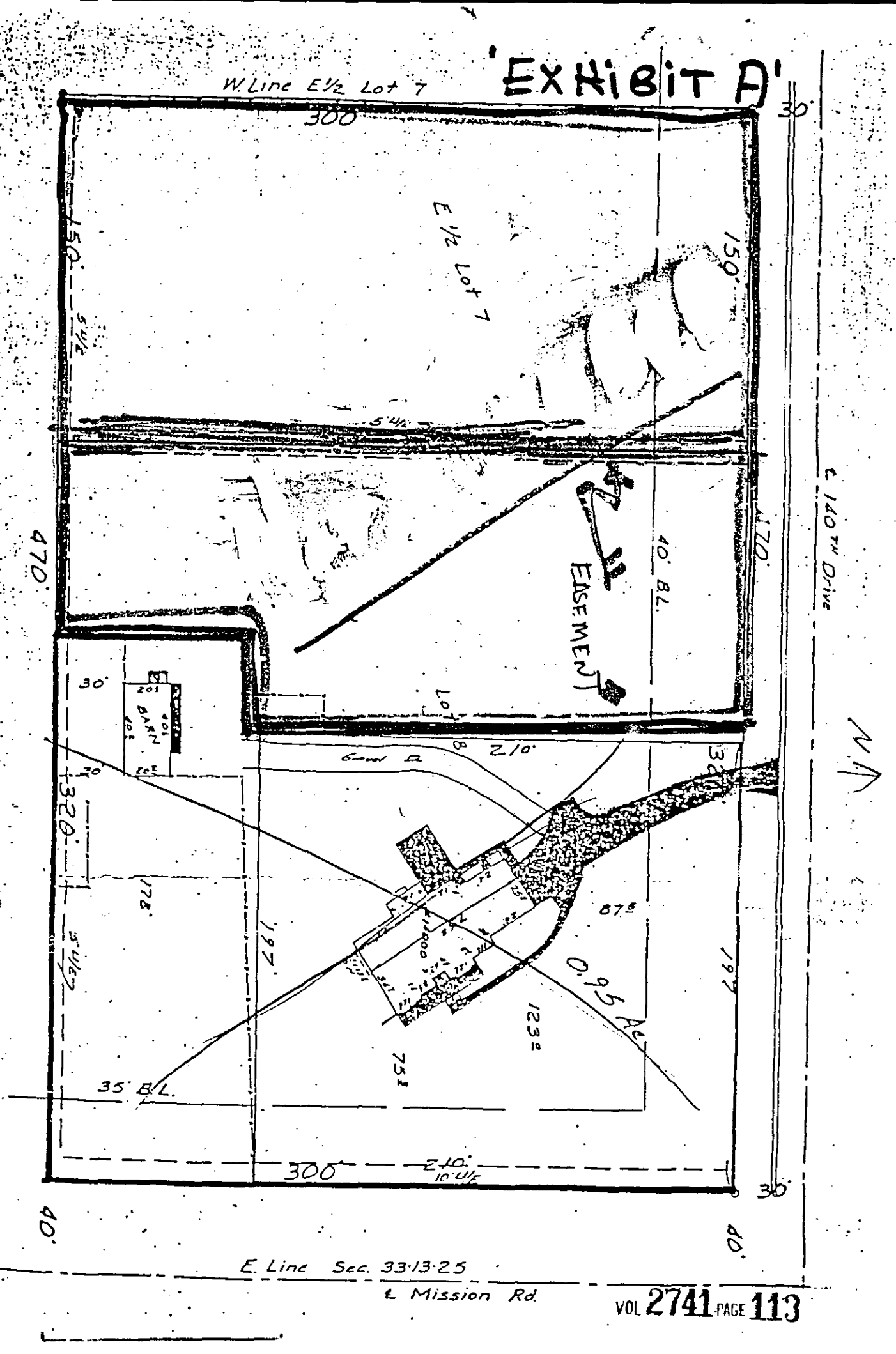
BE IT REMEMBERED, That on this ____ day of _____, 19____, said, came _____, President of _____, a corporation duly organized, incorporated and existing under and by virtue of the laws of _____; and _____, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation, _____.

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

_____
Notary Public

My Commission Expires: _____

City of Leawood
9617 Lee Blvd.
Leawood, KS 66206


'EXHIBIT A'
W. Line E½ Lot 7
300
30'
E ½ Lot 7
150'
150'
5' U/E
5' U/E
470'
470'
40' B.L.
EASEMENT
E 140TH Drive
Lot 8
210'
30'
201
401
BARN
10'
20'
30
320'
178'
197'
87.5
0.95 Ac
123'
75'
35' B.L.
300'
210'
10' U/E
30'
40'
40'
E. Line Sec. 33-13-25
℄ Mission Rd.
N

First Published in the Johnson County Sun, Friday, February 5, 1988.
ORDINANCE NO. 1033
AN ORDINANCE ACCEPTING AN EASEMENT FOR UTILITY PURPOSES.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
19-6,195. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept an easement for utility purposes, over and through the following described real estate, to-wit:
The West 10' of the E½ of Lot 7, Merry Lea Farms, an official Plat of Leawood, Johnson County, Kansas.
19-6,196. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
Passed by the Governing Body this 1st day of February, 1988.
Approved by the Mayor this 2nd day of February, 1988.
(s) Marcia Rinehart, Mayor
(SEAL)
Attest:
(s) Martha Heizer, City Clerk
APPROVED FOR FORM:
/s/ R. S. Wetzler,
City Attorney
(3417 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
ses and say: That she is legal publications manager of THE JOHNSON
JN, a semi-weekly newspaper printed in the State of Kansas, and published
eral circulation in JOHNSON County, Kansas, with a general paid circulation
asis in JOHNSON County, Kansas, and that said newspaper is not a trade,
aternal publication.

paper is a semi-weekly published at least weekly 50 times a year; has been
continuously and uninterruptedly in said county and state for a period of
e 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, ---February--- 19---88---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---5th--- day of ---February--- 19---88---

Pearlie A. Peterson
NOTARY PUBLIC

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

My Commission expires: ---21.98---
Printer's Fee $ ---
Additional copies $ ---

ORDINANCE NO. 1032

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF MERRY LEA FARMS.

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

19-6,193. Section 1. That ten-foot wide utility easement as shown on the Plat of Merry Lea Farms, as approved by the Governing Body July 26, 1971, which is described as follows:

> An easement center on the common north south lot lines of Lot 7 & Lot 8, Merry Lea Farms, beginning 5' north of the south lines of Lots 7 & 8 and ending at the north lines of Lots 7 & 8

is hereby vacated.

19-6,194. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Governing Body this 1st day of February, 1988.

Approved by the Mayor this 2nd day of February, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1032 **1770524** ORIGINAL COMPARED WITH RECORD

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Passed by the Governing Body this 1st day of February, 1988.

Approved by the Mayor this 2nd day of February, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart 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

1988 FEB 12 A 10: 52 5

6.00

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

6.00ck

VOL 2741 PAGE 114

CERTIFICATION

I, Martha Heizer, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 1032 passed by the Governing Body at a regular meeting held February 1, 1988.

(SEAL)

Martha Heizer
City Clerk
City of Leawood, Kansas

City of Leawood

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TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
Passed by the Governing Body this 1st day of February, 1988.
Approved by the Mayor this 2nd day of February, 1988.
(s) Marcia Rinehart; Mayor
(S E A L)
Attest:
(s) Martha Heizer, City Clerk
APPROVED FOR FORM:
/s/ R. S. Wetzler,
City Attorney
(3415 1F)

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matter.

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Deanna Martasin

Subscribe and sworn to before me this ----5th---- day of ----February---- 19--88----

Pearlie A. Peterson
NOTARY PUBLIC

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

My Commission expires: ----------
Printer's Fee $ ----23.44----
Additional copies $ ----------

ORDINANCE NO. 1031 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO A NEW ARTICLE 6 OF CHAPTER 13 ESTABLISHING A "SOUTH LEAWOOD **TRANSPORTATION IMPACT FEE" AND IMPOSING SAME ON NEW DEVELOPMENT IN SOUTH LEAWOOD AS A CONDITION OF DEVELOPMENT APPROVAL.**

WHEREAS, the City of Leawood, Kansas is a legally constituted municipal corporation, under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Art. 12, § 5(b), by which the governing body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. § 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. § 12-704 which Master Plan includes a Major Street Plan; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. § 12-705 et seq.; and

WHEREAS, the Plan Commission has recommended and the Governing Body has adopted Zoning and Planned Unit Development Regulations pursuant to the authority granted by K.S.A. § 12-707 and 12-725 et seq.; and

WHEREAS, the Master Plan of the City of Leawood incorporates a Major Street Plan which specifies arterial street improvement needs in South Leawood pursuant to the land uses and development densities as shown on the adopted Master Development Plan; and

WHEREAS, the Major Street Plan is the officially adopted Plan for projected transportation improvement needs for the City of Leawood based on current City standards; and

WHEREAS, the Master Development Plan for the City of Leawood proposes the sequential and phased development of South Leawood only in conjunction with the provision of necessary transportation and other improvements and public facilities; and

WHEREAS, the Master Development Plan for the City of Leawood ties development approval in South Leawood to the adequacy and availability of the transportation system necessary to accommodate traffic generated by development projected for the area; and

WHEREAS, transportation analyses available to the City establish that the transportation system in South Leawood is currently inadequate to serve projected development; and

WHEREAS, additional development in South Leawood without transportation improvements will result in transportation service falling below established City standards; and

WHEREAS, the City has already experienced development in South Leawood that has occurred without adequate transportation improvements and which has contributed to unsafe transportation conditions; and

WHEREAS, the need for transportation improvements is attributable to development in South Leawood and the transportation improvements to be provided are rationally-related to the specific demands created by new development; and

WHEREAS, the City cannot equitably fund the full cost of such transportation improvements out of City general funds; and

WHEREAS, it has been found and determined that a South Leawood Transportation Impact Fee which allocates a reasonable proportion of the costs of transportation improvements to new development benefitting therefrom, is a reasonable method to ensure that the necessary transportation improvements are available and adequate to serve such new development; and

WHEREAS, it has been found and determined that imposition of an impact fee on new development in South Leawood for its proportionate share of the costs of necessary transportation improvements reasonably attributable to such development is

rational and will equitably apportion the costs of such improvements to the new development producing the need for the improvements; and

WHEREAS, calculation of such impact fee can best be determined and payment of such impact fee can best be monitored at the time of final platting for residential or non-residential development or at the time of building permit issuance for non-residential development for which no final plat is required, notwithstanding that such fees are independent of and not conditions of building permit issuance or plat approval; and

WHEREAS, the impact fees paid will be restricted in their use to transportation improvements serving development subject to the impact fee; and

WHEREAS, South Leawood transportation improvements will be provided within a reasonable period of time from payment of impact fees; and

WHEREAS, the Governing Body, after due consideration, deems it to be in the best interest of the City to adopt an impact fee requirement for South Leawood transportation improvements to promote and protect the health, safety and welfare of the residents and property owners in the City;

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

Section 1. That a new Article 6 shall be added to Chapter 13 of the Code of the City of Leawood, and shall provide as follows:

" Article 6 : SOUTH LEAWOOD TRANSPORTATION IMPACT FEE.

13-601. Short Title. This Ordinance shall be known and cited as the "South Leawood Transportation Impact Fee Ordinance."

13-602. Purpose. A transportation impact fee is imposed on new development in South Leawood for the purpose of assuring that

transportation improvements are available and provide adequate transportation system capacity to support new development while maintaining levels of transportation service deemed adequate by the City. The impact fee shall be imposed on all new development in South Leawood, except as may be otherwise provided herein, and all fees collected shall be utilized solely and exclusively for transportation improvements in South Leawood serving such new development.

13-603. Definitions.

(a) Applicant: the property owner, or duly designated agent of the property owner, of land for which final plat approval has been requested for residential or non-residential development or for which a building permit has been requested for non-residential development for which no final plat is required.

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

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

(j) Impact Fee or South Leawood Transportation Impact Fee: a pro rata regulatory fee imposed on all new development in South Leawood and required by the City as a condition of development approval and collected at final platting for residential and non-residential development for which a final plat is required or at building permit issuance for non-residential development for which a final plat is not required to ensure that the necessary transportation improvements are or will be in place to accommodate the traffic generated by such new development.

(k) Impact Fee Coefficient: the distance, to the nearest 1/10 of a mile expressed as a decimal, from the principal access of the proposed development on a north-south arterial to the point at which the arterial intersects with Highway K-150; where the principal access of the proposed development is to an east-west arterial, the distance shall be measured from the intersection of the east-west arterial with the nearest north-south arterial to the intersection of the north-south arterial with Highway K-150.

(l) Impact Fee Rate: the amount of the applicable impact fee per gross acre of new development in South Leawood.

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

(n) Non-Residential Development: all development other than residential development and public and quasi-public use, as herein defined.

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

(p) 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.

(q) 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, and 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.

(r) Residential Development: the development of any property for a dwelling or dwellings as indicated by an application for final plat approval.

(s) South Leawood: all of that land within the City of Leawood lying south of the southern Highway K-150 reverse frontage road as set forth in the Leawood Master Development Plan.

(t) Subdivision Regulations: Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duty adopted amendments thereof.

(u) Transportation Improvements: the development of off-site secondary arterial streets in South Leawood pursuant to the Major Street Plan, including but not limited to, widening, paving, intersectional improvements, signalization, grading, acquisition of right-of-way, medians, turn lanes, curbs, gutters, signage, sidewalks, street lighting, bridges and ancillary facilities or any portion thereof, except for the development of

on-site or abutting arterial streets required pursuant to City subdivision, zoning, or planned development regulations and the collector portion of off-site arterial streets.

(v) Transportation Improvement Costs: the amounts spent, to be spent or authorized to be spent in connection with the provision of transportation improvements, which may include, but which are not limited to, funds spent on the planning, design, engineering, financing, acquisition of land or easements, construction, administration or incidental expenses associated with the provision of transportation improvements.

(w) Zoning Ordinance: Section 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

13-604. Applicability of Impact Fee

(a) This Ordinance shall be uniformly applicable to residential and non-residential development, but not public and quasi-public uses, on property in South Leawood which must be served by transportation improvements as a condition of development approval. For purposes of this Ordinance, property is "served by" transportation improvements when off-site secondary arterial street improvements are necessary in order to provide north-south and east-west access to and from the property via continuous, improved arterial streets. For purposes of this Ordinance, "improved arterial streets" means and refers to secondary arterial streets identified on the Major Street Plan and constructed to secondary arterial street standards pursuant to applicable City regulations.

(b) This Ordinance shall be applicable to development occurring prior to, in conjunction with, or subsequent to the initiation of transportation improvements in South Leawood as set forth in the Master Plan and Major Street Plan; provided,

however, that such transportation improvements are actually provided within a reasonable period of time following payment of the impact fee imposed by this ordinance.

13-605. Imposition of Impact Fee

(a) No building permit for development to which this Ordinance is applicable shall be issued by the City nor shall any development subject to this Ordinance be granted final plat approval by the City unless the applicant therefor or the owner of the subject property has paid the applicable impact fee in full in the amount and manner prescribed herein, unless exempt or partially exempt pursuant to subsection (b) or Section 13-612 herein.

(b) The impact fee shall not be imposed on (1) residential or non-residential development for which final plat approval had been granted by the City; (2) non-residential development for which a building permit has been issued by the City on or before the date of adoption of this Ordinance; or (3) residential development for which preliminary plat approval and rezoning has been granted by the City prior to November 2, 1987 and which approval and/or rezoning included stipulations imposed by the City which effectively prevented the applicant from submitting a final plat or plats for all or a portion of the proposed development prior to November 2, 1987.

(c) Imposition of the impact fee does not alter, negate, supercede or otherwise affect any other requirements of City, County, State or federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose on-site or abutting arterial street improvement requirements, local or collector street improvement requirements, right-of-way dedication requirements, and/or design and construction standards for local, collector or arterial streets. Provided, however, that an applicant for development approval shall be eligible for a credit for the provision of arterial street improvements pursuant to Section 13-613 herein.

(d) Upon receipt of an application for a preliminary plat, the Director of Planning and Development shall preliminarily calculate the amount of the impact fee due by multiplying the impact fee rate by the number of gross acres in the proposed development for which subdivision approval is being sought and multiplying the product by the applicable impact fee coefficient. This calculation shall be an estimate only for the benefit of the applicant for subdivision approval and shall be subject to final determination at such time as the applicant for development requests final plat approval or a building permit is requested for non-residential development for which a final plat is not required.

13-606. Impact Fee Rate.

The impact fee rate shall be established by Resolution of the City Council initially upon the adoption of this Ordinance, and thereafter as part of the annual review provided in Section 13-609 or at such other times as deemed necessary by the City. If no action is taken by the City Council to amend the impact fee rate, the rate then in effect shall remain in effect.

13-607. Collection of 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 development approval subject to this Ordinance must submit the following information:

(1) the gross acreage of property for which approval is being sought;

(2) the principal access of the development to an arterial street;

(3) the distance from the principal access point to Highway 150;

(4) 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 applicable impact fee; or

(2) the applicant is exempt pursuant to Section 13-612; or

(3) an appeal has been taken and a bond or other surety posted pursuant to Section 13-614.

(d) The Director of Planning and Development shall collect the applicable impact fee prior to final plat approval or prior to building permit issuance for non-residential development for which final plat approval is not required.

13-608. Calculation of Impact Fee. Upon receipt of an application for a building permit or final plat approval for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable impact fee due in accordance with the following procedure:

(a) determination of the 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, the Director of Planning and Development shall indicate the inapplicability of this Ordinance on such application, shall notify the applicant of said inapplicability, and shall process the application in accordance with all relevant City ordinances and regulations.

(c) if this Ordinance is determined to be applicable, the Director of Planning and Development shall:

(1) Determine the gross acreage of the proposed development;

(2) determine the applicable impact fee coefficient;

(3) determine the applicability of credit, if any;

(4) calculate the amount of the impact fee due pursuant to the building permit application or application for final plat approval as submitted and the requirements of this Ordinance in effect at the time of submission.

(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 impact fee ordinance, the gross acreage of the subject development, the applicable impact fee coefficient, or the amount of the 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.

13-609. Annual Review

(a) Prior to January 1, 1989 and every year thereafter, the City Administrator, or his duty authorized agent, shall prepare a report to the Governing Body on the South Leawood Transportation Impact Fee. In preparation of such report, the City Administrator or his duly designated agent shall review the following information:

(1) a statement from the City Treasurer summarizing impact fees collected and disbursed during the year;

(2) a statement from the City Engineer summarizing transportation improvements completed during the past year and planned for the next succeeding year.

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

(4) a statement and recommendation from the Planning Commission on any and all aspects of the South Leawood Transportation Impact Fee, and transportation improvements and planned land use in South Leawood.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; changes in the administration or enforcement of the Ordinance; changes in the impact fee rate; and changes in the Master Plan or Major Street Plan.

(c) The 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 impact fee rate by Resolution. If the Governing Body fails to take such action, the impact fee rate then in effect shall remain in effect. Nothing herein precludes the Governing Body or limits its discretion to amend the impact fee rate and/or the Impact Fee Ordinance at such other times as may be deemed necessary.

(d) In the annual review process, the Governing Body may take into consideration the following factors: inflation as measured by changes in an appropriate construction cost index used by the City; construction cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed transportation improvements; revisions to the Master Plan and Major Street Plan; changes in the anticipated land use mix and/or intensity of development in South Leawood; and such other factors as may be deemed relevant and appropriate.

13-610. Restrictions on Use of and Accounting for Impact Fee Funds

(a) The funds collected by reason of the establishment of the South Leawood transportation impact fee must be used solely for the purpose of funding transportation improvements as described herein and pursuant to the Master Plan and Major Street Plan or for reimbursement to the City for costs incurred in providing such transportation improvements.

(b) Upon receipt of 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 "South Leawood Transportation Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for the provision of transportation improvements as described herein in South Leawood pursuant to the Master Plan and this Ordinance. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that impact fee funds disbursed from such accounts are utilized solely and exclusively for transportation improvements in South Leawood as described herein or for reimbursement to the City of advances made from other revenue sources to fund such transportation improvements. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

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

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

(e) Impact fee funds collected shall not be used to maintain or repair transportation improvements nor to finance improvements other than those described herein.

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

13-611. Refunds

(a) The current owner of property on which an impact fee has been paid may apply for a refund of such fee if: (1) the City has failed to initiate transportation improvements within five (5) years of the date of payment of the impact fee; or (2) the final plat of an approved development is vacated; or (3) the building permit for an approved non-residential development for which the impact fee has been paid subsequently lapses 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 impact fee issued by the Director of Planning and Development; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which a refund is sought.

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

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

13-612. Exemptions.

(a) A property owner shall be exempt from the impact fee otherwise due if:

(1) access to and from the applicable development can be obtained via a continuous, improved arterial street;

(2) the property owner has constructed, escrowed money for the construction of, or established a benefit district for the construction of "transportation improvements" necessary to ensure that access to and from the applicable development can be obtained via a continuous, improved arterial street concurrent with development; or

(3) the property owner has agreed, as a condition of preliminary or final plat approval or rezoning, to construct, escrow money for the construction of, or to establish a benefit district for the construction of "transportation improvements" necessary to ensure that access to and from the applicable development can be obtained via a continuous, improved arterial street concurrent with development.

(b) An exemption may only be given for final plat approval or for building permits for non-residential development for which no final plat is required on the subject property for which access, as described in subsection (a) above, is assured.

(c) An applicant must apply for an exemption in conjunction with final plat approval or at the time of application for a building permit for non-residential development for which no final plat is required. The applicant shall file a petition for exemption with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The

petition shall contain: a statement by the property owner or a duly designated agent of the property owner certifying that petitioner is the current owner of the property; documentary evidence of the ownership of the property at the time of occurrence of the event giving rise to the claim for exemption; documentary evidence of appropriate access, as described in subsection (a) above with respect to the affected property; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which the exemption is being sought. Within one month of the date of receipt of a petition for exemption, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the exemption request; provided, however, that a decision on a petition for exemption filed in conjunction with a final plat shall be made by the City Administrator concurrently with Planning Commission action on the final plat. The decision must include the reasons for the decision. Upon making the decision, the City Administrator or his duly designated agent shall notify the petitioner in writing. Petitioner may appeal the determination of the City Administrator to the Governing Body.

(d) An applicant may apply for an advance determination of exemption at any time by filing a petition for same with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain the information required and shall be processed in accordance with the procedure set forth in Section 13-612(c) above. If an advance determination has been granted, the applicant shall submit evidence of same at the time of application for final plat approval or, for non-residential development for which no final plat is required, at the time of application for building permit, thereby permitting concurrent action by the City.

13-613. Credits.

(a) Any property owner who constructs, escrows money with the City for the construction of, or agrees to participate in a benefit district for the construction of an abutting arterial street to secondary arterial street standards as established by the City shall be eligible for a credit against the amount of the impact fee otherwise due.

(b) The amount of the credit shall be equal to the difference between collector and secondary arterial front-foot street costs, as determined by the City, multiplied by the length (in front feet) of the abutting arterial street as improved by the property owner; provided, however, that the credit shall not exceed the amount of the otherwise applicable impact fee.

(c) The Director of Planning and Development shall determine the applicability and amount of a credit based upon information to be submitted by the applicant including, but not limited to: a statement by the property owner or a duly designated agent of the property owner certifying that the applicant is the current owner of the property; documentary evidence of the ownership of the property at the time of occurrence of the event giving rise to the claim for a credit; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which the credit is being sought.

13-614. Appeals. After a determination by the Director of Planning and Development of the applicability of the impact fee or the amount of the impact fee due, including credits, or after a determination by the City Administrator of the amount of refund due, if any, or the applicability of an exemption, 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 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.

13-615. Effect of 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 requirements for the provision of public improvements that may be imposed by the City pursuant 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.

13-616. Impact Fee As Additional and Supplemental Requirement

The Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City as a condition of the development of land or the issuance of building permits; provided, however, that the impact fee requirement and the payment of such fee by a developer for the transportation improvements described herein shall not be duplicative of other street improvement requirements imposed pursuant to City zoning, subdivision, planned unit development or other applicable ordinances or regulations and the payment of the Impact Fee shall not be used to meet such requirements. The Impact Fee requirement is intended to be consistent with and to further the objectives and policies of the Master Plan and Major Street Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of an adequate street system in conjunction with the development of land. In no event shall a property owner be obligated to pay an

impact fee in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required, pursuant to City zoning and subdivision regulations to dedicate land and/or to construct or escrow money for the construction of local and collector streets and on-site and abutting arterial streets, to collector street standards, in addition to meeting the impact fee requirements set forth herein.

13-617. Variances and Exceptions. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body."

Section 2. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 3. Repealer. All ordinances, code sections or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 1st day of February, 1988.

SIGNED by the Mayor this 2nd day of February, 1988.

Marcia Reinhart
MAYOR

ATTEST:

Martha Heizer
City Clerk

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------One--------- consecutive ---------day--------(weeks, days) the first publication thereof being made as aforesaid on the ---------5th--------- day of, ---February--- 19--88--, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this --5th-- day of --February------ 19--88--

Pearlie A. Peterson

NOTARY PUBLIC

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

My Commission expires: ----------
Printer's Fee $ ---------613.40---------
Additional copies $ ----------

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

First Published in the Johnson County Sun, Friday, February 5, 1988.

ORDINANCE NO. 1031C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO A NEW ARTICLE 6 OF CHAPTER 13 ESTABLISHING A "SOUTH LEAWOOD TRANSPORTATION IMPACT FEE" AND IMPOSING SAME ON NEW DEVELOPMENT IN SOUTH LEAWOOD AS A CONDITION OF DEVELOPMENT APPROVAL.

WHEREAS, the City of Leawood, Kansas is a legally constituted municipal corporation under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution Art. 12, § 5(b), by which the governing body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. § 12-701 **et seq.**; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. § 12-704 which Master Plan includes a Major Street Plan; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. § 12-705 **et seq.**; and

WHEREAS, the Plan Commission has recommended and the Governing Body has adopted Zoning and Planned Unit Development Regulations pursuant to the authority granted by K.S.A. § 12-707 and 12-725 **et seq.**; and

WHEREAS, the Master Plan of the City of Leawood incorporates a Major Street Plan which specifies arterial street improvement needs in South Leawood pursuant to the land uses and development densities as shown on the adopted Master Development Plan; and

WHEREAS, the Major Street Plan is the officially adopted Plan for projected transportation improvement needs for the City of Leawood based on current City standards; and

WHEREAS, the Master Development Plan for the City of Leawood proposes the sequential and phased development of South Leawood only in conjunction with the provision of necessary transportation and other improvements and public facilities; and

WHEREAS, the Master Development Plan for the City of Leawood ties development approval in South Leawood to the adequacy and availability of the transportation system necessary to accommodate traffic generated by development projected for the area; and

WHEREAS, transportation analyses available to the City establish that the transportation system in South Leawood is currently inadequate to serve projected development; and

WHEREAS, additional development in South Leawood without transportation improvements will result in transportation service falling below established City standards; and

WHEREAS, the City has already experienced development in South Leawood that has occurred without adequate transportation improvements and which has contributed to unsafe transportation conditions; and

WHEREAS, the need for transportation improvements is attributable to development in South Leawood and the transportation improvements to be provided are rationally-related to the specific demands created by new development; and

WHEREAS, the City cannot equitably fund the full cost of such transportation improvements out of City general funds; and

WHEREAS, it has been found and determined that a South Leawood Transportation Impact Fee which allocates a reasonable proportion of the costs of transportation improvements to new development benefitting therefrom, is a reasonable method to ensure that the necessary transportation improvements are available and adequate to serve such new development; and

WHEREAS, it has been found and determined that imposition of an impact fee on new development in South Leawood for its proportionate share of the costs of necessary transportation improvements reasonably attributable to such development is rational and will equitably apportion the costs of such improvements to the new development producing the need for the improvements; and

WHEREAS, calculation of such impact fee can best be determined and payment of such impact fee can best be monitored at the time of final platting for residential or non-residential development or at the time of building permit issuance for non-residential development for which no final plat is required, notwithstanding that such fees are independent of and not conditions of building permit issuance or plat approval; and

WHEREAS, the impact fees paid will be restricted in their use to transportation improvements serving development subject to the impact fee; and

WHERES, South Leawood transportation improvements will be provided within a reasonable period of time from payment of impact fees; and

WHEREAS, the Governing body, after due consideration, deems it to be in the best interest of the City to adopt an impact fee requirement for South Leawood transportation improvements to promote and protect the health, safety and welfare of the residents and property owners in the City;

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

Section 1. That a new Article 6 shall be added to Chapter 13 of the Code of the City of Leawood, and shall provide as follows:

"Article 6: SOUTH LEAWOOD TRANSPORTATION IMPACT FEE.

13-601. Short Title. This Ordinance shall be known and cited as the "South Leawood Transportation Impact Fee Ordinance."

13-602. Purpose. A transportation impact fee is imposed on new development in South Leawood for the purpose of assuring that transportation improvements are available and provide adequate transportation system capacity to support new development while maintaining levels of transportation service deemed adequate by the City. The impact fee shall be imposed on all new development in South Leawood, except as may be otherwise provided herein, and all fees collected shall be utilized solely and exclusively for transportation improvements in South Leawood serving such new development.

13-603. Definitions.

(a) **Applicant:** the property owner, or duly designated agent of the property owner, of land for which final plat approval has been requested for residential or non-residential development or for which a building permit has been requested for non-residential development for which no final plat is required.

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

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

(j) **Impact Fee or South Leawood Transportation Impact Fee:** a pro rate regulatory fee imposed on all new development in South Leawood and required by the City as a condition of development approval and collected at final platting for residential and non-residential development for which a final plat is required or at building permit issuance for non-residential development for which a final plat is not required to ensure that the necessary transportation improvements are or will be in place to accommodate the traffic generated by such new development.

(k) **Impact Fee Coefficient:** the distance, to the nearest 1/10 of a mile expressed as a decimal, from the principal access of the proposed development on a north-south arterial to the point at which the arterial intersects with Highway K-150; where the principal access of the proposed development is to an east-west arterial, the distance shall be measured from the intersection of the east-west arterial with the nearest north-south arterial to the intersection of the north-south arterial with Highway K-150.

(l) **Impact Fee Rate:** the amount of the applicable impact fee per gross acre of new development in South Leawood.

(m) **Master Plan:** the official, adopted comprehensive development plan for the City of Leawood, and amendments thereto, including the Major Street Plan.

(n) **Non-Residential Development:** all development other than residential development and public and quasi-public use, as herein defined.

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

(p) **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.

(q) **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, and 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.

(r) **Residential Development:** the development of any property for a dwelling or dwellings as indicated by an application for final plat approval.

(s) **South Leawood:** all of that land within the City of Leawood lying south of the southern Highway K-150 reverse frontage road as set forth in the Leawood Master Development Plan.

(t) **Subdivision Regulations:** Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duty adopted amendments thereof.

(u) **Transportation Improvements:** the development of off-site secondary arterial streets in South Leawood pursuant to the Major Street Plan, including but not limited to, widening, paving, intersectional improvements, signalization, grading, acquisition of right-of-way, medians, turn lanes, curbs, gutters, signage, sidewalks, street lighting, bridges and ancillary facilities or any portion thereof, except for the development of on-site or abutting arterial streets required pursuant to City subdivision, zoning, or planned development regulations and the collector portion of off-site arterial streets.

(v) **Transportation Improvement Costs:** the amounts spent, to be spent or authorized to be spent in connection with the provision of transportation improvements, which may include, but which are not limited to, funds spent on the planning, design, engineering, financing, acquisition of land or easements, construction, administration or incidental expenses associated with the provision of transportation improvements.

(w) **Zoning Ordinance:** Section 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

13-604. Applicability of Impact Fee

(a) This Ordinance shall be uniformly applicable to residential and non-residential development, but not public and quasi-public uses, on property in South Leawood which must be served by transportation improvements as a condition of development approval. For purposes of this Ordinance, property is "served by" transportation improvements when off-site secondary arterial street improvements are necessary in order to provide north-south and east-west access to and from the property via continuous, improved arterial streets. For purposes of this Ordinance, "improved arterial streets" means and refers to secondary arterial streets identified on the Major Street Plan and constructed to secondary arterial street standards pursuant to applicable City regulations.

(b) This Ordinance shall be applicable to development occurring prior to, in conjunction with, or subsequent to the initiation of transportation improvements in South Leawood as set forth in the Master Plan and Major Street Plan; provided, however, that such transportation improvements are actually provided within a reasonable period of time following payment of the impact fee imposed by this ordinance.

13-605. Imposition of Impact Fee

(a) No building permit for development to which this Ordinance is applicable shall be issued by the City nor shall any development subject to this Ordinance be granted final plat approval by the City unless the applicant therefor or the owner of the subject property has paid the applicable impact fee in full in the amount and manner prescribed herein, unless exempt or partially exempt pursuant to subsection (b) or Section 13-612 herein.

(b) The impact fee shall not be imposed on (1) residential or non-residential development or which final plat approval had been granted by the City; (2) non-residential development for which a building permit has been issued by the City on or before the date of adoption of this Ordinance; or (3) residential development for which preliminary plat approval and rezoning has been granted by the City prior to November 2, 1987 and which approval and/or rezoning included stipulations imposed by the City which effectively prevented the applicant from submitting a final plat or plats for all or a portion of the proposed development prior to November 2, 1987.

(c) Imposition of the impact fee does not alter, negate, supercede or otherwise affect any other requirements of City, County, State or federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose on-site or abutting arterial street improvement requirements, local or collector street improvement requirements, right-of-way dedication requirements, and/or design and construction standards for local, collector or arterial streets. Provided, however, that an applicant for development approval shall be eligible for a credit for the provision of arterial street improvements pursuant to Section 13-613 herein.

(d) Upon receipt of an application for a preliminary plat, the Director of Planning and Development shall preliminarily calculate the amount of the impact fee due by multiplying the impact fee rate by the number of gross acres in the proposed development for which subdivision approval is being sought and multiplying the product by the applicable impact fee coefficient. This calculation shall be an estimate only for the benefit of the applicant for subdivision approval and shall be subject to final determination at such time as the applicant for development requests final plat approval or a building permit is requested for non-residential development for which a final plat is not required.

13-606. Impact Fee Rate.

The impact fee rate shall be established by Resolution of the City Council initially upon the adoption of this Ordinance, and thereafter as part of the annual review provided in Section **13-609** or at such other times as deemed necessary by the City. If no action is taken by the City Council to amend the impact fee rate, the rate then in effect shall remain in effect.

13-607. Collection of 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 development approval subject to this Ordinance must submit the following information:

(1) the gross acreage of property for which approval is being sought;

(2) the principal access of the development to an arterial street;

(3) the distance from the principal access point to Highway 150;

(4) 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 applicable impact fee; or

(2) the applicant is exempt pursuant to Section **13-612**; or

(3) an appeal has been taken and a bond or other surety posted pursuant to Section **13-614.**

(d) The Director of Planning and Development shall collect the applicable impact fee prior to final plat approval or prior to building permit issuance for non-residential development for which final plat approval is not required.

13-608. Calculation of Impact Fee. Upon receipt of an application for a building permit or final plat approval for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable impact fee due in accordance with the following procedure:

(a) determination of the 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, the Director of Planning and Development shall indicate the inapplicablity of this Ordinance on such application, shall notify the applicant of said inapplicability, and shall process the application in accordance with all relevant City ordinances and regulations.

(c) if this Ordinance is determined to be applicable, the Director of Planning and Development shall:

(1) Determine the gross acreage of the proposed development;

(2) determine the applicable impact fee coefficient;

(3) determine the applicability of credit, if any;

(4) calculate the amount of the impact fee due pursuant to the building permit application or application for final plat approval as submitted and the requirements of this Ordinance in effect at the time of submission.

(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 impact fee ordinance, the gross acreage of the subject development, the applicable impact fee coefficient, or the amount of the 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.

13-609. Annual Review

(a) Prior to January 1, 1989 and every year thereafter, the City Administrator, or his duty authorized agent, shall prepare a report to the Governing Body on the South Leawood Transportation Impact Fee. In preparation of such report, the City Administrator or his duly designated agent shall review the following information:

(1) a statement from the City Treasurer summarizing impact fees collected and disbursed during the year;

(2) a statement from the City Engineer summarizing transportation improvements completed during the past year and planned for the next succeeding year.

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

(4) a statement and recommendation from the Planning Commission on any and all aspects of the South Leawood Transportation Impact fee, and transportation improvements and planned land use in South Leawood.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; changes in the administration or enforcement of the Ordinance; changes in the impact fee rate; and changes in the Master Plan or Major Street Plan.

(c) The 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 impact fee rate by Resolution. If the Government Body fails to take such action, the impact fee rate then in effect shall remain in effect. Nothing herein precludes the Governing Body or limits its discretion to amend the impact fee rate and/or the Impact Fee Ordinance at such other times as may be deemed necessary.

(d) In the annual review process, the Governing Body may take into consideration the following factors: inflation as measured by changes in an appropriate construction cost index used by the City; construction cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed transportation improvements; revisions to the Master Plan and Major Street Plan; changes in the anticipated land use mix and/or intensity of development in South Leawood; and such other factors as may be deemed relevant and appropriate.

13-610. Restrictions on Use of and Accounting for Impact Fee Funds

(a) The funds collected by reason of the establishment of the South Leawood transportation impact fee must be used solely for the purpose of funding transportation improvements as described herein and pursuant to the Master Plan and Major Street Plan or for reimbursement to the City for costs incurred in providing such transportation improvements.

(b) Upon receipt of 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 "South Leawood Transportation Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for the provision of transportation improvements as described herein in South Leawood pursuant to the Master Plan and this Ordinance. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that impact fee funds disbursed from such accounts are utilized solely and exclusively for transportation improvements in South Leawood as described herein or for reimbursement to the City of advances made from other revenue sources to fund such transportation improvements. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

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

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

(e) Impact fee funds collected shall not be used to maintain or repair transportation improvements nor to finance improvements other than those described herein.

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

13-611. Refunds

(a) The current owner of property on which an impact fee has been paid may apply for a refund of such fee if: (1) the City has failed to initiate transportation improvements within five (5) years of the date of payment of the impact fee; or (2) the final plat of an approved development is vacated; or (3) the building permit for an approved non-residential development for which the impact fee has been paid subsequently lapses 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 impact fee issued by the Director of Planning and Development; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which a refund is sought.

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

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

13-612. Exemptions.

(a) A property owner shall be exempt from the impact fee otherwise due if:

(1) access to and from the applicable development can be obtained via a continuous, improved arterial street;

(2) the property owner has constructed, escrowed money for the construction of, or established a benefit district for the construction of "transportation improvements" necessary to ensure that access to and from the applicable development can be obtained via a continuous, improved arterial street concurrent with development; or

(3) the property owner has agreed, as a condition of preliminary or final plat approval or rezoning, to construct, escrow money for the construction of, or to establish a benefit district for the construction of "transportation improvements" necessary to ensure that access to and from the applicable development can be obtained via a continuous, improved arterial street concurrent with development.

(b) An exemption may only be given for final plat approval or for building permits for non-residential development for which no final plat is required on the subject property for which access, as described in subsection (a) above, is assured.

(c) An applicant must apply for an exemption in conjunction with final plat approval or at the time of application for a building permit for non-residential development for which no final plat is required. The applicant shall file a petition for exemption with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain: a statement by the property owner or a duly designated agent of the property owner certifying that petitioner is the current owner of the property; documentary evidence of the ownership of the property at the time of occurrence of the event giving rise to the claim for exemption; documentary evidence of appropriate access, as described in subsection (a) above with respect to the affected property; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which the exemption is being sought. Within one month of the date of receipt of a petition for exemption, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the exemption request; provided, however, that a decision on a petition for exemption filed in conjunction with a final plat shall be made by the City Administrator concurrently with Planning Commission action on the final plat. The decision must include the reasons for the decision. Upon making the decision, the City Administrator or his duly designated agent shall notify the petitioner in writing. Petitioner may appeal the determination of the City Administrator to the Governing Body.

(d) An applicant may apply for an advance determination of exemption at any time by filing a petition for same with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain the information required and shall be processed in accordance with the procedure set forth in Section **13-612**(c) above. If an advance determination has been granted, the applicant shall submit evidence of same at the time of application for final plat approval or, for non-residential development for which no final plat is required, at the time of application for building permit, thereby permitting concurrent action by the City.

13-613. Credits.

(a) Any property owner who constructs, escrows money with the City for the construction of, or agrees to participate in a benefit district for the construction of an abutting arterial street to secondary arterial street standards as established by the City shall be eligible for a credit against the amount of the impact fee otherwise due.

(b) The amount of the credit shall be equal to the difference between collector and secondary arterial front-foot street costs, as determined by the City, multiplied by the length (in front feet) of the abutting arterial street as improved by the property owner; provided, however, that the credit shall not exceed the amount of the otherwise applicable impact fee.

(c) The Director of Planning and Development shall determine the applicability and amount of credit based upon information to be submitted by the applicant including, but not limited to: a statement by the property owner or a duly designated agent of the property owner certifying that the applicant is the current owner of the property; documentary evidence of the ownership of the property at the time of occurrence of the event giving rise to the claim for a credit; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which the credit is being sought.

13-614. Appeals. After a determination by the Director of Planning and Development of the applicability of the impact fee or the amount of the impact fee due, including credits, or after a determination by the City Administrator of the amount of refund due, if any, or the applicability of an exemption, 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 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.

13-615. Effect of 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 requirements for the provision of public improvements that may be imposed by the City pursuant to the zoning and subdivision regulations or other regulations of the City, which shall be operative ad remain in full force and effect without limitation with respect to all such development.

13-616. Impact Fee As Additional and Supplemental Requirement

The Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City as a condition of the development of land or the issuance of building permits; provided, however, that the impact fee requirement and the payment of such fee by a developer for the transportation improvements described herein shall not be duplicative of other street improvement requirements imposed pursuant to City zoning, subdivision, planned unit development or other applicable ordinances or regulations and the payment of the Impact Fee shall not be used to meet such requirements. The Impact Fee requirement is intended to be consistent with and to further the objectives and policies of the Master Plan and Major Street Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of an adequate street system in conjunction with the development of land. In no event shall a property owner be obligated to pay an impact fee in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required, pursuant to City zoning and subdivision regulations to dedicate land and/or to construct or escrow money for the construction of local and collector streets and on-site and abutting arterial streets, to collector street standards, in addition to meeting the impact fee requirements set forth herein.

13-617. Variances and Exceptions. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body."

Section 2. **Liberal Construction.** The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 3. **Repealer.** All ordinances, code sections or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. **Severability.** Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. **Effective Date.** This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 1st day of February, 1988.

SIGNED by the Mayor this 2nd day of February, 1988

(s) Marcia Rinehart
MAYOR

ATTEST:
(s) Martha Heizer
City Clerk

(SEAL)

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

(3416 1F)

ORDINANCE NO. 1030

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENTS FOR DRAINAGE PURPOSES (NALL AVENUE IMPROVEMENT, COLLEGE/119TH STREET).

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

19-6,191. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 2 drainage easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easements to construct, maintain, alter, repair, and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

From Leawood Country Manor Associates, a Joint Venture consisting of James E. Ferrell and Ferrell Leasing Corp.: A tract of land 15 feet in width, across a part of the S1/2 of the NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described center-line: Beginning at a point on the West line of the NW1/4 of said Section 16 and 2483.02 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW1/4 of said Section 16, a distance of 43.12 feet; thence Southeasterly, along a line deflecting 15° to the right from the last described course, a distance of 64 feet, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 698 Square Feet, more or less.)

From Marned Corporation: All of the North 20 feet of the West 95 feet of the South 1130 feet of the SW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 700 Square Feet, more or less.)

19-6,192. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Governing Body this 18th day of January, 1988.

Approved by the Mayor this 19th day of January, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

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

Tract No. 2

1766450 ORIGINAL COMPARED WITH RECORD

PERMANENT DRAINAGE EASEMENT

This agreement made and entered into this 10th day of June, 1987 by and between Leawood Country Manor Associates, a Joint Venture consisting of James E. Ferrell and ~~Richard H. Sallors~~ Ferrell Leasing Corp.

party of the first part, and the City of Leawood, Johnson County, Kansas, party of the second part.

WITNESSETH: That for and in consideration of the location of a storm drainage facility said party of the first part, does hereby remise, let and release to the party of the second part, the following described real estate to-wit:

A tract of land 15 feet in width, across a part of the S½ of the NW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Beginning at a point on the West line of the NW¼ of said Section 16 and 2483.02 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW¼ of said Section 16, a distance of 43.12 feet; thence Southeasterly, along a line deflecting 15° to the right from the last described course, a distance of 64 feet, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 698 Square Feet, more or less.

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

It is hereby mutually understood and agreed that said first party hereby waives and claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said storm sewers.

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

6.00

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1988 JAN 20 A 11:28 9

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

James E. Ferrell

President - Ferrell Leasing Corp.
James E. Ferrell

RECEIVED
JUN 12 1987
PUBLIC WORKS DEPT.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Missouri :
SS.
COUNTY OF Clay :

BE IT REMEMBERED, That on the 10th day June, 1987, before me, the undersigned, a Notary Public in and for said County and State,

came James E. Ferrell

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Notary PUblic

My Commission Expires:

CORPORATE ACKNOWLEDGEMENT

STATE OF Missouri :
SS.
COUNTY OF Clay :

BE IT REMEMBERED that on this 10th day of June, 1987, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came James E. Ferrell, President of Ferrell Leasing Corp.

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

and Danley K. Sheldon, Assistant Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation, Ferrell Leasing Corp.

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

Notary Public
Bryan G. Neal

My Commission Expires

JULY 15, 1990

City of Leawood

VOL 2731 PAGE 236

9617 Lee Blvd, Leawood, KS 66206

Tract No. 4

1766451

ORIGINAL COMPARED WITH RECORD

PERMANENT DRAINAGE EASEMENT

This agreement made and entered into this 26 day of MAY, 1987

by and between Marned Corporation

party of the first part, and the City of Leawood, Johnson County, Kansas, party of the second part.

WITNESSETH: That for and in consideration of the location of a storm drainage facility said party of the first part, does hereby remise, let and release to the party of the second part, the following described real estate to-wit:

All of the North 20 feet of the West 95 feet of the South 1130 feet of the SW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 700 Square Feet, more or less.

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

It is hereby mutually understood and agreed that said first party hereby waives and claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said storm sewers.

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

6.00

Neil T. Douthat, President

Neil T. Douthat

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

1988 JAN 20 A 11: 30 O

RUBIE M. SCOTT
REGISTER OF DEEDS

6.00

BY _____ DEP

RECEIVED
MAY 28 1987
PUBLIC WORKS DEPT.

VOL 2731 PAGE 237

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MISSOURI :
SS.
COUNTY OF JACKSON :

BE IT REMEMBERED, That on the 26th day May, 1987, before me, the undersigned, a Notary Public in and for said County and State,

came Neil T. Douthat

who is personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Stephanie M. Spevak
Notary PUblic
Stephanie M. Spevak

My Commission Expires:

May 16, 1991

VOL 2731 PAGE 238

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ :
SS.
COUNTY OF _____ :

BE IT REMEMBERED that on this _____ day of _____, 19_____, before me, the undersigned, a Notary Public in and for the County and State aforesaid; came _____, President of _____, a corporation duly organized, incorporated and existing under and by virtue of the laws of _____; and _____, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation, _____

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

_____
Notary Public

My Commission Expires

_____

City of Leawood
9617 Lee Blvd.
Leawood, KS
66206

First Published in the Johnson County Sun, Friday, January 22, 1988.

ORDINANCE NO. 1030

AN ORDINANCE RELATING TO *ACCEPTANCE OF EASEMENTS* FOR DRAINAGE PURPOSES (NALL AVENUE IMPROVEMENT, COLLEGE/119TH STREET).

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

19-6,191. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 2 drainage easements, along with the restrictions and reservations as set forth therein, granting the City of *Leawood, Kansas, its successors* and assigns, permanent easements to construct, maintain, alter, repair, and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, *to-wit:*

From Leawood Country Manor Associates, a Joint Venture consisting of James E. Ferrell and Ferrell Leasing Corp.:

A tract of land 15 feet in width, across a part of the S ½ of the NW ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Beginning at a point on the West line of the NW ¼ of said Section 16 and 2483.02 *feet South of the Northwest* corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW ¼ of said Section 16, a distance of 43.12 feet; thence Southeasterly, along a line deflecting 15° to the right from the last described course, a distance of 64 feet, all subject *to that part thereof* dedicated for street purposes. (The above described tract of land contains 698 Square Feet, more or less.)

From *Marned Corporation:* All of the North 20 feet of the West 95 feet of the South 1130 feet of the SW ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 700 Square Feet, more or less.)

19-6,192. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Governing Body *this 18th day of January*, 1988.

Approved by the Mayor this 19th day of January, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

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

(3335 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly n, Deposes and say: That she is legal publications manager of THE JOHNSON NTY-SUN, a semi-weekly newspaper printed in the State of Kansas, and published d of general circulation in JOHNSON County, Kansas, with a general paid circ[redacted]n yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, ous or fraternal publication.

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

at the attached notice is a true copy thereof and was published in the regular and issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as said on the 22nd day of, January 19 88, with subsequent cations being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 22nd day of January 19 88

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ 46.47
Additional copies $ ---

ORDINANCE NO. 1029

AN ORDINANCE RELATING TO ACCEPTANCE OF DEEDS FOR STREET PURPOSES (NALL AVENUE IMPROVEMENT, COLLEGE/119TH).

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

19-5,101. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept deeds for land to be used for street purposes, the legal descriptions of which are as follows:

From S & S Developers: All that part of the NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of the NW1/4 of said Section 16 at its intersection with the Westerly extension of the Southerly right-of-way line of 112th Street, as now established; thence Southerly, along the West line of the NW1/4 of said Section 16, to a point 1453.09 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW1/4 of said Section 16, to a point 60 feet East of the West line thereof; thence Northerly, along a line 60 feet East of and parallel to the West line of the NW1/4 of said Section 16, to a point on the Southerly right-of-way line of said 112th Street; thence Westerly, along the Southerly right-of-way line and its extension of said 112th Street, to the point of beginning, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 16,713 Square Feet, more or less.)

From Marned Corporation: All of the West 60 feet of the SW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 67,563 Square Feet, more or less.)

From Leawood Country Manor Associates, a Joint Venture consisting of James E. Ferrell and Ferrell Leasing Corp.: All that part of the S1/2 of the NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the NW1/4 of said Section 16; thence Northerly, along the West line of the SW1/4 of said Section 16, to a point 1453.09 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW1/4 of said Section 16, a distance of 60 feet; thence Southerly, along a line 60 feet East of and parallel to the West line of the NW1/4 of said Section 16, to a point on the South line thereof; thence Westerly, along the South line of the NW1/4 of said Section 16, to the point of beginning, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 35,987 Square Feet, more or less.)

19-5-102. INCORPORATION BY REFERENCE. Section 2. Copies of said deeds are attached hereto and thereby incorporated by reference.

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

Passed by the Governing Body this 18th day of January, 1988.

Approved by the Mayor this 19th day of January, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

Tract No. 2

1766497

DEED OF DEDICATION

ORIGINAL COMPARED WITH RECORD

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 10 day of June, 1987, by and between Leawood Country Manor Ferrell Leasing Corp. Associates, a Joint Venture consisting of James E. Ferrell and ~~Richard H. Sappers~~ of _____ County, Sate of _____, Part _____ of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

Entered on Transfer Record
26 Day of Jan AD 1988
BEVERLY L. [illegible]
Johnson County Clerk

WITNESSETH:

That Part _____ of the First Part, In consideration of the sum of

One ($1.00) and no/100th----------Dollars to _____ in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents do _____ GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all _____ right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

All that part of the S½ of the NW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the NW¼ of said Section 16; thence Northerly, along the West line of the SW¼ of said Section 16, to a point 1453.09 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW¼ of said Section 16, a distance of 60 feet; thence Southerly, along a line 60 feet East of and parallel to the West line of the NW¼ of said Section 16, to a point on the South line thereof; thence Westerly, along the South line of the NW¼ of said Section 16, to the point of beginning, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 35,987 Square Feet, more or less.

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

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

~~and that First Part ___ will forever warrant and defind the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Part ___ of the First part, for _____ heirs, executors, administrators, successors, or assigns, hereby waive ___ and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described.~~ First part ____ hereby agree ___ that First Part ____ shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Part ___ further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

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

6.00cr

James E. Ferrell

James E. Ferrell

James E. Ferrell
President - Ferrell Leasing Corp.

11/24/81

RECEIVED
JUN 12 1987
PUBLIC WORKS DEPT.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Missouri :
SS.
COUNTY OF Clay :

BE IT REMEMBERED, That on the 10th day June, 1987, before me, the undersigned, a Notary Public in and for said County and State, came James E. Ferrell

who _____ personally known to me to be the same person ____ who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Notary PUblic

My Commission Expires:

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1990 JAN 20 P 2:09 3
ROBIE M. SCOTT
REGISTER OF DEEDS
BY _____ DEP

6.00

CORPORATE ACKNOWLEDGEMENT

STATE OF Missouri :
SS.
COUNTY OF Clay :

BE IT REMEMBERED that on this 10th day of June, 1987, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came James E. Ferrell, President of Ferrell Leasing Corp., a corporation duly organized, incorporated and existing under and by virtue of the laws of Missouri; and Danley K. Sheldon, Assistant Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation, Ferrell Leasing Corp.

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

Bryan G. Neal
Notary Public
Bryan G. Neal

My Commission Expires
JULY 15, 1990

VOL 2731 PAGE 356

City of Leawood
9617 Lee Blvd. Leawood, KS 66206

Tract No. 4

1766499

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 26 day of MAY, 1987, by and between Marned Corporation of JOHNSON County, Sate of KANSAS, Party of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Part ____ of the First Part, In consideration of the sum of One ($1.00) and no/100th---------- Dollars to ____ in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents do ____ GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all ____ right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

All of the West 60 feet of the SW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 67,563 Square Feet, more or less.

Entered in Transfer Record
20 Day of Jan AD 1988
BEVERLY L. ROP
Johnson County Clerk

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

6.00

1988 JAN 20 P 2:10

RUBIE M. SCOTT
REGISTER OF DEEDS

BY ____ DEP

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

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

and that First Part ____ will forever warrant and defind the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Part ____ of the First part, for ____ heirs, executors, administrators, successors, or assigns, hereby waive ____ and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First part ____ hereby agree ____ that First Part ____ shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Part ____ further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

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

6.00

RECEIVED
MAY 28 1987
PUBLIC WORKS DEPT.

Neil T. Douthat, PRESIDENT
Neil T. Douthat

ORIGINAL COMPARED WITH RECORD

VOL 2731 PAGE 338

11/24/81

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MISSOURI :
SS.
COUNTY OF JACKSON :

BE IT REMEMBERED, That on the 26th day May, 1987, before me, the undersigned, a Notary Public in and for said County and State,

came Neil T. Douthat

who is personally known to me to be the same person ____ who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Stephanie M. Spevak
Notary Public
Stephanie M. Spevak

My Commission Expires:

May 16, 1991

VOL 2731 PAGE 359

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ :
SS.
COUNTY OF _____ :

BE IT REMEMBERED that on this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, President of _____

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

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

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

_____
Notary Public

My Commission Expires

_____

City of Leawood
9619 Lee Blvd.
Leawood, KS
66206

1766498

DEED OF DEDICATION

Tract No. 1

ORIGINAL COMPARED WITH RECORD

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 14th day of October, 1987, by and between S & S Developers, a Kansas General Partnership of _____ County, Sate of _____, Part _____ of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Part _____ of the First Part, in consideration of the sum of One ($1.00) and no/100th---------- Dollars to _____ in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents do _____ GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all _____ right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

All that part of the NW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of the NW¼ of said Section 16 at its intersection with the Westerly extension of the Southerly right-of-way line of 112th Street, as now established; thence Southerly, along the West line of the NW¼ of said Section 16, to a point 1453.09 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW¼ of said Section 16, to a point 60 feet East of the West line thereof; thence Northerly, along a line 60 feet East of and parallel to the West line of the NW¼ of said Section 16, to a point on the Southerly right-of-way line of said 112th Street; thence Westerly, along the Southerly right-of-way line and its extension of said 112th Street, to the point of beginning, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 16,713 Square Feet, more or less.

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

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

and that First Part ___ will forever warrant and defind the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Part ___ of the First part, for _____ heirs, executors, administrators, successors, or assigns, hereby waive ___ and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First part ____ hereby agree ___ that First Part ____ shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Part ___ further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

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

E. Sanford Baker

E. Sanford Baker

6.00

RECEIVED
JUN 15 1987
PUBLIC WORKS DEPT.

Entered in Transfer Record
20th Day of Jan 88
BEVERLY L. BAKER
Johnson County Clerk

11/24/81

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Missouri :
SS.
COUNTY OF Jackson :

BE IT REMEMBERED, That on the 14th day October, 19 87, before me, the undersigned, a Notary Public in and for said County and State,

came E. Sanford Baker

who is personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Sherry R. Baker
Notary Public
Sherry R. Baker

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1988 JAN 20 P 2:09 8
RUBIE M. SCOTT
REGISTER OF DEEDS
BY _____ DEP

My Commission Expires:
1-30-88

VOL 2731 PAGE 357

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ :
SS.
COUNTY OF _____ :

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

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

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

_____
Notary Public

My Commission Expires

_____

City of Leawood
9617 Lee Blvd.
Leawood, KS
66206

First Published in the Johnson County Sun, Friday, January 22, 1988.

ORDINANCE NO. 1029

AN ORDINANCE RELATING TO ACCEPTANCE OF DEEDS FOR STREET PURPOSES (NALL AVENUE IMPROVEMENT, COLLEGE/119TH).

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

19-5,101. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept deeds for land to be used for street purposes, the legal descriptions of which are as follows:

From S & S Developers: All that part of the NW ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of the NW ¼ of said Section 16 at its intersection with the Westerly extension of the Southerly right-of-way line of 112th Street, as now established; thence Southerly, along the West line of the NW ¼ of said Section 16, to a point 1453.09 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW ¼ of said Section 16, to a point 60 feet East of the West line thereof; thence Northerly, along a line 60 feet East of and parallel to the West line of the NW ¼ of said Section 16, to a point on the Southerly right-of-way line of said 112th Street; thence Westerly, along the Southerly right-of-way line and its extension of said 112th Street, to the point of beginning, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 16,713 Square Feet, more or less.)

From Marned Corporation: All of the West 60 feet of the SW ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (The above described tract of land contains 67,563 Square Feet, more or less.)

From Leawood Country Manor Associates, a Joint Venture consisting of James E. Ferrell and Ferrell Leasing Corp.: All that part of the S ½ of the NW ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the NW ¼ of said Section 16; thence Northerly, along the West line of the SW ¼ of said Section 16, to a point 1453.09 feet South of the Northwest corner thereof, as measured along said West line; thence Easterly, along a line perpendicular to the West line of the NW ¼ of said Section 16, a distance of 60 feet; thence Southerly, along a line 60 feet East of and parallel to the West line of the NW ¼ of said Section 16, to a point on the South line therefor; thence Westerly, along the South line of the NW ¼ of said Section 16, to the point of beginning, all subject to that part thereof dedicated for street purposes. (The above described tract of land contained 35,987 Square Feet, more or less.)

19-5,102. INCORPORATION BY REFERENCE. Section 2. Copies of said deeds are attached hereto and thereby incorporated by reference.

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

Passed by the Governing Body this 18th day of January, 1988.

Approved by the Mayor this 19th day of January, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

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

(3334 1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation early basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

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

at the attached notice is a true copy thereof and was published in the regular and e issue of said newspaper for ONE consecutive day (weeks, days) the first publication thereof being made as said on the 22nd day of, January 19 88, with subsequent cations being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

scribe and sworn to before me this 22nd day of January 19 88

NOTARY PUBLIC

My Commission expires:

Printer's Fee $ 61.17

Additional copies $

ORDINANCE NO. 1028 C

AN ORDINANCE RELATING TO DRINKING ESTABLISHMENT LICENSE TAX, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 3-212 of Ordinance No. 996C and of the "Code of the City of Leawood, 1984", is hereby repealed.

Section 2. Section 3-212 of the "Code of the City of Leawood, 1984", is hereby amended to read as follows:

3-212. LICENSE TAX UPON DRINKING ESTABLISHMENTS. It shall be unlawful for any person granted a license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the City of Leawood without first obtaining a City license from the City Clerk.

No City license to sell or serve any alcoholic liquor shall be issued until the applicant has made application and made payment in the amount of Two Hundred and Fifty Dollars ($250.00) to the City. Upon receipt of payment and application in correct form and in compliance with all other requirements of the City of Leawood, the City Clerk shall issue a City license to the applicant. The license shall cover the year commencing on the date the Kansas Liquor Retailer's License is issued by the State Director of Alcoholic Beverage Control and shall end one year thereafter. The City license shall be displayed in a conspicuous place on the licensed premises.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 4th day of January, 1988.

Approved by the Mayor this 5th day of January, 1988.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Wednesday, January 13, 1988.

ORDINANCE NO. 1028 C

AN ORDINANCE RELATING TO DRINKING ESTABLISHMENT LICENSE TAX, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 3-212 of Ordinance No. 996C and of the "Code of the City of Leawood, 1984", is hereby repealed.

Section 2. Section 3-212 of the "Code of the City of Leawood, 1984", is hereby amended to read as follows:

3-212. LICENSE TAX UPON DRINKING ESTABLISHMENTS. It shall be unlawful for any person granted a license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the City of Leawood without first obtaining a City license from the City Clerk.

No City license to sell or serve any alcoholic liquor shall be issued until the applicant has made application and made payment in the amount of Two Hundred and Fifty Dollars ($250.00) to the City. Upon receipt of payment and application in correct form and in compliance with all other requirements of the City of Leawood, the City Clerk shall issue a City license to the applicant. The license shall cover the year commencing on the date the Kansas Liquor Retailer's License is issued by the State Director of Alcoholic Beverage Control and shall end one year thereafter. The City license shall be displayed in a conspicuous place on the licensed premises.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 4th day of January, 1988.

Approved by the Mayor this 5th day of January, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R. S. Wetzler,
City Attorney

(3296 1W)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
ITY SUN, a semi-weekly newspaper printed in the State of Kansas, and publish
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yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
us or fraternal publication.

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

at the attached notice is a true copy thereof and was published in the regular and
e issue of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
said on the ---13th--- day of, ---January--- 19---88---, with subsequent
ications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---13th--- day of ---January--- 19---88---

Marguerite E. Baker

NOTARY PUBLIC

NOTARY PUBLIC STATE OF KANSAS
MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-

My Commission expires: ---3-15-88---

Printer's Fee $ ---37.65---

Additional copies $ ---

ORDINANCE NO. 1027 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO A NEW ARTICLE 5 OF CHAPTER 13 ESTABLISHING A "HIGHWAY K-150 CORRIDOR TRANSPORTATION IMPACT FEE" AND IMPOSING SAME ON NEW DEVELOPMENT IN THE K-150 DEVELOPMENT CORRIDOR AS A CONDITION OF DEVELOPMENT APPROVAL.

WHEREAS, the City of Leawood, Kansas is a legally constituted municipal corporation, under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Art. 12, § 5(b), by which the governing body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. § 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. § 12-704 which Master Plan includes a Major Street Plan; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. § 12-705 et seq.; and

WHEREAS, the Plan Commission has recommended and the Governing Body has adopted Zoning and Planned Unit Development Regulations pursuant to the authority granted by K.S.A. § 12-707 and 12-725 et seq.; and

WHEREAS, the City of Leawood (in conjunction with the cities of Overland Park and Olathe and Johnson County, Kansas) has completed a comprehensive plan for the future development of the K-150 Corridor Study Area, which plan recommends a phased program for the improvement of Highway K-150; and

WHEREAS, the Highway K-150 corridor improvement plan is based upon the City's adopted land use plan for the arrangement and intensity of future land uses in the Highway K-150 corridor and to be served by the Highway K-150 improvements; and

WHEREAS, the K-150 Corridor Study (December, 1986) and the Master Development Plan for the City of Leawood (1986 Update) propose the sequential and ultimate development of the corridor only in conjunction with the completion of phased improvements to Highway K-150; and

WHEREAS, the Master Development Plan for the City of Leawood ties development approval in the Highway K-150 corridor to the adequacy and availability of transportation capacity to accommodate the development intensity projected for the corridor; and

WHEREAS, the K-150 Corridor Study and subsequent transportation and traffic analyses performed by the City establish that Highway K-150 is currently operating at its design capacity; and

WHEREAS, any additional development in the Highway K-150 corridor will cause either a reduction in transportation service levels below those established by the City or a need for additional transportation system capacity on Highway K-150; and

WHEREAS, Highway K-150 is a unique transportation facility in the City of Leawood, being the only non-Interstate controlled-access highway in the City; and

WHEREAS, the development intensities permitted in the Highway K-150 corridor are unique in the City of Leawood and are closely related to the capacity of the transportation facility; and

WHEREAS, such development intensities would not be permitted but for the nature of the proposed Highway K-150 transportation facility; and

WHEREAS, the need for the transportation facility is attributable to the permissible development in the Highway K-150 corridor and the transportation improvements are rationally-related to the demands created by new development within the K-150 Highway corridor; and

WHEREAS, the City cannot equitably fund the full cost of the Highway K-150 corridor transportation improvements out of City general funds; and

WHEREAS, it has been found and determined that a Highway K-150 Corridor Transportation Impact Fee which allocates a proportion of the costs of the Highway K-150 corridor transportation improvements to new development benefitting therefrom, based upon the amount and land use intensity of such development, is a reasonable method to ensure that the Highway K-150 corridor transportation improvements are available and adequate to serve such new development; and

WHEREAS, it has been found and determined that imposition of an impact fee on new development within the Highway K-150 corridor for its proportionate share of the costs of necessary transportation improvements reasonably attributable to such development is rational and will equitably apportion the costs of such improvements to the new development producing the need for the improvements; and

WHEREAS, calculation of such impact fee can best be determined and payment of such impact fee can best be monitored at the time of final platting for residential development and at the time of building permit issuance for non-residential development, notwithstanding that such fees are independent of and not conditions of building permit issuance or plat approval; and

WHEREAS, the impact fees paid will be restricted in their use to Highway K-150 corridor transportation improvements serving development subject to the impact fee; and

WHEREAS, Highway K-150 corridor transportation improvements will be provided within a reasonable period of time from payment of impact fees; and

WHEREAS, the Governing Body, after due consideration, deems it to be in the best interest of the City to adopt an impact fee requirement for Highway K-150 corridor transportation improvements to promote and protect the health, safety and welfare of the residents and property owners in the City;

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

Section 1. That a new Article 5 shall be added to Chapter 13 of the Code of the City of Leawood, and shall provide as follows:

" ARTICLE 5 : LEAWOOD, KANSAS HIGHWAY K-150 CORRIDOR IMPACT FEE.

13-501. Short Title. This Ordinance shall be known and cited as the "Leawood, Kansas Highway K-150 Corridor Impact Fee Ordinance."

13-502. Purpose. A Highway K-150 corridor impact fee is imposed on new development in the K-150 corridor for the purpose of assuring that K-150 highway transportation improvements are available and provide adequate transportation system capacity to support new development while maintaining levels of transportation service on Highway K-150 deemed adequate by the City. The impact fee shall be imposed on all new development in the K-150 corridor and all fees collected shall be utilized solely and exclusively for transportation improvements in the K-150 corridor serving such new development.

13-503. 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 non-residential 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 remodelling, 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 non-residential use which requires issuance of a building permit; and the final platting of land for residential development.

(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) Highway K-150 Corridor: all of that land within the north and south Highway K-150 reverse frontage roads, as set forth in the Leawood Master Development Plan.

(l) Highway K-150 Corridor Impact Fee or Impact Fee: a pro rata regulatory fee imposed on all new development in the Highway K-150 corridor and required by the City as a condition of development approval and collected at final platting for residential development and at building permit issuance for non-residential

development to ensure that the necessary Highway K-150 corridor transportation improvements are or will be in place to accommodate the traffic generated by such new development.

(m) Highway K-150 Corridor Study: the Joint Land Use Study and Recommended Corridor Development Plan for Highway K-150 prepared by the Cities of Leawood, Olathe and Overland Park and Johnson County, Kansas.

(n) Impact Fee Rate: the amount of the applicable impact fee per trip generated by new development in the Highway K-150 corridor.

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

(p) Non-Residential Development: all development other than residential development and public and quasi-public use, as herein defined.

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

(r) 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.

(s) 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, and 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.

(t) Residential Development: the development of any property for a dwelling or dwellings as indicated by an application for final plat approval.

(u) Subdivision Regulations: Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duty adopted amendments thereof.

