ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1273	3/2/92	3/3/92	N/A	AN ORD. AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE - estate sales
1274	3/2/92	3/3/92	N/A	AN ORD. AUTHORIZING THE CITY TO LEASE REAL PROPERTY TO THE LEAWOOD PUBLIC BUILDING COMMISSION; AUTHORIZING CITY TO LEASE SAID REAL PROPERTY AND CITY HALL PROJECT TO BE CONSTRUCTED THEREON FROM THE LEAWOOD PUBLIC BUILDING COMM.
1275 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1991 UNIFORM FIRE CODE
1276 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1991 UNIFORM BUILDING CODE
1277 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1991 UNIFORM PLUMBING CODE
1278 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1990 NATIONAL ELECTRICAL CODE
1279 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1991 UNIFORM MECHANICAL CODE
1280 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1991 UNIFORM SWIMMING POOL, SPA & HOT TUB CODE
1281 C	3/2/92	3/10/92	X	AN ORD. ADOPTING THE 1991 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
1282 C	3/2/92	3/10/92	X	AN ORD. REPEALING ARTICLES 1 & 1A OF CHAPTER 4 OF THE CODE - relating to Building and Construction
1283	3/16/92	3/17/92	N/A	AN ORD. ACCEPTING PERMANENT SIDEWALK EASEMENTS REQUIRED FOR THE MISSION RD. SIDEWALK PROJECT, APPROXIMATELY 89TH ST. TO 92ND ST.
1284	3/16/92	3/17/92	N/A	AN ORD. ACCEPTING A DRAINAGE EASEMENT REQUIRED FOR THE 1991 STREET REHABILITATION PROJECT
1285	3/16/92	3/17/92	N/A	AN ORD. ACCEPTING A DRAINAGE EASEMENT REQUIRED FOR THE LEE BLVD., PHASE 1, IMPROVEMENT PROJECT (95th/103rd)

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1262	11/4/91	11/5/91	N/A	AN ORD. ACCEPTING A DEED FOR STREET PURPOSES (TRAFFIC SIGNAL MODIFICATION AT 89TH & STATE LINE)
1263	11/18/91	11/26/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF $5,143,000 G.O. IMPROVEMENT BONDS
1264 C	11/18/91	11/19/91	X	AN ORD. RELATING TO PARADE REGULATIONS - change in parade permit fee
1265	12/16/91	12/17/91	N/A	AN ORD. ADOPTING BY REF. A SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORD. - to bring the LDOrd. into compliance with revised State Statutes on group homes & enabling legislation for zoning and planning.
1266	1/6/92	1/7/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92B, PROJECT 118; POLICE/COURT BLDG. AND FIRE STATION NO. 1 REMODELING: $400,000.00
1267	1/6/92	1/7/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92A, PROJECT 125; LEE BLVD., PHASE 2; $1,800,000.00
1268 C	1/20/92	1/21/92	X	AN ORD. AMENDING SECTION 11-401 OF THE CODE RELATING TO PROCLAMATIONS OF EMERGENCY - Council line of succession in event Mayor unable to act
1269	2/3/92	2/11/92	N/A	AN ORD. ACCEPTING A DEED FROM MARNED CORP. CONVEYING LAND TO THE CITY FOR A CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVE.
1270	2/3/92	2/11/92	N/A	AN ORD. ACCEPTING A DEED FROM MARNED CORP. CONVEYING LAND TO THE CITY FOR A "VIEW CORRIDOR" ADJACENT TO THE CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVE.
1271 C	2/18/92	2/25/92	X	AN ORD. RELATING TO THE PUBLIC OFFENSE OF WINDOW PEEPING
1272	2/24/92	2/28/92	N/A	AN ORD. CALLING AN ELECTION ON QUESTION - SHOULD CITY ISSUE $6,250,000 G.O. BONDS TO ACQUIRE PARK LAND IN VICINITY OF 151ST & NALL TO CONSTRUCT A PUBLIC GOLF COURSE

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1249	10/8/91	10/15/91	N/A	AN ORD. AMENDING SECTION 3-15 (FLOOD HAZARD OVERLAY DISTRICT) OF THE LEAWOOD DEVELOPMENT ORDINANCE
1250	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING AND PROVIDING FOR ACQUISITION OF CERTAIN EASEMENTS FOR THE CONSTRUCTION OF SIDEWALKS ON MISSION RD., 89TH ST. TO 92ND ST.
1251	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91P, PROJECT 118; POLICE/COURT BLDG. & FIRE STA. NO. 1 REMODELING; $200,000
1252	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES L.I.D. 88-1-91M, PROJECT 113; TOMAHAWK CREEK PARKWAY; $1,800,000
1253	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91N, PROJECT 114; SOMERSET DR., SAGAMORE-BELINDER (Somerset & Lee intersection); $200,000
1254	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91Q, PROJECT 115; MISSION RD., 103RD ST.-COLLEGE BLVD.; $200,000
1255	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91S, PROJECT 117; LEE BLVD., PHASE 1, 95TH ST. TO 103RD ST.; $400,000
1256	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91R, PROJECT 119; 119TH ST., STATE LINE TO MISSION RD.; $600,000
1257	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91T, PROJECT 127; 151ST ST., NALL-EAST CITY LIMITS; $200,000
1258	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91V, PROJECT 121; SOMERSET DR., BELINDER-WENONGA; $100,000
1259	10/8/91	10/11/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91U, PROJECT 124; 135TH ST. (K-150), STATE LINE TO NALL; $300,000
1260 C	10/8/91	10/11/91	X	AN ORD. AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD PROVIDING PENALTIES FOR DRUG OFFENSES
1261	10/21/91	10/22/91	N/A	AN ORD. ACCEPTING EASEMENTS FOR STREET PURPOSES - from Hallbrook Farms Associates, L.P. for public access from 2 tracts of land to Overbrook Rd. on Hallbrook Farms Clubhouse Plat

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1236	8/19/91	8/20/91	N/A	AN ORD. AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS
1237	8/19/91	8/20/91	N/A	AN ORD. AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO ADD PROVISIONS FOR ESTATE SALES IN RESIDENTIAL DISTRICTS
1238	8/19/91	8/20/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91J, PROJECT 113; TOMAHAWK CREEK PARKWAY; $900,000
1239	8/19/91	8/20/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91K, PROJECT 117; LEE BLVD. IMPROVEMENTS, PHASE 1, 95TH/ 103RD; $1,100,000
1240	8/19/91	8/20/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91L, PROJECT 125; LEE BLVD. IMPROVEMENTS, PHASE 2, 95th/ SOMERSET DR.; $700,000
1241	8/19/91	8/20/91	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF 151ST ST., A MAIN TRAFFICWAY, FROM NALL AVE. TO THE EAST CITY LIMITS
1242	8/19/91	8/20/91	N/A	AN ORD. ACCEPTING AN EASEMENT FOR UTILITY PURPOSES - Tract A, BSD Estates, from Daniel Schrock
1243	8/19/91	8/20/91	N/A	AN ORD. ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES - for Somerset improvements, 83rd/Belinder
1244	9/3/91	9/6 & 11/91	N/A	AN ORD. ESTABLISHING THE 1992 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM
1245	9/16/91	9/17/91	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY COST OF IMPROVING TOMAHAWK CREEK PARKWAY PROJECT
1246 C	9/16/91	9/17/91	X	AN ORD. ADOPTING THE 1991 EDITION OF THE "STANDARD TRAFFIC ORDINANCE"
1247 C	9/16/91	9/17/91	X	AN ORD. ADOPTING THE 1991 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE"
1248 C	9/16/91	9/17/91	X	AN ORD. AMENDING SEC. 11-201 OF THE CODE RE PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1224	5/20/91	5/21/91	N/A	AN ORD. REZONING FROM AG AND RP-1 TO REC AND REC TO RP-1 - HALLBROOK, 4TH PLAT, 118TH & NORWOOD
1225 C	5/20/91	5/21/91	X	AN ORD. ESTABLISHING A SPECIAL LIABILITY EXPENSE AND RESERVE FUND.
1226	6/3/91	6/4/91	N/A	AN ORD. ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES - Lot 8, Block 4, "Hallbrook Farms, 1st Plat"
1227	6/3/91	6/4/91	N/A	AN ORD. ACCEPTING AN EASEMENT FOR SANITARY AND STORM SEWER PURPOSES - from Hallbrook Farm Associates
1228	6/3/91	6/4/91	N/A	AN ORD. REASSESSING AND LEVYING ASSESSMENT ON CERTAIN PROPERTY TO PAY A PORTION OF THE COST OF IMPROVING ROE.AVE., 112TH TO TOMAHAWK CREEK PARKWAY (IMPROVEMENT DISTRICT 86-1)
1229	6/17/91	not published	N/A	AN ORD. REZONING PROPERTY AT 115TH & NALL (JOHNSON COUNTY BANK) IN LEAWOOD COMMONS OFFICE PARK FROM CP-0 TO CP-1
1230 C	7/15/91	7/16/91	X	AN ORD. AMENDING SECTION 1-306 OF THE CODE RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, SPECIFICALLY AS PERSONNEL OFFICER; REPEAL OF SECTION 1-504 OF THE CODE RELATING TO THE "PERSONNEL RULES AND REGULATIONS" OF 1/3/84
1231	8/5/91	8/6/91	N/A	AN ORD. REZONING PROPERTY LOCATED AT APPROX. 132ND ST. BETWEEN MISSION & ROE FROM R-1 to RP-1 - WILSHIRE SUBDIV.
1232	8/5/91	8/30/91	N/A	AN ORD. REZONING PROPERTY BETWEEN 115TH & 119TH STREETS AND ROE & NALL AVE. FROM AG TO SD AND RP-4 - LEAWOOD TOWN CENTER
1233	8/5/91	8/6/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES L.I.D. 88-1-91J, PROJECT 113; TOMAHAWK CREEK PARKWAY: $900,000
1234	8/5/91	8/6/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91K, PROJECT 117; LEE BLVD. IMPROVEMENTS, PHASE 1; $1,100,000
1235	8/5/91	8/6/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 91L, PROJECT 125; LEE BLVD. IMPROVEMENTS, PHASE 2; $700,000

ORDINANCE NO. 1285

AN ORDINANCE ACCEPTING A DRAINAGE EASEMENT REQUIRED FOR THE LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1, 95TH STREET TO 103RD STREET.