(v) Transportation Improvements: the development of Phase I roads and roadway improvements in the Highway K-150 corridor, which may include but which are not limited to, widening, paving, intersectional improvements, signalization, grading, acquisition of right-of-way, medians, turn lanes, curbs, gutters, signage, sidewalks, street lighting and ancillary facilities or any portion thereof pursuant to the City Master Plan and this Ordinance.

(w) Transportation Improvement Costs: the amounts spent, to be spent or authorized to be spent in connection with the provision of transportation improvements, which may include, but which are not limited to, funds spent on the planning, design, engineering, financing, acquisition of land or easements, construction, administration or incidental expenses associated with the provision of transportation improvements.

(x) Zoning Ordinance: Section 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

13-504. Applicability of Impact Fee

(a) This Ordinance shall be uniformly applicable to residential and non-residential development, but not public and quasi-public uses, on property in the City of Leawood which is in the Highway K-150 corridor.

(b) This Ordinance shall be applicable to development occurring prior to, in conjunction with, or subsequent to the initiation of Phase I transportation improvements in the Highway K-150 corridor as set forth in the Master Plan and in Attachment "A" to this Ordinance; provided, however, that such transporta-

tion improvements are actually provided within a reasonable period of time following payment of the impact fee imposed by this ordinance.

13-505. Imposition of Impact Fee

(a) No building permit for development to which this Ordinance is applicable shall be issued by the City nor shall any development subject to this Ordinance be finally approved by the City unless the applicant therefor or the owner of the subject property has paid the applicable impact fee in full in the amount and manner prescribed herein.

(b) The impact fee shall not be imposed on any residential development for which final plat approval had been granted by the City or on any non-residential development for which a building permit has been issued by the City on or before the date of adoption of this Ordinance.

(c) Imposition of the impact fee does not alter, negate, supercede or otherwise affect any other requirements of City, County, State or federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose transportation improvements requirements, right-of-way dedication requirements, and design and construction standards for local, collector or arterial streets.

(d) Upon receipt of an application for a preliminary plat, the Director of Planning and Development shall preliminarily calculate the amount of the impact fee due by multiplying the impact fee rate by the number of dwelling units or floor area (in square feet) for the proposed development for which subdivision approval is being sought. This calculation shall be an estimate only for the benefit of the applicant for subdivision approval

and shall be subject to final determination at such time as the applicant requests final plat approval for residential development or a building permit for non-residential development.

13-506. Amount of Impact Fee.

(a) Impact Fee Rate: the impact fee rate shall be established by Resolution of the City Council initially upon the adoption of this Ordinance, and thereafter as part of the annual review provided in Section 13-509or at such other times as deemed necessary by the City. If no action is taken by the City Council to amend the impact fee rate, the rate then in effect shall remain in effect. (b) Amount of Impact Fee: the amount of the impact fee per dwelling unit for residential development and the amount of the impact fee per square foot of floor area, finished for non-residential development (by type) shall be established by Resolution of the City Council initially upon the adoption of this Ordinance, and thereafter as part of the annual review provided in Section 13-509 or at such other times as deemed necessary by the City. If no action is taken by the City Council to amend the impact fee amounts, the amounts then in effect shall remain in effect.

13-507. Collection of 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 non-residential development and applicants for final plat approval for residential development subject to this Ordinance must submit the following information:

(1) the number of dwelling units for residential development;

(2) the type and amount of finished floor area for non-residential development (in square feet);

(3) both the number of dwelling units and the type and finished floor area of non-residential development (in square feet) for a mixed-use project;

(4) 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 applicable impact fee; or

(2) an appeal has been taken and a bond or other surety posted pursuant to Section 13-512 .

(d) The Director of Planning and Development shall collect the applicable impact fee prior to issuance of a building permit for non-residential development and prior to final plat approval for residential development.

13-508 Calculation of Impact Fee. Upon receipt of an application for a building permit or final plat approval for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable impact fee due in accordance with the following procedure:

(a) determination of the 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, the Director of Planning and Development shall indicate the inapplicability of this Ordinance on such application, shall notify the applicant of said inapplicability, and shall process the application in accordance with all relevant City ordinances and regulations.

(c) if this Ordinance is determined to be applicable, the Director of Planning and Development shall:

(1) for residential development, multiply the applicable impact fee amount pursuant to Section 13-506(b) by the number of dwelling units for which final plat approval is being sought.

(2) for non-residential development, multiply the applicable impact fee amount pursuant to Section 13-506(b) by the finished floor area (in square feet) of non-residential development for which the building permit is being sought.

(3) for mixed use developments, the impact fee shall be separately calculated as set forth above for residential and non-residential development (by type).

(4) The Director of Planning and Development shall calculate the amount of the impact fee due pursuant to the building permit application or application for final plat approval as submitted and the requirements of this Ordinance in effect at the time of submission.

(5) A building permit application or application for final plat approval must be resubmitted to the Director of Planning and Development and the amount of the impact fee recalculated if the applicant alters the proposed development by increasing the number of dwelling units, increasing the finished floor area of non-residential development or changing the non-residential use to a different use category.

(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 impact fee ordinance, the type of development, the number of dwelling units for residential development, the finished floor area (in square feet) of non-residential development, or the amount of the 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.

13-509. Annual Review

(a) Prior to January 1, 1989 and every year thereafter, the City Administrator, or his duty authorized agent, shall prepare a report to the Governing Body on the Highway K-150 Corridor Transportation Impact Fees. In preparation of such report, the City Administrator or his duly designated agent shall review the following information:

(1) a statement from the City Treasurer summarizing impact fees collected and disbursed during the year;

(2) a statement from the City Engineer summarizing transportation improvements completed during the past year and planned for the next succeeding year.

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

(4) a statement and recommendation from the Planning Commission on any and all aspects of the Impact Fee and Highway K-150 corridor transportation improvements and land uses.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; changes in the administration or enforcement of the Ordinance; changes in the impact fee rate; and changes in the Master Plan.

(c) The 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 impact fee rate by Resolution. If the Governing Body fails to take such action, the impact fee rate then in effect shall remain in effect. Nothing herein precludes the Governing Body or limits its discretion to amend the impact fee rate and/or the Impact Fee Ordinance at such other times as may be deemed necessary.

(d) In the annual review process, the Governing Body may take into consideration the following factors: inflation as measured by changes in an appropriate construction cost index used by the City; improvement and land acquisition cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed transportation improvements; revisions to the Master Plan; changes in the anticipated land use mix and/or intensity of development in the Highway K-150 corridor; and such other factors as may be deemed relevant and appropriate.

13-510 . Restrictions on Use of and Accounting for Impact Fee Funds

(a) The funds collected by reason of the establishment of the Highway K-150 corridor transportation impact fee must be used solely for the purpose of funding transportation improvements as described herein and pursuant to the Master Plan or for reimbursement to the City for costs incurred in providing such transportation improvements.

(b) Upon receipt of 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 "Highway K-150 Corridor Transportation Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for the provision of transportation improvements as described herein in the K-150 corridor pursuant to the Master Plan and this Ordinance. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that impact fee funds disbursed from such accounts are utilized solely and exclusively for transportation improvements in the K-150 corridor as described herein or for reimbursement to the City of advances made from other revenue sources to fund such transportation improvements. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

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

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

(e) Impact fee funds collected shall not be used to maintain or repair Highway K-150 nor to finance transportation improvements other than those described herein.

(f) The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of the Highway K-150 transportation improvements as set forth in the Master Plan and this Ordinance. Funds pledged toward the retirement of such bonds or other certificates of indebtedness may include the impact fees and other City (and non-City) funds and revenues as may be allocated by the Governing Body. Impact fees paid pursuant to this Ordinance, however, shall be used solely and exclusively for transportation improvements as defined herein.

13-511. Refunds

(a) The current owner of property on which an impact fee has been paid may apply for a refund of such fee if: (1) the City has failed to initiate transportation improvements within five (5) years of the date of payment of the impact fee; or (2) the building permit for non-residential development pursuant to which the impact fee has been paid has lapsed for non-commencement of construction; or (3) the non-residential development for which a building permit has been issued has been altered resulting in a decrease in the amount of impact fee due; or (4) the final plat for a residential development pursuant to which an impact fee has been paid is vacated; or (5) a replat for fewer residential lots or dwelling units is submitted on property pursuant to which an impact fee had been paid prior to final plat approval.

(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 impact fee issued by the Director of Planning and Development; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which a refund is sought.

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

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

13-512. Appeals. After a determination by the Director of Planning and Development of the applicability of the 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 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.

13-513. Effect of 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 requirements for the provision of public improvements that may be imposed by the City pursuant 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.

13-514. Impact Fee As Additional and Supplemental Requirement

The Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City as a condition of the development of land or the issuance of building permits; provided, however, that the impact fee requirement and the payment of such fee by a developer for the transportation improvements described herein shall not be duplicative of other street improvement requirements imposed pursuant to City zoning, subdivision, planned unit development or other applicable ordinances or regulations and the payment of the Impact Fee shall not be used to meet such requirements. The Impact Fee requirement is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate transportation capacity in conjunction with the development of land. In no event shall a property owner be obligated to pay an impact fee in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required,

pursuant to City zoning and subdivision regulations to dedicate land and/or construct local, collector or arterial streets in addition to meeting the impact fee requirements set forth herein.

13-515. Variances and Exceptions. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body."

Section 2. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 3. Repealer. All ordinances, code sections or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 4th day of January, 1988.

SIGNED by the Mayor this 5th day of January, 1988.

Marcia Rinehart
MAYOR

ATTEST:

Martha Heizer
City Clerk

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Attachment "A"

PROPOSED HIGHWAY K-150 CORRIDOR TRANSPORTATION IMPROVEMENTS

PHASE	DESCRIPTION	ESTIMATED COSTS	PROPOSED FUNDING SOURCES	ESTIMATED DATE OF INITIATION	ESTIMATED DATE OF COMPLETION
PHASE I	4-lane divided arterial	$5 million	City, County (CARS), developer impact fees	1991	1992
PHASE II	addition of 3rd lane on each side to function as right-turn lane	$2 million	Developer responsibility	as development along frontage	occurs of K-150
PHASE III	conversion of 3rd lane portion on each side to full 6-lane facility and conversion of open drainage system to enclosed system; optional 8-lane facility based on demand	$3 million	Benefit District	1995	2000

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---one--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---13th--- day of, ---January--- 19---88---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---13th--- day of ---January--- 19---88---

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-88

My Commission expires: 3-15-88
Printer's Fee $ 633.00
Additional copies $

First Published in the Johnson County Sun, Wednesday, January 13, 1988.

ORDINANCE NO. 1027 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO A NEW ARTICLE 5 OF CHAPTER 13 ESTABLISHING A "HIGHWAY K-150 CORRIDOR TRANSPORTATION IMPACT FEE" AND IMPOSING SAME ON NEW DEVELOPMENT IN THE K-150 DEVELOPMENT CORRIDOR AS A CONDITION OF DEVELOPMENT APPROVAL.

WHEREAS, the City of Leawood, Kansas is a legally constituted municipal corporation, under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Art. 12, § 5(b), by which the governing body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. § 12-701 **et seq.**; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. § 12-704 which Master Plan includes a Major Street Plan; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. § 12-705 **et seq.**; and

WHEREAS, the Plan Commission has recommended and the Governing Body has adopted Zoning and Planned Unit Development Regulations pursuant to the authority granted by K.S.A. § 12-707 and 12-725 **et seq.**; and

WHEREAS, the City of Leawood (in conjunction with the cities of Overland Park and Olathe and Johnson County, Kansas) has completed a comprehensive plan for the future development of the K-150 Corridor Study Area, which plan recommends a phased program for the improvement of Highway K-150; and

WHEREAS, the Highway K-150 corridor improvement plan is based upon the City's adopted land use plan for the arrangement and intensity of future land uses in the Highway K-150 corridor and to be served by the Highway K-150 improvements; and

WHEREAS, the K-150 Corridor Study (December, 1986) and the Master Development Plan for the City of Leawood (1986 Update) propose the sequential and ultimate development of the corridor only in conjunction *with the competition of phased improvements to Highway K-150*; and

WHEREAS, the Master Development Plan for the City of Leawood ties development approval in the Highway K-150 corridor to the adequacy and availability of transportation capacity to accommodate the development intensity projected for the corridor; and

WHEREAS, the K-150 Corridor Study and subsequent transportation and traffic analyses performed by the City establish that Highway K-150 is currently operating at its design capacity; and

WHEREAS, any additional development in the Highway K-150 corridor will cause either a reduction in transportation service levels below those established by the City or a need for additional transportation system capacity on Highway K-150; and

WHEREAS, Highway K-150 is a unique transportation facility in the City of Leawood, being the only non-Interstate controlled-access highway in the City; and

WHEREAS, the development intensities permitted in the Highway K-150 corridor are unique in the City of Leawood and are closely related to the capacity of the transportation facility; and

WHEREAS, such development intensities would not be permitted but for the nature of the proposed Highway K-150 transportation facility; and

WHEREAS, the need for *the transportation facility is attributable* to the permissible development in the Highway K-150 corridor and the transportation improvements are rationally related to the demands created by new development within the K-150 Highway corridor; and

WHEREAS, the City cannot equitably fund the full cost of the Highway K-150 corridor transportation improvements out of City general funds; and

WHEREAS, it has been found and determined that a Highway K-150 Corridor Transportation Impact Fee which allocates a proportion of the costs of the Highway K-150 corridor transportation improvements to new development benefitting therefrom, based upon the amount and land use intensity of such development, is a reasonable method to ensure that the *Highway K-150 corridor* transportation improvements are available and adequate to serve such new development; and

WHEREAS, it had been found and determined that imposition of an impact fee on new development within the Highway K-150 corridor for its proportionate share of the costs of necessary transportation improvements reasonably attributable to such development is rational and will equitably apportion the costs of such improvements to the new development producing the need for the improvements; and

WHEREAS, calculation of such impact fee can best be determined and payment of such impact fee can best be *monitored at the time of final platting* for residential development and at the time of building permit issuance for non-residential development, notwithstanding that such fees are independent of and not conditions of building permit issuance or plat approval; and

WHEREAS, the impact fees paid will be restricted in their use to Highway K-150 corridor transportation improvements serving development subject to the impact fee; and

WHEREAS, Highway K-150 corridor trasportation improvements will be provided within a reasonable period of time from payment of impact fees; and

WHEREAS, the Governing Body, after due consideration, deems it to be in the best interest of the City to adopt an impact fee requirement for Highway K-150 *corridor transportation improvements* to promote and protect the health, safety and welfare of the residents and property owners in the City;

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

Section 1. That a new Article 5 shall be added to Chapter 13 of the Code of the City of Leawood, and shall provide as follows:

"ARTICLE 5: LEAWOOD, KANSAS HIGHWAY K-150 CORRIDOR IMPACT FEE.

13-501. Short Title. This Ordinance shall be known and cited as the "Leawood, Kansas Highway K-150 Corridor Impact Fee *Ordinance*."

13-502. Purpose. A Highway K-150 corridor impact fee is imposed on new development in the K-150 corridor for the purpose of assuring that K-150 Highway transportation improvements are available and provide adequate transportation system capacity to support new development while maintaining levels of transportation service on Highway K-150 deemed adequate by the City. The impact fee shall be imposed on all new development in the K-150 corridor and all fees collected shall be utilized solely and exclusively for transportation improvements in the K-150 corridor serving such new development.

13-503. Definitions.

(a) **Applicant:** the property owner, or duly designated agent of the property owner, of land on which a building permit has been requested to non-residential 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 remodelling, 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 non-residential use which requires issuance of a building permit; and the final platting of land for residential development.

(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) ***Highway K-150 Corridor:*** *all of that land* within the north and south Highway K-150 reverse frontage roads, as set forth in the Leawood Master Development Plan.

(l) **Highway K-150 Corridor Impact Fee or Impact Fee:** a pro rata regulatory fee imposed on *all new development in the* Highway K-150 corridor and required by the City as a condition of development approval and collected at final platting for residential development and at building permit issuance for non-residential development to ensure that the necessary Highway K-150 corridor transportation improvements are or will be in place to accommodate the traffic generated by such new development.

(m) **Highway K-150 Corridor Study:** the Joint Land Use *Study and Recommended Corridor Development Plan* for Highway K-150 prepared by the Cities of Leawood, Olathe and Overland Park and Johnson County, Kansas.

(n) **Impact Fee Rate:** the amount of applicable impact fee per trip generated by new development in the Highway K-150 corridor.

(o) **Master Plan:** the official, adopted comprehensive development plan for the City of Leawood, and amendments thereto, including the Major Street Plan.

(p) **Non-Residential Development:** all development other than residential development and public and quasi-public use, as herein defined.

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

(r) **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.

(s) **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, and 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.

(t) **Residential Development:** the development of any property for a dwelling or dwellings as indicated by an application for final plat approval.

(u) **Subdivision Regulations:** Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duly adopted amendments thereof.

(v) **Transportation Improvements:** the development of Phase I roads and roadway improvements in the Highway K-150 corridor, which may include but which are not limited to, widening, paving, intersectional improvements, signalization, grading, acquisition of right-of-way, medians, turn lanes, *curbs, gutters, signage, sidewalks*, street lighting and ancillary facilities or any portion thereof pursuant to the City Master Plan and this Ordinance.

(w) **Transportation Improvement Costs:** the amounts spent, to be spent or authorized to be spent in connection with the provision of transportation improvements, which may include, but which are not limited to, funds spent on the planning, design, engineering, financing, acquisition of land or easements, construction, administration or incidental expenses associated with the provision of transportation improvements.

(x) **Zoning Ordinance:** Section 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

13-504. Applicability of Impact Fee

(a) This ordinance shall be uniformly applicable to residential and non-residential development, but not public and quasi-public uses, on property in the City of Leawood which is in the Highway K-150 corridor.

(b) This Ordinance shall be applicable to development occurring prior to, in conjunction with, or subsequent to the initiation of Phase I transportation improvement in the Highway K-150 corridor as set forth in the Master Plan and in Attachment "A" to this Ordinance; provided however, that such transportation improvements are actually provided within a reasonable period of time following *payment of the impact fees imposed by this ordinance.*

13-505. Imposition of Impact Fee

(a) No building permit for development for which this Ordinance is applicable shall be issued by the City nor shall any development subject to this Ordinance be finally approved by the City unless the applicant therefor or the owner of the subject property has paid the applicable impact fee in full in the amount and manner prescribed herein.

(b) The impact fee shall not be imposed on any residential development for which final plat approval had been granted by the City or on any non-residential development for which a building permit has been issued by the City on or before the date of the adoption of this *Ordinance.*

(c) Imposition of the impact fee does not alter, negate, supercede or otherwise affect any other requirements of City, County, State or federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose transportation improvements requirements, right-of-way dedication requirements, and design and construction standards for local, collector or arterial streets.

(d) Upon receipt of an application for a preliminary plat, the Director of Planning and Development shall preliminarily calculate the amount of the impact fee due by multiplying the impact fee rate by the number of dwelling units or floor area (in square feet) for the proposed development for which subdivision approval is being *sought. This calculation shall* be an estimate only for the benefit of the applicant for subdivision approval and shall be subject to final determination at such time as the applicant requests final plat approval for residential development or a building permit for non-residential development.

13-506. Amount of Impact Fee.

(a) Impact Fee Rate: the impact fee rate shall be established by Resolution of the City Council initially upon the adoption of this Ordinance, and thereafter as part of the annual review provided in Section **13-509** or at such other times as deemed necessary by the City. If no action is taken by the City Council to amend the impact fee rate, the rate then in effect shall *remain in effect.* (b) Amount of *Impact Fee: the amount* of the impact fee per dwelling unit for residential development and the amount of the impact fee per square foot of floor area, finished for non-residential development (by type) shall be established by Resolution of the City Council initially upon the adoption of this Ordinance, and thereafter as part of the annual review provided in Section **13-509** or at such other times as deemed necessary by the City. If no action is taken by the City Council to amend the impact fee amounts, the amounts then in effect shall remain in effect.

13-507. Collection of 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 non-residential development and applicants for final plat approval for residential development subject to this Ordinance must submit the following information:

(1) the number of dwelling units for residential development;

(2) the type and amount of finished floor area for non-residential development (in square feet);

(3) both the number of dwelling units and the type and finished floor area of non-residential development (in square feet) for a mixed-use project;

(4) 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 applicable impact fee;

(2) an appeal has been taken and a bond or other surety posted pursuant to Section **13-512**.

(d) The Director of Planning and Development shall collect the applicable impact fee prior to issuance of a building permit for non-residential development and prior to final plat approval for residential development.

13-508. Calculation of Impact Fee. Upon receipt of an application for a building permit or final plat approval for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable impact fee due in accordance with the following procedure:

(a) determination of the 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, the Director of Planning and Development shall indicate the inapplicability of this Ordinance on such application, shall notify the applicant of said inapplicability, and shall process the application in accordance with all relevant City ordinances and regulations.

(c) if this Ordinance is determined to be applicable, the Director of Planning and Development shall:

(1) for residential development, multiply the applicable impact fee amount pursuant to Section **13-506**(b) by the number of dwelling units for which final plat approval is being sought.

(2) for non-residential development, multiply the applicable impact fee amount pursuant to Section **13-506**(b) by the finished floor area (in square feet) of non-residential development for which the building permit is being sought.

(3) for mixed use developments, the impact fee shall be separately calculated as set forth above for residential and non-residential development (by type).

(4) The Director of Planning and Development shall calculate the amount of the impact fee *due pursuant to the building permit application or application for final plat approval as submitted* and the requirements of this Ordinance in effect at the time of submission.

(5) A building permit application or application for final plat approval must be resubmitted to the Director of Planning and Development and the amount of the impact fee recalculated if the applicant alters the proposed development by increasing the number of dwelling units, increasing the finished floor area of non-residential development or changing the non-residential use to a different use category.

(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 impact fee ordinance, the type of development, the number of dwelling units for residential development, the finished floor area (in square feet) of non-residential development, or the amount of the 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.

13-509. Annual Review

(a) Prior to January 1, 1989 and every year thereafter, the City Administrator, or his duly authorized agent, *shall prepare a report to the Governing Body on the Highway K-150 Corridor* Transportation Impact Fees. In preparation of such report, the City Administrator or his duly designated agent shall review the following information:

(1) a statement from the City Treasurer summarizing impact fees collected and disbursed during the year;

(2) a statement from the City Engineer summarizing transportation improvements completed during the past year and planned for the next succeeding year.

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

(4) a statement and recommendation from the Planning Commission on any *and all* aspects of the Impact Fee and Highway K-150 corridor transportation improvements and land uses.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; changes in the administration or enforcement of the Ordinance; changes in the impact fee rate; and changes in the Master Plan.

(c) The 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 Gov*erning Body may amend the impact fee rate by Resolution. If the Governing Body fails to take such action, the impact fee rate then in effect shall remain in effect. Nothing herein precludes the Governing Body or limits its discretion to amend the impact fee rate and/or the Impact Fee Ordinance at such other times as may be deemed necessary.

(d) In the annual review process, the Governing Body may take into consideration the following factors: inflation as measured by changes in an appropriate construction cost index used by the City; improvement and land acquisition cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed transportation improvements; revisions to the Master Plan; changes in the anticipated land use mix and/or intensity of development in the Highway K-150 corridor; and such other factors as may be deemed relevant and appropriate.

13-510. Restrictions on Use of and Accounting for Impact Fee Funds

(a) The funds collected by reason of the establishment of the Highway K-150 corridor transportation improvements as described herein and pursuant to the Master Plan or for reimbursement to the City for costs incurred in providing such transportation improvements.

(b) Upon receipt of 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 seg*regated, interest bearing account designated as the "Highway K-150 Corridor Transportation Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for the provision of transportation improvements as described herein in the K-150 corridor pursuant to the Master Plan and this Ordinance. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that impact fee funds disbursed from such accounts are utilized solely and exclusively for transportation improvements in the K-150 corridor as described herein or for reimbursement to the City of advances made from other revenue sources to fund such transportation improvements. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

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

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

(e) Impact fee funds collected shall not be used to maintain or repair Highway K-150 nor to finance transportation improvements other than those described herein.

(f) The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of in debtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of the Highway K-150 transportation improvements as set forth in the Master Plan and this Ordinance. Funds pledged toward the retirement of such bonds or other certificates of indebtedness may include the impact fees and other City (and non-City) funds and revenues as may be allocated by the Governing Body. Impact fees paid pursuant to this Ordinance, however, shall be used solely and exclusively for transportation improvements as defined herein.

13-511. Refunds

(a) The current owner of property on which an impact fee has been paid may apply for a refund of such fee if: (1) the City has failed to initiate transportation improvements within five (5) years of the date of payment of the impact fee; or (2) the building permit for non-residential development pursuant to which the impact fee has been paid has lapsed for non-commencement of construction; or (3) the *non-residential development for which a building permit* has been issued has been altered resulting in a decrease in the amount of impact fee due; or (4) the final plat for a residential development pursuant to which an impact fee has been paid is vacated; or (5) a replat for fewer residential lots or dwelling units is submitted on property pursuant to which an impact fee had been paid prior to final plat approval.

(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 impact fee issued by the Director of Planning and Development; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which a refund is sought.

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

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

13-512. Appeals. After a determination by the Director of Planning and Development of the applicability of the 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 suffi*cient surety* satisfactory to the City Attorney in an amount equal to the 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.

13-513. Effect of 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 requirements for the provision of public improvements that may be imposed by the City pursuant 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.

13-514. Impact Fee as Additional and Supplemental Requirement

The Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City as a condition of the development of land or the issuance of building permits; provided, however, that the impact fee requirement and the payment of such fee by a developer for the transportation improvements described herein shall not be duplicative of other street improvements requirements imposed pursuant to City zoning, sub*division, planned unit* development or other applicable ordinances or regulations and the payment of the Impact Fee shall not be used to meet such requirements. The Impact Fee requirement is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate transportation capacity in conjunction with the development of land. In no event shall a property owner be obligated to pay an impact fee in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required, pursuant to City zoning and subdivision regulations to dedicate land and/or construct local, collector or arterial streets in addition to meeting the impact fee requirements set forth herein.

13-515. Variances and Exceptions. Petitions for variances and exception to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body."

Section 2. **Liberal Construction.** The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 3. **Repealer.** All ordinances, code sections or parts thereof in conflict herewith be and *the same are hereby repealed* to the extent of such conflict.

Section 4. **Severability.** Should any sentence, section, clause, part or provision *of this Ordi*nance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. **Effective Date.** This ordinance shall take effect and be in force from and after it publication in the Official City newspaper.

Attachment "A"

PROPOSED HIGHWAY K-150 CORRIDOR TRANSPORTATION IMPROVEMENTS

PHASE	DESCRIPTION	ESTIMATED COSTS	PROPOSED FUNDING SOURCES	ESTIMATED DATE OF INITIATION	ESTIMATED DATE OF COMPLETION
PHASE I	4-lane divided arterial	$5 million	City, County (CARS) developer impact fees	1991	1992
PHASE II	addition of 3rd lane on each side to function as right-turn lane	$2 million	Developer responsibility	as development along frontage	occurs of K-150
PHASE III	conversion of 3rd lane portion on each side to full 6-lane facility and conversion of open drainage system to enclosed system; optional 8-lane facility based on demand	$3 *million*	Benefit District	1995	2000

PASSED by the Governing Body this 4th day of January, 1988.

SIGNED by the Mayor this 5th day of January, 1988.

(s) Marcia Rinehart
MAYOR

ATTEST:
(s) Martha Heizer
City Clerk
(S E A L)

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

(3205 1W)

ORDINANCE NO. 1026 C

AN ORDINANCE ESTABLISHING COURT COSTS TO BE ASSESSED IN CERTAIN MUNICIPAL COURT CASES.

WHEREAS, the Governing Body of the City of Leawood passed Charter Ordinance No. 18 exempting the City from the provisions of K.S.A. 12-4112 relating to the assessment of court costs in Municipal Court; and

WHEREAS, Charter Ordinance No. 18 provides for the assessment of court costs to all docketed court appearances where the accused person is found guilty; and

WHEREAS, Charter Ordinance No. 18 became effective on December 16, 1987, since a petition for a referendum was not filed; and

WHEREAS, Charter Ordinance No. 18 provides that the amount of the court cost be established by the Governing Body by enactment of an ordinary ordinance;

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

Section 1. The Code of the City of Leawood is hereby amended by adding Section 9-118, which shall read as follows:

9-118. MUNICIPAL COURT FEE. There is hereby established a Leawood Municipal Court cost fee in the amount of Ten Dollars ($10.00) which shall be assessed in all cases resulting in a court appearance and a finding or plea of guilty.

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

First Reading: 12/21/87 Second Reading: 12/21/87

Passed by the Governing Body this 21st day of December, 1987.

Approved by the Mayor this 22nd day of December, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Wednesday, December 30, 1987.

ORDINANCE NO. 1026 C

AN ORDINANCE ESTABLISHING COURT COSTS TO BE ASSESSED IN CERTAIN MUNICIPAL COURT CASES.

WHEREAS, the Governing Body of the City of Leawood passed Charter Ordinance No. 18 exempting the City from the provisions of K.S.A. 12-4112 relating to the assessment of court costs in Municipal Court; and

WHEREAS, Charter Ordinance No. 18 provides for the assessment of court costs to all docketed court appearances where the accused person is found guilty; and

WHEREAS, Charter Ordinance No. 18 became effective on December 16, 1987, since a petition for a referendum was not filed; and

WHEREAS, Charter Ordinance No. 18 provides that the amount of the court cost be established by the Governing Body by enactment of an ordinary ordinance;

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

Section 1. The Code of the City of Leawood is hereby amended by adding Section 9-118, which shall read as follows:

9-118. MUNICIPAL COURT FEE. There is hereby established a Leawood Municipal Court cost fee in the amount of Ten Dollars ($10.00) which shall be assessed in all cases resulting in a court appearance and a finding or plea of guilty.

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

First Reading: 12/21/87 Second Reading: 12/21/87

Passed by the Governing Body this 21st day of December, 1987.

Approved by the Mayor this 22nd day of December, 1987.

(s) Marcia Rinehart, Mayor

(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler,

City Attorney

(3229 1W)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly eposes and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation ly basis in JOHNSON County, Kansas, and that said newspaper is not a trade or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been hed continuously and uninterruptedly in said county and state for a period of n five years prior to the first publication of said notice; and has been admitted st office of SHAWNEE MISSION, KANSAS in said County as a second class

he attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---30th--- day of, December 1987, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---30th--- day of December 1987

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-88

My Commission expires: 3-15-88

Printer's Fee $ 33.24

Additional copies $

Repealed by:
ORDINANCE No. 1120C
Adopted: 9/5/89
Effective:

ORDINANCE NO. 1025 C

AN ORDINANCE ADOPTING THE 1987 EDITION OF THE "STANDARD TRAFFIC ORDINANCE", AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 14-101, 14-102, 14-103, and 14-104 of Ordinance No. 943C and of the "Code of the City of Leawood, 1984," are hereby repealed.

Section 2. ADOPTION OF STANDARD TRAFFIC ORDINANCE. Article 1 of Chapter 14 of the "Code of the City of Leawood, 1984" titled, "Standard Traffic Ordinance", is hereby amended to read as follows:

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1987, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. AMENDMENTS; SPEED LIMITS. Section 33 of the Standard Traffic Ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:
Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this city.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

(4) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified by

Repealed by:
ORDINANCE NO. 1120C
Adopted: 9/5/89
Effective:

engineering and traffic investigation as provided hereafter in subsection (b) of this Section. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

(b) The Chief of Police is hereby authorized and empowered to designate maximum speed zones when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Chief of Police shall, following ratification of his or her designations under this subsection by the Governing Body, place and maintain the necessary traffic-control signs and devices.

(c) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(d) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than 45 miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocation schools when such buses are transporting students to or from school functions or activities.

14-103. SAME; RACING ON HIGHWAYS. The title of said Article 7, Section 37 is hereby changed to read as follows: Racing on Highways; Drag Race, Racing, Exhibition of Speed or Acceleration.

14-104. SAME; CERTAIN TIRES PROHIBITED. Article 17, Section 178(c)(4) is hereby deleted and the following enacted in lieu thereof:

(4) Pneumatic tires having metallic or non-metallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the State Secretary of Transportation pursuant to duly adopted rules and regulations, and their use limited from November 1 to April 15, on only such vehicles as approved by the State Highway Commission.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall

Repealed by:
ORDINANCE NO. 7120C
Adopted: 9/5/89
Effective:

not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading 12/7/87 Second Reading 12/7/87

Passed by the Governing Body this 7th day of December, 1987.

Approved by the Mayor this 8th day of December, 1987.

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 11th day of, December 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 11th day of December 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 115.56
Additional copies $

First Published in the Johnson County Sun, Friday, December 11, 1987.

ORDINANCE NO. 1025 C

AN ORDINANCE ADOPTING THE 1987 EDITION OF THE "STANDARD TRAFFIC ORDINANCE", AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 14-101, 14-102, 14-103, and 14-104 of Ordinance No. 943C and of the "Code of the City of Leawood, 1984," are hereby repealed.

Section 2. ADOPTION OF STANDARD TRAFFIC ORDINANCE. Article 1 of Chapter 14 of the "Code of the City of Leawood, 1984" titled, "Standard Traffic Ordinance", is hereby amended to read as follows:

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1987, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. AMENDMENTS; SPEED LIMITS. Section 33 of the Standard Traffic Ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this city.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

(4) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this Section. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

(b) The Chief of Police is hereby authorized and empowered to designate maximum speed zones when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Chief of Police shall, following ratification of his or her designations under this subsection by the Governing Body, place and maintain the necessary traffic-control signs and devices.

(c) Whenever the Chief of Police shall determine upon the basis of an egnineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(d) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than 45 miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocation schools when such buses are transporting students to or from school functions or activities.

14-103. SAME; RACING ON HIGHWAYS. The title of said Article 7, Section 37 is hereby changed to read as follows: Racing on Highways; Drag Race, Racing, Exhibition of Speed or Acceleration.

14-104. SAME; CERTAIN TIRES PROHIBITED. Article 17, Section 178(c)(4) is hereby deleted and the following enacted in lieu thereof:

(4) Pneumatic tires having metallic or non-metallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the State Secretary of Transportation pursuant to duly adopted rules and regulations, and their use limited from November 1 to April 15, on only such vehicles as approved by the State Highway Commission.

Seciton 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading 12/7/87
Second Reading 12/7/87
Passed by the Governing Body this 7th day of December, 1987.
Approved by the Mayor this 8th day of December, 1987.
(s) Marcia Rinehart
Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM:
(s) R.S. Wetzler
City Attorney

(3168 1F)

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

ORDINANCE NO. 1024 C

AN ORDINANCE AMENDING THE UNIFORM FIRE CODE, 1985 EDITION.

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

Section 1. The "Code of the City of Leawood, 1984" is hereby amended by adding Section 7-215.1 which shall read as follows:

7-215.1 SAME; SEC. 11.101(f) EXCEPTIONS TO OPEN BURNING. Sec. 11.101(f) Exceptions to Open Burning is hereby added to read as follows:

EXCEPTION 1:

Open burning of limited quantities of solid fuel will be allowed during periods of construction for the purpose of heating construction materials for use, providing all of the following conditions are met:

1) A permit is obtained from the Fire Prevention Bureau and a fee of $50.00 is paid to the City of Leawood.

2) The solid fuel is burned in a sturdy metal or masonry container, with a volume of no greater than 7.5 cubic feet.

3) Openings in the container shall not permit the passage of spheres having a diameter larger than one half inch.

4) When a spark arrestor screen is used on a metal or masonry container, the screen shall have heat and corrosion resistance equivalent to 19 gage galvanized steel or 24 gage stainless steel. The screen shall be fixed to the container in a secure manner.

5) The fire shall be constantly attended until all embers are cold.

6) If masonry work is done it shall be in complete compliance with Uniform Building Code Section 2404, and any other relevant Code Sections.

7) There shall be suitable fire protection equipment available more than five (5) feet and less than 25 feet from the fire (such as a minimum 4A classification fire extinguisher), or not less than 20 gallons of water that is heated to at least 40 degrees Fahrenheit, with a bucket or pail that can be easily filled from the water container, or 15 cubic feet of sand with a bucket or shovel easily accessible, prior to starting the fire.

8) The fire shall be not less than 25 feet from any combustibles, structure, or enclosure.

Repealed by:
ORDINANCE NO. 1795C
Adopted: 3/2/92
Effective: /

9) No fire will be allowed before sunrise or after sunset.

10) The wind speed shall be not greater than 15 miles per hour.

11) The ambient air temperature shall be not greater than 40 degrees Fahrenheit.

12) The permit shall be in effect for the duration of the building permit. Only one construction fire will be allowed per building site.

13) The fuel for the fire shall be limited to cellulose type materials. Flammable liquids shall not be used to ignite the fire.

14) The Fire Department shall be notified each day before the fire is ignited.

15) The fire will not be allowed to exist, for any reason, beyond the limit of the permit, and if at any time the Fire Chief or authorized representative should determine either by reason of change in conditions of weather and/or any surrounding circumstances, or by violation of any kind set forth herein or attached to the permit, or presented to the permittee or representative thereof, that such burning shall cease or be modified as conditions warrant, the permit may be immediately revoked by giving notice to the permittee or to the person supervising the fire.

EXCEPTION 2:

Bonfires may be allowed for ceremonial purposes providing a permit is obtained from the Fire Chief or authorized representative. The permit fee may be waived for nonprofit organizations. All conditions of the permit shall be followed. Such permits shall be for a duration of one day.

Section 2. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

First Reading: 12/7/87 Second Reading: 12/7/87

Passed by the Governing Body this 7th day of December, 1987.

Approved by the Mayor this 8th day of December, 1987.

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM: _____, City Attorney

R. S. Wetzler

First Published in the Johnson County Sun, Friday, December 11, 1987.

ORDINANCE NO. 1024 C

AN ORDINANCE AMENDING THE UNIFORM FIRE CODE, 1985 EDITION.

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

Section 1. The "Code of the City of Leawood, 1984" is hereby amended by adding Section 7-215.1 which shall read as follows:

7-215.1 SAME; - SEC. 11.101(f) EXCEPTIONS TO OPEN BURNING. Sec. 11.101(f) **Exceptions to Open Burning** is hereby added to read as follows:

EXCEPTION 1:

Open burning of limited quantities of solid fuel will be allowed during periods of construction for the purpose of heating construction materials for use, providing all of the following conditions are met:

1) A permit is obtained from the Fire Prevention Bureau and a fee of $50.00 is paid to the City of Leawood.

2) The solid fuel is burned in a sturdy metal or masonry container, with a volume of no greater than 7.5 cubic feet.

3) Openings in the container shall not permit the passage of spheres having a diameter larger than one half inch.

4) When a spark arrestor screen is used on a metal or masonry container, the screen shall have heat and corrosion resistance equivalent to 19 gage galvanized steel or 24 gage stainless steel. The screen shall be fixed to the container in a secure manner.

5) The fire shall be constantly attended until all embers are cold.

6) If masonry work is done it shall be in complete compliance with Uniform Building Code Section 2404, and any other relevant Code Sections.

7) There shall be suitable fire protection equipment available more than five (5) feet and less than 25 feet from the fire (such as a minimum 4A classification fire extinguisher), or not less than 20 gallons of water that is heated to at least 40 degrees Fahrenheit, with a bucket or pail that can be easily filled from the water container, or 15 cubic feet of sand with a bucket or shovel easily accessible, prior to starting the fire.

8) The fire shall be not less than 25 feet from any combustibles, structure, or enclosure.

9) No fire will be allowed before sunrise or after sunset.

10) The wind speed shall be not greater than 15 miles per hour.

11) The ambient air temperature shall be not greater than 40 degrees Fahrenheit.

12) The permit shall be in effect for the duration of the building permit. Only one construction fire will be allowed per building site.

13) The fuel for the fire shall be limited to cellulose type materials. Flammable liquids shall not be used to ignite the fire.

14) The Fire Department shall be notified each day before the fire is ignited.

15) The fire will not be allowed to exist, for any reason, beyond the limit of the permit, and if at any time the Fire Chief or authorized representative should determine either by reason of change in conditions of weather and/or any surrounding circumstances, or by violation of any kind set forth herein or attached to the permit, or presented to the permittee or representative thereof, that such burning shall cease or be modified as conditions warrant, the permit may be immediately revoked by giving notice to the permittee or to the person supervising the fire.

EXCEPTION 2:

Bonfires may be allowed for ceremonial purposes providing a permit is obtained from the Fire Chief or authorized representative. The permit fee may be waived for nonprofit organizations. All conditions of the permit shall be followed. Such permits shall be for a duration of one day.

Section 2. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

First Reading: 12/7/87 Second Reading: 12/7/87

Passed by the Governing Body this 7th day of December, 1987.

Approved by the Mayor this 8th day of December, 1987.

(s) Marcia Rinehart
Mayor

(s) Martha Heizer
City Clerk

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

(3167 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
n, Deposes and say: That she is legal publications manager of THE JOHNSON
NTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published
d of general circulation in JOHNSON County, Kansas, with a general paid circulation on
yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
bus or fraternal publication.

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

at the attached notice is a true copy thereof and was published in the regular and
issue of said newspaper for ---------one--------- consecutive
---day--------(weeks, days) the first publication thereof being made as
said on the ---11th--- day of, December 19 87---, with subsequent
cations being made on the following dates:

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

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

Deanna Martasin

---11th--- December 19 87

ribe and sworn to before me this ---11th--- day of ---December--- 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

hmission expires: ----------
s Fee $ ---75.38---
na' copies $ ----------

ORDINANCE NO. 1023

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

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

REPEAL OF SECTION. Section 1. Section 18-1105 of Ordinance No. 948 is hereby repealed and the following enacted in lieu thereof:

18-1207. Section 2. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned CP-2, Planned General Business District:

> All that part of the Southeast 1/4 of Section 16, 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 South 1/2 of said Southeast 1/4 of Section 16, thence Easterly along the North line of 1/4, 1/4 Section a distance of 834 feet to the point of beginning; thence South 1° 25' 45" East a distance of 230 feet; thence East along a line parallel to North line of 1/4, 1/4 Section a distance of 255 feet; thence North 1° 25' 45" West a distance of 230 feet; thence West along the North line of 1/4, 1/4 Section a distance of 255 feet to the point of beginning.
>
> (south side of 117th St., east of Roe; Camelot Court)

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

First Reading: 12/7/87 Second Reading: 12/7/87

Passed by the Governing Body this 7th day of December, 1987.

Approved by the Mayor this 8th day of December, 1987.

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, December 11, 1987.
ORDINANCE NO. 1023
AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION
Be it ordained by the Governing Body of the City of Leawood, Kansas:
REPEAL OF SECTION. Section 1. Section 18-1105 of Ordinance No. 948 is hereby repealed and the following enacted in lieu thereof:
18.1207. Section 2. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned CP-2, Planned General Business District:
All that part of the Southeast ¼ of Section 16, 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 South ½ of said Southeast ¼ of Section 16, thence Easterly along the North line of ¼, ¼ Section a distance of 834 feet to the point of beginning; thence South 1° 25' 45" East a distance of 230 feet; thence East along a line parallel to North line of ¼, ¼ section a distance of 255 feet; thence North 1° 25' 45" West a distance of 230 feet; thence West along the North line of ¼, ¼ Section a distance of 255 feet to the point of beginning.
(south side of 117th St., east of Roe; Camelot Court)
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 12/7/87 Second Reading: 12/7/87
Passed by the Governing Body this 7th day of December, 1987.
Approved by the Mayor this 8th day of December, 1987.
(s) Marcia Rinehart
Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM: /s/ R. S. Wetzler, City Attorney
(3166 1T)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published f general circulation in JOHNSON County, Kansas, with a general paid circul n arly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

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

he attached notice is a true copy thereof and was published in the regular and sue of said newspaper for ---One--- consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 11th day of, December 1987, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 11th day of December 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ 35.69
Additional copies $ ----------

Repealed by:
ORDINANCE NO. 1144C
Adopted: 12/18/89
Effective: _____

ORDINANCE NO. 1022 C

AN ORDINANCE AMENDING THE "NATIONAL ELECTRICAL CODE", 1984 EDITION, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 4-302 of the "Code of the City of Leawood, 1984", is hereby repealed.

Section 2. Section 4-302 of the Code of the City of Leawood is hereby amended to read as follows:

4-302. AMENDMENT; ARTICLE 110-2. Article 110-2 is changed to read as follows: No wiring system or equipment shall be installed within or on any building or structure or premises, nor shall any alteration or addition be made in any such existing installations without first securing approval and a permit from the building official. It shall be unlaw- ful to use or permit the use of, or to supply, current for electric wiring for heat, light or power in a building or structure, unless the required certificate of inspection and permit has been issued by the building official. No permit shall be issued until the fees prescribed in this chapter have been paid, nor shall an amendment to a permit necessitating an additional fee because of additional work involved be approved until the additional fees have been paid. The conductors and equipment required or permitted by this code shall be acceptable only if approved.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1022 C

AN ORDINANCE AMENDING THE "NATIONAL ELECTRICAL CODE", 1984 EDITION, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. *Section 4-302 of the* "Code of the City of Leawood, 1984", is hereby repealed.

Section 2. Section 4-302 of the Code of the City of Leawood is hereby amended to read as follows:

4-302. *AMENDMENT; ARTICLE* 110-2. Article 110-2 is changed to read as follows: No wiring system or equipment shall be installed within or on any building or structure or premises, nor shall any alteration or addition be *made in any such existing* installations without first securing approval and a permit from the building official. It shall be unlawful to use or permit the use of, or to supply, current for electric wiring for heat, *light or power in a building* or structure, unless the required certificate of inspection and permit has been issued by the building official. No permit shall be issued until the fees prescribed in this chapter have been paid, nor shall an amendment to a permit necessitating an additional fee because of additional work involved be approved until the additional fees have been paid. The conductors and equipment required or permitted by this code shall be accepable only if approved.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(SEAL)

(s) Marcia Rinehart,
Mayor

Attest:
(s) Martha Heizer,
City Clerk

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

(3093 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published
of general circulation in JOHNSON County, Kansas, with a general paid circulation
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han five years prior to the first publication of said notice; and has been admitted
post office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---One--- consecutive
---day---(weeks, days) the first publication thereof being made as
id on the 20th day of, November 19 87, with subsequent
tions being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 20th day of November 19-87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---39.61---
Additional copies $ ----------

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

ORDINANCE NO. 1021 C

AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS, 1985 EDITION; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES; AND REPEALING ARTICLE 2 AND ARTICLE 3 OF CHAPTER 7 OF THE "CODE OF THE CITY OF LEAWOOD, 1984".

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

Section 1. REPEAL OF SECTIONS. Sections 7-201 through 7-206, Sections 7-208 through 7-216, and Sections 7-301 through 7-304 of the "Code of the City of Leawood, 1984"; and Section 7-207 of Ordinance No. 870C and of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. ADOPTION OF UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. Article 2 of Chapter 7 of the Code of the City of Leawood titled, "Fire Prevention", is hereby amended to read as follows:

7-201. ADOPTION OF UNIFORM FIRE CODE. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012 , the Code and Standards known as the Uniform Fire Code, including Appendix Chapters I-C, II-A, II-B, III-A, III-B, III-C, IV-A, and V-A, and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1985 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Article 2 of Chapter 7 of the Code of Leawood as amended by this ordinance of which Code and Standards not less than three (3) copies have been and are now filed in the Office of the City Clerk of the City of Leawood, Kansas and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Leawood, Kansas.

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 is hereby established and which shall be operated under the supervision of the chief of the fire department.

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

(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 of the bureau of fire prevention" are used they shall be held to mean "fire marshal"

7-204. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS IS PROHIBITED. The limits referred to in Section 79.501 of the Uniform Fire Code in which the storage of flammable or combustible liquids are restricted are hereby established as follows: All areas of the City of Leawood, Kansas consisting of residential areas with less than one acre per dwelling unit.

7-205. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 82.105 (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.

7-206. AMENDMENT TO THE UNIFORM FIRE CODE; SEC. 1.102(d). Sec. 1.102(d) is added to read as follows: Whenever there is a conflict between any code or standard adopted, referenced, or in effect in this jurisdiction, the one providing the higher degree of life safety shall apply.

7-207. SAME; SEC. 3.105 FAILURE TO CORRECT VIOLATIONS. Sec. 3.105. Failure to Correct Violations is hereby added to read as follows: If the Notice of Violation is not complied with within the time specified, and in the absence of sufficient evidence of intent to comply, the Fire Marshal shall issue a citation to the person, firm or corporation violating the

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

provisions of this code. The city attorney shall institute appropriate legal proceedings to restrain, correct, or abate such violation or to require removal or termination of the unlawful use of the building or structure. The fire official or authorized representative that observes any offense against this code which affects the immediate safety of the public or jeopardizes the ability of the fire department to safely and expeditiously function in case of an emergency, shall request the police department of the city to take whatever action is necessary to cause a cessation of the offense.

7-208. SAME; SEC. 4.101 PERMIT REQUIRED. Sec. 4.101 Permit Required is changed to read as follows:

4.101. A permit shall be obtained from the bureau of fire prevention and/or the building department prior to engaging in the following activities, operations, practices or functions as specified in Sections 4.101.1 and 4.101.2.

4.101.1 Permits are required for the various uses and activities as provided in this code. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the fire official. The permits listed below shall be granted through the issuance of the occupancy certificate required by the Building Code of the City of Leawood, Kansas after fire department review of the submitted plans and , if necessary, an inspection of the property.

1. Aircraft refueling vehicles. To operate aircraft refueling vehicles. See Section 24.201.

2. Aircraft repair hanger. To use any structure as an aircraft hangar for the purpose of servicing or repairing aircraft. See Section 24.102

3. Automobile wrecking yard. To operate an automobile wrecking yard. See Article 34.

4. Dry cleaning plants. To engage in the business of dry cleaning or to change to a more hazardous cleaning solvent. Such permits shall prescribe the class of system to be used. See Article 36 and Sections 79.1803 and 79.1804.

5. Dust-producing operations. To operate a grain elevator, flour starch mill, feed mill, or plant pulverizing aluminum, coal, coca, magnesium, spices, sugar or other material producing dust as defined in Section 76.101.

6. Fruit ripening. To ripen fruit by the process de-

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

scribed in Section 46.101.

7. Garages. To use any structure as a place of business for repairing motor vehicles. See Article 29.
8. Junk yards. To operate a wrecking yard, junk or waste material handling plant. See Article 34.

9. Oil and natural gas wells (see 4-803 Code 84)

10. Places of assembly. To operate a place of assembly as defined in Article 9.

11. Tire recapping. To operate tire recapping or rebuilding plants. See Article 31.

4.101.2. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

1. Bonfires or rubbish fires. See open burning.

2. Bowling pin or alley refinishing. To conduct a bowling pin refinishing or bowling alley resurfacing operation involving the use and application of flammable liquids or materials. See Article 26.

3. Burning in a public place. See open burning.

4. Candles and open flames in assembly areas. To use open flame or candles in connection with assembly areas or restaurants' dining or drinking establishments. For definition of Assembly, see Section 9.103. See Section 25.116 for open flame and candles.

5. Cellulose nitrate storage. To store or handle more than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin). See Article 27.

6. Combustible Fiber storage. To store or handle quantities in excess of 100 cubic feet. See Article 28.

7. Compressed gases, flammable. To store, handle or use at normal temperatures and pressures more than 2500 cubic feet of flammable compressed gas or 6000 cubic feet of nonflammable compressed gas. See Article 74. Also see permits for "Cryogens" and "Hazardous Materials."

8. Combustible material storage. To store more than 2500 cubic feet gross volume of combustible empty pack-

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

ing cases, boxes, barrels or similar containers, or rubber or cork, or other similarly combustible material. See Section 11.203.

9. Cryogens. Except where federal or state regulations apply and except for fuel systems of the vehicle, permits are required to produce, store or handle cryogenic fluids in excess of the following amounts:

TYPE OF CRYOGEN	INSIDE BUILDING	OUTSIDE BUILDING
Flammable	over 1 gallon	60 gallons
Oxidizer	50 gallons	50 gallons
Corrosive or highly toxic	over 1 gallon	over 1 gallon
Nonflammable	60 gallons	500 gallons

10. Explosives or blasting agents. Shall be in accordance with the requirements of the public works department

11. Fireworks. For permits for fireworks, see Article 78.

12. Flammable or combustible liquids and tanks.

A. To store, handle or use Class I liquids in excess of 5 gallons in a building or in excess of 10 gallons outside of any building, except that a permit is not required for the following:

(i) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the chief would cause an unsafe condition.

(ii) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

B. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons in a building or in excess of 60 gallons outside a building, except for fuel oil used in connection with oil-burning equipment.

C. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved stationary onsite pumps normally used for dispensing

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

purposes.

D. To install, alter, or operate equipment in connection with storage, handling, use or sale of flammable liquids regulated under Article 79.

E. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. See Article 79.

F. To change the type of contents stored in any flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

13. Fumigation or thermal insecticidal fogging. To operate a business of fumigation or thermal insecticidal fogging. Also to maintain a room, vault or chamber in which toxic flammable fumigant is used. See Article 47.

14. Hazardous materials. To store, transport or handle more than 55 gallons of corrosive liquids or more than 500 pounds of oxidizing materials or more than 10 pounds of organic peroxides or more than 500 pounds of nitromethane of 1000 pounds or more of ammonium nitrate, ammonium nitrite fertilizers and fertilizer mixtures covered by Section 80.106 (d); or any amount of highly toxic materials, pyrophoric materials, hypergolic materials, cryogenic or poisonous gases. See Article 80.

15. Hazardous production materials. To store, handle or use hazardous production material regulated by Article 51 in excess of the quantities listed in Table No. 9-A of the Building Code.

16. Highly toxic pesticides. To store any amount of highly toxic pesticides. See Article 80.

17. High-piled combustible storage. To use any building or portion thereof exceeding 2500 square feet for the storage of high-piled combustible stock. A floor plan showing the dimensions and location of the stockpiles and aisles shall be submitted with applications for such permits. See Article 81.

18. Liquified petroleum gases. Except for portable containers of less than 120 gallons water capacity to install or maintain any LP gas container or operate any tank vehicle which is used for the transportation of LP gas. Where single container or the aggregate capacity of interconnected containers is over 240 gallons water

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

capacity, the installer shall submit plans for such permits. See Article 82.

19. Lumber yards. To store lumber in excess of 100,000 board feet. See Article 30.

20. Magnesium working. To melt, cast, heat treat or grind more than 10 pounds of magnesium per working day. See Article 48.

21. Mall covered. To use a covered mall in the following manner:

A. Placing or constructing temporary kiosks, display booths, concession equipment, or the like in the mall.

B. To use the mall as a place of assembly.

C. To use open-flame or flame producing devices.

D. To display any liquid or gas fueled powered equipment

E. To use liquefied petroleum gas, liquified natural gas and compressed flammable gas. See Article 35.

F. For display of merchandise in the mall area.

22. Matches. To manufacture matches or to store matches exceeding an aggregate 60 matchman's gross (14,400 each gross). See Article 83.

23. Nitrate film. To store, handle, use or display nitrate film. See Article 33.

24. Open burning. To kindle or authorize the kindling or maintenance of bonfires, rubbish fires, or any other open burning see Section 11.101.

25. Open-flame devices in marinas. See Section 11.410.

A. To use open-flame devices for maintenance or repair of boats, slips or wharves.

B. To use a portable barbeque, brazier or cooking device on any boat, slip or wharf.

26. Organic coatings. To manufacture more than one gallon of organic coatings in a working day. See Article 50.

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

27. Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by this code. See Article 62.

28. Parade floats. To use a parade float for public performance, presentation, spectacle, entertainment or parade. See Section 11.208.

29. Radioactive materials. To store or handle at any installation more than 1 microcurie of radioactive material not contained in a field source or more than 1 millicurie of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required. See Article 80.

30. Refrigeration equipment. To install or operate a mechanical refrigeration unit or system. See Article 63.

EXCEPTIONS: 1. Air, water or brine systems.
2. All units and systems utilizing Group 1 refrigerants with a refrigerant compressor or horsepower rating of less than 100.

31. Spraying or dipping. To operate a spraying or dipping enterprise utilizing flammable liquids included within the scope of Article 45. See Section 45.101.

32. Tents and air-supported structures. To erect or operate a tent or air-supported structure covering an area in excess of 200 square feet unless such structures are used exclusively for camping. See Article 32.

7-209. SAME; SEC. 4.108 PERMIT FEES. Sec. 4.108 Permit Fees is hereby added to read as follows: Fees for permits provided for under Sec. 4.101 must be paid before the permits are issued. Fee amount for each permit shall be $50.00.

7-210. SAME; SEC. 10.207 FIRE APPARATUS ACCESS ROADS. Sec. 10.207 Fire Apparatus Access Roads is changed to read as follows:

Sec. 10.207.(a) General. Fire apparatus access roads shall be provided in accordance with this section. Prior to the issuance of a building permit, fire apparatus access roads shall be designated on a site plan and shall be submitted to the Chief for approval. No structure shall be allowed to progress beyond the foundation until required fire apparatus access roads are serviceable and approved.

(b) through (j) unchanged.

Repealed by:
ORDINANCE NO. 12756
Adopted: 3/2/92
Effective:

(k) Obstructions. The required width of access roadways and fire lanes shall not be obstructed in any manner, including parking of vehicles. The Chief or Chief of Police or their duly authorized representative is authorized to cause fire access roadways, on public or private property, to be maintained free of obstruction at all times by issuance of citations, removal and impoundment of a vehicle or obstruction in violation, by both a citation issuance and impoundment, or by orders to remove any obstruction immediately.

> EXCEPTION: Except as prohibited by other ordinances and when approved by the Chief, gates may be installed that restrict access to the fire lane provided they are electrically operated and controlled by a key switch at the fire lane approached. The box shall be 12 - 15 feet in front of the gate, 4-1/2 - 5-1/2 feet above grade on the left hand side and accessible from within fire apparatus. (See Section 10.209.)

(l) Unchanged

Sec. 10.207.1 (a) General. Fire lanes shall be provided and maintained in accordance with the provisions of this section.

Fire apparatus access roads are intended to provide access to the building site and fire lanes are dedicated to providing access to the structure for fire and rescue operations.

(b) Where Required. All buildings hereafter constructed, shall have a fire lane, and the fire lane shall be a minimum of 25 percent of the perimeter of the building. There shall be no parking between the building and the fire lane. The fire lane shall be within 20 feet of the building, and approved by the chief.

> EXCEPTIONS: 1. When conditions prevent the installation of an approved fire lane, the chief may permit the installation of a fire-protection system or systems in lieu of a fire lane, provided the fire-protection system or systems are not otherwise required by this or any other code.
> 2. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

(c) Permissible Modifications. Clearances or widths required by this section may be increased when, in the opinion of the chief, minimum clearances or widths are not adequate

Repealed by:
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Adopted: 3/2/92
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to provide fire apparatus access. For high-piled combustible storage, see Section 81.109.

(d) Surface. Fire lanes shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(e) Width. The minimum unobstructed width of a fire lane shall be not less than 20 feet.

(f) Vertical Clearance. All fire lanes shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

(g) Turning radius. The turning-radius of a fire lane shall be as approved by the chief.

(h) Turnarounds. All dead-end fire lanes in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(i) Bridges. When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

(j) Grade. The gradient for a fire lane shall not exceed the maximum approved by the chief.

(k) Obstruction. The required width of any fire lane shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times. See fire apparatus access roads 10.207 (k)

(l) Signs. When required, approved signs or other approved notices shall be provided and maintained for fire lanes to identify such lanes and prohibit the obstruction thereof or both.

7-211. SAME; SEC. 10.301 INSTALLATION. Sec. 10.301 Installation is changed to read as follows:

Sec. 10.301(a) and (b) Unchanged.

(c) An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. Prior to issuance of a building permit or commencement of construction of any required water supply components, two (2) plot plans indicating designated

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
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locations of fire hydrants, locations and sizes of water mains, available flow information, and information required by Section 10.207(a) shall be submitted to the Building Department of the City of Leawood for review by the Chief. The Chief will either approve or disapprove the designated water supply components and locations. One copy of an approved plan will be retained by the Chief.

Water supply may consist of water mains, elevated tanks, pressure tanks, or static water reservoirs equipped with approved fire pumps capable of supplying the required fire flow. In setting the requirements for fire flow for other than one and two family dwellings, the Chief shall use Section 4-211 of the Code of the City of Leawood.

All fire hydrants shall be accessible to the Fire Department by roadways meeting the requirements of Section 10.207.

For one and two family dwellings, fire hydrants shall meet the requirements of Section 4-212 of the Code of the City of Leawood.

(d) Timing of Installation. When fire protection facilities, including fire access roadways and fire hydrants, are required to be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

EXCEPTION: The steel framework on Type I and II buildings may be constructed prior to acceptance.

(e) Approval and Testing. All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinkler systems), wet and dry standpipes, and other fire protection systems, pertinents thereto shall meet the approval of the fire department as to installation and location and shall be subject to such periodic tests as required by the Chief. Plans and specifications shall be submitted to the Fire Department for review and approval prior to construction.

7-212. SAME; SEC. 10.302(a) GENERAL. Sec. 10.302(a) General is changed to read as follows:

10.302 (a) General. All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable 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 protective or extinguishing systems coverage, spacing and specifications shall be installed and maintained in accordance with the installation and maintenance provisions of the following standards of the Na-

Repealed by:
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tional Fire Protection Association 12A-1987, 12B-1985, 13-1987, 13D-1984 14-1986, 17-1986, 20-1987, 24-1987, 30-1987, 32-1985, 33-1985, 54-1984, 56F-1983, 58-1986, 70-1987, 71-1985, 72A-1987, 72B-1986, 72C-1986, 72D-1986, 72E-1987, 74-1984, and 96-1987.

Soda acid, foam, loaded stream, antifreeze and water portable fire extinguishers of the inverting type shall not be recharged or placed in service for fire protection use.

Inspections and field test of fire suppression, alarm, detection and any other fire protection systems, devices and equipment shall be conducted by the owner or an authorized representative. Tests shall be conducted at least annually on this equipment, unless nationally recognized standards recommend otherwise. All units and devices shall be tested and maintained in accordance with the manufacturer's maintenance and testing recommendations.

All non-required fire protection equipment shall be arranged and maintained in a manner consistent with the requirements at the time of installation unless discontinuation of the equipment is approved by the fire official. All discontinued equipment shall be removed so as not to give a false indication that the building, area, or space is protected.

All required inspections and field tests shall be conducted by and at the expense and risk of the owner or a representative of the owner. The fire official shall not be held responsible for any damages incurred during any test. Where the presence of the fire official is required for tests under provisions of this or other articles, the fire official shall be notified not less than 48 hours before said test is made.

7-213. SAME; SEC. 10.306(a) APARTMENTS AND HOTELS. Sec. 10.306 (a) Apartments and Hotels shall be changed to read as follows:

An approved automatic fire alarm system shall be installed in the following occupancies:

1. Apartment houses containing more than 4 dwelling units.

EXCEPTION: An alarm system need not be installed in buildings not over two stories in height when all individual dwelling units are separated by at least two-hour fire-resistive occupancy separations, including attics and crawl spaces, and each individual dwelling has direct exit to a yard or public way.

7-214. SAME; SEC. 10.402(d) CEILING CONSTRUCTION. Sec. 10.402(d) Ceiling Construction is added to read as follows: In sprinklered buildings all ceiling tiles must by properly installed and maintained to prevent fire penetration and to meet required sprinkler head distances.

Repealed by:
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Effective: _____

7-215. SAME; SEC. 11.101 BONFIRES AND OUTDOOR RUBBISH FIRES. Sec. 11.101 Bonfires and Outdoor Rubbish Fires is changed to read as follows:

Sec. 11.101(a) 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 the permit required, except that a fire may be ignited in a container or device expressly for the purpose of cooking food, the fuel to be used shall be limited to charcoal briquets or fireplace logs no longer than 24 inches in length or natural gas or liquefied petroleum gas burning device that has received the American Gas Association approval. Open fires may be permitted only under the following conditions and subject to any air pollution laws adopted by the jurisdiction.

(b) Permit. A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit from the chief of the fire department, or authorized representative. Upon determination that such burning is necessary and can be accomplished without undue danger to property or welfare of the city and its citizens, the fire chief or authorized representative, may grant a permit. Request for a permit shall be in the form required by the fire chief.

(c) Permit Conditions. All outside fires for which a permit has been issued by the fire official, shall be attended by and supervised by a responsible person or persons (the permittee or representative thereof) at all times. Such person or persons shall extinguish the fire one hour before leaving the burning location. Such burning operations shall not be initiated until at least one hour after sunrise, and addition of material to be burned shall not be added to the fire less than two hours prior to sunset. The burning shall be carried out at least 1,000 feet from any dwelling, or public roadway and at least one mile from any airport. The fire will not be allowed to exist, for any reason, beyond the limit of the permit, and if at any time the fire chief or authorized representative should determine, either by reason of change in conditions of weather and/or surrounding circumstances or by violation of any kind set forth herein or attached to the permit, that such burning should cease, the permit may be immediately revoked by giving notice to the permittee or to the person supervising the fire.

(d) Open Fire Material. Fuel for permitted fires must consist only of brush, shrubs, and trees accumulated during land clearing operations, crop or game management practices, or construction projects carried out on the premises and shall not contain rubbish, garbage, trash, building materials, any material made of or coated with rubber, plastic,

Repealed by:
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leather, or petroleum based materials and shall not contain any flammable or combustible liquids. The allowable quantity of brush, shrubs and trees to be burned shall be determined by the hours of burning allowed by Permit Conditions, and upon the fire safety requirements of the situation.

(e) Chief May Prohibit. The chief may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous.

repealed by Ord. 12900 11/19/90

7-216. SAME; ARTICLE 77 EXPLOSIVES AND BLASTING AGENTS. Article 77 Explosives and Blasting Agents is hereby deleted.

7-217. SAME; SEC. 87.103(a) GENERAL. Sec. 87.103 (a) General shall be changed to read as follows: Buildings under construction shall comply with the provisions of this section. Construction shall be considered to have started when combustible or flammable materials are placed, kept or stored at the location.

7-218. APPEALS. Whenever the chief disapproves an application or refuses to grant a 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.

7-219. 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 affecting 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.

7-220. 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 hun-

Repealed by:
ORDINANCE NO. 1275C
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dred (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. VALIDITY OF ORDINANCE. The City of Leawood, Kansas hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Code or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 20th day of, November 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 20th day of November 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 57.26
Additional copies $

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1021 C

AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS, 1985 EDITION; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES; AND REPEALING ARTICLE 2 AND ARTICLE 3 OF CHAPTER 7 OF THE "CODE OF THE CITY OF LEAWOOD, 1984".

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

Section 1. REPEAL OF SECTIONS. Sections 7-201 through 7-206, Sections 7-208 through 7-216, and Sections 7-301 through 7-304 of the "Code of the City of Leawood, 1984"; and Section 7-207 of Ordinance No. 870C and of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. ADOPTION OF UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. Article 2 of Chapter 7 of the Code of the City of Leawood titled, "Fire Prevention", is hereby amended to read as follows:

7-201. ADOPTION OF UNIFORM FIRE CODE. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standards known as the Uniform Fire Code, including Appendix Chapters I-C, II-A, II-B, III-A, III-B, III-C, IV-A, and V-A, and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1985 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Article 2 of Chapter 7 of the Code of Leawood as amended by this ordinance of which Code and Standards not less than three (3) copies have been and are now filed in the Office of the City Clerk of the City of Leawood, Kansas and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Leawood, Kansas.

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 is 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 of the bureau of fire prevention" are used they shall be held to mean "fire marshal".

7-204. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS IS PROHIBITED. The limits referred to in Section 79.501 of the Uniform Fire Code in which the storage of flammble or combustible liquids are restricted are hereby established as follows: All areas of the City of Leawood, Kansas consisting of residential areas with less than one acre per dwelling unit.

7-205. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 82.105 (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.

7-206. AMENDMENT TO THE UNIFORM FIRE CODE; SEC. 1.102(d). Sec. 1.102(d) is added to read as follows: Whenever there is a conflict between any code or standard adopted, referenced, or in effect in this jurisdiction, the one providing the higher degree of life safety shall apply.

7-207. SAME; SEC. 3.105 FAILURE TO CORRECT VIOLATIONS. Sec. 3.105. **Failure to Correct Violations** is hereby added to read as follows: If the Notice of Violation is not complied with within the time specified, and in the absence of sufficient evidence of intent to comply, the Fire Marshal shall issue a citation to the person, firm or corporation violating the provisions of this code. The city attorney shall institute appropriate legal proceedings to restrain, correct, or abate such violation or to require removal or termination of the unlawful use of the building or structure. The fire official or authorized representative that observes any offense against this code which affects the immediate safety of the public or jeopardizes the ability of the fire department to safely and expeditiously function in case of an emergency, shall request the police department of the city to take whatever action is necessary to cause a cessation of the offense.