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

19-6,251. Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Robert K. and Elodie M. Lewis (9830 Lee Blvd.): All that part of Lot 304, LEAWOOD ESTATES, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the west right-of-way line of Lee Boulevard and 45 feet northeasterly (measured along said west right-of-way line) from the southeast corner of said Lot 304; thence northwesterly, radially to said west right-of-way line, a distance of 60 feet; thence northeasterly, normal to the last described line, a distance of 15 feet; thence southeasterly, normal to the last described line, to the west right-of-way line of Lee Boulevard; thence southwesterly along said right-of-way line to the Point of Beginning. The above contains 900 square feet, more or less.

19-6,252. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 16th day of March, 1992.

Approved by the Mayor the 16th day of March, 1992.

(S-E-A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORIGINAL COMPARED WITH RECORD

2095961

Leawood, Kansas
Lee Boulevard Improvements
LA No. 89001-03
12-3-90

PERMANENT DRAINAGE EASEMENT

THIS AGREEMENT, made and entered into this 9 day of January, 19 92, by and between Robert K. Lewis and Elodie M. Lewis

Part_____ of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

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

All that part of Lot 304, LEAWOD ESTATES, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at a point on the west right-of-way line of Lee Boulevard and 45 feet northeasterly (measured along said west right-of-way line) from the southeast corner of said Lot 304; thence northwesterly, radially to said west right-of-way line, a distance of 60 feet; thence northeasterly, normal to the last described line, a distance of 15 feet; thence southeasterly, normal to the last described line, to the west right-of-way line of Lee Boulevard; thence southwesterly along said right-of-way line to the Point of Beginning.

The above contains 900 square feet, more or less. (see attachment "A")

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

92 FEB 24 A 9:27 6

10.00

SARA F. ULLMANN
REGISTER OF DEEDS

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

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

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

Robert K. Lewis

Robert K. Lewis

Elodie M. Lewis

Elodie M. Lewis

ck

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF KANSAS :

COUNTY OF JOHNSON : SS:

BE IT REMEMBERED, That on the 9th day of January, 1992, before me, the undersigned, a Notary Public in and for said County and State,

came Robert K. and Elodie M. Lewis of 9830 Lee Boulevard, 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 my official seal the day and year last above written.

NOTARY PUBLIC STATE OF KANSAS
JULIE A. BUTLER
My Appt. Exp. 06-25-95

Julie A. Butler
Notary Public

My Commission Expires:

06-25-95

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ :

COUNTY OF _____ : SS:

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

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

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

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

_____
Notary Public

My Commission Expires:

_____

Attachment "A"

Sta. 21+77, 38' Lt ℄
Dia. Manhole
1 = 5.70 AC(P)
Ho. # 9830
Sta. 21+77, 22' Lt ℄
Dia. Manhole
1 = 6.35 AC(P)
Robert K. Lewis
Sta. 1+55.65 ℄ "B"
3x3 DBL Grate Inlet
DA. = 0.65 AC (I.P.)
LOT 304
Tree 12" Elms
Sta. 23+08, 23' Lt ℄
4' Dia. Manhole
DA = 6.35 AC(P)
P.D.E.
AC Dr.
18" Maple
Construct Tree Well
Type "A" Curb
Edge of Pavement
Exist. 12" RC
℄ Ditch
Approx. Grading Limits
18" Oak
18" Pine
2-10' Spreaders
Stone 2'x2' Boseb Conc. Base
LOT 639
Jerome Black
Ho. # 9905
LOT 640
Albert G. Brandmeyer
Ho. # 9901
BM #3
Sta. 23+64.5
Match Exist.
LEAWOOD

BM #3 - Ch. "□" Top Cb. S. Side Lee Court 20' W. of ℄ Walk to house No. 9901 Lee Court El = 918.47

BM #4 - Ch. "□" S. Side Lee Circle (N) and 135' East of East end 18" Stone Retaining Wall El = 895.85

5.6% ±

Exist. Profile

915

VOL 3527 PAGE 226

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/17/92

Debra L. Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/17/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.07

Ord. 1285

ORD. 1285

First published in The Legal Record, Tuesday, March 17, 1992.

ORDINANCE NO. 1285

AN ORDINANCE ACCEPTING A DRAINAGE EASEMENT REQUIRED FOR THE LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1, 95TH STREET TO 103RD STREET.

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

Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Robert K. and Elodie M. Lewis (9830 Lee Blvd.): All that part of Lot 304, LEAWOOD ESTATES, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the west right-of-way line of Lee Boulevard and 45 feet northeasterly (measured along said west right-of-way line) from the southeast corner of said Lot 304; thence northwesterly, radially to said west right-of-way line, a distance of 60 feet; thence northeasterly, normal to the last described line, a distance of 15 feet; thence southeasterly, normal to the last described line, to the west right-of-way line of Lee Boulevard; thence southwesterly along said right-of-way line to the Point of Beginning. The above contains 900 square feet, more or less.

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

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

Passed by the Council the 16th day of March, 1992.

Approved by the Mayor the 16th day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1284

AN ORDINANCE ACCEPTING A DRAINAGE EASEMENT REQUIRED FOR THE 1991 STREET REHABILITATION PROJECT.

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

19-6,249. Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

> From Patricia A. Murray (8031 Manor Rd.): the North 30.00 feet of the West 10.00 feet of the Northwest corner of Lot 80, Leawood, a subdivision in Leawood, Johnson County, Kansas.

19-6,250. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 16th day of March, 1992.

Approved by the Mayor the 16th day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORIGINAL COMPARED WITH RECORD 69

2099299

PERMANENT DRAINAGE EASEMENT

This agreement, made and entered into this 17th day of September, 1991, by and between **Patricia A. Murray**, 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 permanent drainage easement described as follows: the North 30.00 feet of the West 10.00 feet of the Northwest corner of Lot 80, Leawood, a subdivision in Leawood, Johnson County, Kansas.**

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

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

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

Patricia A. Murray

Patricia A. Murray

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

8.00

92 MAR -3 A 10:55 9

SARA F. ULLMANN
REGISTER OF DEEDS

8.00 cks

ORIGINAL COMPARED WITH RECORD

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 17th day of September, 1991, before me, a Notary Public in and for said County and State, came Patricia A. Murray to me personally known to be the same persons who executed the foregoing instrument and duly acknowledge the execution of the same.

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

Martha E. Heizer
Notary Public

My commission expires June 25, 1995

NOTARY PUBLIC STATE OF KANSAS
MARTHA E. HEIZER
My Appt. Exp. 6/25/95

CORPORATE ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

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

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

_____
Notary Public

My commission expires_____.

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

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/17/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/17/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $17.27

Ord. 1284

ORD. 1284

First published in The Legal Record, Tuesday, March 17, 1992.

ORDINANCE NO. 1284

AN ORDINANCE ACCEPTING A DRAINAGE EASEMENT REQUIRED FOR THE 1991 STREET REHABILITATION PROJECT.

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

Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Patricia A. Murray (8031 Manor Rd.): the North 30.00 feet of the West 10.00 feet of the Northwest corner of Lot 80, Leawood, a subdivision in Leawood, Johnson County, Kansas.

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

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

Passed by the Council the 16th day of March, 1992.

Approved by the Mayor the 16th day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1283

AN ORDINANCE ACCEPTING PERMANENT SIDEWALK EASEMENTS REQUIRED FOR THE MISSION ROAD SIDEWALK PROJECT, APPROXIMATELY 89TH STREET TO 92ND STREET.

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

19-6,247. Section 1. That the City of Leawood hereby accepts 9 permanent sidewalk easements, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easements, to wit:

From Gary E. Morgan: The West 4 feet of Lot 1224, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Robert G. and Betty N. McCormack: The West 4 feet of Lot 1226, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Gary and Radine Lewis: The West 4 feet of Lot 1227, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Sylvester B. and Constance J. Hunt: The West 4 feet of Lot 1228, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From George W. and Helen J. Stein, Trustees: The West 4 feet of Lot 1229, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Wynona K. Grantham: The West 4 feet of Lot 1230, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Howard R. and Gay B. Woosley, Trustees: The West 4 feet of Lot 1231, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From C.B. and Ruth M. Miller: The West 4 feet of Lot 1232, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Dolores R. Campbell: The West 4 feet of Lot 1233, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

19-6,248. Section 2. That copies of said easements are attached

hereto and thereby incorporated by reference.

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

Passed by the Council the 16th day of March, 1992.

Approved by the Mayor the 16th day of March, 1992.

(S-E-A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

ORIGINAL COMPARED WITH RECORD

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

2099300

92 MAR -3 A 10:56 .2

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 3rd day of SEPT, 1991, by and between **Gary E. Morgan**, hereinafter Grantor, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two hundred twenty one ($221.00) paid by the City, receipt of which is hereby acknowledged, grantor grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1224, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantor, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantor hereby waives any claim for damages against City for damages occasioned by said public sidewalk being located upon grantor's property.

IN WITNESS WHEREOF, said grantor hereunto sets hand and seal the day and year first above written.

Gary E Morgan

Gary E. Morgan

8.00 ck

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 3rd day of September, 19 91, before me, a Notary Public in and for the county and state aforesaid, came Gary E. Morgan, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

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

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

Notary Public

My appointment expires:

_____

3238 TRS
City of Leawood

ORIGINAL COMPARED WITH RECORD

2099301

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

8.00

92 MAR -3 A 10:56.5

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 16th day of September, 1991, by and between **Robert G. & Betty N. McCormack**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Six hundred seventy two ($672.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1226, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

Robert G. McCormack

Betty N. McCormack

8.00 ck

VOL 3536 PAGE 764

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the ___ day of _____, 19___, before me, a Notary Public in and for the county and state aforesaid, came _____, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

_____
Notary Public

My appointment expires:

_____

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 16th day of September, A.D. 19___, before me, a Notary Public in and for said County and State, came Robert G. & Betty N. McCormack to me personally known to be the same persons who executed the foregoing instrument and duly acknowledge the execution of the same.