7-208. SAME; SEC. 4.101 PERMIT REQUIRED. Sec. 4.101 **Permit Required** is changed to read as follows:-

4.101. A permit shall be obtained from the bureau of fire prevention and/or the building department prior to engaging in the following activities, operations, practices or functions as specified in Sections 4.101.1 and 4.101.2.

4.101.1 Permits are required for the various uses and activities as provided in this code. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the fire official. The permits listed below shall be granted through the issuance of the occupancy certificate required by the Building Code of the City of Leawood, Kansas after fire department review of the submitted plans and, if necessary, an inspection of the property.

1. Aircraft refueling vehicles. To operate aircraft refueling vehicles. See Section 24.201.
2. Aircraft repair hangar. To use any structure as an aircraft hangar for the purpose of servicing or repairing aircraft. See Section 24.102.
3. Automobile wrecking yard. To operate an automobile wrecking yard. See Article 34.
4. Dry cleaning plants. To engage in the business of dry cleaning or to change to a more hazardous cleaning solvent. Such permits shall prescribe the class of system to be used. See Article 36 and Sections 79.1803 and 79.1804.
5. Dust-producing operations. To operate a grain elevator, flour starch mill, feed mill, or plant pulverizing aluminum, coal, coca, magnesium, spices, sugar or other material producing dust as defined in Section 76.101.
6. Fruit ripening. To ripen fruit by the process described in Section 46.101.
7. Garages. To use any structure as a place of business for repairing motor vehicles. See Article 29.
8. Junk yards. To operate a wrecking yard, junk or waste material handling plant. See Article 34.
9. Oil and natural gas wells (see 4-803 Code 84)
10. Places of assembly. To operate a place of assembly as defined in Article 9.
11. Tire recapping. To operate tire recapping, or rebuilding plants. See Article 31.

4.101.2. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

1. Bonfires or rubbish fires. See open burning.
2. Bowling pin or alley refinishing. To conduct a bowling pin refinishing or bowling alley resurfacing operation involving the use and application of flammble liquids or materials. See Article 26.
3. Burning in a public place. See open burning.
4. Candles and open flames in assembly areas. To use open flame or candles in connection with assembly areas or restaurants' dining or drinking establishments. For definition of Assembly, see Section 9.103. See Section 25.116 for open flame and candles.
5. Cellulose nitrate storage. To store or handle more than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin). See Article 27.
6. Combustible Fiber storage. To store or handle quantities in excess of 100 cubic feet. See Article 28.
7. Compressed gases, flammble. To store, handle or use at normal temperatures and pressures more than 2500 cubic feet of flammble compressed gas or 6000 cubic feet of nonflammable compressed gas. See Article 74. Also see permits for "Cryogens" and "Hazardous Materials."
8. Combustible material storage. To store more than 2500 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber or cork, or other similarly combustible material. See Section 11.203.
9. Cryogens. Except where federal or state regulations apply and except for fuel systems of the vehicle, permits are required to produce, store or handle cryogenic fluids in access of the following ammounts:

TYPE OF CRYOGEN
Flammable
Oxidizer
Corrosive
or highly toxic
Nonflammable

INSIDE BUILDING
over 1 gallon
50 gallons
over 1 gallon
60 gallons

OUTSIDE BUILDING
60 gallons
50 gallons

over 1 gallon
500 gallons

10. Explosives or blasting agents. Shall be in accordance with the requirements of the public works department.
11. Fireworks. For permits for fireworks, see Article 78.
12. Flammable or combustible liquids and tanks.

A. To store, handle or use Class I liquids in excess of 5 gallons in a building or in excess of 10 gallons outside of any building, except that a permit is not required for the following:

(i) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the chief would cause an unsafe condition.

(ii) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

B. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons in a building or in excess of 60 gallons outside a building, except for fuel oil used in connection with oil-burning equipment.

C. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved stationary onsite pumps normally used for dispensing purposes.

D. To install, alter, or operate equipment in connection with storage, handling, use or sale of flammable liquids regulated under Article 79.

E. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. See Article 79.

F. To change the type of contents stored in any flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

13. Fumigation or thermal insecticidal fogging. To operate a business of fumigation or thermal insecticidal fogging. Also to maintain a room, vault or chamber in which toxic flammable fumigant is used. See Article 47.
14. Hazardous materials. To store, transport or handle more than 55 gallons of corrosive liquids or more than 500 pounds of oxidizing materials or more than 10 pounds of organic peroxides or more than 500 pounds of nitromethane of 1000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures covered by Section 80.106(d); or any amount of highly toxic materials, pyrophoric materials, hypergolic materials, cryogenic or poisonous gases. See Article 80.
15. Hazardous production materials. To store, handle or use hazardous production material regulated by Article 51 in excess of the quanitites listed in Table No. 9-A of the Building Code.
16. Highly toxic pesticides. To store any amount of highly toxic pesticides. See Article 80.
17. High-piled combustible storage. To use any building or portion thereof exceeding 2500 square feet for the storage of high-piled combustible stock. A floor plan showing the dimensions and location of the stockpiles and aisles shall be submitted with applications for such permits. See Article 81.
18. Liquified petroleum gases. Except for portable containers of less than 120 gallons water capacity to install or maintain any LP gas container or operate any tank vehicle which is used for the transportation of LP gas. Where single container or the aggregate capacity of interconnected containers is over 240 gallons water capacity, the installer shall submit plans for such permits. See Article 82.
19. Lumber yards. To store lumber in excess of 100,000 board feet. See Article 30.
20. Magnesium working. To melt, cast, heat treat or grind more than 10 pounds of magnesium per working day. See Article 48.
21. Mall covered. To use a covered mall in the following manner:

A. Placing or constructing temporary kiosks, display booths, concession equipment, or the like in the mall.
B. To use the mall as a place of assembly.
C. To use open-flame or flame producing devices.
D. To display any liquid or gas fueled powered equipment.
E. To use liquefied petroleum gas, liquefied natural gas and compressed flammable gas. See Article 35.
F. For display of merchandise in the mall area.

22. Matches. To manufacture matches or to store matches exceeding an aggregate 60 matchman's gross (14,400 each gross). See Article 83.
23. Nitrate film. To store, handle, use or display nitrate film. See Article 33.
24. Open burning. To kindle or authorize the kindling or maintenance of bonfires, rubbish fires, or any other open burning see Section 11.101.
25. Open-flame devices in marinas. See Section 11.410.

A. To use open-flame devices for maintenance or repair of boats, slips or wharves.
B. To use a portable barbeque, brazier or cooking devices on any boat, slip or wharf.

26. Organic coatings. To manufacture more than one gallon of organic coatings in a working day. See Article 50.
27. Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by this code. See Article 62.
28. Parade floats. To use a parade float for public performance, presentation, spectacle, entertainment or parade. See Section 11.208.
29. Radioactive materials. To store or handle at any installation more than 1 microcurie of radioactive material not contained in a field source or more than 1 millicurie of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required. See Article 80.
30. Refrigeration equipment. To install or operate a mechanical refrigeration unit or system. See Article 63.

EXCEPTIONS: 1. Air, water or brine systems. 2. All units and systems utilizing Group 1 refrigerants with a refrigerant compressor or horsepower rating of less than 100.

31. Spraying or dipping. To operate a spraying or dipping enterprise utilizing flammable liquids included within the scope of Article 45. See Section 45.101.
32. Tents and air-supported structures. To erect or operate a tent or air-supported structure covering an area in excess of 200 square feet unless such structures are used exclusively for camping. See Article 32.

7-209. SAME; SEC. 4.108 PERMIT FEES. Sec. 4.108 **Permit Fees** is hereby added to read as follows: Fees for permits provided for under Sec. 4.101 must be paid before the permits are issued. Fee amount for each permit shall be $50.00.

7-210. SAME; SEC. 10.207 FIRE APPARATUS ACCESS ROADS. Sec. 10.207 **Fire Apparatus Access Roads** is changed to read as follows:

Sec. 10.207.(a) **General.** Fire apparatus access roads shall be provided in accordance with this section. Prior to the issuance of a building permit, fire apparatus access roads shall be designated on a site plan and shall be submitted to the Chief for approval. No structure shall be allowed to progress beyond the foundation until required fire apparatus access roads are serviceable and approved.

(b) through (j) unchanged.

(k) **Obstructions.** The required width of access roadways and fire lanes shall not be obstructed in any manner, including parking of vehicles. The Chief or Chief of Police or their duly authorized representative is authorized to cause fire access roadways, on public or private property, to be maintained free of obstruction at all times by issuance of citations, removal and impoundment of a vehicle or obstruction in violation, by both a citation issuance and impoundment, or by orders to remove any obstruction immediately.

EXCEPTION: Except as prohibited by other ordinances and when approved by the Chief, gates may be installed that restrict access to the fire lane provided they are electrically operated and controlled by a key switch at the fire lane approached. The box shall be 12-15 feet in front of the gate, 4½ — 5½ feet above grade on the left side and accessible from within fire apparatus. (See Section 10.209.)

(1) Unchanged

Sec. 10.207.1 (a) **General.** Fire lanes shall be provided and maintained in accordance with the provisions of this section.

Fire apparatus access roads are intended to provide access to the building site and fire lanes are dedicated to providing access to the structure for fire and rescue operations.

(b) **Where Required.** All buildings hereafter constructed, shall have a fire lane, and the fire lane shall be a minimum of 25 percent of the perimeter of the building. There shall be no parking between the building and the fire lane. The fire lane shall be within 20 feet of the building, and approved by the chief.

EXCEPTIONS: 1. When conditions prevent the installation of an approved fire lane, the chief may permit the installation of a fire-protection system or systems in lieu of a fire lane, provided the fire-protection system or systems are not otherwise required by this or any other code.
2. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

(c) **Permissible Modifications.** Clearances or widths required by this section may be increased when, in the opinion of the chief, minimum clearances or widths are not adequate to provide fire apparatus access. For high-piled combustible storage, see Section 81.109.

(d) **Surface.** Fire lanes shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(e) **Width.** The minimum unobstructed width of a fire lane shall be not less than 20 feet.

(f) **Vertical Clearance.** All fire lanes shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

(g) **Turning radius.** The turning-radius of a fire lane shall be as approved by the chief.

(h) **Turnarounds.** All dead-end fire lanes in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

(j) **Grade.** The gradient for a fire lane shall not exceed the maximum approved by the chief.

(k) **Obstruction.** The required width of any fire lane shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times. See fire apparatus access roads 10.207 (k)

(l) **Signs.** When required, approved signs or other approved notices shall be provided and maintained for fire lanes to identify such lanes and prohibit the obstruction thereof or both.

7-211. SAME; SEC. 10.301 INSTALLATION. Sec. 10.301 **Installation** is changed to read as follows:

Sec. 10.301(a) and (b) Unchanged.

(c) An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. Prior to issuance of a building permit or commencement of construction of any required water supply components, two (2) plot plans indicating designated locations of fire hydrants, locations and sizes of water mains, available flow information, and information required by Section 10.207(a) shall be submitted to the Building Department of the City of Leawood for review by the Chief. The Chief will either approve or disapprove the designated water supply components and locations. One copy of an approved plan will be retained by the Chief.

Water supply may consist of water mains, elevated tanks, pressure tanks, or static water reservoirs equipped with approved fire pumps capable of supplying the required fire flow. In setting the requirements for fire flow for other than one and two family dwellings, the Chief shall use Section 4-211 of the Code of the City of Leawood.

All fire hydrants shall be accessible to the Fire Department by roadways meeting the requirements of Section 10.207.

For one and two family dwellings, fire hydrants shall meet the requirements of Section 4-212 of the Code of the City of Leawood.

(d) **Timing of Installation.** When fire protection facilities, including fire access roadways and fire hydrants, are required to be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

EXCEPTION: The steel framework on Type I and II buildings may be constructed prior to acceptance.

(e) **Approval and Testing.** All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinkler systems), wet and dry standpipes, and other fire protection systems, pertinents thereto shall meet the approval of the fire department as to installation and location and shall be subject to such periodic tests as required by the Chief. Plans and specifications shall be submitted to the Fire Department for review and approval prior to construction.

7-212. SAME; SEC. 10.302(a) GENERAL. Sec. 10.302(a) **General** is changed to read as follows:

10.302 (a) **General.** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable 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 protective or extinguishing systems coverage, spacing and specifications shall be installed and maintained in accordance with the installation and maintenance provisions of the following standards of the National Fire Protection Association 12A-1987, 12B-1985, 13-1987, 13D-1984, 14-1986, 17-1986, 20-1987, 24-1987, 30-1987, 32-1985, 33-1985, 54-1984, 56F-1983, 58-1986, 70-1987, 71-1985, 72A-1987, 72B-1986, 72C-1986, 72D-1986, 72E-1987, 74-1984, and 96-1987.

Soda acid, foam, loaded stream, antifreeze and water portable fire extinguishers of the inverting type shall not be recharged or placed in service for fire protection use.

Inspections and field test of fire suppression, alarm, detection and any other fire protection systems, devices and equipment shall be conducted by the owner or an authorized representative. Tests shall be conducted at least annually on this equipment, unless nationally recognized standards recommend otherwise. All units and devices shall be tested and maintained in accordance with the manufacturer's maintenance and testing recommendations.

All non-required fire protection equipment shall be arranged and maintained in a manner consistent with the requirements at the time of installation unless discontinuation of the equipment is approved by the fire official. All discontinued equipment shall be removed so as not to give a false indication the building, area, or space is protected.

All required inspections and field tests shall be conducted by and at the expense and risk of the owner or a representative of the owner. The fire official shall not be held responsible for any damages incurred during any test. Where the presence of the fire official is required for tests under provisions of this or other articles, the fire official shall be notified not less than 48 hours before said test is made.

7-213. SAME; SEC. 10.306(a) APARTMENTS AND HOTELS. Sec. 10.306 (a) **Apartments and Hotels** shall be changed to read as follows:

An approved automatic fire alarm system shall be installed in the following occupancies:

1. Apartment houses containing more than 4 dwelling units.

EXCEPTION: An alarm system need not be installed in buildings not over two storie in height when all individual dwelling units are separated by at least two-hour fire-resistive occupancy separations, including attics and crawl spaces, and each individual dwelling has direct exit to a yard or public way.

7-214. SAME; SEC. 10.402(d) CEILING CONSTRUCTION. Sec. 10.402(d) **Ceiling Construction** is added to read as follows: In sprinklered buildings all ceiling tiles must be properly installed and maintained to prevent fire penetration and to meet required sprinkler head distances.

7-215. SAME; SEC. 11.101 BONFIRES AND OUTDOOR RUBBISH FIRES. Sec. 11.101 **Bonfires and Outdoor Rubbish Fires** is changed to read as follows:

Sec. 11.101(a) **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 the permit required, except that a fire may be ignited in a container or device expressly for the purpose of cooking food, the fuel to be used shall be limited to charcoal briquets or fireplace logs no longer than 24 inches in length or natural gas or liquefied petroleum gas burning device that has received the American Gas Association approval. Open fires may be permitted only under the following conditions and subject to any air pollution laws adopted by the jurisdiction.

(b) **Permit.** A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit from the chief of the fire department, or authorized representative. Upon determination that such burning is necessary and can be accomplished without undue danger to property or welfare of the city and its citizens, the fire chief or authorized representative, may grant a permit. Request for a permit shall be in the form required by the fire chief.

(c) **Permit Conditions.** All outside fires for which a permit has been issued by the fire official, shall be attended by and supervised by a responsible person or persons (the permittee or representative thereof) at all times. Such person or persons shall extinguish the fire one hour before leaving the burning location. Such burning operations shall not be initiated until at least one hour after sunrise, and addition of material to be burned shall not be added to the fire less than two hours prior to sunset. The burning shall be carried out at least 1,000 feet from any dwelling, or public roadway and at least one mile from any airport. The fire will not be allowed to exist, for any reason, beyond the limit of the permit, and if at any time the fire chief or authorized representative should determine, either by reason of change in conditions of weather and/or surrounding circumstances or by violation of any kind set forth herein or attached to the permit, that such burning should cease, the permit may be immediately revoked by giving notice to the permittee or to the person supervising the fire.

(d) **Open Fire Material.** Fuel for permitted fires must consist only of brush, shrubs, and trees accumulated during land clearing operations, crop or game management practices, or construction projects carried out on the premises and shall not contain rubbish, garbage, trash, building materials, any material made of or coated with rubber, plastic, leather, or petroleum based materials and shall not contain any flammable or combustible liquids. The allowable quantity of brush, shrubs, and trees to be burned shall be determined by the hours of burning allowed by Permit Conditions, and upon the fire safety requirements of the situation.

(e) **Chief May Prohibit.** The chief may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous.

7-216. SAME; ARTICLE 77 EXPLOSIVES AND BLASTING AGENTS. Article 77 **Explosives and Blasting Agents** is hereby deleted.

7-217. SAME; SEC. 87.103(a) GENERAL. Sec. 87.103 (a) **General** shall be changed to read as follows: Buildings under construction shall comply with the provisions of this section. Construction shall be considered to have started when combustible or flammable materials are placed, kept or stored at the location.

7-218. APPEALS. Whenever the chief disapproves an application or refuses to grant a 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.

7-219. 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 affecting 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.

7-220. 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 therunder, 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. VALIDITY OF ORDINANCE. The City of Leawood, Kansas hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Code of Standards hereby adopted be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87
Second Reading: 11/16/87
Passed by the Governing Body this 16th day of November, 1987.
Approved by the Mayor this 17th day of November, 1987.
(SEAL)
(s) Marcia Rinehart
Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM:
(s) R.S. Wetzler
City Attorney

(3092 F)

repealed by Ord. 1282C, 3/2/92

ORDINANCE NO. 1020 C

AN ORDINANCE ADOPTING THE "CABO ONE & TWO FAMILY DWELLING CODE", 1986 EDITION.

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

Section 1. ONE AND TWO FAMILY DWELLING CODE INCORPORATED. The Code of the City of Leawood is hereby amended by adding Sections 4-1A01, 4-1A02 and 4-1A03, which shall read as follows:

Article 1A. Header Design and Allowable Spans for Ceiling Joists for Detached One and Two Family Dwellings

4-1A01. ONE & TWO FAMILY DWELLING CODE INCORPORATED. There is hereby incorporated by reference the "One and Two Family Dwelling Code", 1986 edition, as published by the Building Officials and Code Administrators International, Inc. Three copies of this document shall be on file in the Office of the City Clerk.

4-1A02. ONE AND TWO FAMILY DWELLING CODE AMENDED. All parts and portions of this code are hereby deleted except for the following Tables:

1. Table Nos. R-402.6.1 through R-402.6.6, Header Design Charts.

2. Table Nos. 7-A through 7-D, Allowable Spans for Ceiling Joists.

4-1A03. ORGANIZATION AND ENFORCEMENT. Chapter 2, "Organization and Enforcement", of the Uniform Building Code, 1985 Edition, as adopted and amended by Sections 4-201, 4-202, 4-203, and 4-204 of this code as amended shall be applicable to any violation of any section of the code incorporated by Sections 4-1A01 and 4-1A02 of this ordinance.

Section 2. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1020 C

AN ORDINANCE ADOPTING THE "CABO ONE & TWO FAMILY DWELLING CODE", 1986 EDITION.

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

Section 1. ONE AND TWO FAMILY DWELLING CODE INCORPORATED. The Code of the City of Leawood is hereby amended by adding Sections 4-1A01, 4-1A02 and 4-1A03, which shall read as follows:

Article 1A. Header Design and Allowable Spans for Ceiling Joists for Detached One and Two Family Dwellings

4-1A01. ONE & TWO FAMILY DWELLING CODE INCORPORATED. There is hereby incorporated by reference the "One and Two Family Dwelling Code", 1986 edition, as published by the Building Officials and Code Administrators International, Inc. Three copies of this document shall been file in the Office of the City Clerk.

4-1A02. ONE AND TWO FAMILY DWELLING CODE AMENDED. All parts and portions of this code are hereby deleted except for the following Tables:

1. Table Nos. R-402.6.1 *through R-402.6.6, Header* Design Charts.
2. Table Nos. 7-A through 7-D, Allowable Spans for Ceiling Joists.

4-1A03. ORGANIZATION AND ENFORCEMENT. Chapter 2, "Organization and Enforcement", of the Uniform Building Code, 1985 Edition, as adopted and amended by Sections 4-201, 4-202, 4-203, and 4-204 of this code as amended shall be applicable to any violation of any section of the code incorporated by Sections 4-1A01 and 4-1A02 of this ordinance.

Section 2. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R. S. Wetzler, City Attorney

(3091 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly n, Deposes and say: That she is legal publications manager of THE JOHNSON NTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published d of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade ous or fraternal publication.

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

hat the attached notice is a true copy thereof and was published in the regular and e issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as esaid on the 20th day of, November 1987, with subsequent lications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 20th day of November 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ 43.04

Additional copies $ ----------

repealed by Ord. 1282C, 3/2/92

ORDINANCE NO. 1019 C

AN ORDINANCE ADOPTING THE "CABO ONE & TWO FAMILY DWELLING CODE", 1983 EDITION, AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-101, 4-102, 4-104 through 4-111, 4-112 through 4-119 of the "Code of the City of Leawood, 1984"; Section 4-103 of Ordinance No. 978C and of the "Code of the City of Leawood, 1984"; and Section 4-111.5 of Ordinance No. 942C and of the "Code of the City of Leawood, 1984" are hereby repealed.

Section 2. ONE AND TWO FAMILY DWELLING CODE INCORPORATED. Article 1 of Chapter 4 of the Code of the City of Leawood titled, "Detached One and Two Family Dwellings", is hereby amended to read as follows:

Article 1. Plumbing and Mechanical Codes for Detached One and Two Family Dwellings

4-101. ONE AND TWO FAMILY DWELLING CODE INCORPORATED. There is hereby incorporated by reference the "One and Two Family Dwelling Code", 1983 edition, as published by the Building Officials and Code Administrators International, Inc. Three copies of this document shall be on file in the Office of the City Clerk.

4-102. ONE AND TWO FAMILY DWELLING CODE AMENDED. All sections of the code incorporated by Section 4-101 of this ordinance are hereby deleted except for PART IV - MECHANICAL and PART V - PLUMBING.

4-103. ORGANIZATION AND ENFORCEMENT. Chapter 2, "Organization and Enforcement" of the Uniform Building Code, 1985 Edition, as adopted and amended by Sections 4-201, 4-202, 4-203, and 4-204 of this code as amended shall be applicable to any violation of any section of the code incorporated by Section 4-101 and 4-102 of this ordinance.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1019 C

AN ORDINANCE ADOPTING THE "CABO ONE & TWO FAMILY DWELLING CODE", 1983 EDITION, AND REPEAL OF *SECTIONS.*

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

Section 1. REPEAL OF SECTIONS. Sections 4-101, 4-102, 4-104 through 4-111, 4-112 through 4-119 of the "Code of the City of Leawood, 1984"; Section 4-103 of *Ordinance No.* 978C and of the "Code of the City of Leawood, 1984"; and section 4-111.5 of Ordinance *No. 942C and* of the "Code of the City of Leawood, 1984" are hereby repealed.

Section 2. ONE AND TWO FAMILY DWELLING CODE INCORPORATED. Article 1 of Chapter 4 of the Code of the City of Leawood titled, "Detached One and Two Family Dwellings", is hereby amended to read as follows:

Article 1. Plumbing and Mechanical Codes for Detached *One and Two Family Dwellings*

4-101. ONE AND TWO FAMILY DWELLING CODE INCORPORATED. There is hereby incorporated by reference the "One and Two Family Dwelling Code", 1983 edition, as published by the Building Officials and Code Administrators International, Inc. *Three copies of* this document shall be on file in the Office of the City Clerk.

4-102. ONE AND TWO FAMILY *DWELLING* CODE AMENDED. All sections of the code incorporated by Section 4-101 of this ordinance are hereby deleted except for PART IV - MECHANICAL and PART V - PLUMBING.

4-103. ORGANIZATION AND ENFORCEMENT. Chapter 2, "Organization and *Enforcement*" of the Uniform Building Code, 1985 Edition, as adopted and amended by Sections 4-*201, 4-202, 4-203, and* 4-204 of this code as amended shall be applicable to any violation of any section of the code incorporated by Section 4-101 and 4-102 of this ordinance.

Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby *affected.*

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its *publication in* the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Attest:

(s) Marcia Rinehart, Mayor

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R. S. Wetzler, City Attorney

(3090 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published
of general circulation in JOHNSON County, Kansas, with a general paid circulation
arly basis in JOHNSON County, Kansas, and that said newspaper is not a tra
s or fraternal publication.

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

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
id on the ---20th--- day of, ---November--- 19---87---, with subsequent
tions being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---20th--- day of ---November--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---47.45---
Additional copies $ ---

Reported by:
ORDINANCE NO. 1279C
Adopted: 3/2/92
Effective:

ORDINANCE NO. 1018 C

AN ORDINANCE ADOPTING THE 1985 EDITION OF THE UNIFORM MECHANICAL CODE GOVERNING THE CONDITION, TERMS, SPECIFICATIONS, AND CONTROL OF THE DESIGN AND INSTALLATION OF MECHANICAL 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; AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-501 through 4-514 of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. MECHANICAL CODE ADOPTED. Article 5 of Chapter 4 of the Code of the City of Leawood titled, "Mechanical Code", is hereby amended to read as follows:

4-501. UNIFORM MECHANICAL CODE ADOPTED. The "Uniform Mechanical Code", including all appendicies, 1985 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, excepting only such parts or portions thereof as are specifically added or changed in Sections 4-502 and 4-503 of the Code of Leawood as amended by this ordinance. Three copies of this document shall be on file in the Office of the City Clerk.

4-502. UNIFORM MECHANICAL CODE AMENDED; SEC. 103 SCOPE. Sec. 103 Scope is hereby changed to read as follows: The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within this jurisdiction. Mechanical equipment and systems in Group R, Division 3 occupancies may comply with the requirements of Part IV of the One and Two Family Dwelling Code (CABO) 1983 edition.

4-503. SAME; SEC. 204. VIOLATIONS. Sec. 204. 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 any mechanical systems 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.

Section 3. VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1018C

AN ORDINANCE ADOPTING THE 1985 EDITION OF THE UNIFORM MECHANICAL CODE GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF THE DESIGN AND INSTALLATION OF MECHANICAL 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; AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-501 through 4-514 of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. MECHANICAL CODE ADOPTED. Article 5 of Chapter 4 of the Code of the City of Leawood titled, "Mechanical Code", is hereby amended to read as follows:

4-501. UNIFORM MECHANICAL CODE ADOPTED. The "Uniform Mechanical Code", including all appendicies, 1985 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, excepting only such parts or portions thereof as are specifically added or changed in Sections 4-502, 4-503 of the Code of Leawood as amended by this ordinance. Three copies of this document shall be on file in the Office of the City Clerk.

4-502. UNIFORM MECHANICAL CODE AMENDED; SEC. 103 SCOPE. Sec. 103 **Scope** is hereby changed to read as follows: The provisions of this Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within this jurisdiction. Mechanical equipment and systems in Group R, Division 3 of occupancies may comply with the requirements of Part IV of the One and Two Family Dwelling Code (CABO) 1983 edition.

4-503. SAME; SEC. 204. VIOLATIONS. SEC. 204. **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 any mechanical systems 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.

Section 3. VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Governing body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after it publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(SEAL)

Attest:
(s) Marcia Rinehart,
Mayor
(s) Marth Heizer,
City Clerk
APPROVED FOR FORM:
/s/ R. S. Wetzler,
City Attorney

(3089 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly n, Deposes and say: That she is legal publications manager of THE JOHNSON NTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published d of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a tr ous or fraternal publication.

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

at the attached notice is a true copy thereof and was published in the regular and e issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as said on the 20th day of, November 1987, with subsequent cations being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Deanna Martasin

ribe and sworn to before me this 20th day of November 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: 1.25.88
Printer's Fee $ 68.03
Additional copies $

Repealed by:
ORDINANCE NO. 1277C
Adopted: 3/2/92
Effective:

ORDINANCE NO. 1017 C

AN ORDINANCE ADOPTING THE 1985 EDITION OF THE UNIFORM 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; AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-401 through 4-413 of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. PLUMBING CODE ADOPTED. Article 4 of Chapter 4 of the Code of the City of Leawood titled, "Plumbing Code", is hereby amended to read as follows:

4-401. UNIFORM PLUMBING CODE ADOPTED. The "Uniform Plumbing Code", including all appendicies, 1985 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, excepting only such parts or portions thereof as are specifically added or changed in Sections 4-402, 4-403, and 4-404 of the Code of Leawood as amended by this ordinance. Three copies of this document shall be on file in the Office of the City Clerk.

4-402. UNIFORM PLUMBING CODE AMENDED; SEC. 10.3 SCOPE. 10.3 Scope is hereby changed to read as follows: The provisions of this Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system, except as otherwise provided for in this Code. The design and installation of plumbing systems, including sanitary drainage, sanitary facilities, water supplies, storm water, and sewage disposal in buildings shall comply with the requirements of this code, except Group R, Division 3 Occupancies. Such plumbing systems may be designed and installed in accordance with the "One and Two Family Dwelling Code", (CABO), 1983 edition.

4-403. SAME; SEC. 20.3 VIOLATIONS AND PENALTIES. 20.3 Violations and Penalties shall read as follows: Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed $500.00 or by imprisonment not to exceed 30 days, or both fine and imprisonment. Each separate day or any portion thereof, dur-

Repealed by: 7277C
ORDINANCE NO.
Adopted: 3/2/92
Effective:

ing which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of , any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any certificate of approval when issued in error.

Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 120 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

4-404. SAME; SEC. 1008(a) INSTALLATION. Sec. 1008(a) <u>Installation</u> is hereby changed to read as follows: All water piping shall be adequately supported to the satisfaction of the Administrative Authority. Burred ends shall be reamed to the full bore of the pipe or tube. Changes in direction shall be made by the appropriate use of fittings, except that changes in direction in copper tubing may be made with bends, provided that such bends are made with bending equipment which does not deform or create a loss in cross sectional area of the tubing. Provisions shall be made for expansion in hot water piping. All piping, equipment, appurtenances and devices shall be installed in a workman-like manner in conformity with the provisions and intent of the Code.

Water service piping and sewers shall be installed below recorded frost penetration but not less than three feet six inches below grade for water piping and in accordance with Johnson County Wastewater District regulations for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

Repealed by:
ORDINANCE NO. 1297C
Adopted: 3/2/92
Effective:

Section 3. VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1017C

AN ORDINANCE ADOPTING THE 1985 EDITION OF THE UNIFORM 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; AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-401 through 4-413 of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. PLUMBING CODE ADOPTED. Article 4 of Chapter 4 of the Code of the City of Leawood titled, "Plumbing Code", is hereby amended to read as follows:

4-401. UNIFORM PLUMBING CODE ADOPTED. The "Uniform Plumbing Code", including all appendicies, 1985 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, excepting only such parts or portions thereof as are specifically added or changed in Sections 4-402, 4-403, and 4-404 of the Code of Leawood as amended by this ordinance. Three copies of this document shall be on file in the Office of the City Clerk.

4-402. UNIFORM PLUMBING CODE AMENDED; SEC. 10.3 SCOPE. 10.3 **Scope** is hereby changed to read as follows: The provisions of this Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system, except as otherwise provided for in this Code. The design and installation of plumbing systems, including sanitary drainage, sanitary facilities, water supplies, storm water, and sewage disposal in buildings shall comply with the requirements of this code, except Group R, Division 3 Occupancies. Such plumbing systems may be designed and installed in accordance with the "One and Two Family Dwelling Code", (CABO), 1983 edition.

4-403. SAME; SEC. 20.3 VIOLATIONS AND PENALTIES. 20.3 **Violations and Penalties** shall read as follows: Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed $500.00 or by imprisonment not to exceed 30 days, or both fine and imprisonment. Each separate day or any portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shalt be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any certificate of approval when issued in error.

Every permit issued by the Administrative Authority under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 120 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

4-404. SAME; SEC. 1008(a) INSTALLATION. Sec. 1008(a) **Installation** is hereby changed to read as follows: All water piping shall be adequately supported to the satisfaction of the Administrative Authority. Burred ends shall be reamed to the full bore of the pipe or tube. Changes in direction shall be made by the appropriate use of fittings, except that changes in direction in copper tubing may be made with bends, provided that such bends are made with bending equipment which does not deform or create a loss in cross sectional area of the tubing. Provisions shall be made for expansion in hot water piping. All piping, equipment, appurenances and devices shall be installed in a workman-like manner in conformity with the provisions and intent of the Code.

Water service piping and sewers shall be installed below recorded frost penetration but not less than three feet six inches below grade for water piping and in accordance with Johnson County Wastewater District regulations for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

Section 3. VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Governing body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after it publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(SEAL)

Attest:

(s) Marcia Rinehart, Mayor

(s) Marth Heizer, City Clerk

APPROVED FOR FORM:

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly , Deposes and say: That she is legal publications manager of THE JOHNSON TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation early basis in JOHNSON County, Kansas, and that said newspaper is not a tra us or fraternal publication.

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

t the attached notice is a true copy thereof and was published in the regular and issue of said newspaper for ---------one--------- consecutive ----day----(weeks, days) the first publication thereof being made as aid on the 20th day of, November 1987, with subsequent ations being made on the following dates:

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

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

Deanna Martasin

be and sworn to before me this 20th day of November 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

mission expires: 1/25/88

Fee $ 112.13

a' copies $

Repealed by:
ORDINANCE NO. 1276C
Adopted: 3/2/92
Effective:

ORDINANCE NO. 1016 C

AN ORDINANCE ADOPTING THE 1985 EDITION OF THE UNIFORM BUILDING CODE AND THE 1985 EDITION OF THE UNIFORM BUILDING CODE STANDARDS 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, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-201 and 4-204.1 of Ordinance No. 977C and of the "Code of the City of Leawood, 1984"; Sections 4-221.1, 4-223, and 4-232.1 through 4-232.14 of Ordinance No. 947C and of the "Code of the City of Leawood, 1984"; and Sections 4-202, 4-203, 4-204, 4-205 through 4-221, 4-222, 4-224 through 4-232, and 4-233 through 4-240 of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS INCORPORATED. Article 2 of Chapter 4 of the Code of the City of Leawood titled, "Construction Other Than One and Two Family Dwellings", is hereby amended to read as follows:

Article 2. Building Code

4-201. UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS INCORPORATED. That certain documents, three (3) copies of which are on file and are open for inspection by the public in the Office of the City Clerk of the City of Leawood, Kansas, being marked and designated as:

1. UNIFORM BUILDING CODE, 1985 EDITION, published by the International Conference of Building Officials, including the generic fire-resistive assemblies listed in the Fire Resistance Design Manual, 1981 Edition, published by the Gypsum Association as referenced in Tables Nos. 43-A, 43-B, 43-C, and Appendix Chapter 35 of the specified Uniform Building Code, including Appendix Chapters 7, 11, 23, 32, 35, 49, 51, 55, 57 and 70;

2. UNIFORM BUILDING CODE STANDARDS, 1985 EDITION, published by the International Conference of Building Officials, including (i) Structural Welding Code - Reinforcing Steel, AWS D1.4-79 (U.B.C. Standard No. 26-8);

Repealed by:
ORDINANCE NO. 1676C
Adopted: 3/2/92
Effective:

(ii) Structural Welding Code - Steel, ANSI/AWS D1.1-84 (U.B.C. Standard No. 27-6); (iii) Structural Welding Code - Sheet Steel, ANSI/AWS D1.3-81 (U.B.C. Standard No. 27-16) published by the American Welding Society, Inc.; and (iv) Standard for the Installation of Sprinkler Systems, NFPA 13-1987, and NFPA 13D-1984 published by the National Fire Protection Association (U.B.C. Standard No. 38-1), as modified or amended in the Uniform Building Code Standards referenced herein;

except those parts or portions thereof as are specifically added or changed in sections 4-202 through 4-244 of the Code of Leawood as amended be and same are hereby adopted as the code of the City of Leawood, Kansas, 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 collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such UNIFORM BUILDING CODE, 1985 EDITION, and UNIFORM BUILDING CODE STANDARDS, 1985 EDITION, published by the International Conference of Building Officials, and the secondary publications referenced above, all of which are on file in the Office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

4-202. UNIFORM BUILDING CODE AMENDED; SEC. 202.(a) GENERAL. Sec. 202.(a) General is hereby changed to read as follows: The Department of Planning and Development shall be the department responsible for administering the code, and the executive official in charge thereof shall be known as the building official. The building official is hereby authorized and directed to enforce all provisions of this code. For such purposes he shall have the powers of an enforcement officer.

4-203. SAME; SEC. 202.(d) STOP ORDERS. Sec. 202.(d) Stop Orders is hereby changed to read as follows: Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. No person shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

4-204. SAME; SEC. 205. VIOLATIONS. Sec. 205. 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

Repealed by:
ORDINANCE NO. 1276C
Adopted: 3/2/92
Effective:

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.

4-205. SAME; SEC. 301.(b) EXEMPTED WORK. Sec. 301.(b) Exempted Work is hereby changed to read as follows: A building permit shall not be required for the following:

1. Deleted.
2. Fences not over 4 feet high.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet high.
5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
6. Deleted.
7. Deleted.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theatre stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than 54 inches.
11. Deleted.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

4-206. SAME; SEC. 302.(b) PLANS AND SPECIFICATIONS. Sec. 302.(b) Plans and Specifications 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. 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 mi-

Repealed by:
ORDINANCE NO. 1276C
Adopted: 3/2/92
Effective:

nor 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 by the State of Kansas and shall bear his or her seal. Said architect or engineer shall sign and notarize a certificate that the plans and specifications have been prepared in accordance with the adopted codes for all office and commercial building construction.

> EXCEPTION: 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. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the building official for a permit. Plans shall be prepared and certified by an architect or engineer responsible for the structural components of the pool design.

4-207. SAME; SEC. 302.(c) INFORMATION ON PLANS AND SPECIFICATIONS. Sec. 302.(c) Information on Plans and Specifications shall be changed to read as follows: Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Plans shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing, and communication conduits, pipes and similar systems.

4-208. SAME; SEC. 302(d) SITE PLAN. Sec. 302.(d) Site Plan is hereby added to 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, distances from lot lines, the 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 of the plot.

Repealed by:
ORDINANCE NO. 1276C
Adopted: 3/2/92
Effective:

Fire apparatus access roads provided in accordance with the Uniform Fire Code Section 10.207 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 foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, and building setbacks.

4-209. SAME; SEC. 303.(f) ISSUANCE OF PERMITS TO LICENSED OR REGISTERED CRAFTSMEN. Sec. 303.(f) Issuance of Permits to Licensed or Registered Craftsmen is hereby added to read as follows: Permits for mechanical work, plumbing and electrical work shall be issued only to individuals or persons responsible to a company or organization who are the legal possessors of a valid license or registration. These permits shall be issued together with the building permit. The license/registration of the tradesman and the city occupation license shall remain current through the period of construction. The City Clerk shall be responsible for maintaining the status of trades people and notifying the Planning and Development Department of such.

> EXCEPTION: Permits may be issued to homeowners doing plumbing, mechanical and electrical work in their own residence who do not possess a valid license or registration.

4-210. SAME; SEC. 303(g) POTABLE WATER CERTIFICATION. Sec. 303.(g) Potable Water Certification is hereby added to read as follows: A permit shall not be issued until written evidence is presented to the building official certifying the availability of satisfactory potable water supply. Applicants from areas within the corporate limits of the city that are also within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from said water district. Applicants from areas within the corporate limits of the city that are not within an area under the jurisdiction of a duly constituted water district or where public water supply is not available, shall submit a certificate from the Johnson County Health Director and the City of Leawood that the proposed water supply meets the required standards for health and safety.

The developer shall be responsible for installing standard water district piping, hydrants, fittings, etc. as a minimum in order to be acceptable to the City of Leawood.

4-211. SAME; SEC. 303.(h) FIRE PROTECTION CERTIFICATION. Sec. 303.(h) Fire Protection Certification is hereby added to read as follows: A permit for other than one and two family dwellings shall not be issued until written evidence is pre-

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sented to the building official certifying the availability of satisfactory hydrant locations and their appropriate fire flows. Applicants for areas within the corporate limits of the city that are also within areas under the jurisdiction of a duly constituted water district shall submit a statement from said water district certifying that the proposed fire protection system conforms to the regulations of that district, and be acceptable to the fire official of the city, provided that those regulations set forth requirements for a system that will meet or exceed fire flow requirements set forth by the City of Leawood, as follows:

1. Sufficient hydrants shall be provided so as to furnish the required fire flow based on the formula F = 18 * C * (square root of A): (F = 18 times C times the square root of A) where C = construction coefficient, A = total floor area, and F = fire flow in G.P.M. The coefficient C is:

1.8	Type 4	(wood frame)
1.0	Type 3	(exterior masonry)
0.8	Type 2	(non-combustible)
0.6	Type 1	(fireproof construction)

EXCEPTION: When the building or structure has an approved automatic sprinkler system installed throughout the building or structure, the fire flow shall be in accordance with the provisions of U.B.C. Standard 38-1, with a minimum flow of 1,000 G.P.M. For purposes of qualifying for this exception, hydrants within 300 feet travel distance, and in a location approved by the fire official, will be considered.

2. For purposes of meeting the required fire flow, each hydrant within 500' of the building will be considered as a 1,000 G.P.M. source unless indicated by actual flow to be less than that figure.

3. All hydrants must meet American Water Works Association (AWWA) Standard C-502. Fire hydrants shall be equipped with one four inch and two (2) two and one half (2 1/2) inch pumper connections. Connections shall utilize National Standard Threads. Each hydrant shall be equipped with a shut-off valve.

4. All hydrants must be painted and highly visible, properly maintained at all times. Set back from the curb line shall be not more than five feet, free of all obstructions to the locating and operation of the hydrant.

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5. All hydrants must be placed on looped mains of not less than a six inch diameter unless otherwise specified by officials of a duly constituted water district for the area served.

6. When, in the opinion of the fire official, the fire loading of the structure would require additional fire flow, additional hydrants will be required.

4-212. SAME; SEC. 303.(i) RESIDENTIAL FIRE PROTECTION CERTIFICATION. Sec. 303.(i) Residential Fire Protection Certification is hereby added to read as follows:

A permit for one and two family dwellings shall not be issued until written evidence is presented to the building official certifying the availability of satisfactory hydrant locations and fire flow. Applicants for areas within the corporate limits of the city that are also within an area under the jurisdiction of a duly constituted water district shall submit a statement from said water district certifying that the proposed fire protection system conforms to the regulations of that district, provided that those regulations set forth requirements for a system that will meet or exceed fire flow requirements set forth by the City of Leawood, as follows:

1. Sufficient hydrants must be provided so as to furnish the required fire flow based on Table 221. The fire flows in Table 221 are for one and two family dwellings with Class A roofing. When roofs have Class B, Class C, or unrated roofs, 500 G.P.M. shall be added to the appropriate fire flow from Table 221.

Table 221

EXPOSURE DISTANCES (Feet)	FIRE FLOW (G.P.M)
Over 100	500
51 to 100	1,000
16 to 50	1,500
15 or less	2,000

2. For purposes of meeting the required fire flow each hydrant within 1,000 feet of the building will be considered. Distance shall be measured by travel distance. If more than one hydrant is required maximum spacing shall be 800 feet between hydrants and all hydrant locations shall be approved by the fire official.

EXCEPTION: A fire suppression system meeting NFiPA 13D, 1984 edition the "Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes" will be allowed as a substitute for fire hydrants when the exposure dis-

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tance is greater than 100 feet.

3. All hydrants must meet American Water Works Standard C-502 and be equipped with one four inch and two 2 1/2 inch connections utilizing National Standard Threads. Each hydrant shall be equipped with a shut-off valve.

4. All hydrants must be painted and highly visible, properly maintained at all times. Set back from the curb line shall be not more than five feet, free of all obstructions to the locating and operation of the hydrant.

5. When in the opinion of the fire official, the fire loading of the structure would require additional fire flow, additional hydrants will be required.

4-213. SAME; SEC. 303.(j) OUTSIDE SANITARY SEWER CONSTRUCTION AND CONNECTION PERMIT REQUIRED. Sec. 303.(j) Outside Sanitary Sewer Construction and Connection Permit Required is hereby added to read as follows: No building permit for any structure or 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 as required by the rules and regulations of the Johnson County Wastewater District. The building official has the right to waive this requirement in special situations. In these cases the building official shall notify the Johnson County Wastewater District of the special conditions and at what date sanitary service is to be expected.

4-214. SAME; SEC. 303.(k) PERFORMANCE BOND REQUIRED. Sec. 303.(k) Performance Bond Required is hereby added to read as follows: A performance bond not to exceed the amount of Five Thousand Dollars ($5,000.00) shall be required at the time the building permit is issued or prior to final subdivision platting whichever shall first occur. Said performance bond will be approved by the building official and shall be predicated and guaranteed upon the fact that the permit applicant and/or developer will keep streets and sidewalks, in the area that they are working in, free and clear of dirt, gravel, rubbish, or other construction debris. The building official may waive the performance bond required by this ordinance when the applicant is an individual home owner and the permit will authorize minor construction such as additions or remodeling. Where requested one performance bond may cover multiple permit applications by one applicant or developer within a specific area or subdivision.

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4-215. SAME; SEC. 304.(c) PLAN REVIEW FEES. Sec. 304.(c) Plan Review Fees is hereby 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 shall be paid at the time of submitting plans and specifications for review and shall be 45 percent of the building permit fee as shown in Table No. 3-A. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table No. 3-A.

4-216. SAME; SEC. 305.(e) REQUIRED INSPECTIONS. Sec. 305.(e) Required Inspections is hereby changed to read as follows: Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

The building official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this code:

1. FOUNDATION INSPECTION: To be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with U.B.C. Standard No. 26-13, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

EXCEPTIONS: Inspection for residential construction shall be made after excavations for footings are complete and required reinforcing steel is in place.

2. CONCRETE SLAB OR UNDER-FLOOR INSPECTION: To be made after all in-slab or under-floor building service equipment, conduit, piping accessories, sump and tee connection and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed,including the subfloor.

3. FRAME INSPECTION: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

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4. Deleted.

5. FINAL INSPECTION: To be made after finish grading and the building is completed and ready for occupancy.

4-217. SAME; SEC. 305.(f) OTHER INSPECTIONS. Sec. 305.(f) Other Inspections is hereby changed to read as follows: In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency. No public or private utility service connection, either temporary or permanent, shall be connected, energized or otherwise placed into service until inspected and approved by the building official or his or her authorized representative.

4-218. SAME; SEC. 307.(g) EXISTING BUILDINGS. Sec. 307.(g) Existing Buildings is hereby added to read as follows: An inspection and certificate of occupancy is required for any space in commercial or office buildings wherein the previous occupant has abandoned or left the space vacant. The inspection will determine safety and code compliance of the space prior to a new occupancy certificate being issued for the space being utilized by the new occupant.

4-219. SAME; SEC. 307.(h) CONNECTION WITH A SEWER SYSTEM. Sec. 307.(h) Connection With A Sewer System is hereby added to read as follows: No certificate of occupancy shall hereafter be issued for any and all buildings of any and all zoning classifications until the building is connected with a public sanitary sewer system or meets the provisions of the sanitary code and the private sewage disposal systems installation policy adopted by the Johnson County Commissioners.

4-220. SAME; SEC. 405 "D". Sec. 405 "D" is hereby changed to read as follows:

DANGEROUS BUILDINGS CODE, unchanged.

DAY CARE shall be defined as follows: Day care center is a building or portion thereof in which more than 12 clients receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) for less than 24 hours per day.

FAMILY DAY CARE HOME is a place in which fewer than 7 clients receive care, maintenance, and supervision by other than their relatives or legal guardian(s) for less than 24 hours per day (generally within a dwelling unit).

GROUP DAY CARE HOME is a place in which at least 7 but

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not more than 12 clients receive care, maintenance, and supervision by other than their relatives or legal guardian(s) for less than 24 hours per day (generally within a dwelling unit).

DISPENSING, unchanged.

DISPERSAL AREA, unchanged.

DORMITORY, unchanged.

DWELLING, unchanged.

DWELLING UNIT, unchanged.

4-221. SAME; SEC. 419 "R". Sec. 419 "R" is hereby changed to read as follows:

REPAIR, unchanged.

RESIDENTIAL BOARD AND CARE FACILITIES is a building or part thereof that is used for the lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, to provide personal care services. "Personal Care" means protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident when in the building.

4-222. SAME; SEC. 420 "S". Sec. 420 "S" is hereby changed to read as follows:

SERVICE CORRIDOR, unchanged.

SHAFT, unchanged.

SHALL, unchanged.

SLEEPING ROOM, is any room that may be used on a regular basis for sleeping, generally with an adjacent three or more fixture bathroom.

SMOKE DETECTOR, unchanged.

STAGE, unchanged.

STORY, unchanged.

STORY, FIRST, unchanged.

STREET, unchanged.

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STRUCTURE, unchanged.

4-223. SAME; SEC. 503.(d) FIRE RATINGS FOR OCCUPANCY SEPARATION. Sec. 503.(d) Fire Ratings for Occupancy Separation is hereby changed to read as follows: Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in Table No. 5-B.

EXCEPTIONS: 1. In Groups A, Division 1, and I Occupancies a three-hour occupancy separation is permitted from a Group B, Division 1 Occupancy used only as a garage for the parking of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done.

2. In Group R, Division 1 Occupancies, a one-hour occupancy separation is permitted from a Group B, Division 1 Occupancy used only as a parking garage for private or pleasure-type motor vehicles with no repair or fueling and the area does not exceed 3000 square feet.

3. In the one-hour occupancy separation between a Group R, Division 3 and M Occupancy, the separation may be limited to the installation of materials, approved for one-hour fire resistive construction on the garage side and a self-closing, tight-fitting solid wood door 1 3/4 inches in thickness will be permitted in lieu of a one-hour fire assembly. In addition, a four inch minimum sill or step up will be required between the garage and living and/or basement spaces. Fire dampers need not be installed in air ducts passing through the wall, floor, or ceiling separating a Group R, Division 3 Occupancy from a Group M Occupancy, provided such ducts within the Group M Occupancy are constructed of steel having a thickness not less than 0.019 inch (No. 26 galvanized sheet gauge) and have no openings into the Group M Occupancy.

4. Two family dwelling units and multifamily dwelling units shall be separated by a minimum of two hour area separation walls that are carried to the underside of the roof deck conforming to 505 (e).

4-224. SAME; SEC. 506.(a) GENERAL. Sec. 506.(a) General is hereby deleted.

4-225. SAME; SEC. 507. MAXIMUM HEIGHT OF BUILDINGS AND INCREASES. Sec. 507. Maximum Height of Buildings and In-

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creases is hereby changed to read as follows: The maximum height and number of stories of every building shall be dependent upon the character of the occupancy and the type of construction and shall not exceed the limits set forth in Table No. 5-D, except as provided in this section and as specified in Section 503(a) for mixed occupancy buildings.

EXCEPTIONS: 1. Towers,spires and steeples erected as a part of a building and not used for habitation or storage are limited as to height only by structural design if completely of noncombustible materials, or may extend not to exceed 20 feet above the height limit in Table No. 5-D if of combustible materials.

2. The height of one-story aircraft hangers shall not be limited if the building is provided with automatic sprinkler systems throughout as specified in Chapter 38 and is entirely surrounded by public ways or yards not less in width than one and one-half times the height of the building.

3. The maximum height for Group R, Division 3 occupancies may be increased to 50 feet on all sides not facing the street provided one of the following conditions are met:

a. 33% of the total perimeter of the building, counting the side facing the street and either or both adjacent sides does not exceed 40 feet.

b. The building is provided with an approved fire sprinkler system throughout installed in accordance with the 1984 edition of the "Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes."

4-226. SAME; SEC. 801. GROUP E OCCUPANCIES DEFINED. Sec. 801. Group E Occupancies Defined is hereby changed to read as follows: Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than six children. For occupancy separation, see Table No.5-B.

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EXCEPTION: Group day-care homes and family day-care homes as defined in Section 405 shall conform to Section 10-8 Group Day-Care Homes and Section 10-9 Family Day-Care Homes of the NFPA 101 Life Safety Code, 1985 edition.

4-227. SAME; SEC. 1102.(a) GENERAL. Sec. 1102.(a) General is hereby changed to read as follows: Buildings or parts of buildings classed in Group M, Division 1 because of the use or character of the occupancy shall not exceed 1000 square feet in area or one story in height except as provided in this section. Any building or portion thereof that exceeds the limit specified in this chapter shall be classed in the occupancy group other than Group M, Division 1 that it most nearly resembles.

For a mixed occupancy building, the total area of a private garage used only as a parking garage for private or pleasure type motor vehicles with no repair or fueling may be 3000 square feet, provided the exterior wall and opening protection are as required for the major occupancy of the building. The allowable floor area of the building shall be as permitted for the major occupancy of the building. Each portion of a building separated as specified in Section 505 may be considered a separate building. Such increase in area may apply to a single-occupancy building, provided the use of the building is as specified and the exterior wall and opening protection are as required for a Group R, Division 1 Occupancy building.

EXCEPTION: The total area of a private garage attached to a Group R, Division 3 Occupancy shall not exceed 1600 square feet. Each portion of a building separated as specified in Section 505 may be considered a separate building. See Section 503 (d), Exception 3.

4-228. SAME; SEC. 1201. GROUP R OCCUPANCIES DEFINED. Sec. 1201. Group R Occupancies Defined is hereby changed to read as follows: Group R Occupancies shall be:

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than 10 persons).

Division 2. Not used.

Division 3. Dwellings and lodging houses. For occupancy separations, see Table No. 5-B. Residential Care Facilities as defined in Section 419 shall conform to the requirements of Chapter 21, Residential Board and Care Occupancies of the NFPA 101 Life Safety Code, 1985 edition.

4-229. SAME; SEC. 1202.(b) SPECIAL PROVISIONS. Sec.

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1202.(b) Special Provisions is hereby changed to read as follows: Group R, Division 1 Occupancies more than two stories in height or having more than 3000 square feet of floor area above the first story shall be not less than one-hour fire-resistive construction throughout except as provided in Section 1705 (b) 2.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

Every apartment house three stories or more in height or containing more than 4 dwelling units and every hotel three stories or more in height or containing 20 or more guest rooms shall have an approved fire alarm system as specified in the Fire Code.

> EXCEPTION: An alarm system need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least two-hour fire-resistive occupancy separations and each individual dwelling unit has an exit direct to a yard or public way.

For Group R, Division 1 Occupancies with a Group B, Division 1 parking garage in the basement or first floor, see Section 702(a).

For attic space partitions and draft stops, see Section 2516(f).

In Group R, Division 3 occupancies no window may exceed 25 feet above grade at the sill unless the building is provided with an approved automatic fire sprinkler system throughout.

> EXCEPTION: Dormer windows may exceed 25 feet if the eave height directly below the window does not exceed 25 feet.

4-230. SAME; SEC. 1204. EXITS AND EMERGENCY ESCAPES. Sec. 1204 Exits and Emergency Escapes is hereby changed to read as follows: Stairs, exits and smokeproof enclosures shall be as specified in Chapter 33.

Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall

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be 20 inches. Where windows are provided as a means of escape or rescue they shall have a finished sill height not more than 44 inches above the floor.

EXCEPTION: 1. On the ground or grade level floor where the finished floor is not over three feet above grade, the openable area and widths may be one of the following alternatives provided such openings are free and clear from the bedroom to the outside.

a. 5.7 square feet of openable area with a minimum dimension of not less than 18 inches in height or width and the sill height is not more than 18 inches above the floor.

b. 5 square feet of openable area with a minimum dimension of not less than 22 inches in height or width and the sill height is not more than 18 inches above the floor.

Bars, grilles, grates and similar devices may be installed on an emergency escape or rescue windows or doors, provided:

1. Such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with Section 1210.

3. A permit is obtained to install approved systems.

4-231. SAME; SEC. 1210.(a) FIRE WARNING SYSTEMS. Sec. 1210.(a) Fire-warning Systems is hereby changed to read as follows: Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes shall be provided with smoke detectors conforming to U.B.C. Standard No.43-6.

In dwelling units detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Detectors mounted outside the sleeping room shall be located not farther than 10 feet from the sleeping room door. Where sleeping rooms are on an upper level, one detector shall be placed at the center of the ceiling directly above the stairway.

In an efficiency dwelling unit, hotel sleeping room and in hotel suites, the detector shall be centrally located on the ceiling of the main room or hotel sleeping room. All detectors shall be located in accordance with approved manufacturer's instructions. When actuated, the detector shall provide an alarm in the dwelling unit or guest room. When tested, with all intervening doors closed, the detector shall have a minimum audial level of 65 decibels at the most

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remote point of all rooms accessible only from the sleeping room.

When the valuation of an addition or repair to a Group R, Division 3 Occupancy exceeds $1,000.00, or when one or more sleeping rooms are added or created in existing Group R, Division 3 Occupancies, the entire building shall be provided with smoke detectors located as required for new Group R, Division 3 Occupancies.

In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by the second paragraph of this section.

A smoke detector shall be installed in the basement of dwelling units having a stairway which opens from the basement into the dwelling. Such detector shall be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

4-232. SAME; SEC. 1214. RESIDENTIAL LIVE LOADS. Sec. 1214. Residential Live Loads is hereby added to read as follows: 1214.(a). In Group R Division 3, Occupancies 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.

EXCEPTION: 1. 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.

2. Where access to the attic is through an access panel in the ceiling the live load may be reduced to 10 pounds per square foot provided the ceiling within 10 feet of any access panel is designed to support 20 pounds per square foot and a sign is permanently posted in the attic within sight of the access panel stating that the attic space has not been designed for storage purposes. The sign shall

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be approved by the building official.

3. 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.

1214.(b). In all Divisions of Group 3 occupancies the live load for exterior decks shall be 60 pounds per square foot.

EXCEPTION: The live load on decks that do not exceed 30 inches above grade may be reduced to 40 pounds per square foot.

4-233. SAME; SEC. 2305.(d) SNOW LOADS. Sec. 2305.(d) Snow Loads is hereby changed to read as follows: Snow loads full or unbalanced shall be considered in place of loads set forth in Table No. 23-C, where such loading will result in larger members or connections.

Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. The snow load shall be 20 pounds per square foot. Snow loads in excess of 20 pounds per square foot may be reduced for each degree of pitch over 20 degrees by R, as determined by the following formula:

WHERE:
R square = Snow load reduction in pounds per square foot per degree of pitch over 20 degrees.
S = Total snow load in pounds per square foot.
For alternate design procedure see Appendix Chapter 23, Division I.

4-234. SAME; SEC. 2517.(d) FLOOR JOISTS. Sec. 2517.(d) Floor Joists is hereby changed to read as follows: 1. General. Spans for joists shall be in accordance with Table No. 25-U.J.1. Spans for joists used in decks requiring a 60 pound per square foot live load shall not exceed two-thirds (2/3) of those shown in Table No.25-U.J.1 based on extreme fiber stress (Fb) only. Framing designed to meet the criteria specified in this code may be substituted provided substantiating data or calculations are submitted and approved by the building official.

2. Bearing, unchanged.
3. Framing Details, unchanged.
4. Framing Around Openings, unchanged.
5. Supporting Bearing Partitions, unchanged.
6. Blocking, unchanged.

4-235. SAME; SEC. 2517.(g) WALL FRAMING. Sec. 2517.(g) Wall Framing is hereby changed to read as follows:

1. Size,height and spacing; unchanged.

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2. Framing details; unchanged.
3. Bracing; unchanged.
4. Cripple walls; unchanged.
5. Headers. Headers and lintels shall conform to the requirements set forth in this paragraph and together with their supporting systems shall be designed to support the loads specified in this code. All openings 4 feet wide or less in bearing walls shall be provided with headers consisting of either two pieces of 2-inch framing lumber placed on edge and securely fastened together or 4-inch lumber of equivalent cross section. All openings more than 4 feet wide shall be provided with headers or lintels. Each end of a lintel or header shall have a length of bearing of not less than 1 1/2 inches for the full width of the lintel.

Headers shall conform to Tables R-402.6.1 through R-402.6.6 of the CABO One and Two Family Dwelling Code, 1986 Edition.

EXCEPTION: Headers designed to meet the criteria specified in this code may be substituted provided substantiating data or calculations are submitted and approved by the building official.

4-236. SAME; SEC. 2517.(h) ROOF AND CEILING FRAMING. Sec. 2517.(h) Roof and Ceiling Framing is hereby changed to read as follows:

1. General; unchanged.
2. Spans. Allowable spans for ceiling joists shall conform to the requirements of Tables 7-A through 7-D of the CABO One and Two Family Dwelling Code 1986 Edition.
3. Framing; unchanged.
4. Rafter Ties; unchanged.
5. Purlins; unchanged.
6. Blocking; unchanged.
7. Roof Sheathing; unchanged.
8. Roof Planking; unchanged.

4-237. SAME; SEC. 2907.(a) GENERAL. Sec. 2907.(a) General is hereby changed to read as follows: Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry,concrete or treated wood in conformance with U.B.C. Standard No.29-3 and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings shall have a minimum depth of 36 inches unless another depth is recommended by a foundation investigation.

4-238. SAME; SEC. 3202.(b) FIRE RETARDANCY WHEN REQUIRED. Sec. 3202.(b) Fire Retardancy When Required is hereby changed to read as follows: Roof coverings shall be Class A rated.

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EXCEPTION: Group R, Division 3 single family occupancies may be covered with ordinary roof coverings provided that the side yard is not less than (10) ten feet plus one foot for each two feet that the side wall exceeds ten (10) feet in height.

4-239. SAME; SEC. 3304.(h) FLOOR LEVEL AT DOORS. Sec. 3304.(h) Floor Level at Doors is hereby changed to read as follows: Regardless of the occupant load, there shall be a floor or landing on each side of a door. When access for the physically handicapped is required by Section 3301.(e), the floor or landing shall be not more than 1/2 inch lower than the threshold of the doorway. When such access is not required, such dimension shall not exceed 1 inch.

EXCEPTIONS: 1. In Groups R, Division 3 and M Occupancies and within individual units of Group R, Division 1 Occupancies:

A. A door may open at the top step of an interior flight of stairs, provided the door does not swing over the top step.

B. A door may open at a landing that is not more than 7 1/2 inches lower than the floor level, provided the door does not swing over the landing.

C. Deleted.

2. Doors serving building equipment rooms which are not normally occupied.

4-240. SAME; SEC. 3802 AUTOMATIC FIRE EXTINGUISHING SYSTEMS. Sec. 3802. Automatic Fire-extinguishing Systems is hereby changed to read as follows:

a) Where Required. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

For provisions on hazardous chemicals and magnesium, and calcium carbide, see the Fire Code.

b) All Occupancies Except for Group R, Division 3, and Group M Occupancies, an automatic sprinkler system shall be installed:

1. In every story of all buildings when the floor area exceeds 1,500 square feet and there is not provided at least 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall opening in the story on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches. Such openings shall be accessible to the fire department from

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the exterior and shall not be obstructed from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

All basement areas shall be equipped with an approved automatic fire suppression system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

3. In rooms where nitrate film is stored or handled.

4. In protected combustible fiber storage vaults as defined in the Fire Code.

5. All structures over 40 feet in height, one story structures over 20,000 square feet, two story structures over 35,000 square feet and three story structures over 45,000 square feet.

The provision of area separation walls shall not affect the calculation of the total area of a building or structure, for the purpose of or having the effect of eliminating the fire sprinkler requirements in this ordinance.

c) Unchanged.
d) Unchanged.
e) Unchanged.
f) Unchanged.
g) Unchanged.

h) All residential occupancies other than single family dwellings shall have an approved automatic suppression system in common areas. This includes such areas as storage areas, attics, hallways, lobbies and similar areas.

i) If at any time there is a conflict between this ordinance and any other codes, the most stringent shall apply.

4-241. SAME; SEC. 4304 WALLS AND PARTITIONS. Sec. 4304. <u>Walls and Partitions</u> is hereby changed to read as follows:

a) General; unchanged.
b) Combustible Members; unchanged.
c) Exterior Walls; unchanged.
d) Nonsymetrical Wall Construction; unchanged.

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e) Penetrations; unchanged.

f) Identification of Fire Resistive Walls and Partitions is added: Fire resistive walls and partitions shall have identification showing the fire protection rating. Such identification shall be affixed to the wall or partition at the direction of the building official and shall state, in addition to the rating in hours, "Do not penetrate this partition without notifying the Department of Planning and Development and receiving the approval of the building official."

4-242. AMENDMENT TO THE UNIFORM BUILDING CODE STANDARD NO. 38-1. Sec. 38.101 is hereby changed to read as follows: Except for the limitations, deletions, modifications or amendments set forth in Section 38.102 of this standard, the installation of sprinkler systems required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems, NFPA 13-1987 and NFPA 13D-1984", published by the National Fire Protection Association, copyright 1987, Batterymarch Park, Quincy, Massachusetts 02269, as if set out at length herein.

4-243. SAME. Sec. 38.102 is hereby changed to read as follows: The National Fire Protection Association standard NFPA 13-1987 adopted by Section 38.101 applies to the selection, installation, inspection, maintenance and testing of sprinkler systems, except as follows:

1. Sec. 1-9.2(a) is supplemented by adding "and current mailing address".

2. Sec. 1-9.2(u) is supplemented by adding "and anti-freeze system: Include NFiPA calculations".

3. Sec. 1-9.2(z) is supplemented by adding "with rod sizes, trapeze bar dimensions and locations of hangers on piping indicated".

4. Sec. 1-11.2.2. Leakage Prohibited is changed to read as follows: The sprinkler system including inside piping, underground mains, lead-in piping and common supply piping charged with water shall not display visible leakage during or after testing.

5. Sec. 2-2.1.2.14 is hereby added to read as follows: For uses which have the potential for fast spreading fires due to the presence of lint, combustible residue, combustible hydraulic fluids under high pressure with ignition sources nearby and similar factors, the minimum area of operation shall encompass the entire area likely to be involved in such a fire.

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6. Sec. 2-2.1.2.6 is hereby changed to read as follows: The water supply shall not be less than the duration set forth in Tables 2-2.1(a) and 2-2.1(b) nor less than set forth in Uniform Building Code Section 1807.(c)

7. Sec. 2-7.3.7 is hereby added to read as follows: Fire Department connnections shall be located on a wall or in a yard adjacent to a fire lane or public roadway within 300 feet of a fire hydrant unless otherwise approved by the Fire Chief. Connections shall be placed between 18 and 48 inches above grade in a location acceptable to the Fire Chief.

8. Sec. 3-11.4.1 is amended by adding a third sentence as follows: Drainage shall be to an approved location.

9. Sec. 3-16.2.9 is amended by adding the following: Residential sprinklers bearing an Underwriters Laboratories VKKW listing or equivalent shall be used in any room which contains a sleeping area for use by four or less occupants. Quick response commercial sprinklers bearing an Underwriters Laboratories listing shall be used in any room which contains a sleeping area for more than four people including rest areas in day care centers and schools.

10. Sec. 3-17.4.1 is amended by adding a second paragraph as follows: Alarm devices, such as water motor gongs, installed outside of buildings shall be installed as close as practicable to the Fire Department connections. Adjacent to the alarm shall be a sign which states "Sprinkler Fire Alarm - When Bell Rings Call Fire Department Or Police - 9 1 1." (See Figure A-3-17.2.)

11. Sec. 3-17.7.1 is amended to read as follows: Electrically operated alarm attachments forming part of a central station, proprietary, remote or local alarm signaling system required by Section 3-17.8 of these amendments shall be installed in accordance with approved nationally recognized standards.

12. Sec. 3-17.7.2. is amended to read as follows: Electrically operated alarm attachments forming part of a local sprinkler waterflow alarm system may be of open-circuit type and shall comply with Uniform Fire Code Standard No. 10-2.

13. Sec. 3-17.9 Alarm Supervision is added to read as follows: When serving more than 100 sprinklers, automatic sprinkler systems shall be supervised by an approved central, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location.

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14. Sec. 4-1.3.7 is amended to read as follows: Wood Joist Construction. The term wood joist construction refers to wood members of rectangular cross section, which may vary from 2 to 4 inches (51 to 102mm) nominal width and up to 14 inches (356mm) nominal depth, spaced up to 3 feet (0.9m) on centers, and spanning up to 40 feet (12m) between supports, supporting a floor or roof deck. Wood members less than 4 inches (102mm) nominal thickness spaced more than 3 feet (0.9m) on centers are also considered as wood joist construction.

15. Sec. 4-1.3.10. Wood Truss Construction is hereby added to read as follows: The term wood truss construction refers to parallel chord beams with wood webbing supporting a roof or floor deck. Beams with steel webbing similar to bar joist construction having wood chords shall be considered as bar joists.

16. Sec. 4-2.6. Overhead Doors is hereby added to read as follows: When overhead doors form an obstruction to water distribution from sprinklers above, additional sprinklers are required. When piping can be attached to the structural framing, locate and space sprinklers under the doors in accordance with the rules for ordinary hazard occupancy. When piping cannot be attached to the door structural framing, space sprinklers not over 12 feet apart around the perimeter of the three accessible sides of the doors and at least 12 inches in from the edges of the doors. Deflectors shall not be more than 10 inches below the doors in an open position.

17. Sec. 4-3.7 is hereby added to read as follows: When a sprinkler system is designed to be used in conjunction with a suspended ceiling, the ceiling must be installed for the entire floor before approval of the system will be issued.

18. Sec. 4-4.4.5. Wood Trusses In Concealed Spaces is hereby added to read as follows: When wood trusses are present in concealed spaces, sprinklers shall be spaced at a maximum protection area of 64 square feet per head. Heads shall not be placed closer than 6 feet nor farther than 8 feet from adjacent heads. Heads shall not be placed closer than 6 inches from truss members. Systems shall be hydraulically calculated. Small orifice heads may be used.

19. Sec. 4-4.8.2.4 is hereby changed to read as follows: Stairs enclosed in shafts of combustible or noncombustible construction shall have sprinklers provided at each floor landing and beneath the first landing above the lowest level.

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20. Sec. 4-4.14 is amended to read as follows: Electrical Equipment. When sprinkler protection is provided in transformer rooms, generator rooms, and other areas with 277 volt, or greater, electrical equipment, which create a life safety hazard from water entering the electrical service equipment, shall protect the electrical service equipment. Hoods or shields shall be noncombustible.

21. Sec. 7-4.3.1.8 is hereby added to read as follows: The velocity pressure method shall not be used to hydraulically calculate a sprinkler system.

4-244. SAME. Sec. 38.103 is hereby added to read as follows: The National Fire Protection Association standard NFPA 13D-1984 adopted by Section 38.101 applies to the selection, installation, inspection, maintenance and testing of sprinkler systems, except as follows:

1. Sec. 3-1.1. Exception No. 1 is deleted.

Section 3. VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Governing Body of the City of Leawood hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/19/87 Second Reading: 11/16/87

Passed by the Governing Body this 16th day of November, 1987.

Approved by the Mayor this 17th day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------One---------- consecutive ---------day------(weeks, days) the first publication thereof being made as aforesaid on the --20th-- day of, --November 19-87-----, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 20th day of November 19-87-

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---------10.10.30---------
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, November 20, 1987.

ORDINANCE NO. 1016 C

AN ORDINANCE ADOPTING THE 1985 EDITION OF THE UNIFORM BUILDING CODE AND THE 1985 EDITION OF THE UNIFORM BUILDING CODE STANDARDS 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, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALITIES FOR THE VIOLATION THEREOF; AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 4-201 and 4-204.1 of Ordinance No. 977C and of the "Code of the City of Leawood, 1984"; Sections 4-221.1, 4-223, and 4-232.1 through 4-232.14 of Ordinance No. 947C and of the "Code of the City of Leawood, 1984"; and Sections 4-202, 4-203, 4-204, 4-205 through 4-221, 4-222, 4-224 through 4-232, and 4-233 through 4-240 of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS INCORPORATED. Article 2 of Chapter 4 of the Code of the City of Leawood titled, "Construction Other Than One and Two Family Dwellings", is hereby amended to read as follows:

Article 2.
Building Code

4-201. UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS INCORPORATED. That certain documents, three (3) copies of which are on file and are open for inspection by the public in the Office of the City Clerk of the City of Leawood, Kansas, being marked and designated as:

1. UNIFORM BUILDING CODE, 1985 EDITION, published by the International Conference of Building Officials, including the generic fire-resistive assemblies listed in the Fire Resistance Design Manual, 1981 Edition, published by the Gypsum Association as referenced in Tables Nos. 43-A, 43-B, 43-C, and Appendix Chapter 35 of the specified Uniform Building Code, including Appendix Chapters 7, 11, 23, 32, 35, 49, 51, 55, 57 and 70;

2. UNIFORM BUILDING CODE STANDARDS, 1985 EDITION, published by the International Conference of Building Officials, including (i) Structural Welding Code — Reinforcing Steel, AWS D1.4-79 (U.B.C. Standard No. 26-8); (ii) Structural Welding Code — Steel, ANSI/AWS D1.1-84 (U.B.C. Standard No. 27-6); (iii) Structural Welding Code — Sheet Steel, ANSI/AWS D1.3-81 (U.B.C. Standard No. 27-16) published by the American Welding Society, Inc.; and (iv) Standard for the Installation of Sprinkler Systems, NFPA 13-1987, and NFPA 13D-1984 published by the National Fire Protection Association (U.B.C. Standard No. 38-1), as modified or amended in the Uniform Building Code Standards referenced herein;

except those parts or portions thereof as are specifically added or changed in sections 4-202 through 4-244 of the Code of Leawood as amended be and same are hereby adopted as the code of the City of Leawood, Kansas, for regulating the erection, construction, enlargement, alternation, 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 collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such UNIFORM BUILDING CODE, 1985 EDITION, and UNIFORM BUILDING CODE STANDARDS, 1985 EDITION, published by the International Conference of Building Officials, and the secondary publications referenced above, all of which are on file in the Office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

4-202. UNIFORM BUILDING CODE AMENDED; SEC. 202.(a) GENERAL. Sec. 202.(a) **General** is hereby changed to read as follows: The Department of Planning and Development shall be the department responsible for administering the code, and the executive official in charge thereof shall be known as the building official. The building official is hereby authorized and directed to enforce all provisions of this code. For such purposes he shall have the powers of an *enforcement officer.*

4-203. SAME; SEC. 202.(d) STOP ORDERS. Sec. 202.(d) **Stop orders** is hereby changed to read as follows: Whenever any work is being done contrary to the provisions of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith *stop such work until authorized* by the building official to proceed with the work. No person shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

4-204. SAME; SEC. 205. VIOLATIONS. Sec. 205. **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.

4-205. SAME; SEC. 301.(b) EXEMPTED WORK. Sec. 301.(b) **Exempted Work** is hereby changed to read as follows: A building permit shall not be required for the following:

1. Deleted
2. Fences not over 4 feet high.
3. Oil derricks.
4. Movable cases, counters and partions not over 5 feet high.
5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
6. Deleted.
7. Deleted.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theatre stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than 54 inches.
11. Deleted.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

4-206. SAME; SEC. 302.(b) PLANS AND SPECIFICATIONS. Sec. 302.(b) **Plans and Specifications** 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. 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 by the State of Kansas and shall bear his or her seal. Said architect or engineer shall sign and notarize a certificate that the plans and specifications have been prepared in accordance with the adopted codes for all office and commercial building construction.

EXCEPTION: 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. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the building official for a permit. Plans shall be prepared and certified by an architect or engineer responsible for the structural components of the pool design.

4-207. SAME; SEC. 302.(c) INFORMATION ON PLANS AND SPECIFICATIONS. Sec. 302.(c) **Information on Plans and Specifications** shall be changed to read as follows: Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Plans shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing, and communication conduits, pipes and similar systems.

4-208. SAME; SEC. 302(d) SITE PLAN. Sec. 302.(d) **Site Plan** is hereby added to 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, distances from lot lines, the 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 of the plot.

Fire apparatus access roads provided in accordance with the Uniform Fire Code Section 10.207 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 foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, and building setbacks.

4-209. SAME; SEC. 303.(f) ISSUANCE OF PERMITS TO LICENSED OR REGISTERED CRAFTSMEN. Sec. 303.(f) **Issuance of Permits to Licensed or Registered Craftsmen** is hereby added to read as follows: Permits for mechanical work, plumbing and electrical work shall be issued only to individuals or persons responsible to a company or organization who are the legal possessors of a valid license or registration. These permits shall be issued together with the building permit. The license/registration of the tradesmen and the city occupation license shall remain current through the period of construction. The City Clerk shall be responsible for maintaining the status of trades people and notifying the Planning and Development Department of such.

EXCEPTION: Permits may be issued to homeowners doing plumbing, mechanical and electrical work in their own residence who do not possess a valid license or registration.

4-210. SAME; SEC. 303(g) POTABLE WATER CERTIFICATION. Sec. 303.(g) **Potable Water Certification** is hereby added to read as follows: A permit shall not be issued until written evidence is presented to the building official certifying the availability of satisfactory potable water supply. Applicants from areas within the corporate limits of the city that are also within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from said water district. Applicants from areas within the corporate limits of the city that are not within an area under the jurisdiction of a duly constituted water district or where public water supply is not available, shall submit a certificate from the Johnson County Health Director and the City of Leawood that the proposed water supply meets the required standards for health and safety.

The developer shall be responsible for installing standard water district piping, hydrants, fittings, etc. as a minimum in order to be acceptable to the City of Leawood.

4-211. SAME; SEC. 303.(h) FIRE PROTECTION CERTIFICATION. Sec. 303.(h) **Fire Protection Certification** is hereby added to read as follows: A permit for other than one and two family dwellings shall not be issued until written evidence is presented to the building official certifying the availability of satisfactory hydrant locations and their appropriate fire flows. Applicants for areas within the corporate limits of the city that are also within areas under the jurisdiction of a duly constituted water district shall submit a statement from said water district certifying that the proposed fire protection system conforms to the regulations of that district, and be acceptable to the fire official of the city, provided that those regulations set forth requirements for a system that will meet or exceed fire flow requirements set forth by the City of Leawood, as follows:

1. Sufficient hydrants shall be provided so as to furnish the required fire flow based on the formula F equals 18 * C * (square root of A): (F equals 18 times C times the square root of A) where C equals construction coefficient, A equals total floor area, and F equals fire flow in G.P.M. The coefficient C is:
1.8 Type 4 (wood frame)
1.0 Type 3 (exterior masonry)
0.8 Type 2 (non-combustible)
0.6 Type 1 (fireproof construction)
EXCEPTION: When the building or structure has an approved automatic sprinkler system installed throughout the building or structure, the fire flow shall be in accordance with the provisions of U.B.C Standard 38-1, with a minimum flow of 1,000 G.P.M. For purposes of qualifying for this exception, hydrants within 300 feet travel distance, and in a location approved by the fire official, will be considered.
2. For purposes of meeting the required fire flow, each hydrant within 500' of the building will be considered as a 1,000 G.P.M. source unless indicated by actual flow to be less than that figure.
3. All hydrants must meet American Water Works Association (AWWA) Standard C-502. Fire hydrants shall be equipped with one four inch and two (2) two and one half (2½) inch pumper connections. Connections shall utilize National Standard Threads. Each hydrant shall be equipped with a shut-off valve.
4. All hydrants must be painted and highly visible, properly maintained at all times. Set back from the curb line shall be not more than five feet, free of all obstructions to the locating and operation of the hydrant.
5. All hydrants must be placed on looped mains of not less than a six inch diameter unless otherwise specified by officials of a duly constituted water district for the area served.
6. When, in the opinion of the fire official, the fire loading of the structure would require additional fire flow, additional hydrants will be required.

4-212. SAME; SEC. 303.(i) RESIDENTIAL FIRE PROTECTION CERTIFICATION. Sec. 303.(i) **Residential Fire Protection Certification** is hereby added to read as follows:

A permit for one and two family dwellings shall not be issued until written evidence is presented to the building official certifying the availability of satisfactory hydrant locations and fire flow. Applicants for areas within the corporate limits of the city that are also within an area under the jurisdiction of a duly constitued water district shall submit a statement from said water district certifying that the proposed fire protection system conforms to the regulations of that district, provided that those regulations set forth requirements for a system that will meet or exceed fire flow requirements set forth by the City of Leawood, as follows:

1. Sufficient hydrants must be provided so as to furnish the required fire flow based on Table 221. The fire flows in Table 221 are for one and two family dwellings with Class A roofing. When roofs have Class B, Class C, or unrated roofs, 500 G.P.M. shall be added to the appropriate fire flow from Table 221.

Table 221

EXPOSURE DISTANCES (Feet)	**FIRE FLOW** (G.P.M.)
Over 100	500
51 to 100	1,000
16 to 50	1,500
15 or less	2,000

2. For purposes of meeting the required fire flow each hydrant within 1,000 feet of the building will be considered. Distance shall be measured by travel distance. If more than one hydrant is required maximum spacing shall be 800 feet between hydrants and all hydrant locations shall be approved by the fire official.
EXCEPTION: A fire suppression system meeting NFiPA 13D, 1984 edition the "Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes" will be allowed as a substitute for fire hydrants when the exposure distance is greater than 100 feet.
3. All hydrants must meet American Water Works Standard C-502 and be equipped with one four inch and two 2½ inch connections utilizing National Standard Threads. Each hydrant shall be equipped with a shut-off valve.
4. All hydrants must be painted and highly visible, properly maintained at all times. Set back from the curb line shall be not more than five feet, free of all obstructions to the locating and operation of the hydrant.
5. When in the opinion of the fire official, the fire loading of the structure would require additional fire flow, additional hydrants will be required.

4-213. SAME; SEC. 303.(j) OUTSIDE SANITARY SEWER CONSTRUCTION AND CONNECTION PERMIT REQUIRED. Sec. 303.(j) **Outside Sanitary Sewer Construction and Connection Permit Required** is hereby added to read as follows: No building permit for any structure or 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 as required by the rules and regulations of the Johnson County Wastewater District. The building official has the right to waive this requirement in special situations. In these cases the building official shall notify the Johnson County Wastewater District of the special conditions and at what date sanitary service is to be expected.

4-214. SAME; SEC. 303.(k) PERFORMANCE BOND REQUIRED. Sec. 303.(k) **Performance Bond Required** is hereby added to read as follows: A performance bond not to exceed the amount of Five Thousand Dollars ($5,000.00) shall be required at the time the building permit is issued or prior to final subdivision platting whicher shall first occur. Said performance bond will be approved by the building official and shall be predicated and guaranteed upon the fact that the permit applicant and/or developer will keep streets and sidewalks, in the area that they are working in, free and clear of dirt, gravel, rubbish, or other construction debris. The building official may waive the performance bond required by this ordinance when the applicant is an individual home owner and the permit will authorize minor construction such as additions or remodeling. Where requested one performance bond may cover multiple permit applications by one applicant or developer within a specific area or subdivision.

4-215. SAME; SEC. 304.(c) PLAN REVIEW FEES. Sec. 304.(c) **Plan Review Fees** is hereby 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 shall be paid at the time of submitting plans and specifications for review and shall be 45 percent of the building permit fee as shown in Table No. 3-A. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table No. 3-A.

4-216. SAME; SEC. 305.(e) REQUIRED INSPECTIONS. Sec. 305.(e) **Required Inspections** is hereby changed to read as follows: Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

The building official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this code:

1. FOUNDATION INSPECTION: To be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with U.B.C. Standard No. 26-13, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.
EXCEPTIONS: Inspection for residential construction shall be made after excavations for footings are complete and required reinforcing steel is in place.
2. CONCRETE SLAB OR UNDER-FLOOR INSPECTION: To be made after all in-slab or under-floor building service equipment, conduit, piping accessories, sump and tee connection and other ancillary equipment items are in place but before any concrete is placed or floor sheating installed, including the subfloor.
3. FRAME INSPECTION: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are improved.
4. Deleted.
5. FINAL INSPECTION: To be made after finish grading and the building is completed and ready for occupancy.

4-217. SAME; SEC. 305.(f) OTHER INSPECTIONS. Sec. 305.(f) **Other Inspections** is hereby changed to read as follows: In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency. No public or private utility service connection, either temporary or permanent, shall be connected, energized or otherwise placed into service until inspected and approved by the building official or his or her authorized representative.

4-218. SAME; SEC. 307.(g) EXISTING BUILDINGS. Sec. 307.(g) **Existing Buildings** is hereby added to read as follows: An inspection and certificate of occupancy is required for any space in commercial or office buildings wherein the previous occupant has abandoned or left the space vacant. The inspection will determine safety and code compliance of the space prior to a new occupancy certificate being issued for the space being utilized by the new occupant.

4-219. SAME; SEC. 307.(h) CONNECTION WITH A SEWER SYSTEM. Sec. 307.(h) **Connection With A Sewer System** is hereby added to read as follows: No certificate of occupancy shall hereafter be issued for any and all buildings of any and all zoning classifications until the building is connected with a public sanitary sewer system or meets the provisions of the sanitary code and the private sewage disposal systems installation policy adopted by the Johnson County Commissioners.

4-220. SAME; SEC. 405 "D". Sec. 405 "D" is hereby changed to read as follows:

DANGEROUS BUILDINGS CODE, unchanged.

DAY CARE shall be defined as follows: Day care center is a building or portion thereof in which more than 12 clients receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) for less than 24 hours per day.

FAMILY DAY CARE HOME is a place in which fewer than 7 clients receive care, maintenance, and supervision by other than their relatives or legal guardian(s) for less than 24 hours per day (generally within a dwelling unit).

GROUP DAY CARE HOME is a place in which at least 7 but not more than 12 clients receive care, maintenance, and supervision by other than their relatives or legal guardian(s) for less than 24 hours per day (generaly within a dwelling unit).

DISPERSAL AREA, unchanged.

DORMITORY, unchanged.

DWELLING, unchanged.

DWELLING UNIT, unchanged.

4-221. SAME; SEC. 419 "R". SEC. 419 "R" is hereby changed to read as follows:

REPAIR, unchanged.

RESIDENTIAL BOARD AND CARE FACILITIES is a building or part thereof that is used for the lodging and boarding of four or more residents, not related by blood or marriage to the owners or operators, to provide personal care services. "Personal Care" means protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident when in the building.

4-222. SAME; SEC. 420 "S". Sec. 420 "S" is hereby changed to read as follows:

SERVICE CORRIDOR, unchanged.

SHAFT, unchanged.

SHALL, unchanged.

SLEEPING ROOM, is any room that may be used on a regular basis for sleeping, generally with an adjacent three or more fixture bathroom.

SMOKE DETECTOR, unchanged.

STAGE, unchanged.

STORY, unchanged.

STORY, FIRST, unchanged.

STREET, unchanged.

STRUCTURE, unchanged.

4-223. SAME; SEC. 503.(d) FIRE RATINGS FOR OCCUPANCY SEPARATION. Sec. 503.(d) **Fire Ratings for Occupancy Separation** is hereby changed to read as follows: Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in Table No. 5-B.

EXCEPTIONS: 1. In Groups A, Division 1, and I Occupancies a three-hour occupancy separation is permitted from a Group B, Division I Occupancy used only as a garage for the parking of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done.

2. In Group R, Division 1 Occupancies, a one-hour occupancy separation is permitted from a Group B, Division 1 Occupancy used only as a parking garage for private or pleasure-type motor vehicles with no repair or fueling and the area does not exceed 3000 square feet.

3. In the one-hour occupancy separation between a Group R, Division 3 and M Occupancy, the separation may be limited to the installation of materials, approved for one-hour fire resistive construction on the garage side and a self-closing, tight-fitting solid wood door 1¾ inches in thickness will be permitted in lieu of a one-hour fire assembly. In addition, a four inch minimum sill or step up will be required between the garage and living and/or basement spaces. Fire dampers need not be installed in air ducts passing through the wall, floor, or ceiling separation a Group R, Division 3 Occupancy from a Group M Occupancy, provided such ducts within the Group M Occupancy are constructed of steel having a thickness not less than 0.019 inch (No. 26 galvanized sheet gauge) and have no openings into the Group M Occupancy.

4. Two family dwelling units and multifamily dwelling units shall be separated by a minimum of two hour area separation walls that are carried to the underside of the roof deck conforming to 505 (e).

4-224. SAME; SEC. 506.(a) GENERAL. Sec. 506.(a) **General** is hereby deleted.

4-225. SAME; SEC. 507. MAXIMUM HEIGHT OF BUILDINGS AND INCREASES. Sec. 507. **Maximum Height of Buildings and Increases** is hereby changed to read as follows: The maximum height and number of stories of every building shall be dependent upon the character of the occupancy and the type of construction and shall not exceed the limits set forth in Table No. 5-D, except as provided in this section and as specified in Section 503(a) for mixed occupancy buildings.

EXCEPTIONS: 1. Towers, spires and steeples erected as a part of a building and not used for habitation of storage are limited as to height only by structural design if completely of noncombustible materials, or may extend not to exceed 20 feet above the height limit in Table No. 5-D if of combustible materials.

2. The height of one-story aircraft hangers shall not be limited if the building is provided with automatic sprinkler systems throughout as specified in Chapter 38 and is entirely surrounded by public ways or yards not less in width than one and one-half times the height of the building.

3. The maximum height for Group R, Division 3 occupancies may be increased to 50 feet on all sides not facing the street provided one of the following conditions are met:

a. 33% of the total perimeter of the building, counting the side facing the street and either or both adjacent sides does not exceed 40 feet.

b. The building is provided with an approved fire sprinkler system throughout installed in accordance with the 1984 edition of the "Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes."

4-226. SAME; SEC. 801. GROUP E OCCUPANCIES DEFINED. Sec. 801. **Group E Occupancies Defined** is hereby changed to read as follows: Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than six children. For occupancy separation, see Table No. 5-B.

EXCEPTION: Group day-care homes and family day-care homes as defined in Section 405 shall conform to Section 10-8 Group Day-Care Homes and Section 10-9 Family Day-Care Homes of the NFPA 101 Life Safety Code, 1985 edition.

4-227. SAME; SEC. 1102.(a) GENERAL. Sec. 1102.(a) **General** is hereby changed to read as follows: Buildings or parts of buildings classed in Group M, Division 1 because of the use or character of the occupancy shall not exceed 1000 square feet in area or one story in height except as provided in this section. Any building or portion thereof that exceeds the limit specified in this chapter shall be classed in the occupancy group other than Group M, Division 1 that it most nearly resembles.

For a mixed occupancy building, the total area of a private garage used only as a parking garage for private or pleasure type motor vehicles with no repair or fueling may be 3000 square feet, provided the exterior wall and opening protection are as required for the major occupancy of the building. The allowable floor area of the building shall be as permitted for the major occupancy of the building. Each portion of a building separated as specified in Section 505 may be considered a separate building. Such increase in area may apply to a single-occupancy building, provided the use of the building is as specified and the exterior wall and opening protection are as required for a Group R, Division 1 Occupancy building.

EXCEPTION: The total area of a private garage attached to a Group R, Division 3 Occupancy shall not exceed 1600 square feet. Each portion of a building separated as specified in Section 505 may be considered a separate building. See Section 503(d), Exception 3.

4-228. SAME; SEC. 1201. GROUP R OCCUPANCIES DEFINED. Sec. 1201. **Group R Occupancies Defined** is hereby changed to read as follows: Group R Occupancies shall be:

Division 1. Hotels and apartment houses. Convents and monasteries (each accommodating more than 10 persons).

Division 2. Not used.

Division 3. Dwellings and lodging houses. For occupancy separations, see Table No. 5-B. Residential Care Facilities as defined in Section 419 shall conform to the requirements of Chapter 21, Residential Board and Care Occupancies of the NFPA 101 Life Safety Code, 1985 edition.

4-229. SAME; SEC. 1202.(b) SPECIAL PROVISIONS. Sec. 1202.(b) **Special Provisions** is hereby changed to read as follows: Group R, Division 1 Occupancies more than two stories in height or having more than 3000 square feet of floor area above the first story shall be not less than one-hour fire-resistive construction throughout except as provided in Section 1705 (b) 2.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

Every apartment house three stories or more in height or containing more than 4 dwelling units and every hotel three stories or more in height or containing 20 or more guest rooms shall have an approved fire alarm system as specified in the Fire Code.

EXCEPTION: An alarm system need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least two-hour fire-resistive occupancy separations and each individual dwelling unit has an exit direct to a yard or public way.

For Group R, Division 1 Occupancies with a Group B, Division 1 parking garage in the basement or first floor, see Section 702(a).

For attic space partitions and draft stops, see Section 2516(f).

In Group R, Division 3 occupancies no window may exceed 25 feet above grade at the sill unless the building is provided with an approved automatic fire sprinkler system throughout.

EXCEPTION: Dormer windows may exceed 25 feet if the eave height directly below the window does not exceed 25 feet.

4-230. SAME; SEC. 1204. EXITS AND EMERGENCY ESCAPES. Sec. 1204 **Exits and Emergency Escapes** is hereby changed to read as follows: Stairs, exits and smokeproof enclosures shall be as specified in Chapter 33.

Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. Where windows are provided as a means of escape or rescue they shall have a finished sill height not more than 44 inches above the floor.

EXCEPTION: 1. On the ground or grade level floor where the finished floor is not over three feet above grade, the openable area and widths may be one of the following alternatives provided such openings are free and clear from the bedroom to the outside.

a. 5.7 square feet of openable area with a minimum dimension of not less than 18 inches in height or width and the sill height is not more than 18 inches above the floor.

b. 5 square feet of openable area with a minimum dimension of not less than 22 inches in height or width and the sill height is not more than 18 inches above the floor.

Bars, grilles, grates and similar devices may be installed on an emergency escape or rescue windows or doors, provided:

1. Such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and
2. The building is equipped with smoke detectors installed in accordance with Section 1210.
3. A permit is obtained to install approved systems.

4-231. SAME; SEC. 1210.(a) FIRE WARNING SYSTEMS. Sec. 1210.(a) **Fire-warning Systems** is hereby changed to read as follows: Every dwelling unit and every guest room in a hotel or lodging house used for sleeping purposes shall be provided with smoke detectors conforming to U.B.C. Standard No. 43-6.

In dwelling units detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Detectors mounted outside the sleeping room shall be located not farther than 10 feet from the sleeping room door. Where sleeping rooms are on an upper level, one detector shall be placed at the center of the ceiling directly above the stairway.

In an efficiency dwelling unit, hotel sleeping room and in hotel suites, the detector shall be centrally located on the ceiling of the main room or hotel sleeping room. All detectors shall be located in accordance with approved manufacturer's instructions. When actuated, the detector shall provide an alarm in the dwelling unit or guest room. When tested, with all intervening doors, closed, the detector shall have a minimum audial level of 65 decibels at the most remote point of all rooms accessible only from the sleeping room.

When the valuation of an addition or repair to a Group R, Division 3 Occupancy exceeds $1,000.00, or when one or more sleeping rooms are added or created in existing Group R, Division 3 Occupancies, the entire building shall be provided with smoke detectors located as required for new Group R, Division 3 Occupancies.

In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by the second paragraph of this section.

A smoke detector shall be installed in the basement of dwelling units having a stairway which opens from the basement into the dwelling. Such detector shall be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area.

4-232. SAME; SEC. 1214. RESIDENTIAL LIVE LOADS. Sec. 1214. **Residential Live Loads** is hereby added to read as follows: 1214.(a). In Group R Division 3, Occupancies 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.

EXCEPTION: 1. 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.

2. Where access to the attic is through an access panel in the ceiling the live load may be reduced to 10 pounds per square foot provided the ceiling within 10 feet of any access panel is designed to support 20 pounds per square foot and a sign is permanently posted in the attic within sight of the access panel stating that the attic space has not been designed for storage purposes. The sign shall be approved by the building official.

3. 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.

1214.(b). In all Divisions of Group 3 occupancies the live load for exterior decks shall be 60 pounds per square foot.

EXCEPTION: The live load on decks that do not exceed 30 inches above grade may be reduced to 40 pounds per square foot.

4-233. SAME: SEC. 2305.(d) SNOW LOADS. Sec. 2305.(d) **Snow Loads** is hereby changed to read as follows: Snow loads full or unbalanced shall be considered in place of loads set forth in Table No. 23-C, where such loading will result in larger members or connections.

Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered. The snow load shall be 20 pounds per square foot. Snow loads in excess of 20 pounds per square foot may be reduced for each degree of pitch over 20 degrees by R, as determined by the following formula:

WHERE:
R square equals Snow load reduction in pounds per square foot per degree of pitch over 20 degrees.
S equals Total snow load in pounds per square foot.

For alternate design procedure see Appendix Chapter 23, Division I.

4-234. SAME; SEC. 2517.(d) FLOOR JOISTS. Sec. 2517.(d) **Floor Joists** is hereby changed to read as follows: 1. General. Spans for joists shall be in accordance with Table No. 25-U.J.1. Spans for joists used in decks requiring a 60 pound per square foot live load shall not exceed two-thirds (⅔) of those shown in Table No.25-U.J.1 based on extreme fiber stress (Fb) only. Framing designed to meet the criteria specified in this code may be substituted provided substantiating data or calculations are submitted and approved by the building official.
2. Bearing, unchanged.
3. Framing Details, unchanged.
4. Framing Around Openings, unchanged.
5. Supporting Bearing Partitions, unchanged.
6. Blocking, unchanged.

4-235. SAME; SEC. 2517.(g) WALL FRAMING. Sec. 2517.(g) **Wall Framing** is hereby changed to read as follows:
1. Size, height and spacing; unchanged.
2. Framing details; unchanged.
3. Bracing; unchanged.
4. Cripple walls; unchanged.
5. Headers. Headers and lintels shall conform to the requirements set forth in this paragraph and together with their supporting systems shall be designed to support the loads specified in this code. All openings 4 feet wide or less in bearing walls shall be provided with headers consisting of either two pieces of 2-inch framing lumber placed on edge and securely fastened together or 4-inch lumber of equivalent cross section. All openings more than 4 feet wide shall be provided with headers or lintels. Each end of a lintel or header shall have a length of bearing of not less than 1½ inches for the full width of the lintel.

Headers shall conform to Tables R-402.6.1 through R-402.6.6 of the CABO One and Two Family Dwelling Code, 1986 Edition.

EXCEPTION: Headers designed to meet the criteria specified in this code may be substituted provided substantiating data or calculations are submitted and approved by the building official.

4-236. SAME; SEC. 2517.(h) ROOF AND CEILING FRAMING. Sec. 2517.(h) **Roof and Ceiling Framing** is hereby changed to read as follows:
1. General; unchanged.
2. Spans. Allowable spans for ceiling joists shall conform to the requirements of Tables 7-A through 7-D of the CABO One and Two Family Dwelling Code 1986 Edition.
3. Framing; unchanged.
4. Rafter Ties; unchanged.
5. Purlins; unchanged.
6. Blocking; unchanged.
7. Roof Sheathing; unchanged.
8. Roof Planking; unchanged.

4-237. SAME; SEC. 2907.(a) GENERAL. Sec. 2907.(a) **General** is hereby changed to read as follows: Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with U.B.C. Standard No. 29-3 and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least 6 inches above the adjacent finish grade. Footings shall have a minimum depth of 36 inches unless another depth is recommended by a foundation investigation.

4-238. SAME; SEC. 3202.(b) FIRE RETARDANCY WHEN REQUIRED. Sec. 3202.(b) **Fire Retardancy When Required** is hereby changed to read as follows: Roof coverings shall be Class A rated.

EXCEPTION: Group R, Division 3 single family occupancies may be covered with ordinary roof coverings provided that the side yard is not less than (10) ten feet plus one foot for each two feet that the side wall exceeds ten (10) feet in height.

4-239. SAME; SEC. 3304.(h) FLOOR LEVEL AT DOORS. Sec. 3304.(h) **Floor Level at Doors** is hereby changed to read as follows: Regardless of the occupant load, there shall be a floor or landing on each side of a door. When access for the physically handicapped is required by Section 3301.(e), the floor or landing shall be not more than ½ inch lower than the threshold of the doorway. When such access is not required, such dimension shall not exceed 1 inch.

EXCEPTIONS: 1. In Groups R, Division 3 and M Occupancies and within individual units of Group R, Division 1 Occupancies:

A. A door may open at the top step of an interior flight of stairs, provided the door does not swing over the top step.

B. A door may open at a landing that is not more than 7½ inches lower than the floor level, provided the door does not swing over the landing.

C. Deleted.

2. Doors serving building equipment rooms which are not normally occupied.

4-240. SAME; SEC. 3802. AUTOMATIC FIRE EXTINGUISHING SYSTEMS. Sec. 3802. **Automatic Fire-extinguishing Systems** is hereby changed to read as follows:

a) Where Required. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

For provisions on hazardous chemicals and megnesium, and calcium carbide, see the Fire Code.

b) All Occupancies Except for Group R, Division 3, and Group M Occupancies, an automatic sprinkler system shall be installed:

1. In every story of all buildings when the floor area exceeds 1,500 square feet and there is not provided at least 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall opening in the story on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches. Such openings shall be accessible to the fire department from the exterior and shall not be obstructed from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

All basement areas shall be equipped with an approved automatic fire suppression system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within chutes at alternate floors. Sprinkler heads shall be accessible for servicing.
3. In rooms where nitrate film is stored or handled.
4. In protected combustible fiber storage vaults as defined in the Fire Code.
5. All structures over 40 feet in height, one story structures over 20,000 square feet, two story structures over 35,000 square feet and three story structures over 45,000 square feet.

The provision of area separation walls shall not affect the calculation of the total area of a building or structure, for the purpose of or having the effect of eliminating the fire sprinkler requirements in this ordinance.

c) Unchanged.
d) Unchanged.
e) Unchanged.
f) Unchanged.
g) Unchanged.
h) All residential occupancies other than single family dwellings shall have an approved automatic suppression system in common areas. This includes such areas as storage areas, attics, hallways, lobbies and similar areas.
i) If at any time there is a conflict between this ordinance and any other codes, the most stringent shall apply.

4-241. SAME; SEC. 4304 WALLS AND PARTITIONS. Sec. 4304. **Walls and Partitions** is hereby changed to read as follows:
a) General; unchanged.
b) Combustible Members; unchanged.
c) Exterior Walls; unchanged.
d) Nonsymetrical Wall Construction; unchanged.
e) Penetrations; unchanged.
f) Identification of Fire Resistive Walls and Partitions is added: Fire resistive walls and partitions shall have identification showing the fire protection rating. Such identification shall be affixed to the wall or partition at the direction of the building official and shall state, in addition to the rating in hours, "Do not penetrate this partition without notifying the Department of Planning and Development and receiving the approval of the building official."

4-242. AMENDMENT TO THE UNIFORM BUILDING CODE STANDARD NO. 38-1. Sec. 38.101 is hereby changed to read as follows: Except for the limitations, deletions, modifications or amendments set forth in Section 38.102 of this standard, the installation of sprinkler systems required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems, NFPA 13-1987 and NFPA 13D-1984", published by the National Fire Protection Association, copyright 1987, Batterymarch Park, Quincy, Massachusetts 02269, as if set out at length herein.

4-243. SAME. Sec. 38.102 is hereby changed to read as follows: The National Fire Protection Association standard NFPA 13-1987 adopted by Section 38.101 applies to the selection, installation, inspection, maintenance and testing of sprinkler systems, except as follows:

1. Sec. 1-9.2(a) is supplemented by adding "and current mailing address".
2. Sec. 1-9.2(u) is supplemented by adding "and antifreeze system: Include NFiPA calculations".
3. Sec. 1-9.2(z) is supplemented by adding "with rod sizes, trapeze bar dimensions and locations of hangers on piping indicated".
4. Sec. 1-11.2.2. Leakage Prohibited is changed to read as follows: The sprinkler system including inside piping, underground mains, lead-in piping and common supply piping charged with water shall not display visible leakage during or after testing.
5. Sec. 2-2.1.2.14 is hereby added to read as follows: For uses which have the potential for fast spreading fires due to the presence of lint, combustible residue, combustible hydraulic fluids under high pressure with ignition sources nearby and similar factors, the minimum area of operation shall encompass the entire area likely to be involved in such a fire.
6. Sec. 2-2.1.2.6 is hereby **changed to read as follows:** The
water supply shall not be
than the duration set forth
Tables 2-2.1(a) and 2-2.1(b) no
less than set forth in Unifor
Building Code Section 1807.(c).
7. Sec. 2-7.3.7 is hereby ad
ed to read as follows: Fire D
partment connections shall
located on a wall or in a yard a
jacent to a fire lane or pub
roadway within 300 feet of a fi
hydrant unless otherwise a
proved by the Fire Chief. Co
nections shall be placed b
tween 18 and 48 inches abo
grade in a location acceptal
to the Fire Chief.
8. Sec. 3-11.4.1 is amend
by adding a third sentence
follows: Drainage shall be to
approved location.
9. Sec. 3-16.2.9 is amend
by adding the following: Re
dential sprinklers bearing
Underwriters Laboratori
VKKW listing or equivale
shall be used in any room wh
contains a sleeping area for u
by four or less occupants. Qu
response commerci
sprinklers bearing an Und
writers Laboratories listi
shall be used in any room wh
contains a sleeping area
more than four people includ
rest areas in day care cent
and schools.
10. Sec. 3-17.4.1 is amend
by adding a second paragra
as follows: Alarm devices, s
as water motor gongs, insta
outside of buildings shall be
stalled as close as practicable
the Fire Department conn
tions. Adjacent to the ala
shall be a sign which sta
"Sprinkler Fire Alarm — W
Bell Rings Call Fire Departm
or Police — 9 1 1." (See Fig
A-3-17.2.)
11. Sec. 3-17.7.1 is amen
to read as follows: Electri
operated alarm attachme
forming part of a central
tion, proprietary, remote
local alarm signaling sys
required by Section 3-17.8
these amendments shall be
stalled in accordance with
proved nationally recogn
standards.
12. Sec. 3-17.7.2. is am
ed to read as follows: Electr
ly operated alarm attachm
forming part of a local spri
waterflow alarm system may
of open-circuit type and
comply with Uniform Fire
Standard No. 10-2.
13. Sec. 3-17.9 Alarm S
vision is added to read
follows: When serving
than 100 sprinklers, auto
sprinkler systems shall
supervised by an appr
central, proprietary or re
station service or a local a
which will give an audible
at a constantly attended
tion.
14. Sec. 4-1.3.7 is ame
to read as follows: Wood
Construction. The term
joist construction refer
wood members of rectan
cross section, which may
from 2 to 4 inches (5
102mm) nominal width an
to 14 inches (356mm) no
depth, spaced up to 3
(0.9m) on centers, and s
ing up to 40 feet (12m) be
supports, supporting a flo
roof deck. Wood members
than 4 inches (102mm) no
thickness spaced more th
feet (0.9m) on centers are
considered as wood joist
struction.
15. Sec. 4-1.3.10.
Truss Construction is h
added to read as follows
term wood truss constr
refers to parallel chord
with wood webbing supp
a roof or floor deck. Beam
steel webbing similar t
joist construction having
chords shall be consider
bar joists.
16. Sec. 4-2.6. Ove
Doors is hereby added t
as follows: When ove
doors form an obstruct
water distribution
sprinklers above, add
sprinklers are required.
piping can be attached
structural framing, locat
space sprinklers unde
doors in accordance wi
rules for ordinary haza
cupancy. When piping
be attached to the door
tural framing, space sp
not over 12 feet apart
the perimeter of the th
cessible sides of the doo
at least 12 inches in fr
edges of the doors. De
shall not be more than
ches below the doors in a
position.
17. Sec. 4-3.7 is hereb
ed to read as follows:
sprinkler system is desig
be used in conjunction
suspended ceiling, the
must be installed for the
floor before approval
system will be issued.
18. Sec. 4-4.4.5.
Trusses In Concealed Sp
hereby added to re
follows: When wood trus
present in concealed
sprinklers shall be space
maximum protection area
square feet per head.
shall not be placed clos
6 feet nor farther than
from adjacent heads.
shall not be placed clos
6 inches from truss m
Systems shall be hydr
calculated. Small orifice
may be used.
19. Sec. 4-4.8.2.4 is
changed to read as
Stairs enclosed in sh
combustible or noncom
construction shal
sprinklers provided a
floor landing and bene
first landing above the
level.
20. Sec. 4-4.14 is ame
read as follows: El
Equipment. When sp
protection is provided i
former rooms, ger
rooms, and other are
277 volt, or greater,
equipment, which creat
safety hazard from wate
ing the electrical
equipment, shall prot
electrical service equ
Hoods or shields shall
combustible.
21. Sec. 7-4.3.1.8 is
added to read as follo
velocity pressure meth
not be used to hyd
calculate a sprinkler syste
4-244. SAME. Sec. 3
hereby added to r
follows: The National
tection Association s
NFPA 13D-1984 ado
Section 38.101 applies
selection, installation,
tion, maintenance and
of sprinkler systems, e
follows:
1. Sec. 3-1.1. Exception
deleted.
Section 3. VALIDITY O
NANCE. If any section
tion, sentence, clause o
of this ordinance is,
reason, held to be i
unconstitutional, such
shall not affect the v
constitutionality of the
ing portions of this o
The Governing Body of
of Leawood hereby
that it would have pa
ordinance, and each
subsection, clause o
hereof, irrespective of
that any one or more
subsections, sentences
and phrases be dec
constitutional.
Section 4. TAKE EFF
ordinance shall take e
be in force from and
publication in the of
newspaper.
First Reading: 10/19/87
Second Reading: 11/16/8
Passed by the Govern
this 16th day of N
1987.
Approved by the M
17th day of November, 1
(SEAL)
(s) Marcia Rinehart
Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM
(s) R.S. Wetzler
City Attorney

ORDINANCE NO. 1015

AN ORDINANCE GRANTING A RIGHT-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICT FOR SEWER PURPOSES.

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

19-6,189. Section 1. The City of Leawood, Kansas, does hereby grant a right-of-way for sewer purposes to Johnson County Wastewater District on property described as follows:

> Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, and part of Mission Road lying 7.5 feet on each side of the following described centerline: commencing at the Northeast corner of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East; thence South 87° 42' 10" West, along the North line of said 1/4 Section, a distance of 537.82 feet; thence South 2° 17' 50" East, a distance of 35.00 feet to the true point of beginning of the centerline herein described; thence South 87° 42' 10" West, parallel with said North line, a distance of 385.98 feet; thence North 40° 50' 53" West, a distance of 594.94 feet to a point on a Northerly line of said Tract "A", that is 430.39 feet North and 27.88 feet East of the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 10, Township 13 South, Range 25 East, as measured along and at right angles to the West line of said 1/4 1/4 Section. The outer limits of said strip shall be lengthened or shortened, as required, to meet adjacent courses and grantor's property line.

19-6,190. INCORPORATION BY REFERENCE. Section 2. A copy of the Right-of-Way Grant is attached hereto and thereby incorporated by reference.

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

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

Approved by the Mayor this 3rd day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

RIGHT-OF-WAY GRANT

R-O-W No. Tract - 1

KNOW ALL MEN BY THESE PRESENTS, That City of Leawood, Johnson County, Kansas
9617 Lee Boulevard
of the Post Office of Leawood
in the State of Kansas, in consideration of ONE - Dollars ($ 1.00 - - - -) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grant and convey unto Indian Creek Main Sewer District No. 1, Johnson County, Kansas

THEREIN, its successors and assigns, a Right-Of-Way to lay, construct, maintain, alter, repair, replace, and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through the following premises in the County of Johnson in the State of Kansas, to-wit:

PERMANENT SEWER EASEMENT: A STRIP OF LAND 15.0 FEET WIDE THROUGH PART OF TRACT "A", "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, AND PART OF MISSION ROAD LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH 87°-42'-10" WEST, ALONG THE NORTH LINE OF SAID 1/4 SECTION, A DISTANCE OF 537.82 FEET; THENCE SOUTH 2°-17'-50" EAST, A DISTANCE OF 35.00 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE HEREIN DESCRIBED; THENCE SOUTH 87°-42'-10" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 385.98 FEET; THENCE NORTH 40°-50'-53" WEST, A DISTANCE OF 594.94 FEET TO A POINT ON A NORTHERLY LINE OF SAID TRACT "A", THAT IS 430.39 FEET NORTH AND 27.88 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 25 EAST, AS MEASURED ALONG AND AT RIGHT ANGLES TO THE WEST LINE OF SAID 1/4 1/4 SECTION. THE OUTER LIMITS OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED, AS REQUIRED, TO MEET ADJACENT COURSES AND GRANTOR'S PROPERTY LINE.

TEMPORARY CONSTRUCTION EASEMENT: A STRIP OF LAND THE WIDTHS OF WHICH SHALL BE HEREINAFTER DESCRIBED, THROUGH PART OF TRACT "A", "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, AND PART OF MISSION ROAD, LYING ON EACH SIDE OF THE FOLLOWING DESCRIBED BASE LINE: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH 87°-42'-10" WEST, ALONG THE NORTH LINE OF SAID 1/4 SECTION, A DISTANCE OF 512.82 FEET; THENCE SOUTH 2°-17'-50" EAST, A DISTANCE OF 35.00 FEET TO THE TRUE POINT OF BEGINNING OF THE BASE LINE HEREIN DESCRIBED; THENCE SOUTH 87°-42'-10" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 50.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING SOUTH 87°-42'-10" WEST, A DISTANCE OF 37.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE CONTINUING SOUTH 87°-42'-10" WEST, A DISTANCE OF 323.98 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE NORTH 40°-50'-53" WEST, A DISTANCE OF 390.27 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUING NORTH 40°-50'-53" WEST, A DISTANCE OF 55.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "E"; THENCE CONTINUING NORTH 40°-50'-53" WEST, A DISTANCE OF 149.67 FEET TO A POINT ON A NORTHERLY LINE OF SAID TRACT "A", THAT IS 430.39 FEET NORTH AND 27.88 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 25 EAST, AS MEASURED ALONG AND AT RIGHT ANGLES TO THE WEST LINE OF SAID 1/4 1/4 SECTION AND THE POINT OF TERMINATION OF SAID BASE LINE. THE WIDTHS OF SAID STRIP OF LAND ON THE RIGHT OR NORTHERLY AND NORTHEASTERLY SIDE OF SAID BASE LINE SHALL BE 35.00 FEET FROM THE TRUE POINT OF BEGINNING TO POINT "C"; 100.0 FEET FROM POINT "C" TO POINT "D"; 35.0 FEET FROM POINT "D" TO POINT "E" AND 50.00 FEET FROM POINT "E" TO THE POINT OF TERMINATION. THE WIDTHS OF SAID STRIP ON THE LEFT OR SOUTHERLY AND SOUTHWESTERLY SIDE OF SAID BASE LINE SHALL BE 35.0 FEET FROM THE TRUE POINT OF BEGINNING TO POINT "A", INCREASING UNIFORMLY FROM 35.0 FEET AT POINT "A" TO 115.0 FEET AT POINT "B"; 115.0 FEET FROM POINT "B" TO POINT "C" AND 50.0 FEET FROM POINT "C" TO THE POINT OF TERMINATION. EXCEPT THAT PART IN PERMANENT SEWER EASEMENT. THE OUTER LIMITS OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED, AS REQUIRED, TO MEET ADJACENT COURSES AND GRANTOR'S PROPERTY LINE.

This grant is a permanent easement for the purpose aforestated and full consideration therefore is acknowledged; provided however, if a temporary construction easement is granted herein, then the period of said temporary easement shall be no longer than three years from the date of acceptance of construction of sewers within said Sewer District.

All sod damaged by the installation of said line or by making future repairs or in removing said property, shall be replaced by grantee. Grantor agree that the planting of any trees or placing of other improvements on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefore.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto, and it is understood that this agreement cannot be changed in any way except in writing, signed by the grantor and a duly authorized agent of the grantee.

IN WITNESS WHEREOF, the grantor has hereunto set her hand and seal on this, the 2nd day of November, 1987.

City of Leawood, Kansas

BY: Marcia Rinehart
Marcia Rinehart, Mayor

NOTARIZE ON REVERSE

100-003

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
County of JOHNSON)

BE IT REMEMBERED, That on this 2nd day of November, 1987, before me, the undersigned, a Notary Public In and for said County and State, came

Marcia Rinehart, Mayor, City of Leawood, Kansas

who personally known to me to be the same person__ who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC STATE OF KANSAS
MARTHA E. HEIZER
My Appt. Exp. 6/25/91

Martha E. Heizer
Notary Public
Martha E. Heizer

My Commission Expires: June 25, 1991

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
) SS.
County of _____)

BE IT REMEMBERED that on this _____ day of _____, 19____, before me, the undersigned, a Notary Public In and for the County and State aforesaid, came _____, President of _____, a corporation duly organized, incorporated and existing under and by virtue of the laws of _____; and _____, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within Instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said _____.

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

_____
Notary Public

My Commission Expires: _____

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1015

AN ORDINANCE GRANTING A RIGHT-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICT FOR SEWER PURPOSES.

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

19-6,189. Section 1. The City of Leawood, Kansas, does hereby *grnt a right-of-way for sewer* purposes to Johnson County Wastewater District on property described as follows:

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, and part of Mission *Road lying 7.5 feet on each side* of the following described centerline: commencing at the Northeast corner of the Northwest ¼ of Section 15, Township 13 South, Range 25 East; thence South 87° 42' 10" West, along the North line of said ¼ Section, a distance of 537.82 feet; thence South 2° 17' 50" East, a distance of *35.00 feet to the true point of* beginning of the centerline herein described; thence South 87° 42' 10" West, parallel with said North line, a distance of 385.98 feet; thence North 40° 50' 53" West, a distance of 594.94 feet to a point on a Northerly line of said Tract "A", that is 430.39 feet North and 27.88 feet East of the *Southwest corner of the* Southeast ¼ of the Southwest ¼ of Section 10, Township 13 South, Range 25 East, as measured along and at right angles to the West line of said ¼ ¼ Section. The outer limits of said strip shall be lengthened or shortened, as required, to meet adjacent courses and grantor's property line.

19-6,190. *INCORPORATION* BY REFERENCE. Section 2. A copy of the Right-of-Way Grant is attached hereto and thereby incorporated by reference.

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

First Reading: 11/2/87 Second *Reading:* 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

Approved by the Mayor this 3rd day of November, 1987.

(s) Marcia Rinehart
Mayor
(SEAL)
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM:
(s) R.S. Wetzler
City Attorney

(3003 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss:- **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published
of general circulation in JOHNSON County, Kansas, with a general paid circulation
arly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
s or fraternal publication.

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

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---One--- consecutive
---day---(weeks, days) the first publication thereof being made as
aid on the ---6th--- day of, ---November--- 19---87---, with subsequent
tions being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---6th--- day of ---November--- 19---87---

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---41.57---
Additional copies $ ---

ORDINANCE NO. 1014

AN ORDINANCE ACCEPTING PERMANENT SANITARY SEWER EASEMENTS FROM TERRY & JANICE SIGLER, AND FORUM GROUP, INC.

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

19-6,187. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 2 permanent sanitary sewer easements described as follows:

From Terry & Janice Sigler: A tract of land 10 feet in width, across a part of Lot 10, INDIAN ACRES, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, lying 5 feet on each side of the following described centerline: Commencing at the Southwest corner of said Lot 10; thence N 0° 19' 10" W, along the West line of said Lot 10, a distance of 32.83 feet, to the true point of beginning of subject tract; thence S 80° 07' 18" E, a distance of 150.69 feet, to a point on the centerline of an existing sanitary sewer easement, as now established.

From Forum Group, Inc.: A tract of land 10 feet in width, across a part of Lot 1, FORUM RETIREMENT CENTER OF OVERLAND PARK, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, lying 5 feet on each side of the following described centerline: Commencing at the Southeast corner of said Lot 1; thence N 0° 19' 10" W, along the East line of said Lot 1, a distance of 151.69 feet, to the true point of beginning of subject tract; thence N 80° 07' 18" W, a distance of 235 feet.

19-6,188. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

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

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

Approved by the Mayor this 3rd day of November, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

1755433 PERMANENT SANITARY SEWER EASEMENT

ORIGINAL COMPARED WITH RECORD

THIS AGREEMENT, made and entered into this 14th day of August, 1987, between FORUM GROUP, INC., an Indiana corporation, owner ~~owners~~ of property herein described, hereinafter known as (Party) ~~(Parties)~~ of the First Part, and the CITY OF LEAWOOD, KANSAS, a municipal corporation organized and existing pursuant to the laws of the State of Kansas, hereinafter known as Party of the Second Part:

WITNESSETH:

In consideration of the sum of Ten and 00/100 Dollars ($10.00) and other good and valuable consideration ~~XXXXXXXX~~, receipt of which is hereby acknowledged, the undersigned (Party) ~~(Parties)~~ of the First Part ~~(XX)~~ (does) hereby convey(~~s~~) and release(~~s~~) to the Party of the Second Part a permanent construction easement hereinafter more particularly designated and described, to wit:

A tract of land 10 feet in width, across a part of Lot 1, FORUM RETIREMENT CENTER OF OVERLAND PARK, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, lying 5 feet on each side of the following described centerline: Commencing at the Southeast corner of said Lot 1; thence N 0° 19' 10" W, along the East line of said Lot 1, a distance of 151.69 feet, to the true point of beginning of subject tract; thence N 80° 07' 18" W, a distance of 235 feet.

~~PERMANENT SEWER EASEMENT: A strip of Land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, and part of the northeast corner of the northwest ¼ of Section 15, Township 13 South, range 25 East; thence south 87"-42'-10" West, along the north line of said ¼ Section, a distance of 537.82 feet; thence south 2"-17'-50" East, a distance of 35.00 feet to the true point of beginning of the centerline herein described; thence south 87"-42'-10" West, parallel with said north line, a distance of 385.98 feet; thence north 40"-50'-53" West, a distance of 584.94 feet to a point on a northerly line of said Tract "A" that is 430.39 feet north and 27.88 feet east of the southwest corner of the southeast ¼ of the southwest ¼ of Section 10, Township 13 South, Range 25 East, as measured along and at right angles to the west line of said ¼ ¼ section. The outer limits of said strip shall be lenghtened or shortened, as required, to meet adjacent courses and grantor's property line.~~

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

It is hereby mutually understood and agreed that said first party hereby waives any claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said sanitary sewers.

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

6.00 STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1987 NOV 20 A 9:56
JUDIE M. SCOTT
REGISTER OF DEEDS
BY _____ DEP

FORUM GROUP, INC.

By: _____
Paul A. Shively, Senior Vice President and Treasurer

STATE OF ~~KANSAS, JOHNSON~~ INDIANA, MARION COUNTY, SS:

BE IT REMEMBERED that on this 14th day of August, 19 87, before me, a notary public in and for said county and state came Paul A. Shively, Senior Vice President of Forum Group, Inc. to me personally known to be the same persons who executed the foregoing instrument* and duly acknowledged the execution of the same as and to be the act and deed of said corporation. Treasurer

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

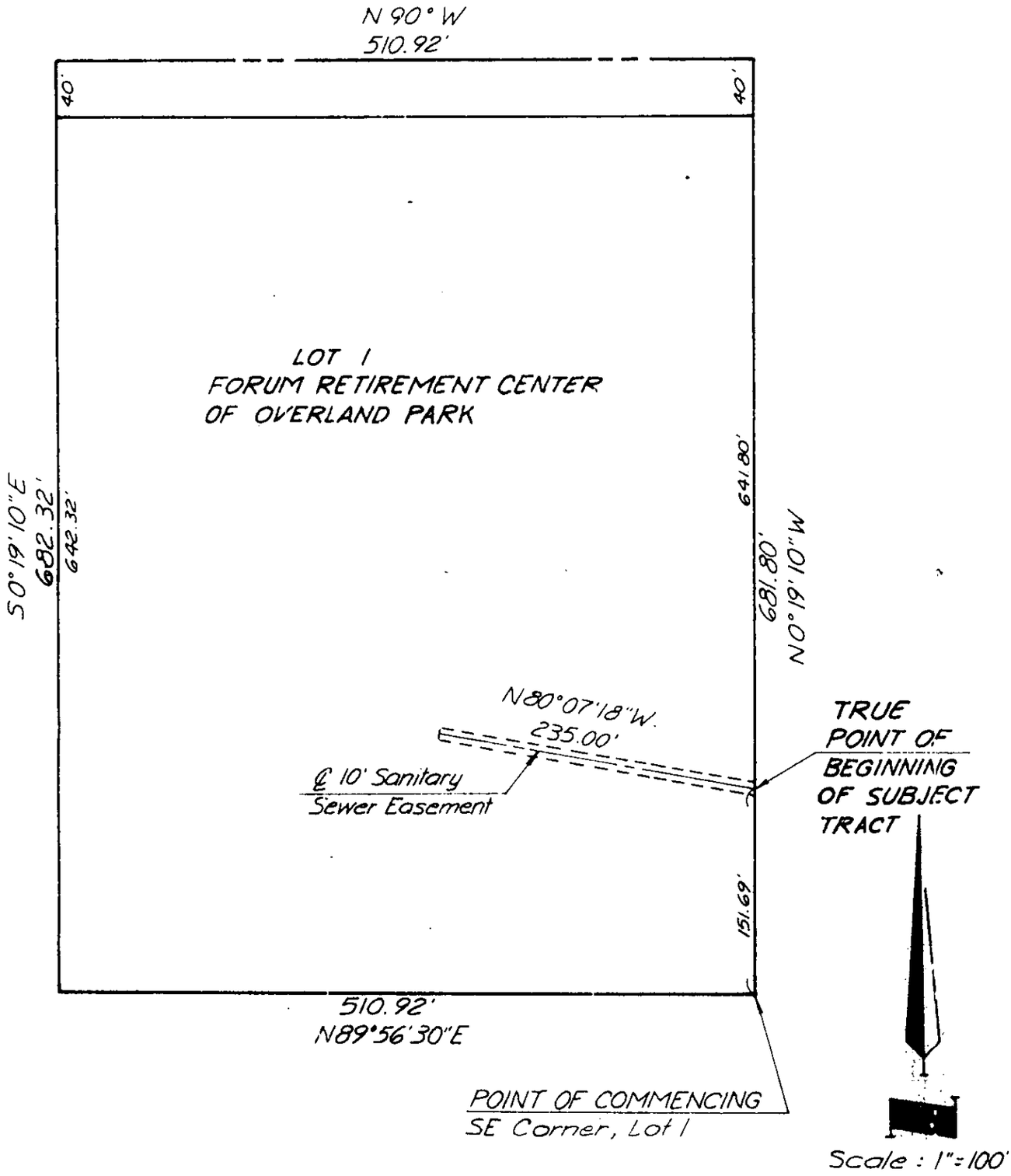
*as such officer and on behalf of said corporation

M. Catherine Pyland, Notary Public and Resident of Marion County, Indiana

6.00 CK

My Appointment Expires: September 7, 1989

VOL. 2702 PAGE 693



PROJECT NO. 44517	DATE 8-5-87	BY TLN

PLAT OF
PROPOSED 10' SANITARY SEWER EASEMENT
LOT 1, FORUM RETIREMENT CENTER
OF OVERLAND PARK
CITY OF OVERLAND PARK
JOHNSON COUNTY, KANSAS

SHAFER, KLINE & WARREN, P.A.
ENGINEERS-SURVEYORS
OVERLAND PARK, KANSAS

VOL 2702 PAGE 694

1755434 PERMANENT SANITARY SEWER EASEMENT

ORIGINAL COMPARED WITH RECORD

THIS AGREEMENT, made and entered into this 16th day of October, 19 87,

between TERRY A. SIGLER and JANICE C. SIGLER, husband and wife, owners of property herein described, hereinafter known as ~~(Party)~~ (Parties) of the First Part, and the CITY OF LEAWOOD, KANSAS, a municipal corporation organized and existing pursuant to the laws of the State of Kansas, hereinafter known as Party of the Second Part:

WITNESSETH:

In consideration of the sum of Ten and 00/100 Dollars, and other good and valuable consideration ~~DOLLARS~~, receipt of which is hereby acknowledged, the undersigned (Party) (Parties) of the First Part (do) ~~(does)~~ hereby convey(~~s~~) and release(s) to the Party of the Second Part a permanent construction easement hereinafter more particularly designated and described, to wit:

A tract of land 10 feet in width, across a part of Lot 10, INDIAN ACRES, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, lying 5 feet on each side of the following described centerline: Commencing at the Southwest corner of said Lot 10; thence N 0° 19' 10" W, along the West line of said Lot 10, a distance of 32.83 feet, to the true point of beginning of subject tract; thence S 80° 07' 18" E, a distance of 150.69 feet, to a point on the centerline of an existing sanitary sewer easement, as now established.

STATE OF KANSAS
COUNTY OF JOHNSON SS
FILED FOR RECORD

1987 NOV 20 A 9:56 5

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

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

It is hereby mutually understood and agreed that said first party hereby waives any claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said sanitary sewers.

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

Terry A. Sigler
Terry A. Sigler

Janice C. Sigler
Janice C. Sigler

STATE OF KANSAS, JOHNSON COUNTY, SS:

BE IT REMEMBERED that on this 16th day of October, 19 87, before me, a notary public in and for said county and state came Terry A. Sigler and Janice C. Sigler to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Kathleen D. Bauman
Notary Public
Kathleen D. Bauman

KATHLEEN D. BAUMAN
My Appt. Exp. 9/6/88
STATE OF KANSAS

My Appointment Expires: 9/6/88

VOL 2702 PAGE 695

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1014

AN ORDINANCE ACCEPTING PERMANENT SANITARY SEWER EASEMENTS FROM TERRY & JANICE SIGLER, AND FORUM GROUP, INC.

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

19-6,187. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 2 permanent sanitary sewer easements described as follows:

From Terry & Janice Sigler: A tract of land 10 feet in width, across a part of Lot 10, INDIAN ACRES, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, lying 5 feet on each side of the following described centerline: Commencing at the Southwest corner of said Lot 10; thence N 0° 19' 10" W, along the West line of said Lot 10, a distance of 32.83 feet, to the true point of beginning of subject tract; thence S 80° 07' 18" E, a distance of 150.69 feet, to a point on the centerline of an existing sanitary sewer easement, as now established.

From Forum Group, Inc.: A tract of land 10 feet in width, across a part of Lot 1, FORUM RETIREMENT CENTER OF OVERLAND PARK, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, lying 5 feet on each side of the following described centerline: Commencing at the Southeast corner of said Lot 1; thence N 0° 19' 10" W, along the East line of said Lot 1, a distance of 151.69 feet, to the true point of beginning of subject tract; thence N 80° 07' 18" W, a distance of 235 feet.

19-6,188. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

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

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

Approved by the Mayor this 3rd day of November, 1987.

(s) Marcia Rinehart
Mayor

(SEAL)

Attest:
(s) Martha Heizer
City Clerk

APPROVED FOR FORM:
(s) R.S. Wetzler
City Attorney

(3002 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
oses and say: That she is legal publications manager of THE JOHNSON
UN, a semi-weekly newspaper printed in the State of Kansas, and published
neral circulation in JOHNSON County, Kansas, with a general paid circulation
basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
fraternal publication.

/spaper is a semi-weekly published at least weekly 50 times a year; has been
d continuously and uninterruptedly in said county and state for a period of
five years prior to the first publication of said notice; and has been admitted
office of SHAWNEE MISSION, KANSAS in said County as a second class

attached notice is a true copy thereof and was published in the regular and
of said newspaper for ---One--- consecutive
day ---(weeks, days) the first publication thereof being made as
n the 6th day of, November 1987, with subsequent
s being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 6th day of November 1987

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ --- 40.10 ---
Additional copies $ ---

ORDINANCE NO. 1013

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 87-2-87H, PROJECT 105 (NALL AVENUE, COLLEGE BOULEVARD TO 119TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $360,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO NALL AVENUE FROM COLLEGE BOULEVARD TO 119TH STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 848 on the 1st day of June, 1987, authorizing creation of an improvement district and improvements to Nall Avenue from College Boulevard to 119th Street; and

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement dated October 9, 1986, with the City of Overland Park and Johnson County, Kansas, for the public improvement of Nall Avenue from College Boulevard to 119th Street in the total estimated cost of $3,254,969.00 with each entity to pay a portion of said costs; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,320. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 87-2-87H (Nall Avenue, 119th Street to College Boulevard), in the aggregate principal amount of Three Hundred Sixty Thousand ($360,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,321. Section Two: Said issue of Temporary Notes, Series L.I.D. 87-2-87H, Project 105, shall consist of bearer notes numbered from 1 through 4 inclusive, numbers 1 through 3 each being in the denomination of $100,000.00 and number 4 in the denomination of $60,000.00. Each of said notes shall be dated December 1,

1987, and shall have the stated maturity date of November 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.66% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,322. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,323. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,324. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b)	Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c)	Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d)	Combined Projects Improvement, General Obligation Bonds Series 1987	July 1, 1987	$2,400,000.00
(e)	Temporary Notes Series L.I.D. 86-6-87D (Kenneth Road)	October 2, 1987	$2,109,000.00
(f)	Temporary Notes Series L.I.D. 86-5-87E (119th, Roe - Mission)	October 2, 1987	$585,000.00
(g)	Temporary Notes Series L.I.D. 86-1-87F Project 107 (Roe Ave, 112th-121st)	December 1, 1987	$260,000.00
(h)	Temporary Notes Series L.I.D. 85-1-87G Project 101 (State Line, 81-84th)	December 1, 1987	$825,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obliga-

tions during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,325. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 11/2/87 Second Reading: 11/2/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 2nd day of November, 1987.

SIGNED by the Mayor this 3rd day of November, 1987.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 6th day of, November 19 87, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 6th day of November 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 197.64
Additional copies $

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1013

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 87-2-87H, PROJECT 105 (NALL AVENUE, COLLEGE BOULEVARD TO 119TH STREET), OF THE CITY OF LEAWOOD, KANSAS. IN THE AMOUNT OF $360,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO NALL AVENUE FROM COLLEGE BOULEVARD TO 119TH STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 848 on the 1st day of June, 1987, authorizing creation of an improvement district and improvements to Nall Avenue from College Boulevard to 119th Street; and

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated October 9, 1986, with the City of Overland Park and Johnson County, Kansas, for the public improvement of Nall Avenue from College Boulevard to 119th Street in the total estimated cost of $3,254,969.00 with each entity to pay a portion of said costs; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 1-6a14 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,320. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 87-2-87H, (Nall Avenue, 119th Street to College Boulevard), in the aggregate principal amount of Three Hundred and Sixty Thousand Dollars ($360,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,321. **Section Two:** Said issue of Temporary Notes, Series L.I.D. 87-2-87H, Project 105, shall consist of bearer notes numbered from 1 through 4 inclusive, numbers 1 through 3 each being in the denomination of $100,000.00 and number 4 in the denomination of $60,000.00. Each of said notes shall be dated December 1, 1987, and shall have the stated maturity date of November 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.66% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time notes are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatry thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,322. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,323. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,324. **Section Five:** The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however,** the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b) Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c) Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d) Combined Projects Improvement, General *Obligation Bonds*	July 1, 1987	$2,400,000.00
(e) Temporary Notes Series L.I.D. 86-6-87D (Kenneth Road)	October 2, 1987	$2,109,000.00
(f) Temporary Notes Series L.I.D. 86-5-87E (119th, Roe — Mission)	October 2, 1987	$585,00.00
(g) Temporary Notes Series L.I.D. 86-1-87F Project 107 (Roe Ave, 112th-121st)	December 1, 1987	$260,00.00
(h) Temporary Notes Series L.I.D. 85-1-87G Project 101 (State Line, 81-84th)	December 1, 1987	$825,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,325. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irreocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 11/2/87

Second Reading: 11/2/87

PASSED by the Governing Body of the City of Leawood, Kansas this 2nd day of November, 1987.

SIGNED by the Mayor this 3rd day of November, 1987.

(s) Marcia Rinehart
Mayor

ATTEST:
(s) Martha Heizer
City Clerk

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

(3001 1F)

ORDINANCE NO. 1012

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 85-1-87G, PROJECT 101 (STATE LINE ROAD, 81ST TO 84TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $825,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO STATE LINE ROAD FROM 81ST TO 84TH STREET INCLUDING WIDENING, RAISING MEDIAN, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, TRAFFIC SIGNALS, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 684 on the 7th day of January, 1985, authorizing the improvement of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street with an estimated cost of $750,000; and

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

WHEREAS, an improvement district has been established pursuant to Resolution No. 683 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on January 7, 1985; and

WHEREAS, Ordinance No. 954 dated December 1, 1986, estimated the cost at $795,000; however, the cost is presently estimated to be $825,000 as a result of additional financing costs; and

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,314. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 85-1-87G, Project 101 (State Line Road, 81st to 84th Street), in the aggregate principal amount of Eight Hundred Twenty Five Thousand ($825,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,315. Section Two: Said issue of Temporary Notes, Series L.I.D. 85-1-87G, Project 101, shall consist of bearer notes numbered from 1 through 9 inclusive, numbers 1 through 8 each being in the denomination of $100,000.00 and number 9 in the denomination of $25,000.00. Each of said notes shall be dated December 1, 1987, and shall have the stated maturity date of Novemberr 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.66 % per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,316. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,317. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,318. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b)	Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c)	Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d)	Combined Projects Improvement, General Obligation Bonds Series 1987	July 1, 1987	$2,400,000.00
(e)	Temporary Notes Series L.I.D. 86-6-87D (Kenneth Road)	October 2, 1987	$2,109,000.00
(f)	Temporary Notes Series L.I.D. 86-5-87E (119th, Roe - Mission)	October 2, 1987	$585,000.00
(g)	Temporary Notes Series L.I.D. 86-1-87F Project 107 (Roe Ave, 112th-121st)	December 1, 1987	$260,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obliga-

tions during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,319. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 11/2/87 Second Reading: 11/2/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 2nd day of November, 1987.