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

Richard D. Needles
Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

City of Leawood

ORIGINAL COMPARED WITH RECORD

2099302

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

8.00

92 MAR -3 A 10:56 .8

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 10th day of September, 19 91 by and between **Gary & Radine Lewis**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two hundred twenty two ($222.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1227, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

X Gary Lewis
Gary Lewis

X Radine Lewis
Radine Lewis

8.00 ck

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 10th day of _____, 19__, before me, a Notary Public in and for the county and state aforesaid, came _____, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

_____
Notary Public

My appointment expires:

_____

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 10th day of September, A.D. 19 91, before me, a Notary Public in and for said County and State, came Gary & Radine Lewis, husband & wife to me personally known to be the same persons who executed the foregoing instrument and duly acknowledge the execution of the same.

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

Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

City of Leawood

ORIGINAL COMPARED WITH RECORD

2099303

STATE OF KANSAS
COUNTY OF JOHNSON ss
FILED FOR RECORD

8.00

92 MAR -3 A 10:57.0

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 3rd day of September, 1991, by and between **Sylvester Brad Hunt II & Constance G. Hunt**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two hundred seventeen ($217.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1228, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

Sylvester B Hunt II
Sylvester B. Hunt

Constance G. Hunt
Constance G. Hunt

8.00 ck

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 3rd day of September, 19 91, before me, a Notary Public in and for the county and state aforesaid, came Sylvester & Constance Hunt, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

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

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

Notary Public

My appointment expires:

_____

City of Leawood

ORIGINAL COMPARED WITH RECORD

2099304

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

92 MAR -3 A 10:57.2

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 17th day of September, 1991, by and between **George W. Stein & Helen J. Stein Trustees of the George W. Stein and Helen J. Stein Trust Agreement dated September 28, 1988**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two Hundred thirteen($213.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1229, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

George W. Stein
George W. Stein, Trustee

Helen J. Stein
Helen J. Stein, Trustee

8.00 ck

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 17th day of September, 19 91, before me, a Notary Public in and for the county and state aforesaid, came **George W. Stein and Helen J. Stein, Trustees of the George W. Stein and Helen J. Stein Trust Agreement dated September 28, 1988,** who are personally known to me to be the same persons who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Notary Public

Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this ____ day of _____, 19___, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, _____ of _____, who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

_____
Notary Public

My appointment expires:

_____

OTT 9666 ID.
city of Leawood

ORIGINAL COMPARED WITH RECORD

2099305

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

92 MAR -3 A 10:57.5

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 10th day of September, 1991, by and between **Aubrey H. & Wynona K. Grantham**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two Hundred thirteen ($213.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1230, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

Wynona K. Grantham
Wynona K. Grantham

DECEASED
Aubrey H. Grantham

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 10TH day of September, 19 91, before me, a Notary Public in and for the county and state aforesaid, came Wynona K. Grantham, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Notary Public
Richard D. Needels

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

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

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

_____
Notary Public

My appointment expires:

_____

City of Leawood

ORIGINAL COMPARED WITH RECORD

2099306

8.00

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

92 MAR -3 A 10:58 .0

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 27th day of August, 1991, by and between **Howard R. Woosley & Mary Gay Woosley, Trustees of a Revocable Living Trust, dated July 19, 1990**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two Hundred thirteen ($213.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1231, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

Howard R Woosley
Howard R. Woosley, Trustee

Mary Gay Woosley
Gay B. Woosley AKA Mary Gay Woosley, Trustee

8.00 ck

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 27th day of August, 19 91, before me, a Notary Public in and for the county and state aforesaid, came **Howard R. Woosley Trustee and Gay B. Woosley AKA Mary Gay Woosley Trustee of a Revocable Living Trust dated July 19, 1990**, who are personally known to me to be the same persons who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Richard D. Needles
Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this ____ day of _____, 19___, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, _____ of _____, who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

_____
Notary Public

My appointment expires:

ATT-0000

city of Leawood

ORIGINAL COMPARED WITH RECORD

2099307

8.00

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

92 MAR -3 A 10:58 .4

SARA FULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 23rd day of August, 1991, by and between **C.B. & Ruth M. Miller**, hereinafter Grantors, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two hundred ten ($210.00) paid by the City, receipt of which is hereby acknowledged, grantors grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1232, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantors, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantors hereby waive any claim for damages against City for damages occasioned by said public sidewalk being located upon grantors' property.

IN WITNESS WHEREOF, said grantors hereunto set hand and seal the day and year first above written.