SIGNED by the Mayor this 3rd day of November, 1987.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---6th--- day of, ---November--- 19---87---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---6th--- day of ---November--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---203.52---
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1012

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 85-1-87G, PROJECT 101 (STATE LINE ROAD, 81ST TO 84TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $825,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO STATE LINE ROAD FROM 81ST TO 84TH STREET INCLUDING WIDENING, RAISING MEDIAN, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, TRAFFIC SIGNALS, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 684 on the 7th day of January, 1985, authorizing the improvement of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street with an estimated cost of $750,000; and

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 684 on the 7th day of January, 1985, authorizing the improvement of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street with an estimated cost of $75,000; and

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

WHEREAS, an improvement district has been established pursuant to Resolution No. 683 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on January 7, 1985; and

WHEREAS, Ordinance No. 954 dated December 1, 1986, estimated the cost of $795,000; however, the cost is presently estimated to be $825,000 as a result of additional financing costs; and

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,314. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 85-1-87G, Project 101 (State Line Road, 81st to 84th Street), in the aggregate principal amount of Eight Hundred Twenty Five Thousand Dollars ($825,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,315. **Section Two:** Said issue of Temporary Notes, Series L.I.D. 85-1-87G, Project 101, shall consist of bearer notes numbered from 1 through 9 inclusive, numbers 1 and 8 each being in the denomination of $100,000.00 and number 9 in the denomination of $25,000.00. Each of said notes shall be dated December 1, 1987, and shall have the stated maturity date of November 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.66% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time notes are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatry thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), or any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publicatin of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,316. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,317. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,318. **Section Five:** The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however,** the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b) Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c) Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d) Combined Projects Improvement, General Obligation Bonds	July 1, 1987	$2,400,000.00
(e) Temporary Notes Series L.I.D. 86-6-87D (Kenneth Road)	October 2, 1987	$2,109,000.00
(f) Temporary Notes Series L.I.D. 86-5-87E (119th, Roe — Mission)	October 2, 1987	$585,00.00
(g) Temporary Notes Series L.I.D. 86-1-87F Project 107 (Roe Ave, 112th-121st)	December 1, 1987	$260,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,319. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irreocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 11/2/87
Second Reading: 11/2/87

PASSED by the Governing Body of the City of Leawood, Kansas this 2nd day of November, 1987.

SIGNED by the Mayor this 3rd day of November, 1987.

(s) Marcia Rinehart
Mayor

ATTEST:
(s) Martha Heizer
City Clerk

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

(3000 1F)

ORDINANCE NO. 1011

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 86-1-87F, PROJECT 107 (ROE AVENUE, 112TH STREET TO 121ST STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $260,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO ROE AVENUE FROM 112TH STREET TO 121ST STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO, THE COSTS OF WHICH WILL BE PAID BY THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, an improvement district has been established pursuant to Resolution No. 757 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated February 4, 1985, with the City of Overland Park and Johnson County, Kansas, to make improvements to Roe Avenue from 112th to 121st Street in the total estimated cost of $1,500,000.00 with each entity to pay a portion of said costs; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,308. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 86-1-87F, Project 107 (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Two Hundred and Sixty Thousand Dollars ($260,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,309. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-1-87F, Project 107, shall consist of bearer notes numbered from 1 through 3 inclusive,

numbers 1 and 2 each being in the denomination of $100,000.00 and number 3 in the denomination of $60,000.00. Each of said notes shall be dated December 1, 1987, and shall have the stated maturity date of November 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.66 % per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time notes are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,310. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,311. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,312. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying

said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b)	Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c)	Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d)	Combined Projects Improvement, General Obligation Bonds	July 1, 1987	$2,400,000.00
(e)	Temporary Notes Series L.I.D. 86-6-87D (Kenneth Road)	October 2, 1987	$2,109,000.00
(f)	Temporary Notes Series L.I.D. 86-5-87E (119th, Roe - Mission)	October 2, 1987	$585,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,313. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 11/2/87 Second Reading: 11/2/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 2nd day of November, 1987.

SIGNED by the Mayor this 3rd day of November, 1987.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---6th--- day of, ---November--- 19---87---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---6th--- day of ---November--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---187.35---
Additional copies $ ---

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1011

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WHEREAS, an improvement district hsa been established pursuant to Resolution No. 757 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated February 4, 1985, with the City of Overland Park and Johnson County, Kansas, to make improvements to Roe Avenue from 112th to 121st Street in the total estimated cost of $1,500,000.00 with each entity to pay a portion of said costs; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,308. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 86-1-87F, Project 107 (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Two Hundred and Sixty Thousand Dollars ($260,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,309. **Section Two:** Said issue of Temporary Notes, Series L.I.D. 86-1-87F, Project 107, shall consist of bearer notes numbered from 1 through 3 inclusive, numbers 1 and 2 each being in the denomination of $100,000.00 and number 3 in the denomination of $60,000.00. Each of said notes shall be dated December 1, 1987, and shall have the stated maturity date of November 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.66% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time notes are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), or any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,310. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,311. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,312. **Section Five:** The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however**, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b) Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c) Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d) Combined Projects Improvement, General Obligation Bonds	July 1, 1987	$2,400,000.00
(e) Temporary Notes Series L.I.D. 86-6-87D (Kenneth Road)	October 2, 1987	$2,109,000.00
(f) Temporary Notes Series L.I.D. 86-5-87E (119th, Roe — Mission)	October 2, 1987	$585,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,313. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 11/2/87

Second Reading: 11/2/87

PASSED by the Governing Body of the City of Leawood, Kansas this 2nd day of November, 1987.

SIGNED by the Mayor this 3rd day of November, 1987.

(s) Marcia Rinehart
Mayor

ATTEST:
(s) Martha Heizer
City Clerk

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

(2999 1F)

ORDINANCE NO. 1010C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD RELATING TO CITY APPOINTMENTS, REMOVALS AND VACANCY'S AND REPEALING EXISTING SECTIONS REGARDING THE SAME SUBJECT.

WHEREAS, the City Council has previously directed the Administration of the City of Leawood to review the present organization of the City; and

WHEREAS, the Council has carefully considered the recommendations of the Administration and finds and determines that the method of appointing certain City officers should be amended.

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

Section 1. Section 1-401, 1-404, and 1-405 of the Code of the City of Leawood are hereby repealed.

Section 2. Section 1-401 of the Code of the City of Leawood is hereby amended to read as follows:

Repealed by: ORDINANCE NO. 1056C
Adopted: 6/20/88
Effective:

~~1-401~~. OFFICERS APPOINTED; DATE. (a) All officers whose ~~position~~ has been established by ordinance including but not limited to: City Clerk, Police Chief, Fire Chief, Public Works Director, Planning/Development Director, and City Treasurer shall be appointed by the City Administrator with the consent of the Council. Any appointment recommended by the City Administrator shall become effective upon approval by a majority vote of the City Council. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.

(b) Officers appointed as provided by this ordinance shall hold their office for an indefinite term or until removed as provided herein.

Section 3. Section 1-404 of the Code of the City of Leawood is hereby amended to read as follows:

Repealed by: ORDINANCE NO. 1056C
Adopted: 6/20/88
Effective:

~~1-404. OFFICERS APPOINTED. The Mayor shall, by and with the consent of~~ the governing body, appoint (a) Municipal Judge(s), City Attorney and Assistant City Attorney. Officers so appointed shall

hold their office until their successors are appointed and qualified. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.

Section 4. Section 1-405 of the Code of the City of Leawood is hereby amended to read as follows:

1-405. REMOVAL FROM OFFICE. No person appointed as provided by Section 1-401 shall be removed from office except in the following manner:

(a) Upon complaint made to the Mayor or City Administrator the Mayor or City Administrator shall lay the same before the governing body at their first meeting thereafter. The governing body shall carefully and honestly inquire as to the truth of such complaint and should good cause be found therefore, notify the officer complained against and accord him or her a hearing before the governing body.

(b) A hearing called by the governing body following a probable cause determination made pursuant to subsection (a) shall be held within 30 days but no sooner than 14 days, following the governing body's probable cause finding. At the hearing the officer shall be afforded a full and accurate statement of the grounds for the complaint, and shall be provided with the opportunity to confront and cross-examine all witnesses appearing and testifying against the officer. The officer may request that the hearing contemplated by this section be held before the governing body in executive session. Any officer brought before a hearing shall have the right to be represented by legal counsel.

(c) If a majority of all the members of the governing body find from the hearing that removal is appropriate, they shall forthwith, by order to be entered upon their journal, remove him or her from office and he or she shall not be again appointed to such office unless 2/3 of the Council members [illegible] consent thereto.

Section 5. This ordinance shall take effect and be in force from and after publication in the official city newspaper.

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

APPROVED by the Mayor this 3rd day of November, 1987.

Marcia Rinehart
Mayor

(SEAL)

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1010C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD RELATING TO CITY APPOINTMENTS, REMOVALS AND VACANCYS AND REPEALING EXISTING SECTIONS REGARDING THE SAME SUBJECT.

WHEREAS, the City council has previously directed the Administration of the City of Leawood to review the present organization of the City; and

WHEREAS, the Council has carefully considered the recommendations of the Administration and finds and determines that the method of appointing certain City officers should be amended.

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

Secion 1. Section 1-401, 1-404, and 1-405 of the Code of the City of Leawood are hereby repealed.

Section 2. Section 1-401 of the Code of the City of leawood is hereby amended to read as follows:

1-401. OFFICERS APPOINTED; DATE. (a) All officers whose position has been established by ordinance including but not limited to: City Clerk, Police Chief, Fire Chief, Public Works Director, Planning/Development Director, and City Treasurer shall be appointed by the City Administrator with the consent of the Council. Any appointment recommended by the City Administrator shall become effective upon approval by a majority vote of the City council. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.

(b) Officers appointed as provided by this ordinance shall hold their office for an indefinite term or until removed as provided herein.

Section 3. Section 1-404 of the Code of the City of Leawood is hereby amended to read as follows:

1-404. OFFICERS APPOINTED. The Mayor shall, by and with the consent of the governing body, appoint (a) Municipal Judge(s), City Attorney and Assistant City Attorney. Officers so appointed shall hold their office until their successors are appointed and qualified. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.

Section 4. Section 1-405 of the Code of the City of Leawood is hereby amended to read as follows:

1-405. REMOVAL FROM OFFICE. No person appointed as provided by Section 1-401 shall be removed from office except in the following manner:

(a) Upon complaint made to the Mayor or City Administrator the Mayor or City Administrator shall lay the same before the governing body at their first meeting thereafter. The governing body shall carefully and honestly inquire as to the truth of such complaint and should good cause be found therefore, notify the officer complained against and accord him or her a hearing before the governing body.

(b) A hearing called by the governing body followig a probable cause determination made pursuant to subsection (a) shall be held within 30 days but no sooner than 14 days, following the governing body's probable cause finding. At the hearing the officer shall be afforded a full and accurate statement of the grounds for the complaint, and shall be provided with the opportunity to confront and cross-examine all witnesses appearing and testifying against the officer. The officer may request that the hearing contemplated by this section be held before the governing body in executive session. Any officer brought before a hearing shall have the right to be represented by legal counsel.

(b) If a majority of all the members of the governing body find from the hearing that removal is appropriate, they shall forthwith, by order to be entered upon their journal, remove him or her from office and he or she shall not be again appointed to such office unless ⅔ of the Council members consent thereto.

Secion 5. This ordinance shall take effect and be in force from and after publication in the official city newspaper.

First Reading: 11/2/87
Second Reading: 11/2/87
Passed by the Governing Body this 2nd day of November, 1987.

APPROVED by the Mayor this 3rd day of November, 1987.
(s) Marcia Rinehart
Mayor
(SEAL)

ATTEST:
(s) Martha Heizer
City Clerk

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

(2998 1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published
of general circulation in JOHNSON County, Kansas, with a general paid circulation
early basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
ls or fraternal publication.

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

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
id on the ---6th--- day of, ---November--- 19---87---, with subsequent
tions being made on the following dates:

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

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

Deanna Martasin

and sworn to before me this ---6th--- day of ---November--- 19---87---

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

sion expires: ----------
$ ---76.36---
opies $ ----------

ORDINANCE NO. 1009

AN ORDINANCE DEFERRING AND POSTPONING CONSIDERATION OF PRELIMINARY PLANS, PRELIMINARY PLATS AND ZONING IN THE AREA DEFINED AS THE K-150 CORRIDOR AND THAT PORTION OF THE CITY LYING SOUTH OF HIGHWAY K-150 TO PROTECT THE PUBLIC INTEREST.

The City of Leawood has in recent years experienced rapid development in undeveloped portions of the City.

WHEREAS, development experienced to date within the City is continuing at an increasing rate; and

WHEREAS, reasonable predictions indicate that development experienced to date is expected to continue into the reasonably foreseeable future; and

WHEREAS, with growth the City has and will become obligated to provide adequate streets, public facilities and other public services of the high quality provided to residents at the present time; and

WHEREAS, the great majority of undeveloped land and the area where substantial development is expected to occur in the immediate future is that portion of the City located within the K-150 corridor and the area south of Highway 150 as it passes through the City of Leawood; and

WHEREAS, the City believes that development in the area within the K-150 corridor and the area south of K-150 should occur but that development should not occur in leap-frog fashion, that development should not occur until such time as necessary provisions are made for municipal services and facilities including, but not limited to, public streets, sewers and water; and

WHEREAS, unless development in the area of the K-150 corridor and the area south of K-150 Highway is not carefully coordinated with the plans for provision of public improvements and services, development will have an adverse effect on property values within the City and create a financial burden upon the City, including those areas of the City not contiguous to development; and

WHEREAS, the City has directed the City staff to conduct studies to determine the impact upon the City of annexation of certain areas south of K-150 Highway, which studies are expected to be concluded within the next 90 days; and

WHEREAS, studies and plans for the development of the area known as the K-150 corridor are presently under consideration; and

WHEREAS, the City has contracted for the study and preparation of impact fee ordinances and adequate facilities plans which will provide a means of paying for and financing capital improvements in the undeveloped portions of the City; and

WHEREAS, the planning commission is presently considering significant revisions of the zoning ordinance of the City and land uses in the area south of K-150 Highway; and

WHEREAS, the press of development and the studies heretofore noted has required a great amount of additional time on the part of City staff; and

WHEREAS, the Governing Body reasonably believes that within ninety (90) days of the adoption of this ordinances, the studies, investigations, ordinances and other provisions necessary for development of the area south of K-150 Highway will have been completed and adopted; and

WHEREAS, on the basis of the foregoing the Governing Body believes that public welfare requires postponement and deferral of City action on applications for preliminary plans, preliminary plats and zoning submitted to the City from the effective date of this ordinance for a period of ninety (90) days for the area defined as the K-150 corridor and all areas south of the K-150 corridor within the City of Leawood; and

WHEREAS, the adoption of an ordinance deferring and postponing consideration of preliminary plans, preliminary plats and zoning is necessary to protect the public welfare.

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

28-401. Section 1. <u>Action on plans, plats, and zoning deferred and postponed</u>. The Governing Body of the City directs, except as provided hereinafter, that from the effective date of this ordinance

for a period of ninety (90) days the City will not consider new applications for preliminary plan, preliminary plat and zoning in the area defined as the K-150 corridor and in the area within the City lying south of K-150 and that same shall be deferred and postponed.

28-402. Section 2. Staff directed to review plans during period of deferral and postponement. The planning staff of the City of Leawood is hereby directed to continue to work with developers and builders during the period of time during which this ordinance is in effect so as to minimize any delay or other impact which this ordinance may have.

28-403. Section 3. Appeal Provisions. Any person aggrieved by this ordinance whose application for preliminary plan, preliminary plat or zoning has been deferred and postponed by City staff in accordance with this ordinance may make application to the City Council to vary and modify the effect of the ordinance if the Council in its discretion determines that consideration of a particular preliminary plan, preliminary plat or zoning will not have any adverse effect upon the public welfare or private property. The Council prior to making any decision regarding a particular application may refer the matter to the planning commission for their recommendation as to whether consideration of a particular application will have an adverse effect upon the public welfare or private property. If the Council determines that consideration of a particular application will not have an adverse affect upon the public welfare or private property then the Council shall direct that the application be considered by the City and its staff in the manner established by ordinance and without regard to the provisions of this ordinance.

28-404. Section 4. K-150 Corridor. As used herein, the K-150 corridor shall mean that portion of the City of Leawood contained within the K-150 Corridor Study previously adopted by the Governing Body.

Section 5. Take Effect. This ordinance shall take effect and be in force on publication in the City newspaper.

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

APPROVED by the Mayor this 3rd day of November, 1987.

Marcia Rinehart
Mayor

(SEAL)

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

First Published in the Johnson County Sun, Friday, November 6, 1987.

ORDINANCE NO. 1009

AN ORDINANCE DEFERRING AND POSTPONING CONSIDERATION OF PRELIMINARY PLANS, PRELIMINARY PLATS AND ZONING IN THE AREA DEFINED AS THE K-150 CORRIDOR AND THAT PORTION OF THE CITY LYING SOUTH OF HIGHWAY K—150 TO PROTECT THE PUBLIC INTEREST.

The City of Leawood has in recent years experienced rapid development in undeveloped portions of the City.

WHEREAS, development experienced to date within the city is continuing at an increasing rate; and

WHEREAS, reasonable predictions indicate that development experienced to date is expected to continue into the reasonably foreseeable future; and

WHEREAS, with growth the City has and will become obligated to provide adequate streets, public facilities and other public services of the high quality provided to residents at the present time; and

WHEREAS, the great majority of undeveloped land and the area where substantial development is expected to occur in the immediate future is that portion of the City located within the K-150 corridor and the area south of Highway 150 as it passes through the City of Leawood; and

WHEREAS, the City believes that development in the area within the K-150 corridor and the area south of K-150 should occur but that development should not occur in leap-frog fashion, that development should not occur until such time as necessary provisions are made for municipal services and facilities including, but not limited to, public streets, sewers and water; and

WHEREAS, unless development in the area of the K-150 corridor and the area south of K-150 Highway is not carefully coordinated with the plans for provision of public improvements and services, development will have an adverse effect on property values within the City and create a financial burden upon the City, including those areas of the City not contiguous to development; and

WHEREAS, the City has directed the City staff to conduct studies to determine the impact upon the City of annexation of certain areas south of K-150 Highway, which studies are expected to be concluded within the next 90 days; and

WHEREAS, studies and plans for the development of the area known as the K-150 corridor are presently under consideration; and

WHEREAS, the City has contracted for the study and preparation of impact fee ordinances and adequate facilities plans which will provide a means of paying for and financing capital improvements in the undeveloped portions of the City; and

WHEREAS, the planning commission is presently considering significant revisions of the zoning ordinance of the City and land uses in the area south of K-150 Highway; and

WHEREAS, the press of development and the studies heretofore noted has required a great amount of additional time on the part of City staff; and

WHEREAS, the Governing Body reasonably believes that within ninety (90) days of the adoption of this ordinances, the studies, investigations, ordinances and other provisions necessary for development of the area south of K-150 Highway will have been completed and adopted; and

WHEREAS, on the basis of the foregoing the Governing Body believes that public welfare requires postponement and deferral of City action on applications for preliminary plans, preliminary plats and zoning submitted to the City from the effective date of this ordinance for a period of ninety (90) days for the area defined as the K-150 corridor and all areas south of the K-150 corridor within the City of Leawood; and

WHEREAS, the adoption of an ordinance deferring and postponing consideration of preliminary plans, preliminary plats and zoning is necessary to protect the public welfare.

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

28-401. Section 1. **Action on plans, plats, and zoning deferred and postponed.** The Governing Body of the City directs, except as provided hereinafter, that from the effective date of this ordinance for a period of ninety (90) days the City will not consider new applications for preliminary plan, preliminary plat and zoning in the area defined as the K-150 corridor and in the area within the City lying south of K-150 and that same shall be deferred and postponed.

28-402. section 2. **Staff directed to review plans during period of deferral and postponement.** The planning staff of the City of Leawood is hereby directed to continue to work with developers and builders during the period of time during which this ordinance is in effect so as to minimize any delay or other impact which this ordinance may have.

28-403. Section 3. **Appeal Provisions.** Any person aggrieved by this ordinance whose application for preliminary plan, preliminary plat or zoning has been deferred and postponed by City staff in accordance with this ordinance may make application to the City Council to vary and modify the effect of the ordinance if the Council in its discretion determines that consideration of a particular preliminary plat, preliminary plat or zoning will not have any adverse effect upon the public welfare or private property. The Council prior to making any decision regarding a particular application may refer the matter to the planning commission for their recommendation as to whether consideration of a particular application will have an adverse effect upon the public welfare or private property. If the Council determines that consideration of a particular application will not have an adverse effect upon the public welfare or private property then the Council shall direct that the application be considered by the City and its staff in the manner established by ordinance and without regard to the provisions of this ordinance.

28-404. Section 4. **K-150 Corridor.** As used herein, the K-150 corridor shall mean that portion of the City of Leawood contained within the K-150 Corridor Study previously adopted by the Governing Body.

Section 5. **Take Effect.** This ordinance shall take effect and be in force on publication in the City newspaper.

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

APPROVED by the Mayor this 3rd day of November, 1987.

(s) Marcie Rinehart,

AFFIDAVIT OF PUBLICATION

)F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
eposes and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
general circulation in JOHNSON County, Kansas, with a general paid circulation
rly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been
shed continuously and uninterruptedly in said county and state for a period of
an five years prior to the first publication of said notice; and has been admitted
ost office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and
sue of said newspaper for ------ One ------ consecutive
--- day ---(weeks, days) the first publication thereof being made
d on the --- 6th --- day of, --- November 19 87 ---, with subsequent
ions being made on the following dates:

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

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

Deanna Martasin

e and sworn to before me this --- 6th --- day of --- November --- 19 87 ---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

mission expires: ----------

Fee $ ---------- 115.07

a' copies $ ----------

ORDINANCE NO. 1008

ZONING OVERLAY DISTRICT
FLOOD PLAIN MANAGEMENT ORDINANCE

AN ORDINANCE AMENDING ARTICLE 18 OF THE ZONING ORDINANCE OF THE CITY OF LEAWOOD RELATING TO FLOOD PLAIN DISTRICTS AND REPEALING EXISTING PROVISIONS.

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

SECTION 1. EXISTING PROVISIONS REPEALED. That Article 18 Flood Plain District of the Zoning Ordinance of the City of Leawood titled "Flood Plain District" is hereby repealed.

SECTION 2. New Provisions for regulation of Flood Plain Districts enacted. That Article 18 of the Zoning Ordinance of the City of Leawood titled "Flood Plain District" is hereby amended to read as follows:

ARTICLE 18. FLOOD PLAIN DISTRICT.

15-1801 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

A. STATUTORY AUTHORIZATION.

The Legislature of the State of Kansas has in K.S.A. 12-701 et seq. delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City Council of the City of Leawood, Kansas ordains as follows.

B. FINDINGS OF FACT.

1. Flood Losses Resulting from Periodic Inundation.

The flood hazard areas of the City of Leawood, Kansas are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

2. General Causes of these Flood Losses.

These flood losses are caused by (1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

3. Methods Used to Analyze Flood Hazards.

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

(a) Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a

flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated September 30, 1977, as amended, and any future revisions thereto.

(b) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

(c) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.

(d) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

(e) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 15-1801B.1 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

15-1802 GENERAL PROVISIONS.

A. LANDS TO WHICH ORDINANCE APPLIES.

This ordinance shall apply to all lands within the jurisdiction of the City of Leawood, Kansas, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Section 15-1804 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restriction as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 15-1805, 15-1806 and 15-1807.

B. THE ENFORCEMENT OFFICER.

The Chief Building Officer of the City is hereby designated as

the City Council's duly designated Enforcement Officer under this Ordinance.

C. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Chief Building Official shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

D. COMPLIANCE.

No development located within known flood hazard areas of this City shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

F. INTERPRETATION.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Leawood, Kansas, or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

H. SEVERABILITY.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of

competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

I. APPEAL.

Where a request for a permit to develop or a variance is denied by the Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

15-1803 DEVELOPMENT PERMIT

A. PERMIT REQUIRED.

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 15-1812.

B. ADMINISTRATION.

1. The Chief Building Official is hereby appointed to administer and implement the provisions of this ordinance.

2. Duties of the Chief Building Official shall include, but not be limited to:

(a) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

(b) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.

(c) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(e) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(f) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

(g) When floodproofing is utilized for a particular structure, the Chief Building Official shall be presented certification from a registered professional engineer or architect.

C. APPLICATION FOR PERMIT.

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit.

2. Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans and specifications for proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Give such other information as reasonably may be required by the Chief Building Official.

15-1804 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: a floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones (including AE, AO and AH zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

15-1805 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

A. No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) unless the conditions of this Section are satisfied.

B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, state or other sources.

C. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

5. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference: Section 15-1801 B.3(a) of this ordinance.

6. Storage and Material and Equipment.

   (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

   (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

7. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

15-1806 FLOODWAY FRINGE OVERLAY DISTRICT. (Including AO and AH Zones)

A. PERMITTED USES.

Any use permitted in Section 15-1807 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 15-1805 are met.

B. STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT.

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above the base flood elevation.

2. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 15-1803B.2(g).

3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5. Manufactured Homes.

   (a) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

      (1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

      (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

      (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

      (4) Any additions to the manufactured home be similarly anchored.

   (b) Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such

that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15-1806 B.5(a).

6. Located within the areas of special flood hazard established in Section 15-1802A are areas designed as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones;

   (a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

   (b) All new construction and substantial improvements of nonresidential structures shall:

      (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

      (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 15-1803 B.2(g).

   (c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

15-1807 FLOODWAY OVERLAY DISTRICT.

A. PERMITTED USES.

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Sections 15-1805 and 15-1806. The following are recommended uses for the Floodway District.

1. Agricultural uses such as general farming, pasture, nurseries, forestry.

2. Residential uses such as lawns, gardens, parking and play areas.

3. Non-residential areas such as loading areas, parking, airport landing strips.

4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

5. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section 15-1805C.7(d) of this ordinance, in meeting the standards of this section.

15-1808 VARIANCE PROCEDURES

A. The Board of Zoning Appeals as established by the City of Leawood shall hear and decide appeals and requests for variances from the requirements of this ordinance.

B. The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of this ordinance.

C. Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the District Court of Johnson County, Kansas, as provided in K.S.A. 12-715.

D. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

11. The costs of providing governmental services during and after flood conditions including maintenance and repair

of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 15-1808E.2 - 15-1808E.6 below having been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

15-1809 NON-CONFORMING USE

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Chief Building Official in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost

of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

15-1810 PENALTIES FOR VIOLATION

Any person or other entity who violates this article shall be subject to the penalties provided in Article 36 of this ordinance.

15-1811 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended supplemented, changed, or appeals to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Leawood, Kansas. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

15-1812 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Actuarial or Risk Premium Rates" mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

"Appeal" means a request for a review of the Chief Building Official's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

"Base flood" means the flood having one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Existing construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date.

"Existing construction" may also be referred to as "existing structures."

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Fringe" is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent change of flood occurrence in any one year).

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New Construction" means structures for which the "start of construction or substantial improvement is commenced on or after the effective date of the FIRM.

"Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction,

placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Overlay District" is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

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

First Reading: 11/2/87 Second Reading: 11/2/87

Passed by the Governing Body this 2nd day of November, 1987.

Approved by the Mayor this 3rd day of November, 1987.

(S E A L)
ATTEST:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
CITY CLERK

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 6th day of, November 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 6th day of November 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: 6.19.88
Printer's Fee $
Additional copies $

and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

3. **Methods Used to Analyze Flood Hazards.**

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

(a) Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the *area inundated, and the depth* of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular *streams subject to this ordi*nance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's *Flood Insurance Study*, and illustrative materials dated September 30, 1977, as amended, and any future revisions thereto.

(b) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

(c) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.

(d) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any in*crease in flood height.*

(e) Delineation of floodway *fringe*, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by regulatory flood.

C. **STATEMENT OF PURPOSE.**

*It is the purpose of this ordi*nance to promote the public health, safety, and general welfare and to minimize those losses described in Section 15-1801B.1 by applying the provisions of his ordinance to:

1. *Restrict or prohibit uses* which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initital construction.

3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

15-1802 GENERAL PROVISIONS.

A. **LANDS TO WHICH ORDINANCE APPLIES.**

This ordinance shall apply to all lands within the jurisdiction of the City of Leawood, Kansas, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AE, AP and AH Zones) and within the Zoning Districts FW and FF established *in Section* 15-1804 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under *such safeguards and restriction* as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where *specifically noted in* Sections 15-1805, 15-1806 and 15-1807.

B. **THE ENFORCEMENT OFFICER.**

The Chief Building Officer of the City is hereby designated as the City Council's duly designated Enforcement Officer under this Ordinance.

C. **RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Chief Building Official shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the *point in question shall be the* governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to *the Board and to submit his* own technical evidence, if he so desires.

D. **COMPLIANCE.**

No development located within known flood hazard areas of this City shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. **ABROGATION AND GREATER RESTRICTIONS.**

It is not intended by this ordinance to repeal, abrogate or impair any existent easements, convenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent to the inconsistency only.

F. **INTERPRETATION.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

G. **WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from *flooding or flood damage.* This ordinance shall not create liability on the part of the City of Leawood, Kansas, or any officer or employee thereof for any flood damages that may result from relaince on this ordinance *or any administrative decision* lawfully made thereunder.

H. **SEVERABILITY.**

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

I. **APPEAL.**

Where a request for a permit to develop or a variance is denied by the Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

15-1803 DEVELOPMENT PERMIT

A. **PERMIT REQUIRED.**

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 15-1812.

B. **ADMINISTRATION.**

1. The Chief Building Official is hereby appointed to administer and implement the provisions of this ordinance.

2. Duties of the Chief Building Official shall include, but not be limited to:

(a) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

(b) Review permits for proposed development to assure that all necessary permits have been obtained from those Fed*eral, state or local govern*mental agencies from which prior approval is required.

(c) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, *and shall submit* evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(e) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

(g) When floodproofing is utilized for a particular structure, the Chief Building Official shall be presented certification from a registered professional engineer or architect.

C. **APPLICATION FOR PERMIT**

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. *Identify and* describe the work to be covered by the permit.

2. Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar *description that will readily* identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans *and specifications for proposed* construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Give such other information as reasonably may be required by the Chief Building Official.

15-1804 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hreby divided into the two following districts: a floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (and accompanying map(s)). Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These *zones shall* be consistent with the numbered and unnumbered A Zones (including AE, AO and AH zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the *Federal Emergency Management* Agency.

15-1805 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

A. *No permit for development* shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO and AH zones) unless the conditions of this Section are satisfied.

B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall untilize any base flood elevation or floodway data currently available from Federal, state or other sources.

C. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. New or replacement water supply systems and/or sanitary sewage systems be designed to *minimize or eliminate infiltra*tion of flood waters into the systems and discharges from the systems into flood waters, and on-side waste disposal systems be located so as to avoid impairment or contamination.

3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

5. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference: Section 15-1801 B.3(a) of this ordinance.

6. Storage and Material and Equipment.

(a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibitied.

(b) Storage of other material or equipment may be allowed if *not subject to major damage by* floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

7. Subdivision proposals and *other proposed new develop*ment, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

15-1806 FLOODWAY FRINGE OVERLAY DISTRICT. (including AO and AH Zones)

A. **PERMITTED USES.**

Any use permitted in Section 15-1807 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 15-1805 are met.

B. **STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT.**

1. Require new construction or substantial improvemtns of residential structures to have the lowest floor, including *basement, elevated to* or above the base flood elevation.

2. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to or above *the base flood elevation or, to*gether with attendant utility and sanitary facilities, to be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 15-1803B.2(g).

3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings hav*ing a total net area of not less* than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings *may be equipped with screens,* louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Within AH zones adequate drainage paths around structures on slopes *shall be* required in order to guide floodwaters around and away from proposed structures.

5. Manufactured Homes.

(a) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(1)Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additoinal tie per side;

(2) Frame ties be provided at each corner of the home with *five additional ties per side at* intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

(3) All componenents of the anchoring system be capable of *carrying a force of 4,800* pounds; and

(4) Any additions to the manufactured home be similarly anchored.

(b) Require that ll manuractured homes to be placed *within Zones A1-30, AH, and AE* on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15-1806B.5(a).

6. Located within the areas of special flood hazard established in Section 15-1802A are areas designed as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones;

(a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is *specified).*

(b) All new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 15-1803B.2(g).

(c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

15-1807 FLOODWAY OVERLAY DISTRICT.

A. **PERMITTED USES.**

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a perofessional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Sections 15-1805 and 15-1806. The following are recommended uses for Floodway District.

1. Agricultural uses such as general farming, pasture, *nurseries, forestry.*

2. Residential uses such as lawns, gardens, parking and play areas.

3. Non-residential areas such as loading areas, parking, airport landing strips.

4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

5. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section 15-1805C.7(d) of this ordinance, in meeting the standards of this section.

15-1808 VARIANCE PROCEDURES

A. The Board of Zoning Appeals as established by the City of Leawood shall hear and decide appeals and requests for variances from the requirements of this ordinance.

B. The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of this ordinance.

C. Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the District Court of Johnson County, Kansas, as provided in K.S.A. 12-715.

D. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluation, all relevant *factors, standards specified in* other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for *ordinary and emergency* vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected *at the site; and,*

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, *and streets* and bridges.

E. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 15-1808E.2 — 15-1808E.6 below having been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this secton.

3. *Variances shall not be is*sued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that *the variance is the minimum* necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon (i) a ahowing of good and sufficient cause, (ii) a determination that failure to *grant the variance would result* in exceptional harship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

15-1809 NON-CONFORMING USE

A. A sturcture or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordi*nance may be continued sub*ject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility *Department shall notify the* Chief Building Official in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

2. Uses or adjuncts thereof *which are or become nuisances* shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than *fifth percent (50%)* of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

15-1810 PENALTIES FOR VIOLATION

Any person or other entity who violates this article shall be subject to the penalties provided in Article 36 of this ordinance.

15-1811 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended supplemented, changed, or appeals to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken *until after a public hearing* in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published ina newspaper of *general circulation* in the City of Leawood, Kansas. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal *Emergency Management Agen*cy. The regulations of this ordinance are incompliance with the National Flood Insurance Program Regulations.

15-1812 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable ap*plication.*

"Actuarial or Risk Premium RAtes" mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

"Appeal" means a request for a review of the Chief Building Official's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on a community'sFlood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within a community sub*ject to one percent or greater* chance of flooding in any given year.

"Base flood" means the flood having one percent chance of being equalled or exceeded in any given year.

"*Development*" *means any* man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Existing construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before *January 1, 1975, for* FIRM's effective before that date.

"Existing construction" may also be referred to as "existing structures."

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Flood Insruance Study, has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Man*agement* Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation fo the base flood.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse *and the adjacent* land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Fringe" is that *area of the flood plain, outside* the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent change of flood occurrence in any one year.)

"Freeboard" means a factor of safety *usually expressed in* feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance *purposes*, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel(or contingous parcels) of land *divided into two or more* manufactured home lots for rent or sale.

"New Construction" means structures for which the "start of construction or substantial improvement is commenced on *or after the effective date of the* FIRM.

"Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes *substantial improve*ment, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of *the permit date.* The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the *stage of excavation or the* placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Overlay District" is a district in which additional requirements act in conjunction *with the underlying* zoning district(s). The original zoning district designation does not change.

"Structure" means a walled and roofed building that is principally above ground, as *well as a manufactured home,* and a gas or liquid storage tank that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, *the cost of which equals or* exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage *occurred.* For the purpose of this definitioin "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the *require*ments of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

SECTION 3. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the offical City newspaper. First Reading: 11/2/87 Second Reading: 11/2/87. Passed by the Governing Body this 2nd day of November, 1987. Approved by the Mayor this 3rd day of November, 1987.

(S)Marcia Rinehart, Mayor

ATTEST: Martha Heizer

CITY CLERK

APPROVED AS TO FORM AND CONTENT:

R.S. Wetzler

CITY ATTORNEY

(1F 2996)

First Published in the Johnson County Sun, Friday, Nov. 6, 1987.

ORDINANCE NO. 1008
ZONING OVERLAY
DISTRICT
FLOOD PLAIN
MANAGEMENT
ORDINANCE

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

SECTION 1. EXISTING PROVISIONS REPEALED. That Article 18 Flood Plain District of the Zoning Ordinance of the City of Leawood titled "Flood Plain District" is hereby repealed.

SECTION 2. New Provisions for regulation of Flood Plain Districts enacted. That Article 18 of the Zoning Ordinance of the City of Leawood titled "Flood Plain District" is hereby amended to read as follows:

ARTICLE 18. FLOOD PLAIN DISTRICT.

15-1801 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

A. **STATUTORY AUTHORIZATION.**

The Legislature of the State of Kansas has in K.S.A. 12-701 **et seq.** delegated the responsibility to local governmental *units to adopt zoning regula*tions designed to protect the health, safety and general welfare. Therefore, the City Council of the City of Leawood, Kansas ordains as follows.

B. **FINDINGS OF FACT.**

1. ***Flood Losses Resulting from* Periodic Inundation.**

The flood hazard areas of the City of Leawood, Kansas are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

2. **General Causes of these Flood Losses.**

These flood losses are caused by (1) The cumulative effect of obstructions in floodways causing increases in flood heights

ORDINANCE NO. 1007

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE THIRD PLAT OF PATRICIAN WOODS.

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

19-6,185. Section 1. That ten-foot wide utility easement as platted on Lot 22, Block 3, Patrician Woods, Third Plat, as approved by the City Council April 2, 1984, which is described as follows:

> Beginning at a point which is thirty-five feet (35') southwest of the northeast corner of Lot 22, Block 3, Patrician Woods Third Plat, an Official Plat; thence southwesterly to a point on the west line of said Lot 22, Block 3, said point being ninety feet (90') southeast of the northwest corner of said Lot 22, Block 3, Patrician Woods Third Plat, an Official Plat of Leawood, Johnson County, Kansas

is hereby vacated.

19-6,186. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

First Reading: 10/19/87 Second Reading: 10/19/87

Passed by the Governing Body this 19th day of October, 1987.

Approved by the Mayor this 20th day of October, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1007 **1751448** ORIGINAL COMPARED WITH RECORD

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE THIRD PLAT OF PATRICIAN WOODS.

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

19-6,185. Section 1. That ten-foot wide utility easement as platted on Lot 22, Block 3, Patrician Woods, Third Plat, as approved by the City Council April 2, 1984, which is described as follows:

> Beginning at a point which is thirty-five feet (35') southwest of the northeast corner of Lot 22, Block 3, Patrician Woods Third Plat, an Official Plat; thence southwesterly to a point on the west line of said Lot 22, Block 3, said point being ninety feet (90') southeast of the northwest corner of said Lot 22, Block 3, Patrician Woods Third Plat, an Official Plat of Leawood, Johnson County, Kansas

is hereby vacated.

19-6,186. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

First Reading: 10/19/87 Second Reading: 10/19/87

Passed by the Governing Body this 19th day of October, 1987.

Approved by the Mayor this 20th day of October, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

600 CK

STATE OF KANSAS } SS
COUNTY OF JOHNSON
FILED FOR RECORD

6.00 1987 NOV -2 A 9:05 8

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

VOL 2692 PAGE 992

CERTIFICATION

I, Martha Heizer, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 1007 passed by the Governing Body at an adjourned meeting held October 19, 1987.

(SEAL)

Martha Heizer
City Clerk
City of Leawood, Kansas

City of Leawood
9617 Lee Blvd
Leawood, KS
66206

First Published in the Johnson County Sun, Friday, October 23, 1987.
ORDINANCE NO. 1007
AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE THIRD PLAT OF PATRICIAN WOODS.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
19-6,185. Section 1. That ten-foot wide utility easement as platted on Lot 22, Block 3, Patrician Woods, Third Plat, as approved by the City Council April 2, 1984, which is described as follows:
Beginning at a point which is thirty-five feet (35') southwest of the northeast corner of Lot 22, Block 3, Patrician Woods Third Plat, an Official Plat; thence southwesterly to a point on the west line of said Lot 22, Block 3, said point being ninety feet (90') southeast of the northwest corner of said Lot 22, Block 3, Patrician Woods Third Plat, an Official Plat of Leawood, Johnson County, Kansas is hereby vacated.
19-6,186. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 10/19/87 Second Reading: 10/19/87
Passed by the Governing Body this 19th day of October, 1987.
Approved by the Mayor this 20th day of October, 1987.
(S E A L)
(s) Marcia Rinehart
Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM:
(s) R.S. Wetzler
City Attorney
(2914 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published
of general circulation in JOHNSON County, Kansas, with a general paid circulation
arly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
s or fraternal publication.

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

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 23rd day of, October 19 87, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 23rd day of October 19 87

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 29.32
Additional copies $

ORDINANCE NO. 1006

AN ORDINANCE GRANTING RIGHTS-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICTS FOR SEWER PURPOSES.

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

19-6,183. Section 1. The City of Leawood, Kansas, does hereby grant rights-of-way for sewer purposes to Johnson County Wastewater Districts, on property described as follows:

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Beginning at a point on the west line of the Southeast Quarter of Section 10, Township 13 South, Range 25 East, that is North 2 degrees 04 minutes 37 seconds west, a distance of 1390.55 feet from the southwest corner of said quarter section; thence South 81 degrees 41 minutes 14 seconds East, a distance of 22.44 feet; thence South 74 degrees 58 minutes 11 seconds East, a distance of 559.13 feet; thence North 81 degrees 07 minutes 33 seconds East, a distance of 816.78 feet; thence North 87 degrees 50 minutes 32 seconds East, a distance of 255.53 feet to a point that is 1319.06 feet North and 1623.03 feet East of the southwest corner of said quarter section as measured along and at right angles to the west line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet adjacent courses and grantors property line.

Permanent Sewer Easement: A strip of land, the widths of which shall be hereinafter defined, through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying on each side of the following described centerline: Commencing on the southwest corner of the Southeast Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 04 minutes 37 seconds West, along the west line of said quarter section, a distance of 1192.42 feet; thence South 87 degrees 55 minutes 23 seconds West, a distance of 41.31 feet to a point on the westerly line of said Tract"A", and the true point of beginning of the centerline herein described; thence South 57 degrees 50 minutes 37 seconds east, a distance of 25.22 feet to a point hereinafter referred to as Point "G"; thence continuing South 57 degrees 50 minutes 37 seconds east, a distance of 47.50 feet to the point of termination, said point also being 1151.51 feet north and 18.80 feet east of the southwest corner of said Southeast Quarter section, as measured along and at right angles to the west line thereof. Said easement shall be 15.0 feet wide, lying 7.5 feet on each side of said centerline from the point of beginning to Point "G" and 42.5 feet wide, lying 21.25 feet on each side of said centerline from Point "G" to the point of termination.

The outer limits of said easement shall be lengthened or shortened, as required to meet grantors property line.

This easement released by Co. See attached.

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing in the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 03 minutes 18 seconds West, along the east line of said quarter quarter section, a distance of 398.27 feet; thence South 87 degrees 56 minutes 42 seconds West, a distance of 87.52 feet to a point on the northeasterly right-of-way line of Mission Road and the true point of beginning of the centerline herein described; thence North 21 degrees 38 minutes 03 seconds West, a distance of 76.84 feet to a point on the northerly line of said Tract "A" that is 470.66 feet North and 113.27 feet West of the southeast corner of said quarter quarter section, as measured along and at right angles to the east line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet the northerly and southerly lines of said Tract "A".

PERMANENT SEWER EASEMENT: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", A subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing at the Northeast Corner of Northwest 1/4 of Section 15, Township 13 South, Range 25 East; Thence South 87°-42'-10" West, along the North line of said 1/4 section, A distance of 537.82 feet; thence South 2°-17'-50" East, a distance of 35.00 feet to the true point of beginning of the centerline herein described; thence South 87°-42'-10" West, a distance of 516.63 feet to a point on the East right-of-way line of College Boulevard, as established by the plat of "Leawood Greenway and Parks". The outer limits of said strip shall be lengthened or shortened, as required, to meet said right-of-way line.

This easement released by Co. See attached.

19-6,184. INCORPORATION BY REFERENCE. Section 2. Copies of 2 Right-of-Way Grants are attached hereto and thereby incorporated by reference.

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

First Reading: 10/19/87 Second Reading: 10/19/87

Passed by the Governing Body this 19th day of October, 1987.

Approved by the Mayor this 20th day of October, 1987.

Chg to Rec'd 10/20/87

RELEASE AND WAIVER OF COMPENSATION

Project TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 1

Right-of-Way No. L.I.T. No. 1, 4, 6, 7

Name of Owner City of Leawood, Kansas

1. I understand the provisions of the "Uniform Relocation Assistance and Real Property Acqusition Policies Act of 1970".

2. That a copy of the Act, and a copy of the Environmental Protection Agency Regulations pertaining to it have been given to me.

3. My property has been appraised and I have been advised that $4,376.00 was determined to be just compensation for the proposed easement that is needed for the project.

4. An offer in the above amount has been made to me as compensation for the easement.

5. I hereby Waive any right to such compensation and state my intent and willingness to grant the easement without the compensation offered.

DATED October 19, 1987

Marcia Rinehart
MARCIA RINEHART
MAYOR

This 19th day of October, 1987, before me personally appeared Marcia Rinehart, Mayor of the City of Leawood, Ks. being known to me, and each of them affirmed that the foregoing Acknowledgment and Waiver was signed by him or her with full knowledge of its contents and meaning, and of his or her own free will.

My Commission Expires:

June 25, 1991

Martha E. Heizer
Notary Public
Martha E. Heizer

NOTARY PUBLIC STATE OF KANSAS
MARTHA E. HEIZER
My Appt. Exp. 6/25/91

Orig to Rec'd. 10/26/87

RIGHT-OF-WAY GRANT

R-O-W No. LI-15

KNOW ALL MEN BY THESE PRESENTS, That City of Leawood, Johnson County, Kansas
9617 Lee Boulevard
of the Post Office of Shawnee Mission
in the State of Kansas, 66206, in consideration of
Dollars ($) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grant and convey unto Indian Creek Main Sewer District No. 1, Johnson County, Kansas

THEREIN, its successors and assigns, a Right-Of-Way to lay, construct, maintain, alter, repair, replace, and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through the following premises in the County of Johnson in the State of Kansas, to-wit:

See attached Exhibit "A"

This grant is a permanent easement for the purpose aforestated and full consideration therefore is acknowledged; provided however, if a temporary construction easement is granted herein, then the period of said temporary easement shall be no longer than three years from the date of acceptance of construction of sewers within said Sewer District.

All sod damaged by the installation of said line or by making future repairs or in removing said property, shall be replaced by grantee. Grantor agree that the planting of any trees or placing of other improvements on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefore.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto, and it is understood that this agreement cannot be changed in any way except in writing, signed by the grantor and a duly authorized agent of the grantee.

IN WITNESS WHEREOF, the grantor has hereunto set her hand and seal on this, the 19th day of October, 1987.

CITY OF LEAWOOD, KANSAS

By: Marcia Rinehart
Marcia Rinehart, Mayor

NOTARIZE ON REVERSE

100-1234

Cont. 18

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
County of JOHNSON)

BE IT REMEMBERED, That on this 19th day of October, 1987, before me, the undersigned, a Notary Public In and for said County and State, came

Marcia Rinehart, Mayor, City of Leawood

who is personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC STATE OF KANSAS
MARTHA E. HEIZER
My Appt. Exp. 6/25/91

Martha E. Heizer
Notary Public
Martha E. Heizer

My Commission Expires: June 25, 1991

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
) SS.
County of _____)

BE IT REMEMBERED that on this _____ day of _____, 19____, before me, the undersigned, a Notary Public In and for the County and State aforesaid, came _____, President of _____, a corporation duly organized, incorporated and existing under and by virtue of the laws of _____; and _____, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within Instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said _____.

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

_____
Notary Public

My Commission Expires: _____

100-004

Exhibit "A"

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Beginning at a point on the west line of the Southeast Quarter of Section 10, Township 13 South, Range 25 East, that is North 2 degrees 04 minutes 37 seconds west, a distance of 1390.55 feet from the southwest corner of said quarter section; thence South 81 degrees 41 minutes 14 seconds East, a distance of 22.44 feet; thence South 74 degrees 58 minutes 11 seconds East, a distance of 559.13 feet; thence North 81 degrees 07 minutes 33 seconds East, a distance of 816.78 feet; thence North 87 degrees 50 minutes 32 seconds East, a distance of 255.53 feet to a point that is 1319.06 feet North and 1623.03 feet East of the southwest corner of said quarter section as measured along and at right angles to the west line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet adjacent courses and grantors property line.

Temporary Construction Easement: A strip of land, the widths of which shall be hereinafter described, through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying on each side of the following described base line in the South Half of Section 10, Township 13 South, Range 25 East: Beginning at a point on the west line of the Southeast Quarter of said Section 10 that is North 2 degrees 04 minutes 37 seconds West, a distance of 1390.55 feet from the southwest corner of said quarter section; thence South 81 degrees 41 minutes 14 seconds East, a distance of 22.44 feet; thence South 74 degrees 58 minutes 11 seconds East, a distance of 266.44 feet to a point hereinafter referred to as Point "A"; thence South 74 degrees 58 minutes 11 seconds East, a distance of 150.00 feet to a point hereinafter referred to as Point "B"; thence South 74 degrees 58 minutes 11 seconds East, a distance of 142.69 feet; thence North 81 degrees 07 minutes 33 seconds East, a distance of 141.31 feet to a point hereinafter referred to as Point "C"; thence North 81 degrees 07 minutes 33 seconds East, a distance of 34.00 feet to a point hereinafter referred to as Point "D"; thence North 81 degrees 07 minutes 33 seconds East, a distance of 482.00 feet to a point hereinafter referred to as Point "E"; thence North 81 degrees 07 minutes 33 seconds east, a distance of 159.47 feet to a point hereinafter referred to as Point "F"; thence North 87 degrees 50 minutes 32 seconds East, a distance of 300.53 feet to the point of termination, said point being 1319.12 feet North and 1668.03 feet East of the Southwest corner of the Southeast Quarter of said Section 10. The width on the left or northerly side of said strip of land shall be 50.0 feet from the point of beginning to Point "A"; 40.0 feet from Point "A" to Point "B"; 50.0 feet from Point "B" to Point "E"; 40.0 feet from Point "E" to Point "F" ahead; and 50.0 feet from Point "F" ahead to the point of termination. The width of the right of southerly side of strip of land shall be 60.0 feet from the point of beginning to Point "C"; 38.0 feet from Point "C" to Point "D", and 60.0 feet from Point "D" to the point of termination. The outer limits of said strip shall be lengthened or shortened, as required, to meet adjacent courses and grantors property lines. Except that part in permanent sewer easement.

Orig. to Lombardi
10/20/87

RIGHT-OF-WAY GRANT

R-O-W No. L.I. I. - 1, 4, 7

KNOW ALL MEN BY THESE PRESENTS, That City of Leawood, Johnson County, Kansas

of the Post Office of 9617 Lee Boulevard, Shawnee Mission
in the State of Kansas, 66206, in consideration of _____
_____ Dollars ($ _____) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grant and convey unto Indian Creek Main Sewer District No. 1, Johnson County, Kansas

THEREIN, its successors and assigns, a Right-Of-Way to lay, construct, maintain, alter, repair, replace, and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through the following premises in the County of Johnson in the State of Kansas, to-wit:

Legal Description

Tract 1 - See Attached Exhibit A
Tract 4 - See Attached Exhibit B
Tract 7 - See Attached Exhibit C

This grant is a permanent easement for the purpose aforestated and full consideration therefore is acknowledged; provided however, if a temporary construction easement is granted herein, then the period of said temporary easement shall be no longer than three years from the date of acceptance of construction of sewers within said Sewer District.

All sod damaged by the installation of said line or by making future repairs or in removing said property, shall be replaced by grantee. Grantor agree that the planting of any trees or placing of other improvements on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefore.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto, and it is understood that this agreement cannot be changed in any way except in writing, signed by the grantor and a duly authorized agent of the grantee.

IN WITNESS WHEREOF, the grantor has hereunto set her hand and seal on this, the 19th day of October, 1987.

CITY OF LEAWOOD, KANSAS

By: Marcia Rinehart
Marcia Rinehart, Mayor

NOTARIZE ON REVERSE

100-1231

cont. 16

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
County of JOHNSON)

BE IT REMEMBERED, That on this 19th day of October, 1987, before me, the undersigned, a Notary Public In and for said County and State, came

Marcia Rinehart, Mayor, City of Leawood

who is personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC STATE OF KANSAS MARTHA E. HEIZER My Appt. Exp. 6/25/91

Martha E. Heizer
Notary Public
Martha E. Heizer

My Commission Expires: June 25, 1991

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
) SS.
County of _____)

BE IT REMEMBERED that on this _____ day of _____, 19____, before me, the undersigned, a Notary Public In and for the County and State aforesaid, came _____, President of _____, a corporation duly organized, incorporated and existing under and by virtue of the laws of _____; and _____, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within Instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said _____.

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

_____
Notary Public

My Commission Expires: _____

100-004

EXHIBIT A

Tract 1

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing in the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 03 minutes 18 seconds West, along the east line of said quarter quarter section, a distance of 398.27 feet; thence South 87 degrees 56 minutes 42 seconds West, a distance of 87.52 feet to a point on the northeasterly right-of-way line of Mission Road and the true point of beginning of the centerline herein described; thence North 21 degrees 38 minutes 03 seconds West, a distance of 76.84 feet to a point on the northerly line of said Tract "A" that is 470.66 feet North and 113.27 feet West of the southeast corner of said quarter quarter section, as measured along and at right angles to the east line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet the northerly and southerly lines of said Tract "A".

Temporary Construction Easement: A strip of land 150.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 115.0 feet on the left or westerly side and 35.0 feet on the right or easterly side of the following described base line: Commencing at the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 03 minutes 18 seconds West along the east line of said quarter quarter section, a distance of 398.27 feet; thence South 87 degrees 56 minutes 42 seconds West, a distance of 87.52 feet to a point on the northeasterly right-of-way line of Mission Road and the true point of beginning of the base line herein described; thence North 21 degrees 38 minutes 03 seconds West, a distance of 76.84 feet to a point on the northerly line of said Tract "A", that is 470.66 feet North and 113.27 feet West of the southeast corner of said quarter quarter section, as measured along and at right angles to the east line thereof. Except that part lying west of a line drawn 260.0 feet west of and parallel with the east line of said quarter quarter section. The outer limits of said strip shall be lengthened or shortened, as required, to meet the southerly and northerly lines of said Tract "A" and the above described parallel line. Except that part in permanent sewer easement.

100-1237

EXHIBIT B

Tract 4

PERMANENT SEWER EASEMENT: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", A subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing at the Northeast Corner of Northwest 1/4 of Section 15, Township 13 South, Range 25 East; Thence South 87°-42'-10" West, along the North line of said 1/4 section, A distance of 537.82 feet; thence South 2°-17'-50" East, a distance of 35.00 feet to the true point of beginning of the centerline herein described; thence South 87°-42'-10" West, a distance of 516.63 feet to a point on the East right-of-way line of College Boulevard, as established by the plat of "Leawood Greenway and Parks". The outer limits of said strip shall be lengthened or shortened, as required, to meet said right-of-way line.

TEMPORARY CONSTRUCTION EASEMENT: A strip of land the widths of which shall be hereafter described through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying on each side of the following described base line: Commencing at the Northeast Corner of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East; Thence South 87°-42'-10" West along the North Line of Said 1/4 Section, a Distance of 512.82 feet; Thence South 2°-17'-50" East, a distance of 35.00 feet to the true point of beginning of the base line herein described; Thence South 87°-42'-10" West, a distance of 50.00 feet to a point hereinafter referred to as Point "A"; thence South 87°-42'-10" West, a distance of 37.00 feet to a point hereinafter referred to as Point "B"; thence South 87°-42'-10" West, a distance of 454.63 feet to a point on the East right-of-way line of College Boulevard, as established by the plat of "Leawood Greenway and Parks". The width on the right or North side of said strip shall be 35.0 feet and the width on the left or South side of said strip shall be 35.0 feet from the true point of beginning to point "A", increasing uniformly from 35.0 feet at point "A" to 115.0 feet at point "B" and be 115.0 feet from point "B" to the Easterly right-of-way line of College Boulevard, except that part in permanent sewer easemeent and in public street.

100-1238

Tract 7

Permanent Sewer Easement: A strip of land, the widths of which shall be hereinafter defined, through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying on each side of the following described centerline: Commencing on the southwest corner of the Southeast Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 04 minutes 37 seconds West, along the west line of said quarter section, a distance of 1192.42 feet; thence South 87 degrees 55 minutes 23 seconds West, a distance of 41.31 feet to a point on the westerly line of said Tract"A", and the true point of beginning of the centerline herein described; thence South 57 degrees 50 minutes 37 seconds east, a distance of 25.22 feet to a point hereinafter referred to as Point "G"; thence continuing South 57 degrees 50 minutes 37 seconds east, a distance of 47.50 feet to the point of termination, said point also being 1151.51 feet north and 18.80 feet east of the southwest corner of said Southeast Quarter section, as measured along and at right angles to the west line thereof. Said easement shall be 15.0 feet wide, lying 7.5 feet on each side of said centerline from the point of beginning to Point "G" and 42.5 feet wide, lying 21.25 feet on each side of said centerline from Point "G" to the point of termination.

The outer limits of said easement shall be lengthened or shortened, as required to meet grantors property line.

Temporary Construction Easement: A strip of land 100.0 feet wide, through part of Tract "A", "Leawood Greenway and Parks", a subdivision in Leawood, Johnson County, Kansas, lying 50.0 feet on each side of the following described centerline: Commencing at the southwest corner of the Southeast Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 04 minutes 37 seconds West, along the west line of said quarter section, a distance of 1192.42 feet; thence South 87 degrees 55 minutes 23 seconds West, a distance of 41.31 feet to a point on the westerly line of said Tract "A" and the true point of beginning of the centerline herein described; thence South 57 degrees 50 minutes 37 seconds east, a distance of 102.72 feet to the point of termination, said point also being 1134.63 feet North and 43.61 feet East of the southwest corner of said Southeast Quarter section, as measured along and at right angles to the west line thereof. The outer limits of said easement shall be lengthened or shortened, as required, to meet grantor's property lines. Except that part in permanent sewer easement.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM

R.S. Wetzler, City Attorney

1772094 ✓ ORIGINAL COMPARED WITH RECORD

PARTIAL RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That:

WHEREAS, Indian Creek Main Sewer District No. 1, Johnson County, Kansas was granted certain easement rights along, over, and across certain parcels of land in Johnson County, Kansas, by an easement conveyance recorded November 12, 1987.

In Volume No. 2698 at Page No. 350 being Document No. 1753610 in the office of the Recorder of Deeds of Johnson County, Kansas, at Olathe, Kansas and

WHEREAS, in the opinion of the Chief Engineer of said sewer district, part of the land covered by said easement conveyance is no longer required.

NOW THEREFORE, Indian creek Main Sewer District No. 1, Johnson County, Kansas, this February 21, 1988 hereby releases and disclaims all rights heretofore granted under and by virtue of the aforesaid easement over that part described as:

All of Tract 1 - See attached Exhibit A
and Tract 4 - See attached Exhibit B

Board of County Commissioners,
Johnson County, Kansas, as the
Governing Body

Johnson County, Kansas

ATTEST:

(SEAL)

William E. Franklin
Chairman: William E. Franklin

Beverly L. Baker
County Clerk, Beverly L. Baker

Sharon L. Echelmeier
By: Deputy: Sharon L. Echelmeier

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1988 FEB 23 A 10: 04 9

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

7.00

Approved as to form:

Timothy J. Carmody
Assistant County Counselor: Timothy J. Carmody

leg: 100-1449

00 cash

VOL 2745 PAGE 392

EXHIBIT A

Tract 1

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing in the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 03 minutes 18 seconds West, along the east line of said quarter quarter section, a distance of 398.27 feet; thence South 87 degrees 56 minutes 42 seconds West, a distance of 87.52 feet to a point on the northeasterly right-of-way line of Mission Road and the true point of beginning of the centerline herein described; thence North 21 degrees 38 minutes 03 seconds West, a distance of 76.84 feet to a point on the northerly line of said Tract "A" that is 470.66 feet North and 113.27 feet West of the southeast corner of said quarter quarter section, as measured along and at right angles to the east line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet the northerly and southerly lines of said Tract "A".

Temporary Construction Easement: A strip of land 150.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 115.0 feet on the left or westerly side and 35.0 feet on the right or easterly side of the following described base line: Commencing at the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 03 minutes 18 seconds West along the east line of said quarter quarter section, a distance of 398.27 feet; thence South 87 degrees 56 minutes 42 seconds West, a distance of 87.52 feet to a point on the northeasterly right-of-way line of Mission Road and the true point of beginning of the base line herein described; thence North 21 degrees 38 minutes 03 seconds West, a distance of 76.84 feet to a point on the northerly line of said Tract "A", that is 470.66 feet North and 113.27 feet West of the southeast corner of said quarter quarter section, as measured along and at right angles to the east line thereof. Except that part lying west of a line drawn 260.0 feet west of and parallel with the east line of said quarter quarter section. The outer limits of said strip shall be lengthened or shortened, as required, to meet the southerly and northerly lines of said Tract "A" and the above described parallel line. Except that part in permanent sewer easement.

100-1237

EXHIBIT B

Tract 4

PERMANENT SEWER EASEMENT: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", A subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing at the Northeast Corner of Northwest 1/4 of Section 15, Township 13 South, Range 25 East; Thence South 87°-42'-10" West, along the North line of said 1/4 section, A distance of 537.82 feet; thence South 2°-17'-50" East, a distance of 35.00 feet to the true point of beginning of the centerline herein described; thence South 87°-42'-10" West, a distance of 516.63 feet to a point on the East right-of-way line of College Boulevard, as established by the plat of "Leawood Greenway and Parks". The outer limits of said strip shall be lengthened or shortened, as required, to meet said right-of-way line.

TEMPORARY CONSTRUCTION EASEMENT: A strip of land the widths of which shall be hereafter described through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying on each side of the following described base line: Commencing at the Northeast Corner of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East; Thence South 87°-42'-10" West along the North Line of Said 1/4 Section, a Distance of 512.82 feet; Thence South 2°-17'-50" East, a distance of 35.00 feet to the true point of beginning of the base line herein described; Thence South 87°-42'-10" West, a distance of 50.00 feet to a point hereinafter referred to as Point "A"; thence South 87°-42'-10" West, a distance of 37.00 feet to a point hereinafter referred to as Point "B"; thence South 87°-42'-10" West, a distance of 454.63 feet to a point on the East right-of-way line of College Boulevard, as established by the plat of "Leawood Greenway and Parks". The width on the right or North side of said strip shall be 35.0 feet and the width on the left or South side of said strip shall be 35.0 feet from the true point of beginning to point "A", increasing uniformly from 35.0 feet at point "A" to 115.0 feet at point "B" and be 115.0 feet from point "B" to the Easterly right-of-way line of College Boulevard, except that part in permanent sewer easemeent and in public street.

100-1238

First Published in the Johnson County Sun, Friday, October 23, 1987.

ORDINANCE NO. 1006

AN ORDINANCE GRANTING RIGHTS-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICTS FOR SEWER PURPOSES.

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

19-6,183. Section 1. The City of Leawood, Kansas, does hereby grant rights-of-way for sewer purposes to Johnson County Wastewater Districts, on property *described as follows:*

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each *side of the following described* centerline: Beginning at a point on the west line of the Southeast Quarter of Section 10, Township 13 South, Range 25 East, that is North 2 degrees 04 minutes 37 seconds west, a distance of 1390.55 feet from *the southwest corner of said* quarter section; thence South 81 degrees 41 minutes 14 seconds East, a distance of 22.44 feet; thence South 74 degrees 58 minutes 11 seconds East, a distance of 559.13 feet; thence North 81 degrees 07 minutes *33 seconds East, a distance of* 816.78 feet; thence north 87 degrees 50 minutes 32 seconds East, a distance of 255.53 feet to a point that is 1319.06 feet North and 1623.03 feet East of the southwest corner of said quarter section as measured *along and at right angles to the* west line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet adjacent courses and grantors property line.

Permanent Sewer Easement: A strip of *land, the widths of* which shall be hereinafter defined, through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying on each side of the following described centerline: *Commencing on the* southwest corner of the Southeast Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 04 minutes 37 seconds West, along the west line of said quarter section, a distance of *1192.42 feet; thence South 87* degrees 55 minutes 23 seconds West, a distance of 41.31 feet to a point on the westerly line of said Tract "A", and the true point of beginning of the centerline herein described; thence South 57 degrees 50 *minutes 37 seconds east,* a distance of 25.22 feet to a point hereinafter referred to as Point "G"; thence continuing South 57 degrees 50 minutes 37 seconds east, a distance of 47.50 feet to the point of termination, said point also being 1151.51 *feet north and 18.80 feet east* of the southwest corner of said Southeast Quarter section, as measured along and at right angles to the west line thereof. Said easement shall be 15.0 feet wide, lying 7.5 feet on each side of said centerline from the point of beginning to Point "G" and 42.5 feet wide, lying 21.25 feet on each side of said centerline from Point "G" to the point of termination.

The outer limits of said easement shall be lengthened or ~~shortened, as required to meet~~ grantors property line.

Permanent Sewer Easement: A strip of land 15.0 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing in the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 10, Township 13 South, Range 25 East; thence North 2 degrees 03 minutes 18 seconds West, along the east line of said quarter quarter section, a distance of 398.27 feet; thence South 87 degrees 56 minutes 42 seconds West, a distance of 87.52 feet to a point on the northeasterly right-of-way line of Mission Road and the true point of beginning of the centerline herein described; thence North 21 degrees 38 minutes 03 seconds West, a distance of 76.84 feet to a point on the northerly line of said Tract "A" that is 470.66 feet North and 113.27 feet West of the southeast corner of said quarter quarter section, as *measured along and at right* angles to the eat line thereof. The outer limits of said strip shall be lengthened or shortened, as required, to meet the northerly and southerly lines of said Tract "A".

PERMANENT SEWER EASMENT: A strip of land 15.0 feet wide through part of Tract *"A"*, "Leawood Greenway and Parks", A subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing at the Northeast Corner of Northwest ¼ of Section 15, Township 13 South, Range 25 East; Thence South 87°-42'-10" West, along the North line of said ¼ section, A distance of 537.82 feet; thence South 2°-17'-50" East, a distance of 35.00 feet to the true point of beginning of the centerline herein described; *thence South* 87°-42'-10" West, a distance of 516.63 feet to a point on the East right-of-way line of College Boulevard, as *"established by the "plat" of* "Leawood Greenway and Parks". The outer limits of said strip shall be lengthened or shortened, as required, to meet said right-of-way line.

19-6,184. INCORPORATION BY REFERENCE. Section 2. Copies of 2 Right-of-Way Grants are attached hereto and thereby incorporated by reference.

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

First Reading: 10/19/87 Second *Reading: 10/19/87*

Passed by Ayes and Nays this 19th day of October, 1987.

Approved by the Mayor this 20th day of October, 1987.

(SEAL)

(s) Marcia Rinehart
Mayor

Attest:
(s) Martha Heizer
City Clerk

APPROVED FOR FORM:
(s) R.S. Wetzler
City Attorney

(29131F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
eposes and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
general circulation in JOHNSON County, Kansas, with a general paid circulation
ly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been
shed continuously and uninterruptedly in said county and state for a period of
an five years prior to the first publication of said notice; and has been admitted
ost office of SHAWNEE MISSION, KANSAS in said County as a second class

he attached notice is a true copy thereof and was published in the regular and
sue of said newspaper for One consecutive
day (weeks, days) the first publication thereof being made as
d on the 23rd day of, October 19 87, with subsequent
ons being made on the following dates:

, 19 , 19

, 19 , 19

Deanna Martasin

and sworn to before me this 23rd day of October 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

ission expires:

e $ 98.41

copies $

ORDINANCE NO. 1005C

AN ORDINANCE RELATING TO REGULATION OF TRUCK TRAFFIC, AND REPEAL OF SECTION.

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

REPEAL OF SECTION.. Section 1. Section 14-205 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

14-205. REGULATION OF TRUCK TRAFFIC. Section 2. Regulations of truck traffic in the City shall be as follows:

(a) Regulation of Truck Traffic. No vehicle or truck, including trailers or attachments, carrying a manufacturer's rating of one ton or more, other than those carrying passengers or constructed to carry passengers, shall be allowed to enter the City, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City: provided, that there are signs setting forth the regulation posted upon the streets of entry in the City.

(b) Exceptions. The following streets shall be exempt from the above regulations: State Line Road, 103rd Street, I-435, K-150, Mission Road from 95th Street north, Nall, Roe and 119th Street from Mission Road to Roe Avenue.

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

First Reading: 10/6/87 Second Reading: 10/6/87

Passed by the Governing Body this 6th day of October, 1987.

Approved by the Mayor this 7th day of October, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM

R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, October 9, 1987.

ORDINANCE NO. 1005C

AN ORDINANCE RELATING TO REGULATION OF TRUCK TRAFFIC, AND REPEAL OF SECTION.

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

REPEAL OF SECTION. Section 1. Section 14-205 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

14-205. REGULATION OF TRUCK TRAFFIC. "Section 2. Regulations of truck traffic in the City shall be as follows:

(a) **Regulation of Truck Traffic.** No vehicle or truck, including trailers or attachments, carrying a manufacturer's rating of one ton or more, other than those carrying passengers or constructed to carry passengers, shall be allowed to enter the City, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City: provided, that there are signs setting forth the regulation posted upon the streets of entry in the City.

(b) **Exceptions.** The following streets shall be exempt from the above regulations: State Line Road, 103rd Street, I-435, K-150, Mission Road from 95th Street north, Nall, Roe and 119th Street from Mission Road to Roe Avenue.

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

First Reading: 10/6/87. Second Reading: 10/6/87.

Passed by the Governing Body this 6th day of October, 1987.

Approved by the Mayor this 7th day of October, 1987.

(SEAL)

(s) Marcia Rinehart
Mayor

Attest:
(s) Martha Heizer
City Clerk

APPROVED FOR FORM AND CONTENT:
(s) R. S. Wetzler
City Attorney

(2824 1F)

AFFIDAVIT OF PUBLICATION

ANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly ses and say: That she is legal publications manager of THE JOHNSON N, a semi-weekly newspaper printed in the State of Kansas, and published eral circulation in JOHNSON County, Kansas, with a general paid circulation asis in JOHNSON County, Kansas, and that said newspaper is not a trade, aternal publication.

paper is a semi-weekly published at least weekly 50 times a year; has been continuously and uninterruptedly in said county and state for a period of ve years prior to the first publication of said notice; and has been admitted ffice of SHAWNEE MISSION, KANSAS in said County as a second class

ttached notice is a true copy thereof and was published in the regular and of said newspaper for ---One--- consecutive day ---(weeks, days) the first publication thereof being made as the ---9th--- day of, ---October--- 19---87---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---9th--- day of ---October--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---32.75---
Additional copies $ ---

repealed by Ord. 1087C 12/19/88

ORDINANCE NO. 1004C

AN ORDINANCE RELATING TO PARKING, AND REPEAL OF SECTION.

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

REPEAL OF SECTION. Section 1. Section 14-308 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

14-308. PARKING PROHIBITED. Section 2. It shall be unlawful to park, where signs are erected and maintained giving notice of prohibited parking, in the following streets:

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

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

First Reading: 10/6/87 Second Reading: 10/6/87

Passed by the Governing Body this 6th day of October, 1987.

Approved by the Mayor this 7th day of October, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM

R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, October 9, 1987.
ORDINANCE NO. 1004C
AN ORDINANCE RELATING TO PARKING, AND REPEAL OF SECTION.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
REPEAL OF SECTION. Section 1. Section 14-308 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:
14-308. PARKING PROHIBITED. Section 2. It shall be unlawful to park, where signs are erected and maintained giving notice of prohibited parking, in the following streets:
(a) State Line Road;
(b) That part of Mission Road north of 95th Street within the City;
(c) That part of 89th Street between State Line and Dykes Branch of Indian Creek within the City;
(d) The north side of that part of 96th Street between Lee Boulevard and State Line Road within the City; and
(e) The north side of that part of 97th Street between Lee Boulevard and High Drive within the City.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 10/6/87 Second Reading: 10/6/87
Passed by the Governing Body this 6th day of October, 1987.
Approved by the Mayor this 7th day of October, 1987.
(SEAL)
/s/ Marcia Rinehart, Mayor
Attest:
/s/ Martha Heizer, City Clerk
APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney
(2823 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
oses and say: That she is legal publications manager of THE JOHNSON
UN, a semi-weekly newspaper printed in the State of Kansas, and published
eneral circulation in JOHNSON County, Kansas, with a general paid circulation
basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been
ed continuously and uninterruptedly in said county and state for a period of
five years prior to the first publication of said notice; and has been admitted
t office of SHAWNEE MISSION, KANSAS in said County as a second class

e attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---9th--- day of, ---October--- 19--87--, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---9th--- day of ---October--- 19--87--

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---28.83---
Additional copies $ ---

ORDINANCE NO. 1003C

AN ORDINANCE RELATING TO DOG LICENSE FEE, AND REPEAL OF SECTION.

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

Repealed by: ORDINANCE NO. 1327C
Adopted: 12/2/92
Effective:

REPEAL OF SECTION. Section 1. Section 2-201 of the "Code of the City of Leawood, 1984", as originally adopted by Ordinance No. 829, is hereby repealed and the following enacted in lieu thereof:

2-201. DOG LICENSE. Section 2. It shall be unlawful for any person to own, keep or harbor any dog over six months of age within the corporate limits of the City without registering such dog and paying a yearly license tax of $5 for neutered or spayed dogs and $10 for non-neutered or unspayed dogs. This section shall not be applicable to seeing eye dogs.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after January 1, 1988.

First Reading: 10/6/87 Second Reading: 10/6/87

Passed by the Governing Body this 6th day of October, 1987.

Approved by the Mayor this 7th day of October, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM

R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, October 9, 1987.
ORDINANCE NO. 1003C
AN ORDINANCE RELATING TO DOG LICENSE FEE, AND REPEAL OF SECTION.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
REPEAL OF SECTION. Section 1. Section 2-201 of the "Code of the City of Leawood, 1984", as originally adopted by Ordinance No. 829, is hereby repealed and the following enacted in lieu thereof:
2-201. DOG LICENSE. Section 2. It shall be unlawful for any person to own, keep or harbor any dog over six months of age within the corporate limits of the City without registering such dog and paying a yearly license tax of $5 for neutered or spayed dogs and $10 for non-neutered or unspayed dogs. This section shall not be applicable to seeing eye dogs.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after January 1, 1988.
First Reading: 10/6/87 Second Reading: 10/6/87
Passed by the Governing Body this 6th day of October, 1987.
Approved by the Mayor this 7th day of October, 1987.
(SEAL)
(s) Marcie Rinehart, Mayor
Attest:
(s) Martha Heizer, City Clerk
APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney
(2822 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
eposes and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
general circulation in JOHNSON County, Kansas, with a general paid circulation
ly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
or fraternal publication.

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---9th--- day of, ---October--- 19---87---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---9th--- day of ---October--- 19---87---

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---24.42---
Additional copies $ ---

ORDINANCE NO. 1002C

AN ORDINANCE REGULATING SOLICITORS, CANVASSERS, PEDDLERS AND TRANSIENT MERCHANTS AND REPEALING EXISTING PROVISIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Existing Article 2 and Article 3 of Chapter V of the Code of Leawood Repealed. Article 2—Charitable and Religious Solicitations and Article 3—Peddlers, Transient Merchants as contained in Chapter V—Business Licenses and Regulations of the Code of Leawood are hereby repealed.

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

ARTICLE 2.
SOLICITORS, CANVASSERS, PEDDLERS, TRANSIENT MERCHANTS

5-201 STATEMENT OF PURPOSE.

It is the purpose of this Article to protect the general public against:

1. Crimes, frauds and misrepresentation committed by persons posing as solicitors;

2. The continuing danger of fraud, robbery, and other crimes to the residents of the City; and

3. Undue annoyances caused by solicitors.

5-202 DEFINITIONS.

repealed by Ord. 1043C 3/28/88

(a) "Canvass" as used in this Article means opinion sampling, poll-taking, proselytizing, or other similar activity, either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, door to door, street to street, or from place to place.

(b) "Canvasser" as used in this Article means any person who engages in canvassing in person for himself or any other person.

(c) "Charitable" as used in this Article means any activity represented as carried on from unselfish, civic, or humanitarian motives, or for the benefit of others, and not for private gain, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, scientific, historical, athletic, medical, or religious activities, either actual or implied.

(d) "City" as used in this Article means the City of Leawood, Kansas.

(e) "Peddle" as used in this Article means to operate from a temporary stand, display or similar facility, or to travel from house to house, door to door, street to street or from place to place, carrying, conveying, or transporting goods, wares, or merchandise for the purpose of offering and exposing the same for sale.

(f) "Peddler" as used in this Article means a person who peddles for himself or for any other person.

repealed by Ord. 1043C 3/28/88

(g) "Person" as used in this Article means any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, director, member, partner, officer, receiver, assignee, employee, agent or other similar representative thereof.

(h) "Solicit" and "solicitation" as used in this Article mean and include any one or more of the following:

(1) Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind, character or description;

(2) Requesting directly or indirectly contributions of funds for any purpose whatsoever;

(3) Canvassing or peddling as defined in this section.

A "solicitation" as defined herein shall be deemed completed when made, whether or not the person making the solicitation receives any contribution or makes any sale.

(i) "Solicitor" as used in this Article means a person who solicits for himself or any other person.

5-203 SOLICITATION PERMITS REQUIRED.

Every solicitor, of whatsoever form or nature must obtain a permit from the city before soliciting within the city. In order to obtain a permit to solicit, the applicant must furnish the information required under this Article to the city administrator.

5-204 INFORMATION REQUIRED ON APPLICATION FOR SOLICITATION PERMIT.

An applicant for a solicitation permit shall furnish to the city administrator an application containing the following information:

(1) The name and address of the principal office of the person applying for the permit (including both local and nonlocal principal offices where such exist);

(2) If the applicant is not an individual, the names and addresses of the applicants principal officers and executives;

(3) The purpose for which the solicitation is to be made;

(4) The name and address of the person or persons who will be making the solicitations;

(5) The time when the solicitations will be made, giving the expected dates for the commencement and termination of the solicitations, subject to the limitations on time for solicitations contained in this Article;

(6) A statement to the effect that if a permit is granted:

(a) It will not be used or represented in any way as an endorsement by the City of Leawood or by any department or officer thereof; and

(b) That during the period specified in the permit, if there is any change in fact, policy or method that would alter the information given in the application, the applicant will notify the city administrator in writing thereof within forty-eight (48) hours after such change; and

(c) That at no time during the period of solicitation will the applicant or his or her agents solicit at any residence within the city where there is clearly and visibly posted any sign requesting "No Solicitation," or "No Trespassing" or words of similar import.

(d) That the applicant and all persons for whom application is made will carry on their person a copy of the solicitation permit issued by the City.

(7) A sample of the identification badge or card that each person participating in the solicitation shall wear or carry, indicating that person's name and the name of the organization for which he or she is soliciting. Such badge or card shall be furnished by the organization and be approved by the city administrator.

5-205 STANDARD FOR ISSUANCE.

repealed by Ord. 1043c 3/28/88

The city administrator shall issue the permit provided for in this Article upon receiving a complete application from the applicant.

5-206 APPLICATION AND PERMIT AVAILABLE FOR PUBLIC INSPECTION.

All applications, permits, and supporting documentation filed with the city administrator shall be a matter of public record, and shall be available for examination and inspection by any member of the public during regular business hours.

5-207 FEES.

There shall be no fees or charges paid to the city for a permit pursuant to this Article.

5-208 CONTENTS OF PERMIT.

Permits issued under the provisions of this Article should bear the name and address of the person to whom the permit is issued, the number of the permit, the dates within which the permit holder may solicit, the statement that the permit does not constitute an endorsement by the city or by any of its departments, officers or employees, of the purpose or the person conducting the solicitation, and the signature of the city administrator or his or her designee.

5-209 TERM OF PERMIT.

Permits issued pursuant to this Article shall authorize the holder thereof to solicit for the number of days requested in the application, not to exceed ninety (90) consecutive days. Applications for renewal of permits may be made and shall be granted if the requirements of this Article are still being met and no violations of the permit or this Article have been found to exist.

5-210 PERMITS NONTRANSFERABLE.

No permit issued under the provisions of this Article shall be transferable or assignable.

5-211 SUSPENSION OR REVOCATION OF PERMITS.

Any determination by the city administrator that the holder of a city permit has violated any provisions of this Article or of the permit issued pursuant thereto, or that the holder of the permit has made representations which are contrary to the facts stated in the application for the permit, shall cause the city administrator to give notice to the permit holder that the permit is immediately suspended. The notice of immediate suspension is to be mailed to the permit holder by registered or certified mail, and shall notify the holder that a hearing will be had before the governing body at its next regular or special meeting for the purposes of determining whether or not the permit should be revoked. The notice shall contain a statement of the facts upon which the city administrator acted in suspending the permit and at that hearing the permit holder may offer evidence to support any contention its permit should not be revoked. No solicitation shall to be made during the period of suspension or revocation of a permit.

5-212 UNIFORMITY OF ADMINISTRATION OF ARTICLE.

The city administrator is directed to administer this Article uniformly, and is to require all applicants to submit the application and supporting data required by this Article before issuing a permit. All applicants are to be treated alike.

5-213_ PROHIBITED ACTS.

(a) It shall be unlawful for any solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence, dwelling or apartment at which a sign bearing the words "No Solicitors," "No Trespassers," or words of similar import indicating that such persons are not wanted on the premises, is painted, affixed or otherwise exposed to public view; provided that this paragraph shall not apply to any solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof. For purposes of this section, the No Solicitors decal issued by the City Clerk prominently displayed on the door shall constitute sufficient notice to all solicitors. However, other similar signs, as defined above, are also sufficient.

(b) It shall be unlawful for any solicitor to solicit prior to 10:00 a.m. or after 9:00 p.m. local time, of any day.

(c) It shall be unlawful for any solicitor to engage in soliciting upon any premises or in any dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave the premises or residence.

(d) It shall be unlawful for any solicitor to make more than one solicitation call at the same residential premises for identical goods, services, or contributions within any consecutive sixty (60) day period, without receiving a prior invitation therefor from the occupants of the premises. This provision shall

be construed to include solicitation upon the same premises by employees, agents, or other persons acting on behalf of the same person more than once during the aforesaid period without a prior invitation as herein provided.

(e) It shall be unlawful for any solicitor to fail to provide, at the request of the purchaser, a written receipt, for purchases exceeding Five Dollars ($5.00) in cash or tangible property which receipt shall be signed by the person making the sale and shall set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment; or for any charitable solicitor or organization accepting any contribution exceeding Five Dollars ($5.00) in cash or tangible property to fail to provide at the request of the donor a written receipt acknowledging such contribution and personally signed by the person accepting such contribution.

(f) It shall be unlawful for any solicitor to fail at the outset to disclose to the prospective buyer, prospective donor, or canvassee his/her name and the name of the company, product or organization he/she represents.

(g) It shall be unlawful for any solicitor to make any assertion, representation or statement which misrepresents the purpose of his/her call, or use any plan, scheme, or use which misrepresents such purpose.

(h) It shall be unlawful for any solicitor to conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

(i) It shall be unlawful for any person to solicit who has been convicted of a felony, misdemeanor, or ordinance violation involving force, violence, moral turpitude, deceit, fraud, or the violation of any law regulating the act of soliciting as defined in this Article within the past five (5) years in this state or any other state or subdivision thereof or of the United States.

(j) It shall be unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance other than the main entrance of the residence.

(k) It shall be unlawful for any person to solicit or attempt to solicit without carrying upon their person a copy of the permit issued by the City of Leawood authorizing solicitation and an identification badge or card as described in Section 5-204(7) of this ordinance.

5-214 PENALTIES.

Any person who violates or causes to be violated any provision of this Article, or who gives false and incorrect information to the city administrator in filing statements or reports required by this Article, whether such report or statement is verified or not, shall be

guilty of a municipal offense and upon conviction thereof, shall be subject for the first offense to a fine of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00) and for the second or any subsequent offense to a fine of not less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00).

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

First Reading: 10/6/87 Second Reading: 10/6/87

Passed by the Governing Body this 6th day of October, 1987.

Approved by the Mayor this 7th day of October, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT:

R. S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------ one ---------- consecutive ---------- day ---------- (weeks, days) the first publication thereof being made as aforesaid on the ---- 9th ---- day of, ---- October ---- 19 87 ---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---- 9th ---- day of ---- October ---- 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---- 241.00 ----
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, October 9, 1987.

ORDINANCE NO. 1002C

AN ORDINANCE REGULATING SOLICITORS, CANVASSERS, PEDDLERS AND TRANSIENT MERCHANTS AND REPEALING EXISTING PROVISIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Existing Article 2 and Article 3 of Chapter V of the Code of Leawood Repealed. Article 2 — Charitable and Religious Solicitations and Article 3 — Peddlers, Transient Merchants as contained in Chapter V — Business Licenses and Regulations of the Code of Leawood are hereby repealed.

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

ARTICLE 2.
SOLICITORS, CANVASSERS, PEDDLERS, TRANSIENT MERCHANTS

5-201 STATEMENT OF PURPOSE.

It is the purpose of this Article to protect the general public against:

1. Crimes, frauds and misrepresentation committed by persons posing as solicitors;
2. The continuing danger of fraud, robbery, and other crimes to the residents of the City; and
3. Undue annoyances caused by solicitors.

5-202 DEFINITIONS.

(a) "Canvass" as used in this Article means opinion sampling, poll-taking, proselytizing, or other similar activity, either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, door to door, street to street, or from place to place.

(b) "Canvasser" as used in this Article means any person who engages in canvassing in person for himself or any other person.

(c) "Charitable" as used in this Article means any activity represented as carried on from unselfish, civic, or humanitarian motives, or for the benefit of others, and not for private gain, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, scientific, historical, athletic, medicalor religious activities, either actual or implied.

(d) "City" as used in this Article means the City of Leawood, Kansas.

(e) "Peddle" as used in this Article means to operate from a temporary stand, display or similar facility, or to travel from house to house, door to door, street to street or from place to place, carrying, conveying, or transporting goods, wares, or merchandise for the purpose of offering and exposing the same for sale.

(f) "Peddler" as used in this Article means a person who peddles for himself or for any other person.

(g) "Person" as used in this Article means any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, director, member, partner, officer, receiver, assignee, employee, agent or other similar representative thereof.

(h) "Solicit" and "solicitation" as used in this Article means and include any one or more of the following:

(1) Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind, character or description;

(2) Requesting directly or indirectly contributions of funds for any purpose whatsoever;

(3) Canvassing or peddling as defined in this section.

A "solicitation" as defined herein shall be deemed completed when made, whether or not the person making the solicitation receives any contribution or makes any sale.

(i) "Solicitor" as used in this Article means a person who solicits for himself or any other person.

5-203 SOLICITATION PERMITS REQUIRED.

Every solicitor, of whatsoever form or nature must obtain a permit from the city before soliciting within the city. In order to obtain a permit to solicit, the applicant must furnish the information required under this Article to the city administrator.

5-204 INFORMATION REQUIRED ON APPLICATION FOR SOLICITATION PERMIT.

An applicant for a solicitation permit shall furnish to the city administrator an application containing the following information:

(1) The name and address of the principal office of the person applying for the permit (including both local and nonlocal principal offices where such exist);

(2) If the applicant is not an individual, the names and addresses of the applicants principal officers and executives;

(3) The purpose for which the solicitation is to be made;

(4) The name and address of the person or persons who will be making the solicitations;

(5) The time when the solicitations will be made, giving the expected dates for the commencement and termination of the solicitations, subject to the limitations on time for solicitations contained in this Article;

(6) A statement to the effect that if a permit is granted:

(a) It will not be used or represented in any way as an endorsement by the City of Leawood or by any department or officer thereof; and

(b) That during the period specified in the permit, if there is any change in fact, policy or method that would alter the information given in the application, the applicant will notify the city administrator in writing thereof within forty-eight (48) hours after such change;

(c) That at no time during the period of solicitation will the applicant or his or her agents solicit at any residence within the city where there is clearly and visibly posted any sign requesting "No Solicitation," or "No Trespassing" or words of similar import.

(d) That the applicant and all persons for whom application is made will carry on their person a copy of the solicitation permit issued by the City.

(7) A sample of the identification badge or card that each person participating in the solicitation shall wear or carry, indicating that person's name and the name of the organization for which he or she is soliciting. Such badge or card shall be furnished by the organization and be approved by the city administrator.

5-205 STANDARD FOR ISSUANCE.

The city administrator shall issue the permit provided for in this Article upon receiving a complete application from the applicant.

5-206 APPLICATION AND PERMIT AVAILABLE FOR PUBLIC INSPECTION.

All applications, permits, and supporting documentation filed with the city administrator shall be a matter of public record, and shall be available for examination and inspection by any member of the public during regular business hours.

5-207 FEES.

There shall be no fees or charges paid to the city for a permit pursuant to this Article.

5-208 CONTENTS OF PERMIT.

Permits issued under the provisions of this Article should bear the name and address of the person to whom the permit is issued, the number of the permit, the dates within which the permit holder may solicit, the statement that the permit does not constitute an endorsement by the city or by any of its departments, officers or employees, of the purpose or the person conducting the solicitation, and the signature of the city administrator or his or her designee.

5-209 TERM OF PERMIT.

Permits issued pursuant to this Article shall authorize the holder thereof to solicit for the number of days requested in the application, not to exceed ninety (90) consecutive days. Applications for renewal of permits may be made and shall be granted if the requirements of this Article are still being met and no violations of the permit or this Article have been found to exist.

5-210 PERMITS NON-TRANSFERABLE

No permit issued under the provisions of this Article shall be transferable or assignable.

5-211 SUSPENSION OR REVOCATION OF PERMITS.

Any determination by the city administrator that the holder of a city permit has violated any provisions of this Article or of the permit issued pursuant thereto, or that the holder of the permit has made representations which are contrary to the facts stated in the application for the permit, shall cause the city administrator to give notice to the permit holder that the permit is immediately suspended. The notice of immediate suspension is to be mailed to the permit holder by registered or certified mail, and shall notify the holder that a hearing will be had before the governing body at its next regular or special meeting for the purposes of determining whether or not the permit should be revoked. The notice shall contain a statement of the facts upon which the city administrator acted in suspending the permit and at that hearing the permit holder may offer evidence to support any contention its permit should not be revoked. No solicitation shall be made during the period of suspension or revocation of a permit.

5-212 UNIFORMITY OF ADMINISTRATION OF ARTICLE

The city administrator is ticle uniformly, and is to require all applicants to submit the application and supporting data required by this Article before issuing a permit. All applicants are to be treated alike.

5-213 PROHIBITED ACTS.

(a) It shall be unlawful for any solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence, dwelling or apartment at which a sign bearing the words "No Solicitors," "No Trespassers," or words of similar import indicating that such persons are not wanted on the premises, is painted, affixed or otherwise exposed to public view; provided that this paragraph shall not apply to any solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof. For purposes of this section, the No solicitors decal issued by the City Clerk prominently displayed on the door shall constitute sufficient notice to all solicitors. However, other similar signs, as defined above, are also sufficient.

(b) It shall be unlawful for any solicitor to solicit prior to 10:00 a.m. or after 9:00 p.m. local time, of any day.

(c) It shall be unlawful for any solicitor to engage in soliciting upon any premises or in any dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave the premises or residence.

(d) It shall be unlawful for any solicitor to make more than one solicitation call at the same residential premises for identical goods, services, or contributions within any consecutive sixty (60) day period, without receiving a prior invitation therefor from the occupants of the premises. This provision shall be construed to include solicitation upon the same premises by employees, agents, or other persons acting on behalf of the same person more than once during the aforesaid period without a prior invitation as herein provided.

(e) It shall be unlawful for any solicitor to fail to provide, at the request of the purchaser, a written receipt, for purchases exceeding Five Dollars ($5.00) in cash or tangible property which receipt shall be signed by the person making the sale and shall set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment; or for any charitable solicitor or organization accepting any contribution exceeding Five Dollars ($5.00) in cash or tangible property to fail to provide at the request of the donor a written receipt acknowledging such contribution and personally signed by the person accepting such contribution.

(f) It shall be unlawful for any solicitor to fail at the outset to disclose to the prospective buyer, prospective donor, or canvassee his/her name and the name of the company, product or organization he/she represents.

(g) It shall be unlawful for any solicitor to make any assertion, representation or statement which misrepresents the purpose of his/her call, or use any plan, scheme, or use which misrepresents such purpose.

(h) It shall be unlawful for any solicitor to conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

(i) It shall be unlawful for any person to solicit who has been convicted of a felony, misdemeanor, or ordinance violation involving force, violence, moral turpitude, deceit, fraud, or the violation of any law regulating the act of soliciting as defined in this Article within the past (5) years in this state or any other state or subdivision thereof or of the United States.

(j) It shall be unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance other than the main entrance of the residence.

(k) It shall be unlawful for any person to solicit or attempt to solicit without carrying upon their person a copy of the permit issued by the City of Leawood authorizing solicitation and an identification badge or card as described in Section 5-204(7) of this ordinance.

5-214 PENALTIES.

Any person who violates or causes to be violated any provision of this Article, or who gives false and incorrect information to the city administrator in filing statements or reports required by this Article, whether such report or statement is verified or not, shall be guilty of a municipal offense and upon conviction thereof, shall be subject for the first offense to a fine of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00) and for the second or any subsequent offense to a fine of not less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00).

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

First Reading: 10/6/87. Second Reading: 10/6/87.

Passed by the Governing Body this 6th day of October, 1987.

Approved by the Mayor this 7th day of October, 1987.

(SEAL)
(s) Marcia Rinehart
Mayor

ATTEST:
(s) Martha Heizer
City Clerk

APPROVED FOR FORM AND CONTENT:
(s) R. S. Wetzler
City Attorney

ORDINANCE NO. 1001 C

AN ORDINANCE REGULATING CONTROLLED SUBSTANCES, DANGEROUS DRUGS, INCLUDING, BUT NOT LIMITED TO, MARIJUANA, SIMULATED DRUGS AND OTHER RELATED MATTERS AND PROVIDING PENALTIES FOR VIOLATION.

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

Section 1. Code of Leawood Amended.

The Code of the City of Leawood is hereby amended by adding an Article to Chapter XI titled "Public Offenses" which shall read as follows:

ARTICLE 6. DRUGS

Sections:

11-601 Definitions.
11-602 Regulations.
11-603 Exemptions.
11-604 Violation-Penalty.

Repealed by ORDINANCE NO. 1128 C
Adopted: 9/18/89
Effective:

11-601 Definitions.
As used in this Article:

A. "Controlled substance" means any drug or substance included in Schedules I through V of the Uniform Controlled Substances Act found in Chapter 65, Article 41 of the Kansas Statutes Annotated, as amended.

B. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

C. "Dangerous drug" means one that is unsafe for use except under the supervision of a practitioner because of its toxicity or other potentiality for human effect, method of use, or collateral measures necessary to use; "dangerous drug" also includes marijuana and any other drug or compound, preparation, or mixture thereof, which the State Board of Health shall find and declare by rule or regulation duly promulgated after reasonable public notice and opportunity for hearing to have a dangerous, hallucinogenic, hypnotic, somnafacient or stimulating effect on the body of a human or animal.

D. "Marijuana" means all parts of all varieties of the plant Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, sale, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

E. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does

Repealed by:
ORDINANCE NO. 1128C
Adopted: 9/18/89
Effective:

not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a controlled substance:

1. By a practitioner or his agent pursuant to a lawful order of a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

2. By a practitioner or by his authorized agent under his supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or hospital as an incident to his or its dispensing of a controlled substance.

F. "Patient" means, as the case may be:

1. The individual for whom a drug is prescribed or to whom a drug is administered; or

2. The owner or the agent or the owner of the animal for which a drug is prescribed or to which a drug is administered; provided, that the prescribing or administering referred to in subdivisions 1 and 2 of this subsection is in good faith and in the course of professional practice only.

G. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

H. "Pharmacist" means an individual currently licensed to practice the profession of pharmacy in this state.

I. "Practitioner" means a physician (M.D. or D.O.), dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise authorized by law to administer and prescribe, use in teaching or chemical analysis, or conduct research with respect to a controlled substance in the course of professional practice and research.

J. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

K. "Prescription" means a written order, and in cases of emergency, a telephone order, issued by a practitioner in good faith in the course of his professional practice to a pharmacist for a drug for a particular patient, which specifies the date of its issue, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of the drug prescribed, the directions for use of such drug, and the signature of such practitioner.

L. "Somnafacient" and "stimulating" have the meaning attributable in standard medical lexicons.

M. "Warehouseman" means a person who, in the usual course of business, stores drugs for others lawfully entitled to possess them and who has no control over the disposition of such drugs except for the purpose of such storage.

N. "Wholesaler" means a person engaged in the business of distributing drugs to persons included in any of the classes named in this chapter.

O. "Instrument" means a device designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, cocaine, phencyclidine, opium or any derivative thereof, or any other controlled substance.

Repealed by:
ORDINANCE NO. 1128C
Adopted: 9/18/89
Effective:

For purposes of this subsection, the phrase "intended for use" refers to the intent of the person selling, offering to sell, dispensing, giving away or displaying the instrument herein defined.

In determining whether an item constitutes an instrument, a court may consider the following:

1. Whether a person or business establishment charged with violating this section is a licensed distributor or dealer of tobacco products under Chapter 79, Article 33 of the Kansas Statutes Annotated.

2. Expert testimony as to the principal use of the devices, articles, or contrivances claimed to be instruments;

3. Evidence concerning the total business of a person or business establishment and the type of devices, articles, contrivances, or items involved in the business;

4. National and local advertising concerning the use of the devices, articles, or contrivances claimed to be instruments;

5. Evidence of advertising concerning the nature of the business establishment.

P. "Minor" means any person who has not attained eighteen years of age.

Q. "Premises open to minors" means any business establishment which sells it wares or merchandise to minors or which permits minors to enter into its place of business.

R. "Simulated drugs" and "simulated controlled substances" are any products which identify themselves by using a common name or slang term associated with a controlled substance or indicate by label or accompanying promotional material that the product simulates the effect of a controlled substance or drug.

S. "Place of display" means any museum, library, school or other similar public place upon which business is not transacted for a profit.

T. "School" means any public or private elementary, junior high or high school.

U. "Close proximity" means within five hundred feet on a straight line commencing at the property lines nearest to each other.

V. "Premises" means a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.

Repealed by:
ORDINANCE NO. 1128C
Adopted: 9/18/89
Effective:

11-602 Regulations.

A. It is unlawful for any person to deliver, possess, manufacture or have under his or her control, any dangerous drug or controlled substance.

B. It is unlawful for any person to sell, offer for sale or have in his or her possession with the intent to sell any dangerous drug or controlled substance.

C. It shall be unlawful for any person, firm or corporation to sell, offer to sell, dispense, give away or display any instrument or simulated controlled substance or simulated drug in or upon any premises which: (a) are premises open to minors, unless the instruments, simulated controlled substances or simulated drugs are

kept in such part of the premises that is not open to view by minors or to which minors do not have access; or (b) are in close proximity to a school. Provided, however, that display of any such items at a place of display for education or scientific purposes shall not be unlawful.

Repealed by:
ORDINANCE NO. 1128C
Adopted: 9/18/89
Effective:

11-603 Exemptions.

A. Nothing contained in Section 14.2 shall make it unlawful for a public officer, agent or employee, or person aiding such public officer in performing his official duties to possess, obtain, or attempt to obtain a drug for the purpose of enforcing the provisions of any law of this state or of the United States relating to the regulation of the handling, sale or distribution of drugs;

B. Nothing in this chapter shall apply to a compound, mixture, or preparation containing a drug which is sold in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this chapter if such compound mixture or preparation contains a sufficient quantity of another therapeutic agent or agents, in addition to such a drug, to cause it to prevent the ingestion of a sufficient amount of drug to cause a dangerous hypnotic somnafacient or stimulating action.

Repealed by:
ORDINANCE NO. 1128C
Adopted: 9/18/89
Effective:

11-604 Penalties.

A violation of any provision of this Article shall be punishable as a Class A violation as defined by the Uniform Public Offense Code for Kansas Cities, 1984 Edition, as incorporated by reference by Section 11-101 of this chapter.

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

First Reading: 9/21/87 Second Reading: 9/21/87

Passed by the Governing Body this 21st day of September, 1987.

Approved by the Mayor this 22nd day of September, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT:

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

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 25th day of, September 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 25th day of September 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 185.63
Additional copies $

First Published in the Johnson County Sun, Friday, September 25, 1987.

ORDINANCE NO. 1001C

AN ORDINANCE REGULATING CONTROLLED SUBSTANCES, DANGEROUS DRUGS, INCLUDING, BUT NOT LIMITED TO, MARIJUANA, SIMULATED DRUGS AND OTHER RELATED MATTERS AND PROVIDING PENALTIES FOR VIOLATION.

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

Section 1. Code of Leawood Amended.

The Code of the City of Leawood is hereby amended by adding an Article to Chapter XI titled "Public Offenses" which shall read as follows:

ARTICLE 6. DRUGS

Sections:
11-601 Definitions.
11-602 Regulations.
11-603 Exemptions.
11-604 Violation-Penalty.

11-601 Definitions.
As used in this Article:

A. "Controlled substance" means any drug or substance included in Schedules I through V of the Uniform Controlled Substances Act found in Chapter 65, Article 41 of the Kansas Statutes Annotated, as amended.

B. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

C. "Dangerous drug" means one that is unsafe for use except under the supervision of a practitioner because of its toxicity or other potentiality for human effect, method of use, or collateral measures necessary to use; "dangerous drug" also includes marijuana and any other drug or compound, preparation, or mixture thereof, which the State Board of Health shall find and declare by rule or regulation duly promulgated after reasonable public notice and opportunity for hearing to have a dangerous, hallucinogenic, hypnotic, somnafacient or stimulating effect on the body of a human or animal.

"D. "Marijuana" means all parts of all varieties of the plant Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, sale, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

E. "Manufacture" means the production, preparation, propogation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a controlled substance:

1. By a practitioner or his agent pursuant to a lawful order of a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

2. By a practitioner or by his authorized agent under his supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or hospital as an incident to his or its dispensing of a controlled substance.

F. "Patient" means, as the case may be:

1. The individual for whom a drug is prescribed or to whom a drug is administered; or

2. The owner or the agent or the owner of the animal for which a drug is prescribed or to which a drug is administered; provided, that the prescribing or administering referred to in subdivisions 1 and 2 of this subsection is in good faith and in the course of professional practice only.

G. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

H. "Pharmacist" means an individual currently licensed to practice the profession of pharmacy in this state.

I. "Practitioner" means a physician (M.D. or D.O.), dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise authorized by law to administer and prescribe, use in teaching or chemical analysis, or conduct research with respect to a controlled substance in the course of professional practice and research.

J. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

K. "Prescription" means a written order, and in cases of emergency, a telephone order, isued by a practitioner in good faith in the course of his professional practice to a pharmacist for a drug for a particular patient, which specifies the date of its issue, the name and address of the patient (and, if such a drug is prescribed for an animal, the species of such animal), the name and quanitty of the drug prescribed, the directions for use of such drug, and the signature of such practitioner.

L. "Somnafacient", and "stimulating" have the meaning attributable in standard medical lexicons.

M. "Warehouseman" means a person who, in the usual course of business, stores drugs for others lawfully entitled to possess them and who has no control over the disposition of such drugs except for the purpose of such storage.

N. "Wholesaler" means a person engaged in the business of distributing drugs to persons included in any of the classes named in this chapter.

O. "Instrument" means a device designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, cocaine, phenocycledine, opium or any derivative thereof, or any other controlled substance.

For purposes of this subsection, the phrase "intended for use" refers to the intent of the peson selling, offering to sell, dispensing, giving away or displaying the instrument herein defined.

In determining whether an item constitutes an instrument, a court may consider the following:

1. Whether a person or business establishment charged with violating this section is a licensed distributor or dealer of tobacco products under Chapter 79, Article 33 of the Kansas Statutes Annotated.

2. Expert testimony as to the principal use of the devices, articles, or contrivances claimed to be instruments;

3. Evidence concerning the total business of a person or business establishment and the type of devices, articles, contrivances, or items involved in the business;

4. National and local advertising concerning the use of the devices, articles, or contrivances claimed to be instruments;

5. Evidence of advertising concerning the nature of the business establishment.

P. "Minor" means any person who has not attained eighteen years of age.

Q. "Premises open to minors" means any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

R. "Simulated drugs" and "simulated controlled substances" are any products which identify themselves by using a common name or slang term associated with a controlled substance or indicate by label or accompanying promotional material that the product simulate the effect of a controlled substance or drug.

S. "Place of display" means any museum, library, school or other similar public place upon which business is not transacted for a profit.

T. "School" means any public or private elementary, junior high or high school.

U. "Close proximity" means within five hundred feet on a straight line commencing at the property lines nearest to each other.

V. "Premises" means a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.

11-602 Regulations.

A. It is unlawful for any person to deliver, possess, manufacture or have under his or her control, any dangerous drug or controlled substance.

B. It is unlawful for any person to sell, offer for sale or have in his or her possession with the intent to sell any dangerous drug or controlled substance.

C. It shall be unlawful for any person, firm or corporation to sell, offer to sell, dispense, give away or display any instrument or simulated controlled substance or simulated drug in or upon any premises which: (a) are premises open to minors, unless the instruments, simulated controlled substances or simulated drugs are kept in such part of the premises that is not open to view by minors or to which minors do not have access; or (b) are in close proximity to a school. Provided, however, that display of any such items at a place of display for education or scientific purposes shall not be unlawful.

11-603 Exemptions.

A. Nothing contained in Section 14.2 shall make it unlawful for a public officer, agent or employee, or person aiding such public officer in performing his official duties to possess, obtain, or attempt to obtain a drug for the purpose of enforcing the provisions of any law of this state or of the United States relating to the regulation of the handling, sale or distribution of drugs;

B. Nothing in this chapter shall apply to a compound, mixture, or preparation containing a drug which is sold in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this chapter if such compound mixture or preparation contains a sufficient quantity of another therapeutic agent or agents, in addition to such a drug, to cause it to prevent the ingestion of a sufficient amount of drug to cause a dangerous hypnotic somnafacient or stimulating action.

11-604 Penalties.

A violation of any provision of this Article shall be punishable as a Class A violation as defined by the Uniform Public Offense Code for Kansas Cities, 1984 Edition, as incorporated by reference by Section 11-101 of this chapter.

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

First Reading: 9/21/87. Second Reading: 9/21/87.

Passed by the Governing Body this 21st day of November, 1987.

Approved by the Mayor this 22nd day of September, 1987.

(SEAL)
(s) Marcia Rinehart
Mayor

Attest:
(s) Martha Heizer
City Clerk

APPROVED FOR FORM AND CONTENT:
(s) R.S. Wetzler
City Attorney

(2736 1F)

ORDINANCE NO. 1000

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-5-87E (119th STREET, ROE TO MISSION), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $585,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 119TH STREET FROM ROE AVENUE TO MISSION ROAD INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO.

WHEREAS, the Governing Body of the City of Leawood entered into an agreement with the Board of County Commissioners of Johnson County on the 5th day of December, 1985, authorizing the construction of public improvements to 119th Street from Roe Avenue to Mission Road; and

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

WHEREAS, an improvement district has been established pursuant to Resolution No. 822 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on January 5, 1987; and

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,302. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 86-5-87E (119th Street, Roe to Mission), in the aggregate principal amount of Five Hundred Eighty Five Thousand ($585,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,303. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-5-87E, shall consist of bearer notes numbered from 1 through 6 inclusive, numbers 1 through 5 each being in the denomination of $100,000.00 and number 6 in the denomination of $85,000.00. Each of said notes shall be dated October 1, 1987, and shall have the stated maturity date of September 30, 1988. The notes shall bear

interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.58% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,304. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,305. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,306. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of

excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b)	Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c)	Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d)	Combined Projects Improvement, General Obligation Bonds Series 1987	July 1, 1987	$2,400,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

the Tax Reform Act of 1986.

20-1,307. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 9/8/87 Second Reading: 9/8/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of September, 1987.

SIGNED by the Mayor this 9th day of September, 1987.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---11th--- day of, ---September--- 19---87---, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this ---11th--- day of ---September--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---168.24---
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, September 11, 1987.

ORDINANCE NO. 1000

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-5-87E (119th STREET, ROE TO MISSION), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $585,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 119TH STREET FROM ROE AVENUE TO MISSION ROAD INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO.

WHEREAS, the Governing Body of the City of Leawood entered into an agreement with the Board of County Commissioners of Johnson County on the 5th day of December, 1985, authorizing the construction of public improvements to 119th Street from Roe Avenue to Mission Road; and

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

WHEREAS, an improvement district has been established pursuant to Resolution No. 822 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on January 5, 1987 and

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,302. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 86-5-87E (119th Street, Roe to Mission), in the aggregate principal amount of Five Hundred Eighty Five Thousand ($585,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,303. **Section Two:** Said issue of Temporary Notes, Series L.I.D. 86-5-87E, shall consist of bearer notes numbered from 1 through 6 inclusive, numbers 1 through 5 each being in the denomination of $100,000.00 and number 6 in the denomination of $85,000.00. Each of said notes shall be dated October 1, 1987, and shall have the stated maturity date of September 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.58% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 23-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,304. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,305. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,306. **Section five:** The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however**, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be reaquired to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Temporary Notes Series 87-1 (127 St. Nall-Junier)	May 1, 1987	$221,600.00
(b) Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c) Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d) Combined Projects Improvement, General Obligation Bonds Series 1987	July 1, 1987	$2,400,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,307. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 9/8/87 Second Reading: 9/8/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of September, 1987.

SIGNED by the Mayor this 9th day of September, 1987.

(s) Marcia Rinehart, Mayor

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(2653 1F)

ORDINANCE NO. 999

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-6-87D, OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $2,109,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO KENNETH ROAD FROM APPROXIMATELY 146TH STREET TO 135TH STREET, A DISTANCE OF APPROXIMATELY 6,600 FEET, INCLUDING GRADING, STORM DRAINAGE, STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER CONSTRUCTION.

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

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,296. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 86-6-87D (Kenneth Road, 146th to 135th Street), in the aggregate principal amount of Two Million One Hundred Thousand And Nine Thousand Dollars ($2,109,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,297. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-6-87D, shall consist of bearer notes numbered from 1 through 22 inclusive, numbers 1 through 21 each being in the denomination of $100,000.00 and number 22 in the denomination of $9,000.00. Each of said notes shall be dated October 1, 1987, and shall have the stated maturity date of September 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.58% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes

so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,298. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,299. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,300. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be

required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b)	Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c)	Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d)	Combined Projects Improvement, General Obligation Bonds	July 1, 1987	$2,400,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,301. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 9/8/87 Second Reading: 9/8/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of September, 1987.

SIGNED by the Mayor this 9th day of September, 1987.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 11th day of, September 1987, with subsequent publications being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Deanna Martasin

Subscribe and sworn to before me this 11th day of September 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: _____
Printer's Fee $ 174.12
Additional copies $ _____

First Published in the Johnson County Sun, Friday, September 11, 1987.

ORDINANCE NO. 999

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-6-87D, OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $2,109,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO KENNETH ROAD FROM APPROXIMATELY 146TH STREET TO 135TH STREET, A DISTANCE OF APPROXIMATELY 6,600 FEET, INCLUDING GRADING, STORM DRAINAGE, STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER CONSTRUCTION.

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

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A.12-6a14 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,296. **Section One**: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 86-6-87D (Kenneth Road, 146th to 135th Sreet), in the aggregate principal amount of Two Million One Hundred Thousand and Nine Thousand Dollars (2,109,000.00) Dollars which amount does not exceed the total estimated costs of said improvements.

20-1,297. **Section Two**: Said issue of Temporary Notes, Series L.I.D. 86-6-87D, shall consist of bearer notes numbered from 1 through 22 inclusive, numbers 1 through 21 each being in the denomination of $100,000.00 and number 22 in the denomination of $9,000.00. Each of said notes shall be dated October 1, 1987, and shall have the stated maturity date of September 30, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.58% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all act amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,298. **Section Three**: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,299. **Section Four**: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,300. **Section Five**: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however**, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Temporary Notes Series 87-1 (127 St. Nall-Junier)	May 1, 1987	$221,600.00
(b) Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00
(c) Temporary Notes Series L.I.D. 86-1-87C (Roe, 112-121st)	July 16, 1987	$395,000.00
(d) Combined Projects Improvement, General Obligation Bonds	July 1, 1987	$2,400,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

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

20-1,301. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 9/8/87 Second Reading: 9/8/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of September, 1987.

SIGNED by the Mayor this 9th day of September, 1987.

(s) Marcia Rinehart, Mayor

ATTEST:

(s)Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R.S. Wetzlef, City Attorney

(2652 1F)

ORDINANCE NO. 998

AN ORDINANCE VACATING A PORTION OF 111TH STREET FOR HALLBROOK FARMS.

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

5,100 mh 1/20/88

19-~~600~~. Section 1. The City of Leawood, Kansas, does hereby vacate the existing right-of-way of 111th Street from State Line Road to the east line of "Leawood Greenway and Parks", the right-of-way described as follows:

DESCRIPTION: THE SOUTH 20.00 FEET OF THAT PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS, LYING EAST OF THE EAST LINE OF "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN LEAWOOD, JOHNSON COUNTY, KANSAS, ALSO THE NORTH 20.00 FEET OF THAT PART OF THE NORTHWEST 1/4 OF SECTION 15, SAID TOWNSHIP 13, RANGE 25, LYING EAST OF THE EAST LINE OF SAID "LEAWOOD GREENWAY AND PARKS" ALSO, A TRACT OF LAND 40 FEET IN WIDTH, ACROSS A PART OF THE SOUTH 1/2 OF FRACTIONAL SECTION 11, ACROSS A PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, ACROSS A PART OF THE SOUTH 1/2 OF SECTION 10, AND ACROSS A PART OF THE NORTH 1/2 OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 88°-01'-55" WEST, ALONG THE SOUTH LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 11, A DISTANCE OF 1003.80 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 88°-02'-19" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 2655.64 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1°-56'-43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 20 FEET TO A POINT 20 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE SOUTH 87°-50'-04" WEST, ALONG A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 194.12 FEET MEASURED (194.04 FEET DEEDED); THENCE NORTH 29°-30'-52" WEST MEASURED (NORTH 27°-20'-56" WEST DEEDED), A DISTANCE OF 45.96 FEET MEASURED (43.89 FEET DEEDED); THENCE NORTH 14°-17'-52" WEST MEASURED (NORTH 12°-07'-56" WEST DEEDED), A DISTANCE OF 139.92 FEET; THENCE NORTH 22°-50'-52" WEST MEASURED (NORTH 20°-40'-56" WEST DEEDED), A DISTANCE OF 128.94 FEET, TO A POINT ON THE EASTERLY LINE OF TRACT "A", LEAWOOD GREENWAY AND PARKS, A SUBDIVISION OF LAND NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART THEREOF DEDICATED FOR STATE LINE ROAD RIGHT-OF-WAY. EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 11; THENCE NORTH 2°-10'-14" WEST, ALONG THE EAST LINE OF SAID SOUTH 1/2, A DISTANCE OF 20.00 FEET; THENCE SOUTH 88°-01'-55" WEST ALONG THE NORTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 1003.72 FEET; THENCE SOUTH 88°-02'-19" WEST, ALONG THE NORTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 142.57 FEET; THENCE SOUTH 22°-01'-53" EAST, A DISTANCE OF 42.59 FEET TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 88°-02'-19" EAST, ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 127.93 FEET; THENCE NORTH 88°-01'-55" EAST, ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 1003.87 FEET; THENCE NORTH 2°-10'-14" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

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

First Reading: 9/8/87 Second Reading: 9/8/87

Passed by the Governing Body this 8th day of September, 1987.

Approved by the Mayor this 9th day of September, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, ~~City~~ Attorney

ORDINANCE NO. 998 **1741991** ORIGINAL COMPARED WITH RECORD

AN ORDINANCE VACATING A PORTION OF 111TH STREET FOR HALLBROOK FARMS.

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

19-600. Section 1. The City of Leawood, Kansas, does hereby vacate the existing right-of-way of 111th Street from State Line Road to the east line of "Leawood Greenway and Parks", the right-of-way described as follows:

DESCRIPTION: THE SOUTH 20.00 FEET OF THAT PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS, LYING EAST OF THE EAST LINE OF "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN LEAWOOD, JOHNSON COUNTY, KANSAS, ALSO THE NORTH 20.00 FEET OF THAT PART OF THE NORTHWEST 1/4 OF SECTION 15, SAID TOWNSHIP 13, RANGE 25, LYING EAST OF THE EAST LINE OF SAID "LEAWOOD GREENWAY AND PARKS" ALSO, A TRACT OF LAND 40 FEET IN WIDTH, ACROSS A PART OF THE SOUTH 1/2 OF FRACTIONAL SECTION 11, ACROSS A PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, ACROSS A PART OF THE SOUTH 1/2 OF SECTION 10, AND ACROSS A PART OF THE NORTH 1/2 OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 88°-01'-55" WEST, ALONG THE SOUTH LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 11, A DISTANCE OF 1003.80 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 88°-02'-19" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 2655.64 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1°-56'-43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 20 FEET TO A POINT 20 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE SOUTH 87°-50'-04" WEST, ALONG A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10, A DISTANCE OF 194.12 FEET MEASURED (194.04 FEET DEEDED); THENCE NORTH 29°-30'-52" WEST MEASURED (NORTH 27°-20'-56" WEST DEEDED), A DISTANCE OF 45.96 FEET MEASURED (43.89 FEET DEEDED); THENCE NORTH 14°-17'-52" WEST MEASURED (NORTH 12°-07'-56" WEST DEEDED), A DISTANCE OF 139.92 FEET; THENCE NORTH 22°-50'-52" WEST MEASURED (NORTH 20°-40'-56" WEST DEEDED), A DISTANCE OF 128.94 FEET, TO A POINT ON THE EASTERLY LINE OF TRACT "A", LEAWOOD GREENWAY AND PARKS, A SUBDIVISION OF LAND NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART THEREOF DEDICATED FOR STATE LINE ROAD RIGHT-OF-WAY. EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 11; THENCE NORTH 2°-10'-14" WEST, ALONG THE EAST LINE OF SAID SOUTH 1/2, A DISTANCE OF 20.00 FEET; THENCE SOUTH 88°-01'-55" WEST ALONG THE NORTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 1003.72 FEET; THENCE SOUTH 88°-02'-19" WEST, ALONG THE NORTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 142.57 FEET; THENCE SOUTH 22°-01'-53" EAST, A DISTANCE OF 42.59 FEET TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 88°-02'-19" EAST, ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 127.93 FEET; THENCE NORTH 88°-01'-55" EAST, ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 1003.87 FEET; THENCE NORTH 2°-10'-14" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

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

700 CK

First Reading: 9/8/87 Second Reading: 9/8/87

Passed by the Governing Body this 8th day of September, 1987.

Approved by the Mayor this 9th day of September, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

CERTIFICATION

I, Martha Heizer, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 998 passed by the Governing Body at a regular meeting held September 8, 1987.

(S E A L)

Martha Heizer
City Clerk
City of Leawood, Kansas

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

7.00

1987 SEP 22 A 10: 11

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

City of Leawood
9617 Lee Blvd
Leawood, KS
66206

First Published in the Johnson County Sun, Friday, September 11, 1987.

ORDINANCE NO. 998

AN ORDINANCE VACATING A PORTION OF 111TH STREET FOR HALLBROOK FARMS.

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

19-600. Section 1. The City of Leawood, Kansas, does hereby vacate the existing right-of-way of 111th Street from State Line Road to the east line of "Leawood Greenway and Parks", the right-of-way described as follows:

DESCRIPTION: THE SOUTH 20.00 FEET OF THAT PART OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS, LYING EAST OF THE EAST LINE OF "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN LEAWOOD, JOHNSON COUNTY, KANSAS, ALSO THE NORTH 20.0 FEET OF THAT PART OF THE NORTHWEST ¼ OF SECTION 15, SAID TOWNSHIP 13, RANGE 25, LYING EAST OF THE EAST LINE OF SAID "LEAWOOD GREENWAY AND PARKS" ALSO, A TRACT OF LAND 40 FEET IN WIDTH, ACROSS A PART OF THE SOUTH ½ OF FRACTIONAL SECTION 11, ACROSS A PART OF THE NORTH ½ OF FRACTIONAL SECTION 14, ACROSS A PART OF THE SOUTH ½ OF SECTION 10, AND ACROSS A PART OF THE NORTH ½ OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS. LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH ½ OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 88°-01'-55" WEST, ALONG THE SOUTH LINE OF THE SOUTH ½ OF SAID FRACTIONAL SECTION 11, A DISTANCE OF 1003.80 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 88°-02'-19" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 10, A DISTANCE OF 2655.64 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1°-56'-43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 10, A DISTANCE OF 20 FEET TO A POINT 20 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 10; THENCE SOUTH 87°-50'-04" WEST, ALONG A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 10, A DISTANCE OF 194.12 FEET MEASURED (194.04 FEET DEEDED); THENCE NORTH 29°-30'-52" WEST MEASURED (NORTH 27°-20'-56" WEST DEEDED), A DISTANCE OF 45.96 FEET MEASURED (43.89 FEET DEEDED); THENCE NORTH 14°-17'-52" WEST MEASURED (NORTH 12°-07'-56" WEST DEEDED), A DISTANCE OF 139.92 FEET; THENCE NORTH 22°-50'-52" WEST MEASURED (NORTH 20°-40'-56" WEST DEEDED), A DISTANCE OF 128.94 FEET, TO A POINT ON THE EASTERLY LINE OF TRACT "A", LEAWOOD GREENWAY AND PARKS, A SUBDIVISION OF LAND NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART THEREOF DEDICATED FOR STATE LINE ROAD RIGHT-OF-WAY. EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH ½ OF SAID FRACTIONAL SECTION 11; THENCE NORTH 2°-10'-14" WEST, ALONG THE EAST LINE OF SAID SOUTH ½, A DISTANCE OF 20.00 FEET; THENCE SOUTH 88°-01'-55" WEST ALONG THE NORTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 1003.72 FEET; THENCE SOUTH 88°-02'-19" WEST, ALONG THE NORTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 142.57 FEET; THENCE SOUTH 22°-01'-53" EAST, A DISTANCE OF 42.59 FEET TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 88°-02'-19" EAST, ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 127.93 FEET; THENCE NORTH 88°-01'-55" EAST, ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED TRACT OF LAND, A DISTANCE OF 1003.87 FEET; THENCE NORTH 2°-10'-14" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

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

First Reading: 9/8/87 Second Reading: 9/8/87

Passed by the Governing Body this 8th day of September, 1987.

Approved by the Mayor this 9th day of September, 1987.

(SEAL)

Attest:

(s) Marcia Rinehart
Mayor

(s) Martha Heizer
City Clerk

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

(2651 1F)

AFFIDAVIT OF PUBLICATION

ANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly ses and say: That she is legal publications manager of THE JOHNSON JN, a semi-weekly newspaper printed in the State of Kansas, and published neral circulation in JOHNSON County, Kansas, with a general paid circulation basis in JOHNSON County, Kansas, and that said newspaper is not a trade, raternal publication.

spaper is a semi-weekly published at least weekly 50 times a year; has been d continuously and uninterruptedly in said county and state for a period of ive years prior to the first publication of said notice; and has been admitted office of SHAWNEE MISSION, KANSAS in said County as a second class

attached notice is a true copy thereof and was published in the regular and of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as n the ---11th--- day of, ---September--- 19---87---, with subsequent being made on the following dates:

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

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

Deanna Martasin

sworn to before me this ---11th--- day of ---September--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

n expires: ---8-3-91---

es $ ----------

ORDINANCE NO. 997

AN ORDINANCE ESTABLISHING THE 1988 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

28-307. 1988 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 15-104 of the "Code of the City of Leawood, 1984", the following shall be the formula to establish the 1988 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.038 per 1000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = $65.50 per user per unit;

Replacement Cost = $0.00/account (for 1988)

Special Charge = $7.05/account; Debt Service, Public Works Facility

28-308. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

First Reading: 8/17/87 Second Reading: 8/17/87

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: R.B. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, August 21, 1987.
ORDINANCE NO. 997
AN ORDINANCE ESTABLISHING THE 1988 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.
Be it ordained by the Governing Body of the City of Leawood, Kansas: 28-307. 1988 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 15-104 of the "Code of *the City of Leawood, 1984*", the following shall be the formula to establish the 1988 annual assessment for all users of the Leawood Sewer System:
User charge = Volume charge + Service Charge + Replacement Cost Charge;
Volume Charge = $1.038 per 1000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;
Customer Service Charge = $65.50 per user per unit;
Replacement Cost = $0.00/account (for 1988)
Special Charge = $7.05/account; Debt Service, Public Works Facility
28.308. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 8/17/87 Second Reading: 8/17/87
Passed by the Governing Body this 17th day of August, 1987.
Approved by the Mayor this 18th day of August, 1987.
(SEAL)
(s) Marcia Rinehart
Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED FOR FORM AND CONTENT:
/s/ R.S. Wetzler,
City Attorney
(2565 2F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: [redacted] being first Duly
eposes and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
general circulation in JOHNSON County, Kansas, with a general paid circulation
rly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been
shed continuously and uninterruptedly in said county and state for a period of
an five years prior to the first publication of said notice; and has been admitted
ost office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---two--- consecutive
---weeks---(weeks, days) the first publication thereof being made as
id on the --21st-- day of, ---August--- 19--87---, with subsequent
publications being made on the following dates:

August 28, 1987 ----------, 19 ------

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

Dianne Martinson

Subscribe and sworn to before me this 28th day of August 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---61.66---
Additional copies $ ----------

ORDINANCE NO. 996 C

AN ORDINANCE REGULATING CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR IN THE CITY OF LEAWOOD, KANSAS, REPEALING, PROVIDING SUBSTITUTE PROVISIONS, AND ADDING TO THE EXISTING CHAPTER 3 OF THE CODE OF THE CITY OF LEAWOOD.

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

SECTION 1. Existing Sections Repealed.

Sections 3-108, 3-110, 3-201, and 3-206 are hereby repealed.

SECTION 2. New Provisions Enacted.

The following substitute provisions are hereby enacted:

3-108. SAME; REVOCATION. The Governing Body of the City, upon five (5) days notice to any person licensed under this Article, shall revoke such license for any of the following reasons:

(a) If the licensee has fraudulently obtained the license by giving false information and the application thereof;

(b) If the licensee has violated any of the provisions of this Article or has become ineligible to obtain a license under this Article;

(c) The drunkeness of the licensee or permitting any intoxicated person to remain at any business licensed under this Article;

(d) The sale of cereal malt beverages to any person under the legal age for consumption of cereal malt beverage;

(e) For permitting any gambling in or upon any premises licensed under this Article except as specifically made lawful by the laws of the State of Kansas;

(f) For permitting any person to mix drinks with materials purchased in any premises licensed under this Article or brought into the premises for this purpose;

(g) For the employment of any person under the age of 18 years in dispensing malt beverages;

(h) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;

(i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premises licensed under this Article;

(j) The provisions of subsection (f) and (i) shall not apply if such place of business is also currently licensed as a private club or drinking establishment.

3-110. REGULATIONS.

(a) No cereal malt beverages may be sold between the hours of midnight and 9:00 a.m. of any day, or any Sunday, or Thanksgiving Day or Christmas Day, or on the day of any national, state, county or city election, including primary elections,during the hours the polls are open within the political area in which such election is being held.

(b) No private rooms or closed booths shall be permitted in any premises licensed under this Article, unless the business also is licensed as a private club.

(c) A place of business licensed under this Article shall be open to the public and to police officers of the City at all times during business hours except a private club shall be open to police, but not the general public.

(d) No person under the legal age for consumption of cereal malt beverage shall obtain or purchase or attempt to obtain or purchase, cereal malt beverage from any person except as authorized by law.

(e) No person under the legal age for consumption of cereal malt beverage shall possess or consume cereal malt beverage except as authorized by law.

(f) The legal age for consumption of cereal malt beverage shall mean 21 years of age.

(g) No person shall have any alcoholic liquor in his or her possession while in any place of business licensed to sell cereal malt beverages under this Article unless the business is also licensed as a private club or drinking establishment.

(h) The licensee of each premises licensed under this Article shall at all times comply with sanitary health regulations.

(i) No retailer, or employee or agent of a retailer, licensed to sell cereal malt beverage for consumption on the licensed premises shall:

(1) Offer or serve any free drink to any person;

(2) Serve more than two drinks to one person at one time;

(3) Sell, offer to sell or serve to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the general public;

(4) Sell, offer to sell or serve any drink to any person on any one day at a price less than that charged the general public on that day, except at private functions not open to the general public;

(5) Increase the size of the drink of cereal malt beverage without increasing proportionately the price regularly charged for the drink on that day;

(6) Encourage or permit, on the licensed premises, any game or contest which involves drinking cereal malt beverages or the awarding of drinks as prizes;

(7) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under Subsections (i)(1) through (i)(6) of this Section.

(j) As used in this Section "drink" means an individual serving of cereal malt beverages.

(k) Violation of Subsection (i) of this Section is punishable by a fine of not less than One Hundred Dollars ($100.00) and not exceeding Two Hundred and Fifty Dollars ($250.00), or imprisonment not exceeding thirty (30) days, or both.

(l) Violation of Subsection (d) by a person 18 or more years of age but less than the legal age for consumption of cereal malt beverage is punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by forty (40) hours of public service, or by both.

(m) Violation of Subsection (e) of this Section by a person 18 or more years of age but less than the legal age for consumption of cereal malt beverage is punishable:

(1) By a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by forty (40) hours of public service, or by both, if committed on premises licensed pursuant to Article 26 or Article 27 of Chapter 41 of the Kansas Statutes Annotated; or

(2) By a fine of not less than Twenty-Five Dollars ($25.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by ten (10) hours of public service, or by both, if committed on any other premises.

(n) Subsections (d) and (e) of this Section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

3-201. DEFINITIONS.

(a) "Alcoholic Beverage or Alcoholic Liquor"

As used in this Article includes the varieties of liquor as defined in K.S.A. 41-102, namely alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(b) "Club" means a class A or class B club.

(1) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is separated thereby as a bona fide nonprofit

social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

(2) "Class B club" means a premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(c) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(d) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(e) "Temporary Permit" shall mean a permit which allows the holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

3-206. MINORS, INCAPACITATED PERSONS.

(a) No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.

(b) No person under 21 years of age shall obtain or purchase, or attempt to obtain or purchase, alcoholic liquor from any person except as authorized by law.

(c) No person under 21 years of age shall possess or consume alcoholic liquor except as authorized by law.

(d) It shall be unlawful for any person under the age of 21 to represent that he or she is of age for the purpose of purchasing or attempting to purchase any alcoholic liquor.

(e) Violation of Subsection (a) of this Section shall be punishable by a fine of not less than One Hundred Dollars ($100.00) and not exceeding Two Hundred and Fifty Dollars ($250.00) or imprisonment not exceeding thirty (30) days, or both.

(f) Violation of Subsection (b) or Subsection (c) of this Section by a person 18 or more years of age but less than 21 years of age shall be punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00) or by forty (40) hours of public service, or by both if committed on premises licensed pursuant to Article 26 of Chapter 41 of the Kansas Statutes Annotated, or by a fine of not less than Twenty-Five Dollars ($25.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by ten (10) hours of public service, or by both, if committed on any other premises.

(g) Violation of Subsection (d) of this Section by a person 18 or more years of age but less than 21 years of age shall be punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by forty (40) hours of public service or by both.

SECTION 3. The Following New Sections Shall be Added to Leawood Municipal Code Chapter III:

3-212. OCCUPATION TAX UPON DRINKING ESTABLISHMENTS.

It shall be unlawful for any person granted a license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the City of Leawood without first obtaining a city license from the City Clerk.

repealed by Ord 1028 C 1/4/88

(a) No City license to sell or serve any alcoholic liquor shall be issued until the applicant shall have made payment to the City of all occupation fees as provided by the code of the City of Leawood. Upon receipt of the application, in correct form and in compliance with all other requirements of the City of Leawood, the City Clerk shall issue a City license to the applicant. The license

shall cover the year commencing on the date the Kansas Liquor Retailer's license is issued by the State Director of Alcoholic Beverage Control and shall end one year thereafter. The receipt shall be displayed in a conspicuous place on the licensed premises.

3-213. DRINKING ESTABLISHMENT REGULATIONS.

(a) No club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

3-214. CATERERS.

(a) License Required.

It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any alcohol by the drink within the City without obtaining a local caterer's license from the City Clerk.

(b) License Fee.

(1) There is hereby levied an annual license fee in the amount of One Hundred Dollars ($100.00) on each caterer doing business in the City who has a caterer's license issued by the State Director of Alcoholic Beverage Control, which fee shall be paid before business is begun under original state license and within five (5) days after any renewal of the state license.

(2) All applications for new or renewal City licenses shall be submitted to the City Clerk. Upon presentation of the state license, payment of the City license fee and the license application, the City Clerk shall issue a City license for the period covered by the state license.

(3) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(4) Every licensee shall cause the caterer license to be placed in plain view on any premises within the City where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

(c) Business Regulations.

No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(d) Notice to Chief of Police.

Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the Chief of Police at least 48 hours prior to the event that the event will take place within the City. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.

3-215. TEMPORARY PERMITS.

(a) Permit Required.

It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the City without first obtaining a local temporary permit from the City Clerk.

(b) Any temporary permit must be approved by the City Council of Leawood. City Council may authorize the Clerk to issue a temporary permit to sell or serve alcoholic liquor within the City if it determines:

(1) The event is sponsored by a non-profit or charitable organization; and

(2) All net proceeds are to be used for charitable purposes or for a defined program for community betterment.

(c) Permit Fee.

(1) There is hereby levied a temporary permit fee in the amount of Fifty Dollars ($50.00) per day on each group or individual holding a temporary permit issued by the State Director of Alcoholic Beverage Control authorizing sales within the City, which fee shall be paid before the event is begun under the state permit.

(2) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the City where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

(d) City Temporary Permit.

It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least thirty (30) days before the event. Written application for the local temporary permit shall be made to the City Clerk and shall clearly state:

1. The name of the applicant;
2. The group for which the event is planned;
3. The location of the event;
4. The date and time of the event;
5. Any anticipated need for police, fire, or other municipal services.

(e) Upon presentation of a state temporary permit, payment of the City's temporary permit fee and filing of the written application, the City Clerk shall issue a temporary permit to the applicant.

(f) The City Clerk shall notify the Chief of Police whenever a temporary permit has been issued and forward a copy of the permit and application to the Chief of Police.

(g) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary permit has been issued.

(h) A temporary permit shall be issued for a period of time not to exceed three (3) consecutive days, the dates and hours of which shall be specified in the permit. Not more than four (4) temporary permits may be issued to any one applicant in a calendar year.

3-216. REVOCATION OF ALCOHOLIC BEVERAGE LICENSES.

The Governing Body of the City, upon five (5) days notice to any person licensed under this Article, shall revoke such license for any of the reasons listed hereinafter in this Ordinance.

Basis for Revocation:

(a) If the licensee has fraudulently obtained the license by giving false information and the application thereof;

(b) If the licensee has violated any of the provisions of this Article or has become ineligible to obtain a license under this Article;

(c) The drunkeness of the licensee or permitting any intoxicated person to remain on the premises where such licensee is serving;

(d) Sale of alcoholic liquor to any person under the legal age for the consumption of alcoholic liquor;

(e) For permitting any gambling in or upon any premises licensed under this Article except as specifically made lawful by the laws of the State of Kansas;

(f) For the employment of any person under the age of 18 years in dispensing alcoholic liquors;

(g) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor.

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

First Reading: 8/3/87 Second Reading: 8/17/87

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM AND CONTENT:

R.S. Wetzler City Attorney

First Published in the Johnson County Sun, Friday, August 21, 1987

ORDINANCE NO. 996C

AN ORDINANCE REGULATING CEREAL MALT BEVERAGE AND ALCOHOLIC LIQUOR IN THE CITY OF LEAWOOD, KANSAS, REPEALING, PROVIDING SUBSTITUTE PROVISIONS, AND ADDING TO THE EXISTING CHAPTER 3 OF THE CODE OF THE CITY OF LEAWOOD.

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

SECTION 1. **Existing Sections Repealed.**

Sections 3-108, 3-110, 3-201, and 3-206 are hereby repealed.

SECTION 2. **New Provisions Enacted.**

The following substitute provisions are hereby enacted:

3-108. SAME; REVOCATION. The Governing Body of the City, upon five (5) days notice to any person licensed under this Article, shall revoke such license for any of the following reasons:

(a) If the licensee has fraudulently obtained the license by giving false information and the application thereof;

(b) If the licensee has violated any of the provisions of this Article or has become ineligible to obtain a license under this Article;

(c) The drunkeness of the licensee or permitting any intoxicated person to remain at any business licensed under this Article;

(d) The sale of cereal malt beverages to any person under the legal age for consumption of cereal malt beverage;

(e) For permitting any gambling in or upon any premises licensed under this Article except as specifically made lawful by the laws of the State of Kansas;

(f) For permitting any person to mix drinks with materials purchased in any premises licensed under this Article or brought into the premises for this purpose;

(g) For the employment of any person under the age of 18 years in dispensing malt beverages;

(h) For the employment of persons adjudged guilty of felony or of a violation of any law relating to intoxicating liquor;

(i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premises licensed under this Article;

(j) The provisions of subsection (f) and (i) shall not apply if such place of business is also currently licensed as a private club or **drinking establishment.**

3-110. REGULATIONS

(a) No cereal malt beverages may be sold between the hours of midnight and 9:00 a.m. of any day, or any Sunday, or Thanksgiving Day or Christmas Day, or on the day of any national, state, county or city election, including primary elections, during the hours the polls are open within the political area in which such election is being held.