C.B. Miller
C.B. Miller

Ruth M. Miller
Ruth M. Miller

8.00 ck

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

VOL 3536 PAGE 776

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the ___ day of _____, 19___, before me, a Notary Public in and for the county and state aforesaid, came _____, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

_____
Notary Public

My appointment expires:

_____

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 23rd day of August, A.D. 19 91, before me, a Notary Public in and for said County and State, came C.B. & Ruth Miller, husband & wife to me personally known to be the same persons who executed the foregoing instrument and duly acknowledge the execution of the same.

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

Richard D. Needles
Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

City of Leawood

ORIGINAL COMPARED WITH RECORD

2099308

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

92 MAR -3 A 10:58 .6

SARA F. ULLMANN
REGISTER OF DEEDS

Permanent Sidewalk Easement

This agreement made and entered into this 28th day of August, 1991, by and between **Rachel McD. Shouse, Dolores R Campbell also known as Rachel Dolores Campbell and Nancy Elizabeth Campbell**, hereinafter Grantor, and the City of Leawood, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter, City.

WITNESSETH: That for and in consideration of the sum of Two hundred twelve ($212.00) paid by the City, receipt of which is hereby acknowledged, grantor grants to City and easement for a public sidewalk over the following described property:

The West 4 feet of Lot 1233, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

When said easement shall cease to be used by the City for said public sidewalk purposes, this easement shall revert to the grantor, or their successors, assigns or grantees.

It is hereby mutually understood and agreed that said grantor hereby waives any claim for damages against City for damages occasioned by said public sidewalk being located upon grantor's property.

IN WITNESS WHEREOF, said grantor hereunto sets hand and seal the day and year first above written.

Deceased
Rachel McD. Shouse

Dolores R. Campbell
Dolores R. Campbell

Deceased
Nancy Elizabeth Campbell

8.00 ck

CTT 0000

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the 28th day of August, 19 91, before me, a Notary Public in and for the county and state aforesaid, came **Dolores R. Campbell aka Rachel Dolores Campbell**, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Richard D. Needles
Notary Public
Richard D. Needles

My appointment expires:

RICHARD D. NEEDLES
Notary Public - State of Kansas
My Appt. Expires April 5, 1994

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this ____ day of _____, 19___, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, _____ of _____, who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

_____
Notary Public

My appointment expires:

_____

ATT: City of Leawood

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/17/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/17/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $27.83

Ord. 1283

ORD. 1283

First published in The Legal Record, Tuesday, March 17, 1992.

ORDINANCE NO. 1283

AN ORDINANCE ACCEPTING PERMANENT SIDEWALK EASEMENTS REQUIRED FOR THE MISSION ROAD SIDEWALK PROJECT, APPROXIMATELY 89TH STREET TO 92ND STREET.

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

Section 1. That the City of Leawood hereby accepts 9 permanent sidewalk easements, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easements, to wit:

From Gary E. Morgan: The West 4 feet of Lot 1224, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Robert G. and Betty N. McCormack: The West 4 feet of Lot 1226, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Gary and Radine Lewis: The West 4 feet of Lot 1227, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Sylvester B. and Constance J. Hunt: The West 4 feet of Lot 1228, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From George W. and Helen J. Stein, Trustees: The West 4 feet of Lot 1229, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Wynona K. Grantham: The West 4 feet of Lot 1230, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Howard R. and Gay B. Woosley, Trustees: The West 4 feet of Lot 1231, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From C.B. and Ruth M. Miller: The West 4 feet of Lot 1232, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

From Dolores R. Campbell: The West 4 feet of Lot 1233, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

Section 2. That copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 16th day of March, 1992.

Approved by the Mayor the 16th day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1282 C

AN ORDINANCE REPEALING ARTICLES 1 AND 1A OF CHAPTER 4 OF THE CODE OF THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Repeal. That Article 1 titled "Plumbing and Mechanical Codes for Detached One and Two Family Dwellings", and Article 1A titled "Header Design and Allowable Spans for Ceiling Joists for Detached One and Two Family Dwellings" of Chapter 4 ("Buildings and Construction") of the Code of the City of Leawood are hereby repealed. (Prior law: Article 1, Ord. No. 1019C; Article 1A, Ord. No. 1020C)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $11.51

ORD. 1282 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1282 C

AN ORDINANCE REPEALING ARTICLES 1 AND 1A OF CHAPTER 4 OF THE CODE OF THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Repeal. That Article 1 titled "Plumbing and Mechanical Codes for Detached One and Two Family Dwellings", and Article 1A titled "Header Design and Allowable Spans for Ceiling Joists for Detached One and Two Family Dwellings" of Chapter 4 ("Buildings and Construction") of the Code of the City of Leawood are hereby repealed. (Prior law: Article 1, Ord. No. 1019C; Article 1A, Ord. No. 1020C)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

Ord. 1282C

ORDINANCE NO. 1281 C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS REGULATING THE ABATEMENT OF DANGEROUS BUILDINGS OR STRUCTURES WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 10 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 10. Uniform Code for the Abatement of Dangerous Buildings

4-1001. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED. The "Uniform Code for the Abatement of Dangerous Buildings", 1991 Edition, as published by the International Conference of Building Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed in Section 4-1002. No fewer than three copies of said Code 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.

4-1002. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AMENDED; SECTION 203. VIOLATIONS AND PENALTIES. Sec. 203 is hereby changed to read as follows: Violations and Penalties. Any person, form or corporation violating any provision of this Code shall be deemed guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed as separate offense.

Section 2. Repeal of Existing Article. That existing Article 10 of Chapter 4 of the Code of the City of Leawood is hereby repealed. *(Prior law: Ord. No. 1143C)*

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $28.79

Ord. 1281C

ORD. 1281 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1281 C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS REGULATING THE ABATEMENT OF DANGEROUS BUILDINGS OR STRUCTURES WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 10 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 10. Uniform Code for the Abatement of Dangerous Buildings

4-1001. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED. The "Uniform Code for the Abatement of Dangerous Buildings", 1991 Edition, as published by the International Conference of Building Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed in Section 4-1002. No fewer than three copies of said Code 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.

4-1002. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AMENDED; SECTION 203. VIOLATIONS AND PENALTIES. Sec. 203 is hereby changed to read as follows: Violations and Penalties. Any person, form or corporation violating any provision of this Code shall be deemed guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed as separate offense.

Section 2. Repeal of Existing Article. That existing Article 10 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1143C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1280 C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF THE DESIGN AND INSTALLATION OF SWIMMING POOLS, SPAS AND HOT TUBS WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Code Amended. That Article 9 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 9. Uniform Swimming Pool, Spa and Hot Tub Code

4-901. UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE ADOPTED. The "Uniform Swimming Pool, Spa and Hot Tub Code", 1991 Edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed in Sections 4-902, 4-903 and 4-904. Three copies of this document shall be on file in the Office of the City Clerk.

4-902. UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE SEC. 1.7 VIOLATIONS AND PENALTIES. 1.7 changed to read as follows: Violations and Penalties. Any person, form or corporation violating any provision of this Code shall be deemed guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed a separate offense.

4-903. SAME; SEC. 1.11 COST OF PERMIT. 1.11 Cost of Permit, is hereby deleted.

4-904. SAME; SEC. 102 DEFINITIONS. 102 Definitions changed to read as follows: Swimming Pool, private or public, is any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground swimming pools, hot tubs, and spas. (Note: Above ground or on-ground swimming pools are not permitted in the City of Leawood).

Section 2. Repeal of Existing Article. That existing Article 9 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. 1105C)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $32.62

Ord. 1280C

ORD. 1280 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1280 C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF THE DESIGN AND INSTALLATION OF SWIMMING POOLS, SPAS AND HOT TUBS WITHIN *THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF* PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Code Amended. That Article 9 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 9. Uniform Swimming Pool, Spa and Hot Tub Code

4-901. UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE ADOPTED. The "Uniform Swimming Pool, Spa and Hot Tub Code", 1991 Edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated in this chapter as fully as if set forth herein, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed in Sections 4-902, 4-903 and 4-904. Three copies of this document shall be on file in the Office of the City Clerk.

4-902. UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE SEC. 1.7 VIOLATIONS AND PENALTIES. 1.7 changed to read as follows: Violations and Penalties. Any person, form or corporation violating any provision of this Code shall be deemed guilty of a public offense, punishable by a fine of not more than $500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that violation continues shall be deemed a separate offense.

4-903. SAME; SEC. 1.11 COST OF PERMIT. 1.11 Cost of Permit, is hereby deleted.

4-904. SAME; SEC. 102 DEFINITIONS. 102 Definitions changed to read as follows: Swimming Pool, private or public, is any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground swimming pools, hot tubs, and spas. (Note: Above ground or on-ground swimming pools are not permitted in the City of Leawood).

Section 2. Repeal of Existing Article. That existing Article 9 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. 1105C)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)
Attest:

Marcia Rinehart Mayor

Martha Helzer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1279 C

AN ORDINANCE ADOPTING THE 1991 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.

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

Section 1. Code Amended. That Article 5 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 5. Mechanical Code

4-501. UNIFORM MECHANICAL CODE ADOPTED. The "Uniform Mechanical Code", including all appendices, 1991 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 of portions thereof as are specifically added or changed in Section 4-502 of this article. Three copies of this document shall be on file in the Office of the City Clerk.

4-502. UNIFORM MECHANICAL CODE AMENDED; SEC. 204 VIOLATIONS. 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 2. Repeal of Existing Article. That existing Article 5 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1018C).

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $31.28

Ord. 1279C

ORD. 1279 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1279 C

AN ORDINANCE ADOPTING THE 1991 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.

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

Section 1. Code Amended. That Article 5 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 5. Mechanical Code

4-501. UNIFORM MECHANICAL CODE ADOPTED. The "Uniform Mechanical Code", including all appendices, 1991 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 of portions thereof as are specifically added or changed in Section 4-502 of this article. Three copies of this document shall be on file in the Office of the City Clerk.