(b) No private rooms or closed booths shall be permitted in any premises licensed under this Article, unless the business also is licensed as a private club.

(c) A place of business licensed under this Article shall be open to the public and to police officers of the City at all times during business hours except a private club shall be open to police, but not the general public.

(d) No person under the legal age for consumption of cereal malt beverage shall obtain or purchase or attempt to obtain or purchase, cereal malt beverage from any person except as authorized by law.

(e) No person under the legal age for consumption of cereal malt beverage shall possess or consume cereal malt beverage except as authorized by law.

(f) The legal age for consumption of cereal malt beverage shall mean 21 years of age.

(g) No person shall have any alcoholic liquor in his or her possession while in any place of business licensed to sell cereal malt beverages under this Article unless the business is also licensed as a private club or drinking establishment.

(h) The licensee of each premises licensed under this Article shall at all times comply with sanitary health regulations.

(i) No retailer, or employee or agent of a retailer, licensed to sell cereal malt beverage for consumption on the licensed premises shall:

(1) Offer or serve any free drink to any person;

(2) Serve more than two drinks to one person at one time;

(3) Sell, offer to sell or serve to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the general public;

(4) Sell, offer to sell or serve any drink to any person on any one day at a price less than that charged the general public on that day, except at private functions not open to the general public;

(5) Increase the size of the drink of cereal malt beverage without increasing proportionately the price regularly charged for the drink on that day;

(6) Encourage or permit, on the licensed premises, any game or contest which involves drinking cereal malt beverages or the awarding of drinks as prizes;

(7) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under Subsections (i) (1) through (i) (6) of this Section.

(j) As used in this section "drink" means an individual serving of cereal malt beverages.

(k) Violation of Subsection (i) of this Section is punishable by a fine of not less than One Hundred Dollars ($100.00) and not exceeding Two Hundred and Fifty Dollars ($250.00), or imprisonment not exceeding thirty (30) days, or both.

(l) Violation of Subsection (d) by a person 18 or more years of age but less than the legal age for consumption of cereal malt beverage is punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by forty (40) hours of public service, or by both.

(m) Violation of Subsection (e) of this Section by a person 18 or more years of age but less than the legal age for consumption of cereal malt beverage is punishable:

(1) By a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by forty (40) hours of public service, or by both, if committed on premises licensed pursuant to Article 26 or Article 27 of Chapter 41 of the Kansas Statutes Annotated; or

(2) By a fine of not less than Twenty-Five Dollars ($25.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by ten (10) hours of public service, or by both, if committed on any other premises.

(n) Subsections (d) and (e) of this Section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

3-201. DEFINITIONS.

(a) "Alcoholic Beverage or Alcoholic Liquor"

As used in this Article includes the varieties of liquor as defined in K.S.A. 41-102, namely alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(b) "Club" means a class A or class B club.

(1) "Class A Club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is separated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

(2) "Class B Club" means a premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(c) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(d) "Caterer" means an individual, partnerhip or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(e) "Temporary Permit" shall mean a permit which allows the holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

3-206. MINORS, INCAPACITATED PERSONS.

(a) No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.

(b) No person under 21 years of age shall obtain or purchase, or attempt to obtain or purchase, alcoholic liquor from any person except as authorized by law.

(c) No person under 21 years of age shall possess or consume alcoholic liquor except as authorized by law.

(d) It shall be unlawful for any person under the age of 21 to represent that he or she is of age for the purpose of purchasing or attempting to purchase any alcoholic liquor.

(e) Violation of Subsection (a) of this Section shall be punishable by a fine of not less than One Hundred Dollars ($100.00) and not exceeding Two Hundred and Fifty Dollars ($250.00) or imprisonment not exceeding thirty (30) days, or both.

(f) Violation of Subsection (b) or Subsection (c) of this Section by a person 18 or more years of age but less than 21 years of age shall be punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00) or by forty (40) hours of public service, or by both if committed on premises licensed pursuant to Article 26 of Chapter 41 of the Kansas Statutes Annotated, or by a fine of not less than Twenty-Five Dollars ($25.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by ten (10) hours of public service, or by both, if committed on any other premises.

(g) Violation of Subsection (d) of this Section by a person 18 or more years of age but less than 21 years of age shall be punishable by a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred and Fifty Dollars ($250.00), or by forty (40) hours of public service or by both.

SECTION 3. **The following New Sections Shall be Added to Leawood Municipal Code Chapter III:**

3-212. OCCUPATION TAX UPON DRINKING ESTABLISHMENTS.

It shall be unlawful for any person granted a license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the City of Leawood without first obtaining a city license from the City Clerk.

(a) No City license to sell or serve any alcoholic liquor shall be issued until the applicant shall have made payment to the City of all occupation fees as provided by the code of the City of Leawood. Upon receipt of the application, in correct form and in compliance with all other requirements of the City of Leawood, the City Clerk shall issue a City license to the applicant. The license shall cover the year commencing on the date the Kansas Liquor Retailer's license is issued by the State Director of Alcoholic Beverage Control and shall end one year thereafter. The receipt shall be displayed in a conspicuous place on the licensed premises.

3-213. DRINKING ESTABLISHMENT REGULATIONS.

(a) No club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

3-214. CATERERS.

(a) License Required.

It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any alcohol by the drink within the City without obtaining a local caterer's license from the City Clerk.

(b) License Fee.

(1) There is hereby levied an annual license fee in the amount of One Hundred Dollars ($100.00) on each caterer doing business in the City who has a caterer's license issued by the State Director of Alcoholic Beverage Control, which fee shall be paid before business is begun under original state license and within five (5) days after any renewal of the state license.

(2) All applications for new or renewal City licenses shall be submitted to the City Clerk. Upon presentation of the state license, payment of the City license fee and the license application, the City Clerk shall issue a City license for the period covered by the state license.

(3) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(4) Every licensee shall cause the caterer license to be placed in plain view on any premises within the City where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

(c) Business Regulations.

No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(d) Notice to Chief of Police.

Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the Chief of Police at least 48 hours prior to the event that the event will take place within the City. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.

3-215. TEMPORARY PERMITS.

(a) Permit Required.

It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the City without first obtaining a local temporary permit from the City Clerk.

(b) Any temporary permit must be approved by the City Council of Leawood. City Council may authorize the Clerk to issue a temporary permit to sell or serve alcoholic liquor within the City if it determines:

(1) The event is sponsored by a non-profit or charitable organization; and

(2) All net proceeds are to be used for charitable purposes or for a defined program for community betterment.

(c) Permit Fee.

(1) There is hereby levied a temporary permit fee in the amount of Fifty Dollars ($50.00) per day on each group or individual holding a temporary permit issued by the State Director of Alcoholic Beverage Control authorizing sales within the City, which fee shall be paid before the event is begun under the state permit.

(2) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the City where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

(d) City Temporary Permit.

It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least thirty (30) days before the event. Written application for the local temporary permit shall be made to the City Clerk and shall clearly state:

1. The name of the applicant;
2. The group for which the event is planned;
3. The location of the event;
4. The date and time of the event;
5. Any anticipated need for police, fire, or other municipal services.

(e) Upon presentation of a state temporary permit, payment of the City's temporary permit fee and filing of the written application, the City Clerk shall issue a temporary permit to the applicant.

(f) The City Clerk shall notify the Chief of Police whenever a temporary permit has been issued and forward a copy of the permit and application to the Chief of Police.

(g) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary permit has been issued.

(h) A temporary permit shall be issued for a period of time not to exceed three (3) consecutive days, the dates and hours of which shall be specified in the permit. Not more than four (4) temporary permits may be issued to any one applicant in a calendar year.

3-216. REVOCATION OF ALCOHOLIC BEVERAGE LICENSES.

The Governing Body of the City, upon five (5) days notice to any person licensed under this Article, shall revoke such license for any of the reasons listed hereinafter in this Ordinance.

Basis for Revocation:

(a) If the licensee has fraudulently obtained the license by giving false information and the application thereof;

(b) If the licensee has violated any of the provisions of this Article or has become ineligible to obtain a license under this Article;

(c) The drunkeness of the licensee or permitting any intoxicated person to remain on the premises where such licensee is serving;

(d) Sale of alcoholic liquor to any person under the legal age for the consumption of alcoholic liquor;

(e) For permitting any gambling in or upon any premises licensed under this Article except as specifically made lawful by the laws of the State of Kansas;

(f) For the employment of any person under the age of 18 years in dispensing alcoholic liquors;

(g) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor.

SECTION 4. **Take Effect.** This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/3/87

Second Reading: 8/17/87

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(SEAL)

(s) Marcia Rinehart
Mayor

ATTEST:

(s) Martha Heizer
City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R.S. Wetzler

ORDINANCE NO. 995C

AN ORDINANCE AMENDING THE "SUBDIVISION REGULATIONS" OF THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR DEDICATION OF PARKLAND AND OPEN SPACE; AND REPEAL OF SECTIONS AS FOLLOWS.

WHEREAS, the City of Leawood is a legally constituted municipal corporation under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Article 12, Section 5(b), by which the Governing Body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. 12-704; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. 12-705 et seq.; and

WHEREAS, the Kansas statutes authorize and empower the City, through subdivision regulations, to provide for open space and recreational facilities, to provide flood protection and floodplain regulations and to provide, in residential subdivisions, for the reservation or dedication of land for open space provided that such reservation or dedication does not exceed ten percent (10%) of the tract being subdivided, exclusive of streets, alleys, easements or other public ways; and

WHEREAS, the City finds pursuant to the Master Plan and the Parks and Recreation element thereof, that dedication of certain land for parkland and open space will promote City objectives; and

WHEREAS, on July 1, 1987, the Plan Commission caused to be duly and regularly published in the official City newspaper a notice of public hearing, setting such hearing on the 28th day of July, 1987 at 6:00 P.M. in the City Council Chambers for the purpose of hearing comments and testimony on the proposed dedication provision; and

WHEREAS, after due deliberation, the Plan Commission did on July 28th, 1987 approve the dedication provision as an amendment to the City Subdivision Regulations; and

WHEREAS, the Plan Commission has caused a copy of said

amendment and an accurate and written summary of the hearings and proceedings before the Plan Commission to be forwarded to the Governing Body; and

WHEREAS, the Governing Body, after due consideration, does approve and adopt the recommendation of the Plan Commission and adopts such amendment to the City Subdivision Regulations by ordinance.

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

REPEAL OF SECTIONS. Section 1. Sections 17-201, 17-203, and 17-302 (all from Ordinance No. 683) of the "Subdivision Regulations" of January 16, 1978, as adopted by reference by the "Code of the City of Leawood, 1984" (Section 16-401), are hereby repealed and the following enacted in lieu thereof:

17-201. The Preliminary Plat. Section 2.

A. General. The subdivider shall prepare a preliminary plat for submission to the Plan Commission. Ten (10) copies of the preliminary plat shall be submitted to the City not less than thirty (30) days prior to the meeting at which said plat is to be considered.

B. Contents of the Preliminary Plat. The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) inch and shall contain or be accompanied by the following information:

1. The name and address of the owner of record, the subdivider and the person preparing the plat;

2. The proposed name of the subdivision;

3. The scale, north point, and date;

4. A key map showing the location of the proposed subdivision referenced to existing streets or proposed streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;

5. The location of existing buildings, water bodies, water courses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision;

6. The land contours with vertical intervals not greater than five feet and having United States Geological Survey datum;

7. The length of the boundaries of the tract, measured to the nearest foot;

8. The general location, width and alignment of existing and proposed streets, sidewalks and any highways and alleys;

9. The general pattern and sizes of proposed lots and tracts;

10. The proposed use of land, whether for single family, multi-family, commercial, industrial, parks, schools, etc.;

11. All platted or existing streets, property lines and the names of platted subdivisions for a distance of not less than four hundred feet;

12. Approximate gradients of proposed streets within the plat;

13. A written statement relating how liquid wastes are to be handled, whether by sewers and an existing sewer district, a district yet to be formed, private treatment facility, etc.;

14. Description on the preliminary plat of any existing streets or roads which abut, touch upon or extend through the subdivision. The description shall include types and widths of existing surfaces; right-of-way widths; and width, load carrying capacity, and waterway adequacy of any bridges or culverts. The preliminary plat shall also include a statement as to how the surface of any such roads or streets will be improved as part of the subdivision development process in order to comply with the intent and purpose of these regulations;

15. The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, (arterial, collector, or local street in parenthesis directly on each street);

16. A traffic engineering report may be required where unusual traffic, parking, or access conditions will be encountered as a result of the proposed

development;

17. Provide two prints of a map showing the ridgelines of any tributary areas and the routing of surface water, including existing storm water drainage facilities, which flow into the area to be platted, and those areas within one-half mile downstream which will receive runoff from the area to be platted.

18. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas.

C. Hearing on Preliminary Plat - Approval/Denial.

The Commission shall publish notification of and hold a public hearing on the preliminary plat, such notice to be published at least one time in the City's legal newspaper not less than five (5) and not more than fifteen (15) days prior to the hearing date. Upon hearing all interested parties, the Commission shall approve or deny the preliminary plat as submitted or may approve the plat as submitted subject to specified changes. Upon denial the subdivider may appeal the Commission's decision to the Governing Body who may affirm or reverse the same. Upon approval any objector may appeal the Commission's decision to the Governing Body who may affirm or reverse the same.

D. Plan Commission Action.

The Plan Commission shall recommend approval, conditional approval or disapproval of the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such actions shall be signed by the chairperson of the Plan Commission and shall be attached to one (1) copy of the plat and submitted to the subdivider. If no action is taken by the Plan Commission at the end of the sixty (60) day period after submission, the plat shall be deemed to have been approved. On conditionally approving a plat the Commission may require the submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and the Plan Commission agree upon any revision which shall be filed with the Commission on a revised copy, the subdivider may proceed with the preliminary engineering design of the improvements to be placed in the subdivision.

17-203. Final Plat. Section 3.

A. General.

The final plat shall be neatly drawn in ink on drafting film. Ten (10) black or blue line prints thereof shall be submitted to the City not less than fifteen (15) days before the Plan Commission meeting at which it is to be considered for final approval.

B. Form.

The final plat shall be drawn at a scale of one hundred (100) feet to one (1) inch from an accurate survey. Sheet size shall be twenty-four by thirty-six (24 x 36) inches. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. The developer shall also submit on positive film one (1) copy of the final plat reduced to 1" = 200'.

C. Contents of the Final Plat.

The final plat shall show all of the following:

1. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced;

2. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees, minutes and seconds as hereinafter required;

3. The boundary lines of land being subdivided, fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names;

4. The lines of all proposed streets fully dimensioned by lengths and bearings of angles;

5. The widths, and names where appropriate, of all proposed streets, and of all adjacent streets and easements which shall be properly located;

6. The lines of all proposed lots fully dimensioned by lengths and bearings or angles;

7. The outline of any property which is offered for dedication to public use, fully dimensioned by lengths and bearings, with the area marked "public";

8. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with areas to be excluded from platting marked "excepted" or "not a part";

9. The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location;

10. The location of all easements for drainage with dimensions showing their location;

11. The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns;

12. The proper acknowledgements of owners and the consent by the mortgagee to plat restrictions;

13. The following, which shall be made and shown on the final film tracing:

a. Owner's certificate and dedication, signed and acknowledged;

b. Engineer's or land surveyor's certificate of survey, signed and sealed;

c. Certificate for release of mortgage for any portion dedicated to the public;

d. Reference to any separate instruments, including restrictive covenants, filed in the office of the County Register of Deeds which directly affects the land being subdivided;

14. A title block shall be located on the final plat and shall include:

a. The name of the subdivision;

b. The name of the city, county and state;

c. The location and description of the subdivision referenced to section, range and township;

d. Signature block for chairman of Plan Commission, Mayor and City Clerk.

15. All areas proposed to be reserved or dedicated

for public parks, playgrounds, school sites, open spaces or other public areas. The subdivider shall also include a legal document evidencing such dedication, signed by the property owner and contain ing a legal description of the land proposed to be dedicated.

D. Additional Calculations and Information.

1. A copy of all lot area, boundary and other calculations performed on the plat shall be submitted to the City Engineer.

2. The reference line or meridian for bearings shown on the plat shall be submitted and the City Engineer may require adjustment in such line in the interest of consistency and order relation to other plats and surveys in the area.

E. Plan Commission Action.

The Plan Commission shall act upon the final plat within sixty (60) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the Plan Commission Chairperson. Unless stipulated, or additional time is agreed to by the subdivider, and if no action is taken by the Plan Commission at the end of the sixty (60) day period, the plat shall be deemed to have been approved. A certificate as to the date of submission of the plat for final approval and failure of the Plan Commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted to the applicant.

F. City Council Action.

Before recording the final plat, it shall be submitted to the City Council for approval and acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the Mayor and attested to by the City Clerk or his deputy. The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.

G. Recording of the Plat.

After final approval of the plat and the affixing of all

required signatures on the original tracing, the subdivider shall provide the City with five (5) black or blue line prints thereof, and two contact prints on linen. The City Clerk shall file one linen print and one black or blue line print with the Johnson County Register of Deeds.

17-302. Subdivision Design Standards. Section 4.

A. Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the Major Street Plan and shall be designed in accordance with the following provisions:

1. Major streets shall be planned to conform with the Major Street Plan.

2. Whenever a subdivision abuts or contains an existing or proposed major street, the Plan Commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

repealed by Ord. 1118 8/21/89

3. Local streets shall be laid out so that their use by through traffic will be discouraged.

4. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard to the requirements of approach grades and future grade separation structures.

5. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the City under conditions approved by the Plan Commission.

6. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

7. When a tract is subdivided into larger than

normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connections for such resubdivision.

8. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be permitted.

9. Streets shall intersect at approximately right angles and no street should intersect any other street at an angle of less than seventy-five (75) degrees.

repealed by Ord. 1118 8/21/89

10. Street rights-of-way, pavement widths, maximum and minimum gradients, sight distance requirements, horizontal and vertical alignment, and other design elements shall be in accordance with the Leawood Street Construction Standards based on the street classification shown on the Major Street Plan. Where unusual topographic conditions exist in the opinion of the Plan Commission and the City Engineer, slight modification from these standards may be permitted. New streets not shown on the Major Street Plan shall be designed to local street standards unless the Plan Commission determines that higher design standards are required to serve anticipated traffic demands.

11. A cul-de-sac shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turnaround. The turnaround shall have an outside property line radius of not less than 50 feet and a curbline radius of 40 feet. There shall be provided in the center of the turnaround an unpaved island improved with grass and landscaping that will not interfere with sight distance. Said unpaved area shall have a radius of not less than twelve (12) feet and shall be curbed.

12. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and provided that the Plan Commission finds it will be practical to obtain the dedication of the other half of the street right-of-way within a reasonable time.

13. The arrangement of streets shall be such as to facilitate the subdividing of adjacent properties.

Street stubs shall be platted and paved at intervals in keeping with maximum block length standards, topography and property lines of land adjacent.

14. Street names and numbers shall be assigned by the City of Leawood.

A.1. Scope of Ordinance.
This ordinance shall deal exclusively with private streets. Any other reference to streets in this section shall be construed to be a reference to public streets.

1. Private streets shall be allowed only within residential developments as defined and authorized in Article 10 of the Leawood Zoning Regulations.

2. Plats with private streets shall have the private streets clearly and boldly marked on the drawing portion, as well as in the written portion.

repealed by Ord. 1118 8/21/89

3. All private streets which are platted after the adoption of this ordinance shall remain as private streets in perpetuity.

4. Any person making application for an occupancy permit for a residence constructed within a subdivision containing a private street, shall certify to the City that he has mailed by restricted certified mail to the initial purchaser of said residence a copy of the declaration of restrictions along with a letter calling particular attention to the fact that the residence may be subject to assessments for the maintenance of private streets within the subdivision or development.

5. The City will install a standard "private street sign" at each private street connection to a public street at the developer's expense.

6. Each private street shall be designed and constructed to handle its and any connecting street's traffic loading.

7. All design factors of a private street shall be considered on an individual basis with the following minimum requirements:

a. 28 feet wide, back to back of curb

b. 8 inch pavement thickness, conforming to City standards

c. 1% minimum and 12% maximum gradients

d. 25 miles per hour sight radius

e. 65 foot center line radius.

8. Lay down type curb and gutter, as approved by the City shall be constructed along the public street curb line at the intersection of each public and private street, thus forming a ribbon of concrete separating the public and private street.

9. A public safety covenant in a form to be approved by the City shall be filed of record.

10. Street lights and/or sidewalks may be installed at the developer's discretion. In the event street lights and/or sidewalks are installed, their installations and their continued maintenance shall be the responsibility of the developer.

repealed by Ord. 1118 8/21/89

11. Adequate utility easements shall be provided.

B. <u>Easements</u>.

Easements not less than fifteen (15) feet wide shall be provided for use by public and private utilities along each rear lot line, and along side lot lines where necessary, in the following manner:

1. A permanent easement not less than seven and one-half (7-1/2) feet wide shall be provided along the rear lot line, or along the side lot line where necessary, of each abutting or adjoining lot.

2. Where the land owned and being subdivided ends at a rear or side lot line and the subdivider is unable to obtain from the adjoining property owners an easement not less than seven and one-half (7-1/2) feet wide, the Plan Commission upon finding that the easement will be available from the adjoining property owners at a future date, may approve the grant of an easement along each rear lot line, or side lot line where necessary, not less than ten (10) feet.

3. Easements shall be maintained free of buildings or structures. The Plan Commission may require area easements and easements of greater width for the extension of main storm and sanitary sewers, surface drainageways and other utilities where it is deemed necessary.

C. Storm Drainage.

All subdivisions shall be provided with storm water disposal systems in compliance with the DESIGN CRITERIA FOR STORM SEWERS AND APPURTENANCES published by the Kansas City Metropolitan Chapter of the American Public Works Association and amendments thereto. Hydrological calculations shall utilize a time of concentration (TC) of ten minutes unless otherwise directed by the City Engineer. All subdivision plats shall include easements for purposes of access to and protection of underground and surface drainageways. Where drainageways serve a sufficiently large area that underground pipe is impractical, the City may require the subdivider to either perform channel improvements or, in the alternative, dedicate an easement of greater width than the drainageway currently requires in order to allow for overflow and sideslope deterioration. In addition, the calculated one hundred year flood elevation, as computed by a registered engineer, shall be depicted on the preliminary plat and submitted to the City Engineer with the Public Works Elements. This calculation and mapped flood line shall be submitted regardless of the presence of any flood plain as shown on the Flood Insurance Rate Maps of the Flood Insurance Agency. In case such flood prone area occurs within the subdivision the subdivider shall provide assurance that any building constructed in the flood prone area will have its lowest opening at or above the said 100 year flood elevation. Any grading within the flood prone area shall not proceed until review and approval is received from the Kansas Board of Water Resources as set out in K.S.A. 74-2611. In addition, the 100 year Floodway as depicted on the Flood Insurance Map, Department of Housing and Urban Development, shall be shown on the same preliminary plat if applicable to any portion of the subdivision.

repealed by ord. 11,8 8/21/89

Alternative methods of handling surface water may be required or permitted by the Plan Commission and City Council upon recommendation of the City Engineer. Such alternatives may include retention or detention basins, rooftop or parking lot detention, bank stabilization, velocity dissipation techniques and other methods that are shown to be in the long term public interest.

Prior to issuance of a building permit within a subdivision, the City Architect shall review a plot plan submitted by the applicant indicating finished grades for each lot and specifying by proper indications thereon the direction of flow of surface drainage and facilities for its disposition adequately to preclude damage to any adjacent property by virtue of such drainage.

D. Dedication or Reservation of Public Areas, Parkland and Open Space.

1. In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of land for public parks, playgrounds, school sites, open spaces and other public areas, which shall be provided in accordance with the requirements and standards set forth in the Comprehensive Development Plan, as amended and in the ordinances relating thereto. Notwithstanding the above, park impact fees may be due at final plat approval for residential development or at building permit issuance for non-residential development pursuant to Ordinance No. 985C.

2. All areas proposed to be reserved or dedicated shall be indicated on the preliminary plat in accordance with Article 2, Section 17-201B of these Subdivision Regulations in order that it may be determined when, in what manner and under what circumstances and conditions such areas will be reserved or dedicated to the City or other appropriate public agency. The Plan Commission shall require that reserved or dedicated lands be of suitable size, location, dimension, topography and general character and shall have proper and adequate road and/or pedestrian access, as may be appropriate, for the particular purpose for which such land is intended to be used. Reserved or dedicated land shall be clearly indicated as such on the preliminary plat.

repealed by Ord. 11/8 8/21/89

3. Reservation or dedication of land may be required by the City as a condition of subdivision approval, or, the subdivider may voluntarily offer land to the City for reservation or dedication. If the City requires such dedication as a condition of preliminary plat approval, the amount of land required to be dedicated in residential subdivisions shall not exceed ten percent (10%) of the tract being subdivided, exclusive of streets, alleys, easements or other public ways; provided, however, that a subdivider may voluntarily dedicate more than ten percent (10%) of the tract being subdivided.

4. The Plan Commission shall, during the preliminary plat review, determine whether the land proposed to be reserved or dedicated is for parkland or open space and, if so, whether such land is of a size, location, dimension, topography and general character so as to be suitable for such purposes and consistent with the Park and Recreation element of the Master

Plan. The Plan Commission may, at its discretion and in accordance with the Master Plan, grant compensating density in exchange for all or a portion of land dedicated pursuant to this provision in order to achieve a balanced project and a fair and equitable result.

5. In its approval of a preliminary plat which proposes reservation or dedication, the Plan Commission may impose such conditions as deemed necessary to ensure that the purposes and intent of this section are satisfied.

6. The final plat of a tract including reservation or dedication of land shall be consistent with the approved preliminary plat and shall incorporate all conditions and requirements imposed by the Plan Commission.

repealed by Ord 1118 8/21/89

7. A final plat that has been approved by the Plan Commission and which shows dedication of land shall be submitted to the Governing Body for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the Governing Body in the form of a written "Acceptance of Dedication". Failure of the Governing Body to execute an Acceptance of Dedication shall be deemed to be a refusal of the proposed dedication. A final plat which shows a dedication which has not been accepted by the Governing Body shall not be dated or endorsed by the Plan Commission and shall not be filed with the Register of Deeds.

8. If the Governing Body refuses to accept the dedication, the final plat shall be returned to the subdivider for resubmission to the Plan Commission with the appropriate changes to indicate the use of the portion of the property originally proposed to be dedicated.

E. <u>Blocks</u>.

1. The lengths, widths and shapes of blocks will be determined with due regard to the following:

a. Provision shall be made for the use of adequate building sites suitable for the special needs of the type of use contemplated.

b. Zoning requirements as to lot sizes and dimensions shall be met.

c. The proposed subdivision must be designed to provide the needs for convenient access, circulation, control and street safety.

d. The subdivision shall be designed to function adequately within the limitations and opportunities provided by the topography of the site.

2. Blocks for residential use shall not be longer than eighteen hundred (1,800) feet along the center line of the block. When a block exceeds six hundred (600) feet in length, the Plan Commission may require a dedicated and fenced easement containing a paved crosswalk not less than five (5) feet in width to provide pedestrian access across the block.

repealed by Ord. 1118 8/21/89

3. Blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use shall be of a width suitable for the intended use, with due allowance for screening and off-street parking and loading facilities.

F. Lots.

1. Residential lots shall have a width not less than that specified in the Leawood Zoning Ordinance. Lots fronting on a cul-de-sac turnaround shall have a frontage on the turnaround of not less than forty-five (45) feet. Lots shall be of a generally symmetrical shape, shall permit construction of a broad range of building shapes and sizes, shall not have a depth greater than three times the width and shall have its buildable width generally face, and directly relate to, the street upon which it fronts.

2. Side lot lines shall be approximately at right angles or radial to street lines.

3. The depth of residential lots shall be not less than one hundred and twenty (120) feet or that specified in the Zoning Ordinance, whichever is greater.

4. The area of residential lots shall be not less than twelve thousand (12,000) square feet or that specified in the Zoning Ordinance, whichever is greater.

5. In subdivisions where commercial and industrial uses are planned, provisions shall be made for adequate street access, off-street parking and loading,

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varying lot sizes, avoidance of face to face relationships with residential lots and shall utilize transitional land use patterns where possible.

G. Building Lines.

Building lines along all front and side streets shall be shown on the final plat and shall, as a minimum, comply with yard requirements of the Leawood Zoning Ordinance.

LIBERAL CONSTRUCTION. Section 5.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

SEVERABILITY. Section 6.

Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

TAKE EFFECT. Section 7.

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

First Reading: 8/17/87
Second Reading: 8/17/87

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT:

R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------One---------- consecutive ---------day--------(weeks, days) the first publication thereof being made as aforesaid on the ---28th--- day of, ----August 19-87-, with subsequent publications being made on the following dates:

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

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

Deanna Dastoson

Subscribe and sworn to before me this --28th-- day of ---August--- 19-87-

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---558.52---
Additional copies $ ----------

First published in the Johnson County Sun, Friday, August 28, 1987.

ORDINANCE NO. 995C

AN ORDINANCE AMENDING THE "SUBDIVISION REGULATIONS" OF THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR DEDICATION OF PARKLAND AND OPEN SPACE; AND REPEAL OF SECTIONS AS FOLLOWS.

WHEREAS, the City of Leawood is a legally constituted municipal corporation under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of *the Kansas Constitution*, Article 12, Section 5(b), by which the Governing Body may exercise such power *as is not prohibited* by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. 12-704; and

WHEREAS, the Plan Commission has adopted and the Gov*erning Body has* approved and put into effect subdivision regulations pursuant to the authority *granted* by K.S.A. 12-705 et seq.; and

WHEREAS, the Kansas statutes authorize and empower the *Ci*ty, through subdivision regulations, to provide for open space and recreational facilities, to provide flood protection and floodplain regulations and to provide, in residential subdivisions, for the reservation or *dedication of land* for open space provided that such reservation or dedication does not *exceed ten percent (10%) of the* tract being subdivided, exclusive of streets, alleys, easements or other public ways; *and*

WHEREAS, the City finds pursuant to the Master Plan and the Parks and Recreation element thereof, that dedication of certain land for parkland and open space will promote City objectives; and

WHEREAS, on July 1, 1987, the Plan Commission caused to be duly and regularly published in *the official City newspaper a* notice of public hearing, setting such hearing on the 28th day of July, 1987 at 6:00 P.M. in the City Council Chambers for the purpose of hearing comments and testimony on the proposed dedication provision; and

WHEREAS, after due deliberation, the Plan Commission did on July 28th, 1987 approve the *dedication provision* as an amendment to the City Subdivision Regulations; and

WHEREAS, *the Plan Commis*sion has caused a copy of said amendment and an accurate and written summary of *the* hearings and proceedings before the Plan Commission to be forwarded to the Governing Body; and

WHEREAS, the Governing Body*;* after due consideration, does approve and adopt the *recommendation* of the Plan Commission and adopts such amendment to the City Sub*division Regulations* by ordinance.

NOW, THEREFORE, BE IT *ORDAINED BY THE GOV*ERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

REPEAL OF SECTIONS. Section 1. Sections 17-201, 17-203, and 17-302 (all from Ordinance No. 683) of the "Subdivision Regulations" of January 16, 1978, as adopted by reference by the "Code of the City of Leawood, 1984" (Section 16-401), *are hereby* repealed and the following enacted in lieu thereof:

17-201. **The *Preliminary Plat.*** Section 2.

A. **General.** The subdivider shall prepare a preliminary *plat* for submission to the Plan Commission. Ten (10) copies of the preliminary plat shall be submitted to the City not less than thirty (30) days prior to the meeting at which said plat is to be considered.

B. ***Contents* of the Preliminary Plat.** The preliminary plat shall be drawn at a scale of one *hundred (100) feet to one* (1) inch and shall contain or be accompanied by the following information:

1. The name and address of the owner of record, the subdivider and the person preparing the plat;
2. The proposed name of the subdivision;
3. The scale, north point, and *date;*
4. A key map showing the location of the proposed sub*division referenced* to existing streets or proposed streets and to government section lines, and including *the boundaries* and number of acres of the drainage area of which the proposed subdivision is a part;
5. The location of existing buildings, water bodies, water courses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision;
6. *The* land contours with vertical intervals not greater than five feet and having United *States Geological Survey* datum;
7. The length of the boundaries of the tract, *measured to* the nearest foot;
8. The general location, width and alignment of existing and proposed streets, sidewalks and any highways and alleys;
9. The general pattern and sizes of proposed lots and tracts;
10. The [illegible]sed use of land, whether for single family, *multi-family, commercial,* industrial, parks, schools, etc.;
11. All platted or existing streets, *property lines and the* names of platted subdivisions for a distance of not less than four hundred feet;
12. Approximate gradients of proposed streets within the plat;
13. A written statement relating how liquid wastes are to be handled, whether by sewers and an existing sewer district, a district yet to be formed, private treatment facility, etc.;
14. Description on the pre*liminary plat* of any existing streets or roads which abut, touch upon or extend through *the subdivision. The description* shall include types and widths of existing surfaces; right-of-way widths; and width, load carrying capacity, and waterway adequacy of any bridges or culverts. The preliminary plat shall also include a statement as to how the surface of any such roads or streets will be improved as part of the subdivision development process in order to comply with the intent and purpose of these *regulations;*
15. The classification of every street within or adjacent to the *subdivision in accordance* with the intended use of the street based on the proposed design. *This shall* be done by placing the *appropriate term, (arterial,* collector, or local street in parenthesis directly on each street);
16. A traffic engineering report may be required where unusual traffic, parking, or access conditions will be encountered as a result of the proposed development;
17. Provide two prints of a *map showing* the ridgelines of any tributary areas and the routing of surface water, inclu*ding existing storm water* drainage facilities, which flow into the area to be platted, and those areas *within one-half mile* downstream which will receive runoff from the area to be platted.
18. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other *public areas.*

C. **Hearing on Preliminary Plat - Approval/Denial.**

The Commission shall publish notification of and hold a public hearing on the preliminary plat, such notice *to be published at* least one time in the City's legal newspaper not less than five (5) and not more than fifteen (15) days prior to the hearing date. Upon hearing all interested parties, the Commission shall approve or deny the prelimi*nary plat as* submitted or may approve the plat as submitted subject to specified changes. *Upon denial the subdivider may* appeal the Commission's decision to the Governing Body who may affirm or reverse *the same.* Upon approval any objector may appeal the Commission's decision to the Governing Body who may affirm or reverse the same.

D. **Plan Commission Action.**

The Plan Commission shall rec*ommend* approval, conditional approval or disapproval of the plat within sixty (60) days of the *date of its submission* by the applicant. If the preliminary plat is disapproved or approved *conditionally, the reasons for* such actions shall be signed by the chairperson of the Plan Commission and *shall* be attached to one (1) copy of the plat and submitted to the subdivider. If no action is taken by the Plan Commission at the end of the sixty (60) day period after submission, the plat shall be deemed to have been approv*ed. On conditionally approving* a plat the Commission may require the submission of a revis*ed preliminary plat. If the plat* conforms to all of the standards, or after the applicant and the Plan Commission *agree* upon any revision which shall be filed with the Commission on a revised copy, the subdivider may proceed with the prelimi*nary* engineering design of the improvements to be placed in the subdivision.

17-203. ***Final Plat.*** *Section 3.*

A. **General.**

The final plat shall be neatly *drawn in ink on drafting film.* Ten (10) black or blue line prints thereof shall be submitted to the City not less *than fif*teen (15) days before the Plan Commission meeting at which it is to be considered for final approval.

B. **Form.**

The final plat shall be drawn at a scale of one hundred (100) *feet to one* (1) inch from an accurate survey. Sheet size shall be twenty-four by thirty-six (24 *x 36) inches. On the first sheet* of every plat there shall be a key map showing the location of the subdivision *referenced to* government survey lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. The developer shall also submit on positive film one (1) copy of the final plat reduced to 1" - 200'.

C. **Contents of the Final Plat.**

The final plat shall show all of the following:

1. The location and descrip*tion of all section corners and* permanent survey monuments in or near the tract, to at least one of which the *subdivision* shall be referenced;
2. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees, minutes and seconds *as hereinafter required;*
3. The boundary lines of land being subdivided, fully dimen*sioned by lengths and bearings,* and the location of boundary lines of adjoining lands, with adjacent subdivisions *identified* by official names;
4. The lines of all proposed streets fully dimensioned by lengths and bearings of angles;
5. The widths, and names where appropriate, of all proposed streets, and of all adja*cent streets* and easements which shall be properly located;
6. The lines of all proposed *lots fully dimensioned* by lengths and bearings or angles;
7. The outline of any property which is *offered for dedication* to public use, fully dimensioned by lengths and bearings, with the area marked "public";
8. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with areas to be excluded from platting marked "excepted" or "not *a part";*
9. The location of all building lines, setback lines, and easements *for public services or* utilities with dimensions showing their location;
10. *The location of all ease*ments for drainage with dimensions showing their location;
11. The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns;
12. The proper acknowledgements of owners and the consent by the mortgagee to *plat restrictions;*
13. The following, which shall be made and shown on the final *film tracing:*
   a. Owner's certificate and dedication, signed and acknowledged;
   b. Engineer's or land surveyor's certificate of survey, signed and sealed;
   c. Certificate for release of mortgage for any portion dedicated to the public;
   d. Reference to any separate *instruments,* including restrictive covenants, filed in the office of the County Register of *Deeds which directly* affects the land being subdivided;
14. A title block shall be located on the *final plat and shall* include:
   a. The name of the subdivision;
   b. The name of the city, county and state;
   c. The location and description of the subdivision referenced to section, range and township;
   d. Signature block for chair*man* of Plan Commission, Mayor and City Clerk.
15. All areas proposed to be *reserved or dedicated* for public parks, playgrounds, school sites, open spaces or other public *areas. The subdivider* shall also include a legal document evidencing such dedication, signed by the *property* owner and containing a legal description of the land proposed to be dedicated.

D. **Additional Calculations and Information.**

1. A copy of all lot area, boundary and other calculations performed on the plat shall be submitted to the City Engineer.
2. The reference line or meridian for bearings shown on the plat shall be submitted and the City Engineer may require *adjustment* in such line in the interest of consistency and order relation to other plats and *surveys in the area.*

E. **Plan Commission Action.**

The Plan Commission shall act upon the *final plat within sixty* (60) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the Plan Commission Chairperson. Unless stipulated, or additional *time is agreed* to by the subdivider, and if no action is taken by the Plan Commission at the *end of the sixty (60) day period,* the plat shall be deemed to have been approved. A certificate as to the date *of submis*sion of the plat for final approval and failure of the Plan Commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

If the final plat is disapproved, *grounds for* this refusal shall be stated in writing, a copy of which shall be transmitted to *the applicant.*

F. **City Council Action.**

Before recording the final plat, *it shall be submitted to the City* Council for approval and acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the Mayor and attested to by *the City Clerk* or his deputy. The disapproval of any plat or plan by the City Council shall be *deemed a refusal of the pro*posed dedication shown thereon.

G. **Recording of the Plat.**

After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the City with five (5) black or blue line prints thereof, and two contact prints on linen. The City Clerk shall file one linen print and one black or blue line print with the Johnson County *Register of Deeds.*

17-302. **Subdivision Design Standards.** Section 4.

A. **Streets.**

The arrangement, character, extent, width, grade and location of all streets *shall conform* to all of the elements of the Major Street Plan and shall be designed in accordance with the following provisions:

1. Major streets shall be planned to conform with the Major Street Plan.
2. *Whenever a subdivision* abuts or contains an existing or proposed major street, the Plan *Commission may require* service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residen*tial properties* and to afford separation of through and local traffic.
3. *Local streets* shall be laid out so that their use by through traffic will be discouraged.
4. *Where a subdivision* borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be deter*mined with* due regard to the requirements of approach grades and future grade *separation structures.*
5. Reserve strips controlling access to streets shall be prohibited except *where their con*trol is placed in the City under conditions approved by the Plan Commission.
6. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be *prepared and* submitted by the subdivider.
7. When a tract is subdivided *into larger than normal building* lots or parcels, such lots or parcels shall be so arranged as to permit the *logical location* and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connections for such resubdivision.
8. Street jogs with centerline offsets of less than one hundred *and fifty* (150) feet shall not be permitted.
9. Streets shall intersect at *approximately right angles and* no street should intersect any other street at an angle of less than seventy-five (75) degrees.
10. Street rights-of-way, pavement widths, maximum and minimum gradients, sight distance requirements, horizontal and vertical alignment, and other design elements shall be in accordance with the Leawood Street Construction Standards based on the street classification shown on the Ma*jor Street Plan. Where unusual* topographic conditions exist in the opinion of the Plan Com*mission and the City Engineer,* slight modification from these standards may be permitted. New streets not shown on the Major Street Plan shall be designed to local street standards unless the Plan Commission determines that higher design standards are required to serve anticipated traffic demands.
11. *A cul-de-sac* shall not exceed five hundred (500) feet in length, measured from the en*trance to the center of the tur*naround. The turnaround shall have an outside property line radius of *not less than 50 feet* and a curbline radius of 40 feet. There shall be provided in the center of the turnaround an unpaved island improved with grass and landscaping that will not interfere with sight distance. Said unpaved area shall have a radius of not less than twelve (12) feet and shall be curbed.
12. *Half streets shall* be prohibited, except where essential to the reasonable development of *the subdivision in conformity* with the other requirements of these regulations and provided that the *Plan Commission finds* it will be practical to obtain the dedication of the other half of the street right-of-way within a reasonable time.
13. The arrangement of streets shall be such as to facilitate the subdividing of ad*jacent properties.* Street stubs shall be platted and paved at intervals in keeping with maxi*mum block length standards,* topography and property lines of land adjacent.
14. Street *names and num*bers shall be assigned by the City of Leawood.

A.1. **Scope of Ordinance.**

This ordinance shall deal exclusively with private streets. Any other reference to streets in this section shall be construed to be a reference to public streets.

1. Private streets shall be *allowed* only within residential developments as defined and authorized in Article 10 of the *Leawood Zoning Regulations.*
2. Plats with private streets shall have the private streets *clearly and boldly marked on* the drawing portion, as well as in the written portion.
3. *All private streets which* are platted after the adoption of this ordinance shall remain as private streets in perpetuity.
4. Any person making application for an occupancy permit for a residence constructed within a subdivision containing a private street, shall certify to the City that he has mailed by restricted certified mail to the initial purchaser of said residence a copy of the declaration of restrictions along with a letter calling particular attention to the fact that the residence may be subject to assessments for the mainten*ance of private streets* within the subdivision or development.
5. *The City will install a stan*dard "private street sign" at each private street connection to a public street *at the devel*oper's expense.
6. Each private street shall be designed and constructed to handle its and any connecting street's traffic loading.
7. All design factors of a private street shall be considered *on an* individual basis with the following minimum requirements:
   a. 28 feet wide, back to back of curb
   b. 8 inch pavement thickness, *conforming to City* standards
   c. 1% minimum and 12% maximum gradients
   d. 25 miles per hour sight radius
   e. 65 foot center line radius.
8. Lay down type curb and *gutter,* as approved by the City shall be constructed along the public street curb line at the in*tersection of each* public and private street, thus forming a ribbon of concrete separating the public and private *street.*
9. A public safety covenant in a form to be approved by the City shall be filed of record.
10. Street lights and/or sidewalks may be installed at the developer's discretion. In the event street lights and/or side*walks are* installed, their installations and their continued maintenance shall be the re*sponsibility of the developer.*
11. Adequate utility easements shall be provided.

B. **Easements.**

Easements not less than fifteen (15) feet wide shall be provided for use by public and private utilities along each *rear* lot line, and along side lot lines where necessary, in the following manner:

1. A permanent easement not less than seven and one-half (7-½) feet wide shall be provid*ed along the rear* lot line, or along the side lot line where necessary, of each abutting or adjoining *lot.*
2. Where the land owned and being subdivided ends at a rear or side lot line and the subdivider is unable to obtain from the adjoining property owners an easement not less than seven and one-half (7-½) feet *wide,* the Plan Commission upon finding that the easement will be available from the ad*joining property owners at a fu*ture date, may approve the grant of an easement along each *rear lot line, or side lot line* where necessary, not less than ten (10) feet.
3. Easements shall be maintained free of buildings or structures. The Plan Commission may require area easements and easements of great*er* width for the extension of main storm and sanitary sewers, surface drainageways and *other utilities where* it is deemed necessary.

C. **Storm Drainage.**

*All subdivisions shall be pro*vided with storm water disposal systems in compliance with the DESIGN CRITERIA FOR STORM SEWERS AND APPURTENANCES published by the Kansas City Metropolitan Chapter of the American Public Works Association and amendments thereto. Hydrological calculations shall *utilize* a time of concentration (TC) of ten minutes unless otherwise directed by the City *Engineer. All subdivision* plats shall include easements for purposes of access to and protection of *underground and* surface drainageways. Where drainageways serve a sufficiently large area that underground pipe is impractical, the City may require the subdivider to either perform channel improvements or, in the alternative, dedicate an easement of greater width than the drainageway currently requires *in order to allow* for overflow and sideslope deterioration. In addition, the calculated one *hundred year flood elevation,* as computed by a registered engineer, shall be depicted on the preliminary *plat and sub*mitted to the City Engineer with the Public Works Elements. This calculation and mapped flood line shall be submitted regardless of the presence of any flood plain as shown on the Flood Insurance Rate Maps of *the Flood Insurance* Agency. In case such flood prone area occurs within the subdivision the *subdivider shall provide* assurance that any building constructed in the flood prone area will have *its lowest open*ing at or above the said 100 year flood elevation.

Any grading within the flood prone area shall not proceed until review and approval is received from the Kansas Board of Water Resources as set out *in* K.S.A. 74-2611. In addition, the 100 year Floodway as depicted on the Flood Insur*ance Map, Department* of Housing and Urban Development, shall be shown on the same *preliminary plat if* applicable to any portion of the subdivision.

Alternative methods of handling surface water may be required or permitted by the Plan Commission and City Council upon recommendation of the City Engineer. Such alternatives may include retention or detention basins, rooftop or *parking* lot detention, bank stabilization, velocity dissipation techniques and other *methods that are shown to* be in the long term public interest.

Prior to issuance of a building permit within a *subdivision, the* City Architect shall review a plot plan submitted by the applicant indicating *finished* grades for each lot and specifying by proper indications thereon the direction of flow of surface drainage, and facilities *for its* disposition adequately to preclude damage to any adjacent property by virtue of such *drainage.*

D. **Dedication or Reservation of Public Areas, Parkland and Open Space.**

1. In subdividing land, due consideration shall be given by the subdivider to the *dedication* or reservation of land for public parks, playgrounds, school sites, open spaces and other public areas, which shall be provided in accordance with the requirements and standards set forth in the Com*prehensive* Development Plan, as amended and in the ordinances relating thereto. Not*withstanding the above, park* impact fees may be due at final plat approval for residential *development or at building* permit issuance for non-residential development pursuant to Ordinance *No. 985C.*
2. All areas proposed to be reserved or dedicated shall be indicated on the preliminary plat in accordance with Article 2, Section 17-201B of these Subdivision Regulations in order that it may be determined when, in what manner and under what circumstances and conditions such areas will be *reserved or* dedicated to the City or other appropriate public agency. The Plan Commission *shall require that reserved or* dedicated lands be of suitable size, location, dimension, topography *and general charac*ter and shall have proper and adequate road and/or pedestrian access, as may be appropriate, for the particular purposes for which such land is intended to be used. Reserved or dedicated land shall be clearly indicated as such on the preliminary plat.
3. Reservation or dedication of land may be required by the *City as a condition* of subdivision approval, or, the subdivider may voluntarily offer *land to the City for reservation* or dedication. If the City requires such dedication as a condition *of preliminary plat* approval, the amount of land required to be dedicated in residential subdivisions *shall* not exceed ten percent (10%) of the tract being subdivided, exclusive of streets, alleys, easements or other public ways; *provided,* however, that a subdivider may voluntarily dedicate more than ten percent *(10%) of the tract being sub*divided.
4. The Plan Commission *shall, during the preliminary* plat review, determine whether the land proposed to be reserved or dedicated *is* for parkland or open space and, if so, whether such land is of a size, location, dimension, topography and general character so as to be suitable for such purposes and consistent with the Park and Recreation ele*ment of the* Master Plan. The Plan Commission may, at its discretion and in accordance with *the Master Plan, grant* compensating density in exchange for all or a portion of land dedicated pursuant to this provision in order to achieve a balanced project and a fair and equitable result.
5. In its approval of a preliminary plat which proposes reservation or dedication, the Plan Commission may impose such *conditions* as deemed necessary to ensure that the purposes and intent of this section *are satisfied.*
6. The final plat of a tract including reservation or dedication of land *shall be consistent* with the approved preliminary plat and shall incorporate all conditions and requirements imposed by the Plan Commission.
7. A final plat that has been approved by the Plan Commis*sion and* which shows dedication of land shall be submitted to the Governing Body for ac*ceptance of the proposed* dedication. No dedication shall be deemed approved without express action of *the Governing* Body in the form of a written "Acceptance of Dedication". Failure of the Governing Body to execute an Acceptance of Dedication shall be deemed to be a refusal of the proposed dedication. A final plat which *shows* a dedication which has not been accepted by the Governing Body shall not be dated *or endorsed by the Plan Com*mission and shall not be filed with the Register of Deeds.
8. If the Governing *Body ref*uses to accept the dedication, the final plat shall be returned to the subdivider for resubmission to the Plan Commission with the appropriate changes to indicate the use of the portion of the property originally pro*posed to be dedicated.*

E. **Blocks.**

1. The lengths, widths and *shapes of blocks* will be determined with due regard to the following:
   a. *Provision shall be made for* the use of adequate building sites suitable for the special needs of the type *of use con*templated.
   b. Zoning requirements as to lot sizes and dimensions shall be met.
   c. The proposed subdivision must be designed to provide the needs for convenient ac*cess; circulation,* control and street safety.
   d. The subdivision shall be *designed to function adequate*ly within the limitations and opportunities provided by the topography of *the site.*
2. Blocks for residential use shall not be longer than eighteen hundred (1,800) feet along the center line of the block. When a block exceeds six hundred (600) feet in length, the Plan Commission may require a dedicated and fenced easement containing a paved crosswalk not less than five (5) feet in *width to provide* pedestrian access across the block.
3. Blocks used for residential *purposes shall be of sufficient* width to allow for two tiers of lots of appropriate depth. Blocks intended for *business* and industrial use shall be of a width suitable for the intended use, with due allowance for screening and off-street parking and loading facilities.

F. **Lots.**

1. Residential lots shall have a *width not less than* that specified in the Leawood Zoning Ordinance. Lots fronting on *a cul-de-sac turnaround shall* have a frontage on the turnaround of not less than forty-five (45) feet. Lots *shall be of a* generally symmetrical shape, shall permit construction of a broad range of building shapes and sizes, shall not have a depth greater than three times the width and shall have its buildable width generally face, *and* directly relate to, the street upon which it fronts.
2. Side lot lines shall be ap*proximately at right* angles or radial to street lines.
3. The depth of residential *lots shall be not less than one* hundred and twenty (120) feet or that specified in the Zoning Ordinance, whichever is *great*er.
4. The area of residential lots shall be not less than twelve thousand (12,000) square feet or that specified in the Zoning Ordinance, whichever is great*er.*
5. In subdivisions where commercial and industrial uses are planned, provisions shall be *made for adequate* street access, off-street parking and loading, varying lot sizes, *avoidance of face to face rela*tionships with residential lots and shall utilize transitional land use patterns *where possi*ble.

G. **Building Lines.**

Building lines along all front and side streets shall be shown on the final plat and shall, as a minimun, comply with yard requirements of the Leawood *Zoning Ordinance.*

LIBERAL CONSTRUCTION. Section 5.

The provisions of this Ordinance shall be liberally construed to effectively carry out *its purposes* which *are hereby* found and declared to be in furtherance of the public health, safety, welfare and convenience.

SEVERABILITY. Section 6.

Should any sentence, section, clause, part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not *affect* the validity of the Ordinance as a whole, or any part thereof, other than the part *declared to be invalid.*

TAKE EFFECT. Section 7.

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

First Reading: 8/17/87
Second Reading: 8/17/87
Passed by the Governing Body this 17th day of August, 1987.
Approved by the Mayor this 18th day of August, 1987.
(s) Marcia Rinehart,
Mayor
(SEAL)
Attest:
(s) Martha Heizer,
City Clerk
APPROVED FOR FORM AND CONTENT:
(s) R.S. Wetzler,
City Attorney
(2605-1F)

ORDINANCE NO. 994C

AN ORDINANCE AMENDING THE "ZONING ORDINANCE" OF THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR DEDICATION OF PARK LAND AND OPEN SPACE; AND REPEAL OF SECTIONS.

WHEREAS, the City of Leawood is a legally constituted municipal corporation under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Article 12, Section 5(b), by which the Governing Body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. 12-704; and

WHEREAS, the Governing Body has adopted a Zoning Ordinance pursuant to the authority granted by K.S.A. 12-707 et seq. and K.S.A. 12-725 et seq.; and

WHEREAS, the Kansas statutes authorize and empower the City, through zoning and planned unit development regulations, to provide for open space and recreational facilities, through reservation and/or dedication of lands therefor; and

WHEREAS, the City finds pursuant to the Master Plan and the Parks and Recreation element thereof, that dedication of certain land for parkland and open space will promote City objectives; and

WHEREAS, on July 1, 1987, the Plan Commission caused to be duly and regularly published in the official City newspaper a notice of public hearing, setting such hearing the 28th day of July, 1987 at 6:00 P.M. in the City Council Chambers for the purpose of hearing comments and testimony on the proposed dedication provision; and

WHEREAS, after due deliberation, the Plan Commission did on July 28, 1987 approve the dedication provision as an amendment to the City Zoning Ordinance; and

WHEREAS, the Plan Commission has caused a copy of said amendment and an accurate and written summary of the hearings and proceedings before the Plan Commission to

be forwarded to the Governing Body; and

WHEREAS, the Governing Body, after due consideration, does approve and adopt the recommendation of the Plan Commission and adopts such amendment to the City Zoning Ordinance by ordinance;

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

REPEAL OF SECTIONS. Section 1. Sections 15-405 and 15-3102 of the "Zoning Ordinance" of April 17, 1978, as adopted by reference by the "Code of the City of Leawood, 1984" (Section 16-201), are hereby repealed and the following enacted in lieu thereof:

15-405. Standards of Development. Section 2.

A. The maximum height of buildings and structures shall be as set out in the standard requirements of the applicable district.

B. The intensity of land use, the bulk of buildings, the concentration of population, the amount of open space, light and air shall be generally equal to that required in the standard requirements of the applicable district.

C. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the standard requirements of the appropriate district.

D. The permitted uses shall be the same as those permitted in the standard requirements of the appropriate district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.

E. The Plan Commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a nonpublic nature.

F. The Plan Commission and City Council may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided 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:

1. Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent of the standard requirement.

2. Setbacks of buildings from a property line other than a public street may be reduced to eighty-five percent of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

3. Side yards between buildings may be reduced to zero.

4. Setbacks of buildings and paved areas from a freeway right-of-way may be reduced to five feet.

5. A portion of the parking area required under this title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately. The foregoing deviations 1 through 4 may be granted by the Plan Commission and City Council only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

G. The parking ratio for grouped commercial projects shall as a minimum follow the standard requirements. However, approval of a preliminary rezoning plan does not exempt the ultimate tenant from following any higher requirement contained within Article 24., Additional Parking Standards.

H. The design of all planned projects, whether residential, commercial or industrial shall be such that access and circulation by fire fighting equipment is assured and not retarded by steep grades, heavy landscaping or building spacing.

I. Reservation or dedication of land for public parks, playgrounds, school sites, open spaces and

other public areas shall be provided in accordance with the standards and requirements set forth in the Comprehensive Development Plan, as amended, and in the ordinances related thereto.

1. All areas proposed to be reserved or dedicated shall be indicated on the development plan in accordance with Article 31, Section 15-3102 of this Zoning Ordinance in order that it may be determined when, in what manner and under what circumstances and conditions such areas will be reserved or dedicated to the City or other appropriate public agency. The Plan Commission shall require that reserved or dedicated lands be of suitable size, location, dimension, topography and general character and shall have proper and adequate road and/or pedestrian access, as may be appropriate, for the particular purpose for which such land is intended to be used. Reserved or dedicated land shall be clearly indicated as such on the preliminary plan.

2. Reservation or dedication of land may be required by the City as a condition of development plan approval, or, the developer may voluntarily offer land to the City for reservation or dedication. Notwithstanding the above, park impact fees may be due at final plat approval for residential development or at building permit issuance for nonresidential development pursuant to Ordinance No. 985C.

3. The Plan Commission shall, during development plan review, determine whether the land proposed to be reserved or dedicated is for parkland or open space and, if so, whether such land is of a size, location, dimension, topography and general character so as to be suitable for such purposes and consistent with the Park and Recreation element of the Master Plan. The Plan Commission may, at its discretion and in accordance with the Master Plan, grant compensating density in exchange for all or a portion of land dedicated pursuant to this provision in order to achieve a balanced project and a fair and equitable result.

4. In its approval of a development plan which proposes reservation or dedication, the Plan Commission may impose such conditions as deemed necessary to ensure that the purposes

and intent of this section are satisfied.

5. The final plan of a tract including reservation or dedication of land shall be consistent with the approved development plan and shall incorporate all conditions and requirements imposed by the Plan Commission.

6. A final plan that has been approved by the Plan Commission and which shows dedication of land shall be submitted to the Governing Body for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the Governing Body in the form of a written "Acceptance of Dedication." Failure of the Governing Body to execute an Acceptance of Dedication shall be deemed to be a refusal of the proposed dedication. A final plan which shows a dedication which has not been accepted by the Governing Body shall not be dated or endorsed by the Plan Commission and shall not be filed with the Register of Deeds pursuant to Section 15-406C of this Ordinance.

7. If the Governing Body refuses to accept the dedication, the final plan shall be returned to the applicant for resubmission to the Plan Commission with appropriate changes to indicate the use of the portion of the property originally proposed to be dedicated.

15-3102. <u>Rezoning Property to a Planned District</u>. Section 3.

A tract of land may be zoned RP-1 through MP-1 inclusive, only upon application by the owner or his agent, and only upon approval of a development plan. The proponents of a planned district shall prepare and submit to the planning department ten copies of:

A. A development plan showing the property to be included in the proposed development, plus the area within two hundred feet thereof.

B. The following items shall be included on the property to be developed:

1. Existing topography with contours at five foot intervals, and delineating any land areas subject to one hundred-year flood.

2. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets, and any existing easements.

3. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.

4. General extent and character of proposed landscaping.

5. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas.

C. The following items shall be shown on the same drawing within the two hundred foot adjacent area:

1. Any public streets which are of record.

2. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City except those serving single-family houses.

3. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single and two-family residential buildings may be shown in approximate location and general size and shape.

4. The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm sewers and inlets.

D. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In case several building types, such as apartments and business buildings are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.

E. A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submit-

ted plan in order that compliance with requirements of this ordinance can be determined.

The Plan Commission shall hold a public hearing on the plan as provided by law. At such time as the development as planned meets with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Council for action.

F. Upon final approval of the plan and the rezoning of the tract, construction may proceed and conformance with the plan and all supporting documentation is mandatory. All final plans shall be submitted to the Plan Commission and approved as to compliance with the development plan prior to the is suance of a building permit. The final plans sub mitted shall include construction drawings of all building elevations, grading, floor plans, site plan, drainage, a landscape and screening plan showing species and size of all plant material, ar eas to be seeded, etc., all to be in keeping with the development plan as approved. The final plans submitted shall show all areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas in conformance with the approved development plan. In addition thereto, the applicant shall include a legal document evidencing such dedication, signed by the property owner and containing a legal descrip tion of the land proposed to be dedicated. If, in the judgment of the Commission, the concept of development, as depicted on the final plans, deviates substantially from the concept of the development plan submitted for zoning, the Commission shall deny the request for final plan approval. A final development plan shall not be approved by the Commission if deviation from the approved preliminary:

1. Increases density or intensity of residential uses more than five (5) percent.

2. Increases the floor area of nonresidential buildings by more than ten (10) percent.

3. Increases by more than five (5) percent the ground covered by buildings, or;

4. Increases the height of a building by one or more stories.

5. Involves changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality or impose substantially greater loads on streets and neighborhood facilities.

Denial of final plans by the Plan Commission may be appealed to the Council who may reverse or reaffirm the Commission's decision. The applicant, in the case of denial, by either the Plan Commission or Council, may apply for a new hearing, with publication and posting as required in this Article, which procedure constitutes a rezoning action, and the Commission and Council may approve or deny the final plans after said procedure.

LIBERAL CONSTRUCTION. Section 4.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

SEVERABILITY. Section 5.

Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

TAKE EFFECT. Section 6.

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

First Reading: August 17, 1987

Second Reading: August 17, 1987

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT:

R. S. Wetzler
City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------One---------- consecutive ----------day----------(weeks, days) the first publication thereof being made as aforesaid on the --28th-- day of, --August--- 19--87--, with subsequent publications being made on the following dates:

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

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

Pearlie A. Peterson

Subscribe and sworn to before me this --28th-- day of ----August---- 19--87--

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
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First Published in the Johnson County Sun, Friday, August 28, 1987.

ORDINANCE NO. 994C

AN ORDINANCE AMENDING THE "ZONING ORDINANCE" OF THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR DEDICATION OF PARK LAND AND OPEN SPACE; AND REPEAL OF SECTIONS.

WHEREAS, the City of Leawood is a legally constituted municipal corporation under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Cinstitution, Article 12, Section 5(b), by which the Governing Body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. 12-704; and

WHEREAS, the Governing Body has adopted a Zoning Ordinance pursuant to the authority granted by K.S.A. 12-707 et seq and K.S.A. 12-725 et seq.; and

WHEREAS, the Kansas statutes authorize and empower the City, through zoning and planned unit development regulations, to provide for open space and recreational facilities, through reservation and/or dedication of lands therefor; and

WHEREAS, the City finds pursuant to the Master Plan and the Parks and Recreation element thereof, that dedication of certain land for parkland and open space will promote City objectives; and

WHEREAS, on July 1, 1987, the Plan Commission caused to be duly and regularly published in the official City newspaper a notice of public hearing, setting such hearing the 28th day of July, 1987 at 6:00 P.M. in the City Council Chambers for the purpose of hearing comments and testimony on the proposed dedication provision; and

WHEREAS, after due deliberation, the Plan Commission did on July 28, 1987 approve the dedication provision as an amendment to the City Zoning Ordinance; and

WHEREAS, the Plan Commission has caused a copy of said amendment and an accurate and written summary of the hearings and proceedings before the Plan Commission to be forwarded to the Governing Body; and

WHEREAS, the Governing Body, after due consideration, does approve and adopt the recommendation of the Plan Commission and adopts such amendment to the City Zoning Ordinance by ordinance;

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

REPEAL OF SECTIONS. Section 1. Sections 15-405 and 15-3102 of the "Zoning Ordinance" of April 17, 1978, as adopted by reference by the "Code of the City of Leawood, 1984" (Section 16-201), are hereby repealed and the following enacted in lieu thereof:

15-405. **Standards of Development.** Section 2.

A. The maximum height of buildings and structures shall be as set out in the standard requirements of the applicable district.

B. The intensity of land use, the bulk of buildings, the concentration of population, the amount of open space, light and air shall be generally equal to that required in the standard requirements of the applicable district.

C. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the standard requirements of the appropriate district.

D. The permitted uses shall be the same as those permitted in the standard requirements of the appropriate district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.

E. The Plan Commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a nonpublic nature.

F. The Plan Commission and City Council may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided 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:

1. Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent of the standard requirement.

2. Setbacks of buildings from a property line other than a public street may be reduced to eighty-five percent of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said

3. Side yards between buildings may be reduced to zero.

4. Setbacks of buildings and paved areas from a freeway right-of-way may be reduced to five feet.

5. A portion of the parking area required under this title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately. The foregoing deviations 1 through 4 may be granted by the Plan Commission and City Council only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

G. The parking ratio for grouped commercial projects shall as a minimum follow the standard requirements. However, approval of a preliminary rezoning plan does not exempt the ultimate tenant from following any higher requirement contained within Article 24., Additional Parking Standards.

H. The design of all planned projects, whether residential, commercial or industrial shall be such that access and circulation by fire fighting equipment is assured and not retarded by steep grades, heavy landscaping or building spacing.

I. Reservation or dedication of land for public parks, playgrounds, school sites, open spaces and other public areas shall be provided in accordance with the standards and requirements set forth in the Comprehensive Development Plan, as amended, and in the ordinances related thereto.

1. All areas proposed to be reserved or dedicated shall be indicated on the development plan in accordance with the standards and requirements set forth in the Comprehensive Development Plan, as amended, and in the ordinances related thereto.

1. All areas proposed to be reserved or dedicated shall be indicated on the development plan in accordance with Article 31, Section 15-3102 of this Zoning Ordinance in order that it may be determined when, in what manner and under what circumstances and conditions such areas will be reserved or dedicated to the City or other appropriate public agency. The Plan Commission shall require that reserved or dedicated lands be of suitable size, location, dimension, topography and general character and shall have proper and adequate road and/or pedestrian access, as may be appropriate, for the particular purpose for which such land is intended to be used. Reserved or dedicated land shall be clearly indicated as such on the preliminary plan.

2. Reservation or dedication of land may be required by the City as a condition of development plan approval, or, the developer may voluntarily offer land to the City for reservation or dedication. Notwithstanding the above, park impact fees may be due at final plat approval for residential development or at building permit issuance for nonresidential development pursuant to Ordinance No. 985C.

3. The Plan Commission shall, during development plan review, determine whether the land proposed to be reserved or dedicated is for parkland or open space and, if so, whether such land is of a size, location, dimension, topography and general character so as to be suitable for such purposes and consistent with the Park and Recreation element of the Master Plan. The Plan Commission may, at its discretion and in accordance with the Master Plan, grant compensating density in exchange for all or a portion of land dedicated pursuant to this provision in order to achieve a balanced project and a fair and equitable result.

4. In its approval of a development plan which proposes reservation or dedication, the Plan Commission may impose such conditions as deemed necessary to ensure that the purposes and intent of this section are satisfied.

5. The final plan of a tract including reservation or dedicatin of land shall be consistent with the approved development plan and shall incorporate all conditions and requirements imposed by the Plan Commission.

6. A final plan that has been approved by the Plan Commission and which shows dedication of land shall be submitted to the Governing Body for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the Governing Body in the form of a written "Acceptance of Dedication." Failure of the Governing Body to execute an Acceptance of Dedication shall be deemed to be a refusal of the proposed dedication. A final plan which shows a dedication which has not been accepted by the Governing Body shall not be dated or endorsed by the Plan Commission and shall not be filed with the Register of Deeds pursuant to Section 15-406C of this Ordinance.

7. If the Governing Body refuses to accept the dedication, the final plan shall be returned to the applicant for resubmission to the Plan Commisson with appropriate changes to indicate the use of the portion of the property originally proposed to be dedicated.

15-3102. **Rezoning Property to a Planned District.** Section 3.

A tract of land may be zoned RP-1 through MP-1 inclusive, only upon application by the owner or his agent, and only upon approval of a development plan. The proponents of a planned district shall prepare and submit to the planning department ten copies of:

A. A development plan showing the property to be included in the proposed development, plus the area within two hundred feet thereof.

B. The following items shall be included on the property to be developed:

1. Existing topography with contours at five foot intervals, and delineating any land areas subject to one hundred-year flood.

2. Proposed location of buildings and other structures, parking aras, drives, walks, screening, drainage patterns, public streets, and any existing easements.

3. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.

4. General extent and character of proposed landscaping.

5. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas.

C. The following items shall be shown on the same drawing within the two hundred foot adjacent area:

1. Any public streets which are of record.

2. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City except those serving single-family houses.

3. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single and two-family residential buildings may be shown in approximate location and general size and shape.

4. The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm sewers and inlets.

D. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In case several building types, such as apartments and business buildings are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.

E. A schedule shall be included indicating total floor area, swelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of this ordinance can be determined.

The Plan Commission shall hold a public hearing on the plan as provided by law. At such time as the development as planned meets with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Council for action.

F. Upon final approval of the plan and the rezoning of the tract, construction may proceed and conformance with the plan and all supporting documentation is mandatory. All final plans shall be submitted to the Plan Commission and approved as to compliance with the development plan prior to the issuance of a building permit. The final plans submitted shall include construction drawings of all building elevations, grading, floor plans, site plan, drainage, a landscape and screening plan showing species and size of all plant material, areas to be seeded, etc., all to be in keeping with the development plan as approved. The final plans submitted shall show all areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas in conformance with the approved development plan. In addition thereto, the applicant shall include a legal document evidencing such dedication, signed by the property owner and containing a legal description of the land proposed to be dedicated.

If, in the judgment of the Commission, the concepts of development, as depicted on the final plans, deviates substantially from the concept of the development plan submitted for zoning, the Commission shall deny the request for final plan approval. A final development plan shall not be approved by the Commission if deviation from the approved preliminary:

1. Increases density or intensity of residential uses more than five (5) percent.

2. Increases the floor area of nonresidential buildings by more than ten (10) percent.

3. Increases by more than five (5) percent the ground covered by building, or;

4. Increases the height of a building by one or more stories.

5. Involves changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality or impose substantially greater loads on streets and neighborhood facilities.

Denial of final plans by the Plan Commission may be appealed to the Council who may reverse or reaffirm the Commission's decision. The applicant, in the case of denail, by either the Plan Commisison or Council, may apply for a new hearing, with publication and posting as required in this Article, which procedure constitutes a rezoning action, and the Commission and Council may approve or deny the final plans after said procedure.

LIBERAL CONSTRUCTION. Section 4.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

SEVERABILITY. Section 5.

Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the vaiildity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

TAKE EFFECT. Section 6.

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

First Reading: August 17, 1987.

Second Reading: August 17, 1987.

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(s) Marcia Rinehart
Mayor

ATTEST:
(s) Martha Heizer
City Clerk

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

(2604 1F)

ORDINANCE NO. 993

AN ORDINANCE RELATING TO ZONING OF PROPERTY (HALL FARM - HALLBROOK) IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTIONS.

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

REPEAL OF SECTIONS. Section 1. Sections 18-1008, 18-1104, 18-1407, 18-2001, 18-2101 of Ordinance No. 918 are hereby repealed and the following enacted in lieu thereof:

repealed by Ord. 1114, 8/7/89

18-1008. Section 2. The following described real property is hereby designated as being zoned RP-4, Planned Cluster Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned RP-4 and REC:

DESCRIPTION: ALL THAT PART OF FRACTIONAL SECTION 14 AND ALL THAT PART OF THE EAST 1/2 OF SECTION 15, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID FRACTIONAL SECTION 14; THENCE SOUTH 87°-59'-25" WEST ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION 14, A DISTANCE OF 1088.34 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 87°-47'-56" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 25.00 FEET; THENCE NORTH 1°-20'-08" WEST PARALLEL WITH THE EAST LINE OF SAID 1/4 SECTION, A DISTANCE OF 580.00 FEET; THENCE NORTH 11°-30'-00" WEST, A DISTANCE OF 220.30 FEET; THENCE SOUTH 84°-53'-35" WEST, A DISTANCE OF 122.48 FEET; THENCE NORTH 82°-45'-09" WEST, A DISTANCE OF 114.25 FEET; THENCE NORTH 69°-57'-06" WEST, A DISTANCE OF 128.39 FEET; THENCE NORTH 61°-45'-10" WEST, A DISTANCE OF 123.24 FEET; THENCE NORTH 15°-22'-28" EAST, A DISTANCE OF 264.82 FEET; THENCE NORTH 2°-03'-18" WEST, A DISTANCE OF 292.66 FEET; THENCE NORTH 10°-00'-00" EAST, A DISTANCE OF 311.25 FEET; THENCE SOUTH 46°-18'-07" EAST, A DISTANCE OF 139.42 FEET; THENCE NORTH 77°-28'-16" EAST, A DISTANCE OF 216.57 FEET; THENCE NORTH 5°-02'-39" EAST, A DISTANCE OF 68.19 FEET; THENCE NORTH 8°-20'-51" WEST, A DISTANCE OF 88.69 FEET; THENCE NORTH 3°-29'-26" WEST, A DISTANCE OF 93.68 FEET; THENCE NORTH 23°-39'-57" WEST, A DISTANCE OF 127.24 FEET; THENCE NORTH 4°-40'-46" WEST, A DISTANCE OF 147.63 FEET; THENCE NORTH 2°-21'-24" EAST, A DISTANCE OF 590.66 FEET; THENCE NORTH 15°-11'-09" EAST, A DISTANCE OF 725.33 FEET; THENCE SOUTH 53°-44'-52" EAST, A DISTANCE OF 377.13 FEET; THENCE NORTH 87°-53'-23" EAST, PARALLEL WITH THE SOUTH LINE OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14, A DISTANCE OF 632.80 FEET TO A POINT ON THE EAST LINE THEREOF; THENCE SOUTH 2°-22'-55" EAST ALONG SAID EAST LINE, A DISTANCE OF 328.00 FEET; THENCE SOUTH 87°-53'-23" WEST, PARALLEL WITH THE LAST SAID SOUTH LINE, A DISTANCE OF 421.50 FEET; THENCE SOUTH 2°-36'-36" EAST, A DISTANCE OF 288.01 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14; THENCE NORTH 87°-53'-23" EAST ALONG THE LAST SAID SOUTH LINE, A DISTANCE OF 420.35 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 2°-22'-55" EAST ALONG THE EAST LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 14, AND ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 47, RANGE 33, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, A DISTANCE OF 127.40 FEET TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 2°-21'-12" EAST, ALONG THE EAST LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 14 AND ALONG THE WEST LINE OF THE FRACTIONAL NORTHWEST

1/4 OF SECTION 7, TOWNSHIP 47, RANGE 33, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, A DISTANCE OF 2257.70 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHWEST 1/4 OF SAID SECTION 7; THENCE SOUTH 2°-05'-34" EAST ALONG THE EAST LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 14, AND ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 272.37 FEET TO THE POINT OF BEGINNING. CONTAINING 91.14 ACRES, MORE OR LESS.

18-1104. Section 3. The following described real property is hereby designated as being zoned CP-2, Planned General Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned CP-2:

DESCRIPTION: ALL THAT PART OF THE SOUTH 1/2 OF FRACTIONAL SECTION 11, ALL THAT PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, AND ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 15, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE NORTH 1/2 OF SAID SECTION 14 THAT IS NORTH 2°-22'-55" WEST, A DISTANCE OF 1498.00 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 87°-37'-05" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 51°-45'-00" WEST, A DISTANCE OF 550.00 FEET; THENCE NORTH 67°-00'-00" WEST, A DISTANCE OF 459.38 FEET; THENCE NORTH 6°-19'-53" WEST, A DISTANCE OF 55.77 FEET; THENCE NORTH 12°-22'-51" WEST, A DISTANCE OF 322.15 FEET; THENCE NORTH 0°-00'-00" EAST, A DISTANCE OF 96.72 FEET; THENCE NORTH 22°-01'-53" WEST, A DISTANCE OF 150.24 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST 1/4 SECTION; THENCE NORTH 88°-02'-19" EAST ALONG SAID NORTH LINE, A DISTANCE OF 135.24 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 88°-01'-55" EAST ALONG THE SOUTH LINE OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 253.80 FEET; THENCE NORTH 2°-10'-14" WEST, PARALLEL WITH THE EAST LINE OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 1068.72 FEET; THENCE SOUTH 64°-00'-00" EAST, A DISTANCE OF 850.77 FEET TO A POINT ON THE EAST LINE OF THE SOUTH 1/2 OF SAID SECTION 11; THENCE SOUTH 2°-10'-14" EAST, ALONG SAID EAST LINE, A DISTANCE OF 669.76 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 2°-10'-14" EAST ALONG THE EAST LINE OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14, A DISTANCE OF 79.07 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 47, RANGE 33, IN KANSAS CITY, JACKSON COUNTY, MISSOURI; THENCE SOUTH 2°-22'-55" EAST, ALONG THE EAST LINE OF THE NORTH 1/2 OF SAID SECTION 14, A DISTANCE OF 1078.75 FEET TO THE POINT OF BEGINNING. CONTAINING 37.06 ACRES, MORE OR LESS.

18-1407. Section 4. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned RP-1:

DESCRIPTION: ALL THAT PART OF THE NORTHEAST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 25 EAST IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE SOUTH 87°-40'-20" WEST ALONG THE SOUTH LINE OF SAID 1/2 1/4 SECTION, A DISTANCE OF 1327.92 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1°-26'-53" WEST ALONG THE WEST LINE OF SAID 1/2 1/4 SECTION, A DISTANCE OF 644.54 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 83.70 FEET; THENCE SOUTH 8°-31'-51" EAST, A DISTANCE OF 101.12 FEET; THENCE SOUTH 37°-02'-33" EAST, A DISTANCE OF 332.00 FEET; THENCE NORTH 87°-14'-51" EAST, A DISTANCE OF 520.60 FEET; THENCE NORTH 61°-55'-39" EAST, A DISTANCE OF 1105.00 FEET; THENCE NORTH 27°-50'-51" EAST, A DISTANCE OF 480.00 FEET; THENCE NORTH 8°-10'-18" EAST, A DISTANCE OF 1057.41 FEET; THENCE SOUTH 60°-25'-20" EAST, A DISTANCE OF 184.53 FEET; THENCE NORTH 43°-59'-10" EAST, A DISTANCE OF 799.16 FEET; THENCE NORTH 40°-36'-05" EAST, A DISTANCE OF 138.29 FEET; THENCE NORTH 54°-27'-44" EAST, A DISTANCE OF 90.00 FEET; THENCE NORTH 86°-46'-57" EAST, A DISTANCE OF 136.98 FEET; THENCE SOUTH 3°-41'-29" EAST, A DISTANCE OF 240.30 FEET; THENCE SOUTH 7°-58'-19" WEST, A DISTANCE OF 205.05 FEET; THENCE SOUTH 8°-23'-58" EAST, A DISTANCE OF 259.92 FEET; THENCE SOUTH 46°-18'-07" EAST, A DISTANCE OF 483.00 FEET; THENCE SOUTH 10°-00'-00" WEST, A DISTANCE OF 311.25 FEET; THENCE SOUTH 2°-03'-18" WEST, A DISTANCE OF 292.66 FEET; THENCE SOUTH 15°-22'-28" WEST, A DISTANCE OF 264.82 FEET; THENCE SOUTH 61°-45'-10" EAST, A DISTANCE OF 123.24 FEET; THENCE SOUTH 69°-57'-06" EAST, A DISTANCE OF 128.39 FEET; THENCE SOUTH 82°-45'-09" EAST, A DISTANCE OF 114.25 FEET; THENCE NORTH 84°-53'-35" EAST, A DISTANCE OF 122.48 FEET, THENCE SOUTH 11°-30'-00" EAST, A DISTANCE OF 220.30 FEET TO A POINT ON A LINE THAT IS 25.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 SECTION, AS MEASURED AT RIGHT ANGLES THERETO; THENCE SOUTH 1°-20'-08" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 580.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST 1/4 SECTION; THENCE SOUTH 87°-47'-56" WEST ALONG THE LAST SAID SOUTH LINE, A DISTANCE OF 2624.91 FEET TO THE POINT OF BEGINNING. CONTAINING 109.34 ACRES, MORE OR LESS.

18-1410. Section 5. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, REC, and RP-1:

DESCRIPTION: ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE NORTH 1/2 OF SECTION 15, AND ALL THAT PART OF THE SOUTHWEST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 10, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 15, THAT IS SOUTH 87°-52'-10" WEST, A DISTANCE OF 1110.28 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4, AS MEASURED ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4, SAID POINT BEING ON THE EASTERLY LINE OF "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN THE CITIES OF LEAWOOD AND OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE NORTH

14°-00'-00" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 435.00 FEET; THENCE NORTH 9°-30'-00" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 315.53 FEET; THENCE NORTH 28°-10'-00" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 966.50 FEET; THENCE NORTH 60°-32'-00" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 186.60 FEET; THENCE NORTH 5°-35'-10" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 1020.18 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST 1/4 THAT IS 375.00 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 87°-50'-04" WEST, ALONG SAID NORTH LINE, AND CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 16.82 FEET; THENCE NORTH 16°-35'-17" EAST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 256.53 FEET; THENCE NORTH 19°-03'-17" EAST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 150.00 FEET; THENCE NORTH 14°-31'-17" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 23.03 FEET; THENCE NORTH 58°-00'-00" EAST, A DISTANCE OF 119.76 FEET; THENCE IN A NORTHEASTERLY AND EASTERLY DIRECTION ALONG A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 900.00 FEET, AND A CENTRAL ANGLE OF 29°-00'-00", AN ARC DISTANCE OF 455.53 FEET; THENCE NORTH 87°-00'-00" EAST, TANGENT TO SAID CURVE, A DISTANCE OF 360.00 FEET; THENCE IN AN EASTERLY DIRECTION ALONG A CURVE TO THE LEFT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 900.00 FEET, AND A CENTRAL ANGLE OF 20°-55'-00" AN ARC DISTANCE OF 328.56 FEET; THENCE SOUTH 43°-46'-52"
WEST, A DISTANCE OF 238.21 FEET; THENCE SOUTH 40°-50'-57"
WEST, A DISTANCE OF 329.44 FEET; THENCE SOUTH 28°-55'-35"
WEST, A DISTANCE OF 343.28 FEET; THENCE SOUTH 12°-22'-46"
WEST, A DISTANCE OF 389.40 FEET; THENCE SOUTH 53°-44'-46"
EAST, A DISTANCE OF 156.00 FEET; THENCE NORTH 76°-21'-58"
EAST, A DISTANCE OF 179.25 FEET; THENCE NORTH 73°-34'-34"
EAST, A DISTANCE OF 123.99 FEET; THENCE NORTH 48°-57'-28"
EAST, A DISTANCE OF 255.85 FEET; THENCE NORTH 43°-52'-42"
EAST, A DISTANCE OF 429.59 FEET; THENCE NORTH 30°-52'-00"
EAST, A DISTANCE OF 526.93 FEET; THENCE NORTH 30°-27'-56"
EAST, A DISTANCE OF 98.62 FEET; THENCE SOUTH 33°-49'-20"
EAST, A DISTANCE OF 601.85 FEET; THENCE SOUTH 5°-16'-25"
EAST, A DISTANCE OF 237.38 FEET; THENCE SOUTH 50°-59'-17"
WEST, A DISTANCE OF 530.00 FEET; THENCE SOUTH 35°-46'-39"
WEST, A DISTANCE OF 287.10 FEET; THENCE SOUTH 45°-48'-25"
WEST, A DISTANCE OF 223.79 FEET; THENCE SOUTH 39°-09'-20"
EAST, A DISTANCE OF 401.17 FEET; THENCE SOUTH 74°-44'-42"
EAST, A DISTANCE OF 57.01 FEET; THENCE NORTH 77°-00'-19"
EAST, A DISTANCE OF 66.71 FEET; THENCE NORTH 41°-11'-09"
EAST, A DISTANCE OF 372.06 FEET; THENCE SOUTH 78°-41'-24"
EAST, A DISTANCE OF 101.98 FEET; THENCE SOUTH 5°-00'-47"
WEST, A DISTANCE OF 572.19 FEET; THENCE SOUTH 16°-32'-05"
WEST, A DISTANCE OF 96.02 FEET; THENCE SOUTH 28°-32'-37"
WEST, A DISTANCE OF 225.34 FEET; THENCE SOUTH 42°-48'-40"
WEST, A DISTANCE OF 188.54 FEET; THENCE SOUTH 52°-48'-24"
WEST, A DISTANCE OF 403.45 FEET; THENCE SOUTH 31°-00'-12"
WEST, A DISTANCE OF 598.12 FEET; THENCE SOUTH 8°-07'-25"
WEST, A DISTANCE OF 297.80 FEET; THENCE SOUTH 45°-00'-00"
WEST, A DISTANCE OF 255.00 FEET; THENCE SOUTH 90°-00'-00"
WEST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 72°-11'-23"
WEST, A DISTANCE OF 453.29 FEET; THENCE NORTH 57°-36'-10"
WEST, A DISTANCE OF 451.46 FEET; THENCE NORTH 63°-14'-29"
WEST, A DISTANCE OF 344.34 FEET; THENCE SOUTH 89°-48'-24"
WEST, A DISTANCE OF 137.83 FEET; THENCE SOUTH 51°-38'-52"
WEST, A DISTANCE OF 195.98 FEET; THENCE SOUTH 78°-55'-05"
WEST, A DISTANCE OF 223.37 FEET; TO A POINT ON THE EASTERLY LINE OF SAID "LEAWOOD GREENWAY AND PARKS"; THENCE NORTH 18°-12'-00" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 371.70 FEET TO THE POINT OF BEGINNING. CONTAINING 168.44 ACRES, MORE OR LESS.

18-1411. Section 6. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned REC and RP-1:

DESCRIPTION: ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE NORTH 1°-26'-53" WEST, ALONG THE WEST LINE OF SAID 1/2 1/4 SECTION, A DISTANCE OF 564.52 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 246.67 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 190.26 FEET; THENCE NORTH 14°-54'-10" EAST, A DISTANCE OF 641.58 FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 736.00 FEET; THENCE NORTH 71°-39'-39" EAST, A DISTANCE OF 315.66 FEET; THENCE SOUTH 87°-20'-54" EAST, A DISTANCE OF 134.14 FEET; THENCE SOUTH 45°-42'-21" EAST, A DISTANCE OF 468.24 FEET; THENCE SOUTH 73°-44'-23" EAST, A DISTANCE OF 185.00 FEET; THENCE NORTH 80°-03'-56" EAST, A DISTANCE OF 348.14 FEET; THENCE NORTH 76°-42'-04" EAST, A DISTANCE OF 333.68 FEET; THENCE SOUTH 15°-56'-43" WEST, A DISTANCE OF 282.69 FEET; THENCE SOUTH 23°-11'-55" WEST, A DISTANCE OF 228.47 FEET; THENCE SOUTH 4°-45'-49" WEST, A DISTANCE OF 240.83 FEET; THENCE SOUTH 15°-15'-18" WEST, A DISTANCE OF 329.97 FEET; THENCE SOUTH 87°-30'-38" WEST, A DISTANCE OF 498.66 FEET; THENCE SOUTH 70°-58'-28" WEST, A DISTANCE OF 153.38 FEET; THENCE SOUTH 62°-56'-58" WEST, A DISTANCE OF 527.73 FEET; THENCE SOUTH 81°-28'-09" WEST, A DISTANCE OF 101.12 FEET; THENCE SOUTH 87°-23'-51" WEST, A DISTANCE OF 110.11 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 37.02 ACRES, MORE OR LESS.

18-1604. Section 7. The following described real property is hereby designated as being zoned A, Agricultural, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned REC and A:

DESCRIPTION: ALL THAT PART OF THE SOUTH 1/2 OF FRACTIONAL SECTION 11, AND ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 10, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE SOUTH 88°-02'-19" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 135.24 FEET; THENCE NORTH 22°-01'-53" WEST, A DISTANCE OF 21.36 FEET; THENCE NORTH 29°-24'-18" WEST, A DISTANCE OF 506.34 FEET; THENCE NORTH 23°-37'-17" WEST, A DISTANCE OF 348.77 FEET; THENCE NORTH 11°-23'-52" WEST, A DISTANCE OF 337.62 FEET; THENCE NORTH 71°-00'-00" EAST, A DISTANCE OF 174.81 FEET; THENCE EASTERLY ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 700.00 FEET AND A CENTRAL ANGLE OF 45°-00'-00", AN ARC DISTANCE OF 549.78 FEET; THENCE SOUTH 64°-00'-00" EAST, TANGENT TO SAID CURVE, A DISTANCE OF 123.91 FEET; THENCE SOUTH 2°-10'-14" EAST,

PARALLEL WITH THE EAST LINE OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 1068.72 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTH 1/2; THENCE SOUTH 88°-01'-55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 253.80 FEET TO THE POINT OF BEGINNING. CONTAINING 17.38 ACRES, MORE OR LESS.

18-2001. Section 8. The following described real property is hereby designated as being zoned SP, Special Development District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned SP:

DESCRIPTION: ALL THAT PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, AND ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 15, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE NORTH 1/2 OF SAID SECTION 14 THAT IS NORTH 2°-22'-55" WEST, A DISTANCE OF 948.00 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 87°-53'-23" WEST, PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2, A DISTANCE OF 424.12 FEET; THENCE SOUTH 2°-36'-36" EAST, A DISTANCE OF 332.01 FEET; THENCE SOUTH 87°-53'-23" WEST, A DISTANCE OF 210.00 FEET; THENCE NORTH 53°-44'-52" WEST, A DISTANCE OF 377.13 FEET; THENCE NORTH 3°-40'-04" WEST, A DISTANCE OF 390.80 FEET; THENCE NORTH 55°-18'-17" WEST, A DISTANCE OF 79.06 FEET; THENCE SOUTH 90°-00'-00" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 2°-04'-57" WEST, A DISTANCE OF 275.18 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 90.00 FEET; THENCE NORTH 0°-49'-06" WEST, A DISTANCE OF 350.04 FEET; THENCE NORTH 6°-19'-53" WEST, A DISTANCE OF 134.01 FEET; THENCE SOUTH 67°-00'-00" EAST, A DISTANCE OF 459.38 FEET; THENCE SOUTH 51°-45'-00" EAST, A DISTANCE OF 550.00 FEET; THENCE NORTH 87°-37'-05" EAST, A DISTANCE OF 200.00 FEET TO A POINT ON THE EAST LINE OF SAID NORTH 1/2; THENCE SOUTH 2°-22'-55" EAST ALONG SAID EAST LINE, A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.88 ACRES, MORE OR LESS.

18-2101. Section 9. The following described real property is hereby designated as being zoned REC, Recreational District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, REC, RP-1, CP-2, SP, and RP-4:

DESCRIPTION: ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 10 AND ALL THAT PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, AND ALL THAT PART OF THE NORTHEAST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE NORTH 1°-26'-53" WEST ALONG THE WEST LINE OF SAID 1/2 1/4 SECTION, A DISTANCE OF 644.54 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 83.70

FEET; THENCE SOUTH 8°-31'-51" EAST, A DISTANCE OF 101.12
FEET; THENCE SOUTH 37°-02'-33" EAST, A DISTANCE OF 332.00
FEET; THENCE NORTH 87°-14'-51" EAST, A DISTANCE OF 520.60
FEET; THENCE NORTH 61°-55'-39" EAST, A DISTANCE OF 1105.00
FEET; THENCE NORTH 27°-50'-51" EAST, A DISTANCE OF 480.00
FEET; THENCE NORTH 8°-10'-18" EAST, A DISTANCE OF 1057.41
FEET; THENCE SOUTH 60°-25'-20" EAST, A DISTANCE OF 184.53
FEET; THENCE NORTH 43°-59'-10" EAST, A DISTANCE OF 799.16
FEET; THENCE NORTH 40°-36'-05" EAST, A DISTANCE OF 138.29
FEET; THENCE NORTH 54°-27'-44" EAST, A DISTANCE OF 90.00
FEET; THENCE NORTH 86°-46'-57" EAST, A DISTANCE OF 136.98
FEET; THENCE SOUTH 3°-41'-29" EAST, A DISTANCE OF 240.30
FEET; THENCE SOUTH 7°-58'-19" WEST, A DISTANCE OF 205.05
FEET; THENCE SOUTH 8°-23'-58" EAST, A DISTANCE OF 259.92
FEET; THENCE SOUTH 46°-18'-07" EAST, A DISTANCE OF 622.42
FEET; THENCE NORTH 77°-28'-16" EAST, A DISTANCE OF 216.57
FEET; THENCE NORTH 5°-02'-39" EAST, A DISTANCE OF 68.19 FEET; THENCE NORTH 8°-20'-51" WEST, A DISTANCE OF 88.69 FEET; THENCE NORTH 3°-29'-26" WEST, A DISTANCE OF 93.68 FEET; THENCE NORTH 23°-39'-57" WEST A DISTANCE OF 127.24 FEET; THENCE NORTH 4°-40'-46" WEST, A DISTANCE OF 147.63 FEET; THENCE NORTH 2°-21'-24" EAST, A DISTANCE OF 590.66 FEET; THENCE NORTH 15°-11'-09" EAST, A DISTANCE OF 725.33 FEET; THENCE NORTH 3°-40'-04" WEST, A DISTANCE OF 390.80 FEET; THENCE NORTH 55°-18'-17" WEST, A DISTANCE OF 79.06 FEET; THENCE SOUTH 90°-00'-00" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 2°-04'-57" WEST, A DISTANCE OF 275.18 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 90.00 FEET; THENCE NORTH 0°-49'-06" WEST, A DISTANCE OF 350.04 FEET; THENCE NORTH 6°-19'-53" WEST, A DISTANCE OF 189.78 FEET; THENCE NORTH 12°-22'-51" WEST, A DISTANCE OF 322.15 FEET; THENCE NORTH 0°-00'-00" EAST, A DISTANCE OF 96.72 FEET; THENCE NORTH 22°-01'-53" WEST, A DISTANCE OF 171.60 FEET; THENCE NORTH 29°-24'-18" WEST, A DISTANCE OF 506.34 FEET; THENCE NORTH 23°-37'-17" WEST, A DISTANCE OF 348.77 FEET; THENCE NORTH 11°-23'-52" WEST, A DISTANCE OF 337.62 FEET; THENCE SOUTH 71°-00'-00" WEST, A DISTANCE OF 478.90 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 11°-00'-00", AN ARC DISTANCE OF 191.99 FEET; THENCE SOUTH 60°-00'-00" WEST, TANGENT TO SAID CURVE, A DISTANCE OF 460.00 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 6°-05'-00", AN ARC DISTANCE OF 95.56
FEET; THENCE SOUTH 43°-46'-52" WEST, A DISTANCE OF 238.21
FEET; THENCE SOUTH 40°-50'-57" WEST, A DISTANCE OF 329.44
FEET; THENCE SOUTH 28°-55'-35" WEST, A DISTANCE OF 343.28
FEET; THENCE SOUTH 12°-22'-46" WEST, A DISTANCE OF 389.40
FEET; THENCE SOUTH 53°-44'-46" EAST, A DISTANCE OF 156.00
FEET; THENCE NORTH 76°-21'-58" EAST, A DISTANCE OF 179.25
FEET; THENCE NORTH 73°-34'-34" EAST, A DISTANCE OF 123.99
FEET; THENCE NORTH 48°-57'-28" EAST, A DISTANCE OF 255.85
FEET; THENCE NORTH 43°-52'-42" EAST, A DISTANCE OF 429.59
FEET; THENCE NORTH 30°-52'-00" EAST, A DISTANCE OF 526.93
FEET; THENCE NORTH 30°-27'-56" EAST, A DISTANCE OF 98.62
FEET; THENCE SOUTH 33°-49'-20" EAST, A DISTANCE OF 601.85
FEET; THENCE SOUTH 5°-16'-25" EAST, A DISTANCE OF 237.38
FEET; THENCE SOUTH 50°-59'-17" WEST, A DISTANCE OF 530.00
FEET; THENCE SOUTH 35°-46'-39" WEST, A DISTANCE OF 287.10
FEET; THENCE SOUTH 45°-48'-25" WEST, A DISTANCE OF 223.79
FEET; THENCE SOUTH 39°-09'-20" EAST, A DISTANCE OF 401.17
FEET; THENCE SOUTH 74°-44'-42" EAST, A DISTANCE OF 57.01

FEET; THENCE NORTH 77°-00'-19" EAST, A DISTANCE OF 66.71
FEET; THENCE NORTH 41°-11'-09" EAST, A DISTANCE OF 372.06
FEET; THENCE SOUTH 78°-41'-24" EAST, A DISTANCE OF 101.98
FEET; THENCE SOUTH 5°-00'-47' WEST, A DISTANCE OF 572.19
FEET; THENCE SOUTH 16°-32'-05" WEST, A DISTANCE OF 96.02
FEET; THENCE SOUTH 28°-32'-37" WEST, A DISTANCE OF 225.34
FEET; THENCE SOUTH 42°-48'-40" WEST, A DISTANCE OF 188.54
FEET; THENCE SOUTH 52°-48'-24" WEST, A DISTANCE OF 403.45
FEET; THENCE SOUTH 31°-00'-12" WEST, A DISTANCE OF 598.12
FEET; THENCE SOUTH 8°-07'-25" WEST, A DISTANCE OF 297.80
FEET; THENCE SOUTH 45°-00'-00" WEST, A DISTANCE OF 255.00
FEET; THENCE SOUTH 90°-00'-00" WEST, A DISTANCE OF 240.00
FEET; THENCE SOUTH 72°-11'-23" WEST, A DISTANCE OF 453.29
FEET; THENCE NORTH 57°-36'-10" WEST, A DISTANCE OF 451.46
FEET; THENCE NORTH 63°-14'-29" WEST, A DISTANCE OF 344.34
FEET; THENCE NORTH 89°-48'-24" WEST, A DISTANCE OF 137.83
FEET; THENCE NORTH 51°-38'-52" WEST, A DISTANCE OF 195.98
FEET; THENCE SOUTH 78°-55'-05" WEST, A DISTANCE OF 223.37
FEET TO A POINT ON THE EASTERLY LINE OF "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN THE CITIES OF LEAWOOD AND OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE SOUTH 46°-27'-00" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 176.74 FEET; THENCE SOUTH 87°-52'-10" WEST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 215.02 FEET, TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE SOUTH 1°-26'-53" EAST ALONG SAID WEST LINE, A DISTANCE OF 1544.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PART DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE NORTH 1°-26'-53" WEST, ALONG THE WEST LINE OF SAID 1/2 1/4 SECTION, A DISTANCE OF 564.52 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 246.67 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 190.26 FEET; THENCE NORTH 14°-54'-10" EAST, A DISTANCE OF 641.58 FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 736.00 FEET; THENCE NORTH 71°-39'-39" EAST, A DISTANCE OF 315.66 FEET; THENCE SOUTH 87°-20'-54" EAST, A DISTANCE OF 134.14 FEET; THENCE SOUTH 45°-42'-21" EAST, A DISTANCE OF 468.24 FEET; THENCE SOUTH 73°-44'-23" EAST, A DISTANCE OF 185.00 FEET; THENCE NORTH 80°-03'-56" EAST, A DISTANCE OF 348.14 FEET; THENCE NORTH 76°-42'-04" EAST, A DISTANCE OF 333.68 FEET; THENCE SOUTH 15°-56'-43" WEST, A DISTANCE OF 282.69 FEET; THENCE SOUTH 23°-11'-55" WEST, A DISTANCE OF 228.47 FEET; THENCE SOUTH 4°-45'-49" WEST, A DISTANCE OF 240.83 FEET; THENCE SOUTH 15°-15'-18" WEST, A DISTANCE OF 329.97 FEET; THENCE SOUTH 87°-30'-38" WEST, A DISTANCE OF 498.66 FEET; THENCE SOUTH 70°-58'-28" WEST, A DISTANCE OF 153.38 FEET; THENCE SOUTH 62°-56'-58" WEST, A DISTANCE OF 527.73 FEET; THENCE SOUTH 81°-28'-09" WEST, A DISTANCE OF 101.12 FEET; THENCE SOUTH 87°-23'-51" WEST, A DISTANCE OF 110.11 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 168.12 ACRES, MORE OR LESS.

TAKE EFFECT. Section 10. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/17/87 Second Reading: 8/17/87

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---21st--- day of, ---August--- 19---87---, with subsequent publications being made on the following dates:

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

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

Denise Martason

Subscribe and sworn to before me this 21st day of August 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ --- 39.90 ---
Additional copies $ ---

NOTICE:

—For your convenience in getting your legal notices to The Sun we now have box (#178) located in the Clerk of the district Court office on the 3rd floor of the Olathe courthouse.

Pick up deadlines will be 10:00 a.m. Tuesday for Wednesday publication and 10:00 a.m. Thursday for Friday publication.

Clients may also mail or drop-off notices to our office, 7373 W. 107th St., O.P., KS 66212.

First Published in the Johnson County Sun, Friday, August 21, 1987.

ORDINANCE NO. 993

AN ORDINANCE RELATING TO ZONING OF PROPERTY (HALL *FARM - HALLBROOK*) IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTIONS.

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

REPEAL OF SECTIONS. Section 1. Sections 18-1008, 18-1104, 18-1407, 18-2001, 18-2101 of Ordinance No. 918 are hereby *repealed* and *the following* enacted in lieu thereof:

18-1008. Section 2. The following described real property is hereby designated as being zoned *RP-4*, *Planned Cluster* Residential District, in accor*dance* with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned *RP-4* and REC:

DESCRIPTION: ALL THAT PART OF FRACTIONAL SECTION 14 AND ALL THAT PART OF THE EAST 1/2 OF SECTION 15, ALL IN TOWNSHIP 13 *SOUTH, RANGE* 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE *SOUTHEAST CORNER OF SAID* FRACTIONAL SECTION 14; THENCE SOUTH 87°-59'-25" WEST ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION 14, *A DISTANCE OF* 1088.34 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 87°-47'-56" WEST ALONG THE SOUTH *LINE OF THE* SOUTHEAST 1/4 OF SAID *SECTION* 15, A DISTANCE OF 25.00 FEET; THENCE NORTH 1°-20'-08" WEST PARALLEL WITH THE EAST LINE OF *SAID* 1/4 SECTION, A DISTANCE OF *580.00 feet; THENCE* NORTH 11°-30'-00'' WEST, A DISTANCE OF 220.30 FEET; THENCE SOUTH 84°-53'-35" WEST, A DISTANCE OF 122.48 *FEET; THENCE NORTH 82°-* 45'-09" WEST, A DISTANCE OF 114.25 FEET; THENCE NORTH 69°-57'-06'' WEST, A DISTANCE OF 128.39 FEET; THENCE *NORTH 61°-45'-10"* WEST, A DISTANCE OF 123.24 *FEET;* THENCE NORTH 15°-22'-28" EAST, A DISTANCE OF 264.82 FEET; THENCE NORTH 2°-03'-18" WEST, A *DISTANCE* OF 292.66 FEET; THENCE *NORTH* 10°-00'-00" EAST, A DISTANCE OF 311.25 FEET; THENCE SOUTH 46°-18'-07" EAST, A DISTANCE OF 139.42 FEET; THENCE NORTH 77°-*28'-16" EAST, A DISTANCE* OF 216.57 FEET; THENCE NORTH 5°-02'-39" EAST, A DISTANCE OF 68.19 FEET; THENCE NORTH 8°-20'-51" WEST, A *DISTANCE OF 88.69 FEET;* THENCE NORTH 3°-29'-26" WEST, A DISTANCE OF 93.68 FEET; THENCE NORTH 23°-39'-57" WEST, A DISTANCE OF 127.24 *FEET; THENCE NORTH* 4°-40'-46" WEST, A DISTANCE OF 147.63 FEET; THENCE NORTH 2°-21'-24" EAST, A DISTANCE OF 590.66 FEET; *THENCE NORTH 15°-11'-09"* EAST, A DISTANCE OF 725.33 *FEET;* THENCE SOUTH 53°-44'-52" EAST, A DISTANCE OF 377.13 FEET; THENCE NORTH 87°-53'-23" *EAST, PARALLEL* WITH THE SOUTH LINE OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14, A DISTANCE OF 632.80 FEET TO A POINT ON *THE EAST LINE* THEREOF; THENCE SOUTH 2°-22'-55" *EAST* ALONG SAID EAST LINE, A DISTANCE OF 328.00 FEET; THENCE SOUTH 87°-53'-23" WEST, *PARALLEL* WITH THE LAST SAID SOUTH *LINE, A DISTANCE* OF 421.50 FEET; THENCE SOUTH 2°-36'-36" EAST, A DISTANCE OF 288.01 FEET TO A POINT ON THE SOUTH LINE OF THE *NORTH 1/2* OF SAID FRACTIONAL SECTION 14; THENCE NORTH 87°-53'-23'' EAST ALONG THE LAST SAID SOUTH LINE, A DISTANCE OF *420.35 FEET TO THE* SOUTHEAST CORNER THEREOF; THENCE SOUTH 2°-22'-55" EAST ALONG THE EAST LINE OF THE SOUTH 1/2 *OF SAID FRACTIONAL* SECTION 14, AND ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 47, RANGE 33, *IN KANSAS CITY*, JACKSON COUNTY, MISSOU*RI*, A DISTANCE OF 127.40 FEET TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SOUTHWEST *1/4* OF SAID SECTION 6; THENCE *SOUTH 2°-21'-12''* EAST, ALONG THE EAST LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 14 AND ALONG THE WEST LINE *OF THE FRACTIONAL* NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 47, RANGE 33, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, A *DISTANCE OF 2257.70 FEET* TO THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHWEST 1/4 OF SAID SECTION 7; THENCE SOUTH *2°-05'-34" EAST ALONG* THE EAST LINE OF THE SOUTH 1/2 OF SAID FRACTIONAL SECTION 14, AND ALONG THE WEST LINE OF THE FRACTIONAL *SOUTHWEST 1/4* OF SAID SECTION 7, A DISTANCE OF 272.37 FEET TO THE POINT OF BEGINNING. CONTAINING 91.14 ACRES, MORE OR LESS.

18-1104. Section 3. The following described real property is hereby designated as being zoned CP-2, Planned General Business District, *in accor*dance with the terms of the "*Zoning* Ordinance" of April 17, 1978, this property having been previously zoned CP-2:

DESCRIPTION: *ALL THAT* PART OF THE SOUTH 1/2 OF *FRACTIONAL* SECTION 11, ALL THAT PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, *AND ALL THAT* PART OF THE NORTHEAST 1/4 *OF SECTION* 15, ALL IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON *COUN*TY, KANSAS, DESCRIBED AS *FOLLOWS:*

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTH 1/2 OF SAID SECTION 14 THAT IS NORTH 2°-22'-55" WEST, A DISTANCE OF 1498.00 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 87°-37'-05'' WEST, A *DISTANCE OF 200.00 FEET;* THENCE NORTH 51°-45'-00" WEST, A DISTANCE OF 550.00 FEET; THENCE NORTH 67°-00'-00" WEST, A DISTANCE OF *459.38 FEET; THENCE NORTH* 6°-19'-53" WEST, A DISTANCE OF 55.77 FEET; THENCE NORTH 12°-22'-51" WEST, A DISTANCE OF 322.15 FEET; *THENCE NORTH 0°-00'-00"* EAST, A DISTANCE OF 96.72 FEET; THENCE NORTH 22°-01'-53" WEST, A DISTANCE OF 150.24 FEET TO A POINT ON *THE NORTH LINE* OF SAID NORTHEAST 1/4 SECTION; THENCE NORTH 88°-02'-19" EAST ALONG *SAID NORTH* LINE, A DISTANCE OF 135.24 *FEET TO THE* NORTHEAST CORNER THEREOF; THENCE NORTH 88°-01'-55" EAST ALONG THE SOUTH LINE OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF *253.80 FEET; THENCE NORTH* 2°-10'-14" WEST, PARALLEL WITH THE EAST LINE OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 1068.72 FEET; *THENCE SOUTH 64°-*00'-00" EAST, A DISTANCE OF 850.77 FEET TO A POINT ON THE EAST LINE OF THE SOUTH 1/2 OF SAID SECTION 11; *THENCE SOUTH 2°-10'-*14" EAST, ALONG SAID EAST *LINE*, A DISTANCE OF 669.76 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH *2°-10'-14'' EAST* ALONG THE EAST LINE OF *THE NORTH 1/2 OF SAID* FRACTIONAL SECTION 14, A DISTANCE OF 79.07 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL NORTH*WEST 1/4 OF SECTION* 6, TOWNSHIP 47, RANGE 33, IN KANSAS CITY, JACKSON COUNTY, MISSOURI; THENCE SOUTH 2°-22'-55'' EAST, *ALONG THE EAST LINE* OF THE NORTH 1/2 OF SAID SECTION 14, A DISTANCE OF 1078.75 FEET TO THE POINT OF BEGINNING. CONTAINING 37.06 *ACRES, MORE OR LESS.*

18-1407. Section 4. The follow*ing described* real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of *the "Zoning Ordinance"* of April 17, 1978, this property having been previously zoned RP-1:

DESCRIPTION: ALL THAT *PART OF THE NORTHEAST 1/4* AND ALL THAT PART OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF *SECTION 15, TOWNSHIP* 13 SOUTH, RANGE 25 EAST IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: *BEGINNING AT THE* SOUTHEAST CORNER OF THE *EAST 1/2* OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE SOUTH 87°-40'-20" WEST ALONG THE *SOUTH* LINE OF SAID 1/2 1/4 SEC*TION, A DISTANCE OF* 1327.92 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1°-26'-53'' WEST ALONG THE WEST LINE OF *SAID 1/2 1/4 SECTION*, A DISTANCE OF 644.54 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 83.70 FEET; THENCE SOUTH 8°-31'-51" *EAST, A DISTANCE OF* 101.12 FEET; THENCE SOUTH 37°-02'-33'' EAST, A DISTANCE OF 332.00 FEET; THENCE NORTH 87°-14'-51" EAST, *A DISTANCE OF 520.60* FEET; THENCE NORTH 61°-55'-39" EAST, A DISTANCE OF 1105.00 FEET; THENCE NORTH 27°-50'-51" EAST, A DISTANCE OF 480.00 *FEET;* THENCE NORTH 8°-10'-18" *EAST, A DISTANCE OF* 1057.41 FEET; THENCE SOUTH 60°-25'-20" EAST, A DISTANCE OF 184.53 *FEET;* THENCE NORTH 43°-59'-10" *EAST, A DISTANCE OF* 799.16 FEET; THENCE NORTH 40°-36'-05" EAST, A DISTANCE OF 138.29 FEET; THENCE NORTH 54°-27'-44'' EAST, A *DISTANCE OF* 90.00 FEET; THENCE NORTH 86°-46'-57" EAST, A DISTANCE OF 136.98 FEET; THENCE SOUTH 3°-41'-29" EAST, A DISTANCE OF *240.30 FEET; THENCE SOUTH* 7°-58'-19" WEST, A DISTANCE OF 205.05 FEET; THENCE SOUTH 8°-23'-58" EAST, A DISTANCE OF 259.92 FEET; *THENCE SOUTH 46°-18'-07"* EAST, A DISTANCE OF 483.00 FEET; THENCE SOUTH 10°-00'-00" WEST, A DISTANCE OF 311.25 FEET; THENCE SOUTH 2°-03'-18" *WEST, A DISTANCE* OF 292.66 FEET; THENCE SOUTH 15°-22'-28" WEST, A DISTANCE OF 264.82 FEET; THENCE SOUTH 61°-24'-10" EAST, *A DISTANCE OF 123.24* FEET; THENCE SOUTH 69°-57'-06" EAST, A DISTANCE OF 128.39 FEET; THENCE SOUTH 82°-45'-09'' EAST, A DISTANCE OF 114.25 *FEET;* THENCE NORTH 84°-53'-35" *EAST, A DISTANCE OF* 122.48 FEET; THENCE SOUTH 11°-30'-00" EAST, A DISTANCE OF 220.30 FEET TO A POINT ON A LINE THAT IS 25.00 FEET *WEST OF AND PARALLEL* WITH THE EAST LINE OF SAID SOUTHEAST 1/4 SECTION, AS MEASURED AT RIGHT ANGLES THERETO; THENCE *SOUTH 1°-20'-08'' EAST* ALONG SAID PARALLEL LINE, A DISTANCE OF 580.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST 1/4 *SECTION; THENCE SOUTH* 87°-47'-56" WEST ALONG THE LAST SAID SOUTH LINE, A DISTANCE OF 2624.91 FEET TO THE POINT OF BEGINNING. *CONTAINING* 109.34 ACRES, MORE OR LESS.

18-1410. Section 5. The following described real property is hereby designated as being zoned *RP-1, Planned Single* Family Residential District, in *accordance* with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, *REC*, and RP-1:

DESCRIPTION: ALL THAT PART OF THE EAST 1/2 OF *THE SOUTHWEST 1/4 AND* ALL THAT PART OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE NORTH 1/2 OF SECTION 15, AND ALL THAT PART OF THE SOUTHWEST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 10, ALL IN TOWNSHIP 13 SOUTH, *RANGE 25 EAST, IN* THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE *OF THE* NORTHWEST 1/4 OF SAID *SECTION* 15, THAT IS SOUTH 87°-52'-10'' WEST, A DISTANCE OF 1110.28 FEET FROM THE *SOUTHEAST COR*NER OF SAID NORTHWEST *1/4, AS MEASURED ALONG* THE SOUTH LINE OF SAID NORTHWEST 1/4, SAID POINT BEING ON THE EASTERLY LINE OF "LEAWOOD *GREENWAY AND PARKS"*, A SUBDIVISION OF LAND IN THE CITIES OF LEAWOOD AND OVERLAND PARK, JOHNSON COUNTY, KANSAS; *THENCE NORTH* 14°-00'-00" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 435.00 FEET; THENCE NORTH 9°-30'-00" EAST, CONTINU*ING ALONG SAID* EASTERLY LINE, A DISTANCE OF 315.53 FEET; THENCE NORTH 28°-10'-00" EAST, CONTINUING ALONG SAID EASTERLY LINE, *A DISTANCE OF 966.50 FEET;* THENCE NORTH 60°-32'-00" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 186.60 FEET; *THENCE NORTH* 5°-35'-10" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 1020.18 FEET TO A POINT ON THE NORTH *LINE OF SAID NORTHWEST* 1/4 THAT IS 375.00 FEET WEST OF THE NORTHEAST CORNER THEREOF; *THENCE* SOUTH 87°-50'-04" WEST, ALONG SAID NORTH LINE, AND CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 16.82 FEET; THENCE NORTH 16°-35'-17" EAST CONTINUING ALONG SAID EASTERLY *LINE*, A DISTANCE OF 256.53 FEET; *THENCE NORTH* 19°-03'-17" EAST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 150.00 *FEET;* THENCE NORTH 14°-31'-17" *EAST*, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 23.03 FEET; THENCE NORTH 58°-00'-00" EAST, A DISTANCE OF 119.76 *FEET; THENCE IN A* NORTHEASTERLY AND EASTERLY DIRECTION ALONG A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED *COURSE*, HAVING A RADIUS OF 900.00 FEET, AND A CENTRAL ANGLE OF 29°-00'-00", AN ARC DISTANCE OF 455.53 FEET; THENCE NORTH 87°-*00'-00" EAST, TANGENT* TO SAID CURVE, A DISTANCE OF 360.00 FEET; THENCE IN AN EASTERLY DIRECTION ALONG A CURVE TO THE LEFT TANGENT *TO THE LAST DE*SCRIBED COURSE, HAVING A RADIUS OF 900.00 FEET, AND A CENTRAL ANGLE OF 20°-55'-00" AN ARC DISTANCE OF 328.56 FEET; *THENCE SOUTH* 43°-46'-52'' WEST, A *DISTANCE OF* 238.21 FEET; THENCE SOUTH 40°-50'-57" WEST, A DISTANCE OF 329.44 FEET; THENCE SOUTH 28°-55'-35" WEST, A DISTANCE OF 343.28 FEET; *THENCE SOUTH* 12°-22'-46'' WEST, A DISTANCE OF 389.40 FEET; THENCE SOUTH 53°-44'-46" EAST, A DISTANCE OF 156.00 FEET; *THENCE NORTH 76°-*21'-58" EAST, A DISTANCE OF 179.25 FEET; THENCE NORTH 73°-34'-34'' EAST, A DISTANCE OF 123.99 FEET; THENCE *NORTH 48°-57'-28"* EAST, A DISTANCE OF 255.85 FEET; THENCE NORTH 43°-52'-42" EAST, A DISTANCE OF 429.59 FEET; THENCE NORTH 30°-52'-00'' EAST, A DISTANCE OF 526.93 FEET; *THENCE NORTH* 30°-27'-56" EAST, A DISTANCE OF 98.62 FEET; THENCE SOUTH 33°-49'-20" EAST, A DISTANCE OF 601.85 FEET; THENCE SOUTH 5°-*16'*-25" EAST, A DISTANCE OF 237.38 FEET; THENCE SOUTH 50°-59'-17" WEST, A DISTANCE OF 530.00 FEET; THENCE SOUTH 35°-46'-39" *WEST, A DISTANCE OF 287.10* FEET; THENCE SOUTH 45°-48'-25" WEST, A DISTANCE OF 223.79 FEET; THENCE SOUTH 39°-09'-20'' EAST, A DISTANCE OF 401.17 FEET; THENCE SOUTH 74°-44'-42" *EAST*, A DISTANCE OF 57.01 FEET; THENCE NORTH 77°-00'-19" EAST, A DISTANCE OF 66.71 FEET; THENCE *NORTH* 41°-11'-09'' EAST, A *DISTANCE OF* 372.06 FEET; THENCE SOUTH 78°-41'-24" EAST, A DISTANCE OF 101.98 FEET; THENCE SOUTH 5°-00'-47" WEST, A DISTANCE OF *572.19 FEET;* THENCE SOUTH 16°-32'-05'' WEST, A DISTANCE OF 96.02 FEET; THENCE SOUTH 28°-32'-37" WEST, A DISTANCE OF 225.34 FEET; *THENCE SOUTH 42°-*48'-40" WEST, A DISTANCE OF 188.54 FEET; THENCE SOUTH 52°-48'-24'' WEST, A DISTANCE OF 403.45 FEET; THENCE *SOUTH 31°-00'-12"* WEST, A DISTANCE OF 598.12 FEET; THENCE SOUTH 8°-07'-25" WEST, A DISTANCE OF 297.80 FEET; THENCE SOUTH 45°-00'-00'' WEST, A DISTANCE OF 255.00 FEET; *THENCE SOUTH 90°-00'-00"* WEST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 72°-11'-23" WEST, A DISTANCE OF 453.29 FEET; THENCE NORTH *57°-36'-10''* WEST, A DISTANCE OF 451.46 FEET; THENCE NORTH 63°-14'-29" WEST, A DISTANCE OF 344.34 FEET; THENCE SOUTH 89°-*48'-24" WEST, A DISTANCE OF* 137.83 FEET; THENCE SOUTH 51°-38'-52'' WEST, A DISTANCE OF 195.98 FEET; THENCE SOUTH 78°-55'-05" *WEST, A DISTANCE OF* 223.37 FEET; TO A POINT ON THE EASTERLY LINE OF SAID "LEAWOOD GREENWAY AND PARKS''; THENCE NORTH *18°-12'-00'' EAST* ALONG SAID EASTERLY LINE, A DISTANCE OF 371.70 FEET TO THE POINT OF BEGINNING. CONTAINING 168.44 ACRES, *MORE OR LESS.*

18-1411. Section 6. The following described real property is hereby designated as being zoned RP-1, Planned Single Family *Residential District, in* accordance with the terms of *the "Zoning Ordinance"* of April 17, 1978, this property having been previously zoned REC and RP-1:

DESCRIPTION: ALL THAT *PART* OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND ALL THAT PART OF THE SOUTHEAST 1/4 of SECTION 15, TOWNSHIP 13 SOUTH, *RANGE* 25 EAST, *IN THE CITY* OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST *CORNER OF THE EAST 1/2* OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE NORTH 1°-26'-53" WEST, ALONG THE WEST LINE OF SAID 1/2 1/4 *SECTION, A DISTANCE* OF 564.52 FEET; THENCE NORTH 90°-00'-00'' EAST, A DISTANCE OF 246.67 FEET TO THE TRUE POINT OF BEGINNING OF *THE TRACT OF LAND* HEREIN DESCRIBED: THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 190.26 FEET; THENCE NORTH 14°-54'-10" EAST, A *DISTANCE OF 641.58* FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 736.00 FEET; THENCE NORTH 71°-39'-39'' EAST, A DISTANCE OF 315.66 *FEET;* THENCE SOUTH 87°-20'-54" *EAST*, A DISTANCE OF 134.14 FEET; THENCE SOUTH 45°-42'-21" EAST, A DISTANCE OF 468.24 FEET; *THENCE SOUTH* 73°-44'-23'' EAST, A *DISTANCE OF* 185.00 FEET; THENCE NORTH 80°-03'-56" EAST, A DISTANCE OF 348.14 FEET; THENCE NORTH 76°-42'-04" EAST, A DISTANCE OF *333.68 FEET;* THENCE SOUTH 15°-56'-43'' WEST, A DISTANCE OF 282.69 FEET; THENCE SOUTH 23°-11'-55" WEST, A DISTANCE OF 228.47 *FEET; THENCE SOUTH* 4°-45'-49" WEST A DISTANCE OF 240.83 FEET; THENCE SOUTH 15°-15'-18'' WEST, A DISTANCE OF 329.97 FEET; *THENCE SOUTH* 87°-30'-38" WEST, A DISTANCE OF 498.66 FEET; THENCE SOUTH 70°-58'-28" WEST, A DISTANCE OF 153.38 FEET; THENCE SOUTH 62°-56'-58'' WEST, A DISTANCE OF 527.73 FEET; THENCE SOUTH 81°-28'-09" WEST, A DISTANCE OF 101.12 FEET; THENCE SOUTH 87°-*23'-51" WEST, A DISTANCE OF* 110.11 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 37.02 ACRES, MORE OR LESS.

18-1604. *Section 7. The following* described real property is hereby designated as being zoned A, Agricultural, in accordance with the terms of the "*Zoning Ordinance*" *of April 17,* 1978, this property having been previously zoned REC and A:

DESCRIPTION: ALL THAT *PART OF THE SOUTH 1/2 OF* FRACTIONAL SECTION 11, AND ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 10, **ALL IN TOWNSHIP** 13 *SOUTH, RANGE* 25 *EAST, IN* THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE *SOUTHEAST CORNER OF THE* *SOUTHEAST 1/4 OF SAID* SECTION 10; THENCE SOUTH 88°-02'-19" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 135.24 *FEET; THENCE* NORTH 22°-01'-53" WEST, A *DISTANCE OF* 21.36 FEET; THENCE NORTH 29°-24'-18" WEST, A DISTANCE OF 506.34 FEET; THENCE NORTH 23°-37'-17" WEST, A DISTANCE OF *348.77 FEET; THENCE NORTH* 11°-23'-52'' WEST, A DISTANCE OF 337.62 FEET; THENCE NORTH *71°-00'-00"* EAST, A DISTANCE OF 174.81 *FEET; THENCE EASTERLY* ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 700.00 *FEET AND A CENTRAL ANGLE* OF 45°-00'-00'', AN ARC DISTANCE OF 549.78 FEET; THENCE SOUTH 64°-00'-00" EAST, TANGENT TO SAID *CURVE, A DISTANCE OF* 123.91 FEET; THENCE SOUTH 2°-10'-14" EAST, PARALLEL WITH THE EAST LINE OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE *OF* 1068.72 FEET TO A POINT ON THE *SOUTH LINE OF SAID SOUTH* 1/2; THENCE SOUTH 88°-01'-55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 253.80 FEET TO THE POINT *OF BEGINNING.* CONTAINING 17.38 ACRES, MORE OR LESS.

18-2001. Section 8. The following described real property is hereby designated as being zoned *SP, Special Development* District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned *SP*:

DESCRIPTION: ALL THAT *PART OF THE* NORTH 1/2 OF FRACTIONAL SECTION 14, AND ALL THAT PART OF THE NORTHEAST 1/4 OF *SECTION* 15, ALL IN TOWNSHIP 13 *SOUTH,* RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON *THE EAST LINE OF THE* NORTH 1/2 OF SAID SECTION 14 THAT IS NORTH 2°-22'-55" WEST, A DISTANCE OF 948.00 FEET FROM THE SOUTHEAST *CORNER THEREOF; THENCE* SOUTH 87°-53'-23'' WEST, PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2, A DISTANCE OF 424.12 FEET; THENCE SOUTH 2°-36'-36" EAST, A DISTANCE OF 332.01 FEET; THENCE SOUTH 87°-53'-23" WEST, A DISTANCE OF 210.00 FEET; THENCE NORTH 53°-44'-52'' WEST, A DISTANCE OF 377.13 FEET; *THENCE NORTH* 3°-40'-04" WEST, A DISTANCE OF 390.80 FEET; THENCE NORTH 55°-18'-17" WEST, A DISTANCE OF 79.06 FEET; THENCE SOUTH *90°-00'-00''* WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 2°-04'-57" WEST, A DISTANCE OF 275.18 FEET; THENCE NORTH 90°-00'-00" *EAST, A DISTANCE OF* 90.00 FEET; THENCE NORTH 0°-49'-06" WEST, A DISTANCE OF 350.04 FEET; THENCE NORTH 6°-19'-53" WEST, A *DISTANCE OF 134.01 FEET;* THENCE SOUTH 67°-00'-00" *EAST*, A DISTANCE OF 459.38 FEET; THENCE SOUTH 51°-45'-00" EAST, A DISTANCE OF 550.00 FEET; *THENCE NORTH* 87°-37'-05'' EAST, A *DISTANCE OF 200.00 FEET* TO A POINT ON THE EAST LINE OF SAID NORTH 1/2; THENCE SOUTH 2°-22'-55'' EAST ALONG SAID EAST LINE, A *DISTANCE OF 550.00 FEET* TO THE POINT OF BEGINNING. CONTAINING 21.88 ACRES, MORE OR LESS.

18-2101. Section 9. The following *described real property* is hereby designated as being zoned REC, Recreational District, in accordance with the terms of the "Zoning Ordinance" of *April 17, 1978, this* property having been previously zoned A, REC, RP-1, CP-2, SP, and RP-4:

DESCRIPTION: ALL THAT *PART OF THE SOUTHEAST 1/4* OF SECTION 10 AND ALL THAT PART OF THE NORTH 1/2 OF FRACTIONAL SECTION 14, AND ALL THAT PART OF THE *NORTHEAST 1/4 AND ALL* THAT PART OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, *ALL IN* TOWNSHIP 13 SOUTH, RANGE *25 EAST*, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, ALL MORE PARTICULARLY *DESCRIBED* AS FOLLOWS: COMMENCING AT *THE SOUTHWEST* CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE NORTH 1°-25'-53" WEST ALONG THE *WEST LINE OF SAID 1/2* 1/4 SECTION, A DISTANCE OF 644.54 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DE*SCRIBED; THENCE NORTH* 90°-00'-00'' EAST, A DISTANCE OF 83.70 FEET; THENCE SOUTH 8°-31'-51" EAST, A DISTANCE OF 101.12 *FEET; THENCE SOUTH 37°-*02'-33" EAST, A DISTANCE OF 332.00 FEET; THENCE NORTH 87°-14'-51'' EAST, A DISTANCE OF 520.60 FEET; THENCE *NORTH 61°-55'-39"* EAST, A DISTANCE OF 1105.00 FEET; THENCE NORTH 27°-50'-51" EAST, A DISTANCE OF 480.00 FEET; THENCE NORTH *8°-10'-18"* EAST, A DISTANCE OF *1057.41* FEET; THENCE SOUTH 60°-25'-20" EAST, A DISTANCE OF 184.53 FEET; THENCE NORTH 43°-59'-10" EAST, A DISTANCE OF 799.16 *FEET; THENCE NORTH* 40°-36'-05" EAST, A DISTANCE OF 138.29 FEET; THENCE NORTH 54°-27'-44'' EAST, A DISTANCE OF 90.00 FEET; *THENCE NORTH 86°-46'-57"* EAST, A DISTANCE OF 136.98 FEET; THENCE SOUTH 3°-41'-29" EAST, A DISTANCE OF 240.30 FEET; THENCE SOUTH 7°-58'-19" *WEST, A DISTANCE* OF 205.05 FEET; THENCE SOUTH 8°-23'-58" EAST, A DISTANCE OF 259.92 FEET; THENCE SOUTH 46°-18'-07" *EAST, A DISTANCE OF 622.42* FEET; THENCE NORTH 77°-28'-16" EAST, A DISTANCE OF 216.57 FEET; THENCE NORTH 8°-20'-51" WEST, A DISTANCE *OF 88.69 FEET;* THENCE NORTH 3°-29'-26" *WEST*, A DISTANCE OF 93.68 FEET; THENCE NORTH 23°-39'-57" WEST, A DISTANCE OF 127.24 *FEET; THENCE NORTH* 4°-40'-46" WEST, A DISTANCE OF 147.63 FEET; THENCE NORTH 2°-21'-24" EAST, A DISTANCE OF 590.66 FEET; THENCE NORTH *15°-11'-09"* EAST, A DISTANCE OF 725.33 *FEET; THENCE NORTH* 3°-40'-04" WEST, A DISTANCE OF 390.80 FEET; THENCE NORTH 55°-18'-17'' WEST, A DISTANCE OF 79.06 FEET; *THENCE SOUTH* 90°-00'-00" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 2°-04'-57" WEST, A DISTANCE OF 275.18 FEET; THENCE NORTH *90°-00'-00''* WEST, A DISTANCE OF 90.00 FEET; THENCE NORTH 0°-49'-06" WEST, A DISTANCE OF 350.04 FEET; THENCE NORTH 6°-*19'-53" WEST, A DISTANCE OF* 189.78 FEET; THENCE NORTH 12°-22'-51'' WEST, A DISTANCE OF 322.15 FEET; THENCE NORTH 0°-00'-00" *EAST, A DISTANCE* OF 96.72 FEET; THENCE NORTH 22°-01'-53" WEST, A DISTANCE OF 171.60 FEET; THENCE NORTH 29°-24'-18'' WEST, A *DISTANCE OF* 506.34 FEET; THENCE NORTH 23°-37'-17" WEST, A DISTANCE OF 348.77 FEET; THENCE NORTH *11°-*23'-52" WEST, A DISTANCE OF *337.62* FEET; THENCE SOUTH 71°-00'-00'' WE[illegible], A DISTANCE OF 478.90 [illegible]EET; THENCE [illegible] A SOUTHWEST[illegible] [illegible]EC-TION ALONG A CURVE TO THE LEFT TANGENT TO *THE* LAST *DESCRIBED COURSE*, HAVING A RADIUS OF 100.00 FEET *AND A CENTRAL ANGLE* OF 11°-00'-00'', AN ARC DISTANCE OF 191.99 FEET; THENCE SOUTH 60°-00'-00" WEST, TANGENT TO SAID *CURVE, A DISTANCE* OF 460.00 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT TANGENT TO THE LAST *DESCRIBED* COURSE, HAVING A RADIUS OF 900.00 FEET AND A CENTRAL ANGLE OF 6°-05'-00'', AN ARC DISTANCE OF 95.56 FEET; THENCE *SOUTH* 43°-46'-52" WEST, A DISTANCE OF 238.21 *FEET;* THENCE SOUTH 40°-50'-57" WEST, A DISTANCE OF 329.44 FEET; THENCE SOUTH 28°-55'-35'' *WEST*, A DISTANCE OF 343.28 FEET; *THENCE SOUTH* 12°-22'-46" WEST, A DISTANCE OF 389.40 FEET; THENCE SOUTH 53°-44'-46" EAST, A DISTANCE *OF* 156.00 FEET; THENCE NORTH *76°-21'-58''* EAST, A DISTANCE OF 179.25 FEET; THENCE NORTH 73°-34'-34" EAST, A DISTANCE OF 123.99 FEET; THENCE NORTH 48°-57'-28" *EAST, A DISTANCE OF* 255.85 FEET; THENCE NORTH 43°-52'-42'' EAST, A DISTANCE OF 429.59 FEET; THENCE NORTH 30°-52'-00" EAST, A *DISTANCE OF* 526.93 FEET; THENCE NORTH 30°-27'-56" EAST, A DISTANCE OF 98.62 FEET; THENCE SOUTH 33°-49'-20'' EAST, A DISTANCE OF 601.85 *FEET;* THENCE SOUTH 5°-16'-25" *EAST*, A *DISTANCE* OF 237.38 FEET; THENCE SOUTH 50°-59'-17" WEST, A DISTANCE OF 530.00 FEET; THENCE SOUTH 35°-46'-39'' WEST, A *DISTANCE OF 287.10 FEET;* THENCE SOUTH 45°-48'-25" WEST, A DISTANCE OF 223.79 FEET; THENCE SOUTH 39°-09'-20" EAST, A DISTANCE OF 401.17 FEET; *THENCE SOUTH* 74°-44'-42'' EAST, A DISTANCE OF 57.01 FEET; THENCE NORTH 77°-00'-19" EAST, A DISTANCE OF 66.71 FEET; THENCE *NORTH 41°-*11'-09" EAST, A DISTANCE OF *372.06* FEET; THENCE SOUTH 78°-41'-24'' EAST, A DISTANCE OF 101.98 FEET; THENCE SOUTH 5°-00'-47" WEST, A DISTANCE OF 572.19 *FEET; THENCE SOUTH* 16°-32'-05" WEST, A DISTANCE OF 96.02 FEET; THENCE SOUTH 28°-32'-37'' WEST, A DISTANCE OF 255.32 FEET; THENCE *SOUTH* 42°-48'-40" WEST, A DISTANCE OF 188.54 FEET; THENCE SOUTH 52°-48'-24" WEST, A DISTANCE OF 403.45 FEET; THENCE SOUTH 31°-00'-12'' WEST, A DISTANCE OF 598.12 FEET; *THENCE* SOUTH 8°-07'-25" WEST, A DISTANCE OF 297.80 FEET; THENCE SOUTH 45°-00'-00" WEST, A DISTANCE OF 255.00 FEET; THENCE SOUTH *90°-00'-00''* WEST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 72°-11'-23" WEST, A DISTANCE OF 453.29 FEET; THENCE NORTH 57°-*36'-10" WEST, A DISTANCE OF* 451.46 FEET; THENCE NORTH 63°-14'-29'' WEST, A DISTANCE OF 344.34 FEET; THENCE NORTH 89°-48'-24" *WEST, A DISTANCE OF 137.83* FEET; THENCE NORTH 51°-38'-52" WEST, A DISTANCE OF 195.98 FEET; THENCE SOUTH 78°-55'-05'' WEST, A DISTANCE *OF 223.37 FEET TO* A POINT ON THE EASTERLY LINE OF "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN THE CITIES OF *LEAWOOD* AND OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE SOUTH 46°-27'-00" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 176.74 FEET; THENCE SOUTH 87°-52'-10'' WEST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 215.02 FEET, TO A POINT ON THE *WEST* LINE OF THE EAST 1/2 OF THE *SOUTHWEST* 1/4 OF SAID SECTION 15; THENCE SOUTH 1°-26'-53" EAST ALONG SAID WEST LINE, A DISTANCE OF 1544.00 FEET TO THE TRUE *POINT OF BEGINNING.*

EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE *EAST 1/2 OF THE SOUTHWEST* 1/4 OF SAID SECTION 15; THENCE NORTH 1°-26'-53" WEST, ALONG THE WEST LINE OF SAID 1/2 1/4 SEC*TION, A DISTANCE OF* 564.52 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 246.67 FEET TO THE TRUE POINT OF BEGINNING OF THE *TRACT OF LAND HEREIN DE*SCRIBED; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 190.26 FEET; THENCE NORTH 14°-54'-10'' EAST, DISTANCE OF *641.58 FEET;* THENCE NORTH 15°-04'-17" *WEST*, DISTANCE OF 736.00 FEET; THENCE NORTH 71°-39'-39" EAST, DISTANCE OF 315.66 FEET; *THENCE SOUTH* 87°-20'-54" EAST, DISTANCE *OF 134.14* FEET; THENCE SOUTH 45°-42'-21'' EAST, DISTANCE OF 468.24 FEET; THENCE SOUTH 73°-44'-*23"* EAST, DISTANCE OF 185.00 *FEET; THENCE NORTH* 80°-03'-56" EAST, DISTANCE OF 348.14 FEET; THENCE NORTH 76°-42'-04" EAST, DISTANCE OF 333.68 FEET; THENCE *SOUTH 15°-56'-43" WEST*, DISTANCE OF 282.69 FEET; THENCE SOUTH 23°-11'-55" WEST, DISTANCE OF 228.47 FEET; THENCE SOUTH 4°-45'-49" *WEST, DISTANCE OF* 240.83 FEET; THENCE SOUTH 15°-15'-18" WEST, DISTANCE OF 329.97 FEET; THENCE SOUTH 87°-30'-38'' WEST, DISTANCE *OF 498.66 FEET;* THENCE SOUTH 70°-58'-28" WEST, DISTANCE OF 153.38 FEET; THENCE SOUTH 62°-56'-58" WEST, DISTANCE OF 527.73 FEET; *THENCE SOUTH* 81°-28'-09" WEST, DISTANCE *OF* 101.12 FEET; THENCE SOUTH 87°-23'-51'' WEST, DISTANCE OF 110.11 FEET TO THE TRUE POINT OF *BEGINNING*. CONTAINING 168.12 *ACRES, MORE OR LESS.*

TAKE EFFECT. Section 10. This ordinance shall take effect and be in force from and after its publication in the official City *newspaper*.

First Reading: 8/17/87

Second Reading: 8/17/87

Passed by the Governing Body this 17th day of August, 1987.

Approved by the Mayor this 18th day of August, 1987.

(SEAL)

(s) Martha Rinehart

Mayor

Attest:

(s) Martha Heizer

City Clerk

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

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