4-502. UNIFORM MECHANICAL CODE AMENDED; SEC. 204 VIOLATIONS. 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 2. Repeal of Existing Article. That existing Article 5 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1018C).

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)
Attest:

Marcia Rinehart Mayor

Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

entire ord.
Repealed by:
ORDINANCE NO. 1351C
Adopted: 6/7/93
Effective:

ORDINANCE NO. 1278 C

AN ORDINANCE ADOPTING THE 1990 EDITION OF THE NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION "NFPA NO. 70-1990" REGULATING CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF ELECTRICAL WIRING SYSTEMS WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING EXISTING ARTICLE OF THE CODE OF THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Article 3 of Chapter 4 of the Code of the City of Leawood titled "Electrical Code" is hereby amended to read as follows:

Article 3. Electrical Code

4-301. NATIONAL ELECTRICAL CODE INCORPORATED. The National Electrical Code, 1990 edition, as published by the National Fire Protection Association (NFPA No. 70-1990) 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 4-302 through 4-309 of this article. Three copies of this document shall be on file in the office of the City Clerk.

4-302. NATIONAL ELECTRICAL CODE AMENDED; ARTICLE 110-2. 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, installation without first securing approval and 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 acceptable only if approved. Exception: Temporary services installed for construction activities and installed under the supervision of the supplying utility shall not require a permit.

4-303. SAME; ARTICLE 110-5. 110-5 is changed to read as follows: Conductors. Conductors normally used to carry current shall be of copper unless otherwise provided in this code. Conductors for residential application shall be copper. Conductors for branch circuits #6 AWG and below shall be copper on commercial and industrial applications.

entire ord. Repealed by: ORDINANCE NO. 1356 Adopted: 6/7/93 Effective:

4-304. SAME; ARTICLE 110-8. 110-8 is ~~changed to read~~ as follows: Wiring Method. All construction other than one and two family dwellings shall be wired with insulated conductors in conduit as defined by this code except that multi-family dwellings and not more than four living units per floor and not more than eight living units between fire walls may be wired with nonmetallic sheathed cable. Only wiring methods recognized as suitable are included in this code. The recognized methods of wiring shall be permitted for installation. Exception: Temporary construction of commercial and industrial buildings may be wired with nonmetallic sheathed cable subject to approval of the Building Official.

4-305. SAME; ARTICLE 230-23(b). 230-23(b), is added to read as follows: Entrance Conductor and Equipment. Services shall be sized in accordance with the following provisions: Service conductors, bus bars and equipment ratings shall not be less than 80 percent of the combined ampacity of the service switches or circuit breakers. Service entrance conductors may be aluminum or copper-clad only if larger than #6 and when installed in commercial installations.

4-306. SAME; ARTICLE 210-71. 210-71, is added to read as follows: Receptacle Outlets. Receptacle outlets installed in commercial and office buildings shall be adequate to serve the needs of the occupant using the space. Adequacy shall be determined by the Building Official at the time that plans are submitted for permits. Additional receptacle outlets shall be noted on the plans and installed by the owner or occupant. Commercial office occupancies shall have a wall receptacle every 12 running feet. Other nonresidential occupancies shall have a minimum of one wall receptacle on each wall.

4-307. VIOLATION; PENALTIES. 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 an electrical system in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this chapter, or other references incorporated, is guilty of a public offense, punishable as provided in Section 4-202.

4-308. CIVIL ACTIONS. Notwithstanding any other provisions, decisions of the Building Official, or such assistant or assistants as he or she may appoint, or decisions by the Board of Appeals reviewing decisions of the Building Official or his or her assistants shall be enforceable in the District Court of Johnson County, Kansas or any other court of competent territorial jurisdiction upon action brought by the city attorney, assistant city attorney, special attorney, or other legal counsel authorized to maintain such action for Leawood Codes enforcement.

entire ord.

Repealed by:
ORDINANCE NO. 1251C
Adopted: 6/7/93
Effective:

4-309. LIABILITY. Requirements stated in this chapter and all existing codes and ordinances in force shall not be construed as imposing on the city, its officials, agents, or employees, any liability or responsibility for damages to any property or injury to any person due to defective installations. The city or any official, employee or agent thereof, shall not assume any liability or responsibility whatsoever by reason of inspection or approval of any installation.

Section 2. Repeal of Existing Article. That existing Article 3 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1144C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

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

TO:

. .
City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $56.61

Ord. 1278C

Clerk/Finance Director

FORM:

Attorney

ORD. 1278 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1278 C

AN ORDINANCE ADOPTING THE 1990 EDITION OF THE NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION "NFPA NO. 70-1990" REGULATING CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF ELECTRICAL WIRING SYSTEMS WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING EXISTING ARTICLE OF THE CODE OF THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Article 3 of Chapter 4 of the Code of the City of Leawood titled "Electrical Code" is hereby amended to read as follows:

Article 3. Electrical Code

4-301. NATIONAL ELECTRICAL CODE INCORPORATED. The National Electrical Code, 1990 edition, as published by the National Fire Protection Association (NFPA No. 70-1990) 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 4-302 through 4-309 of this article. Three copies of this document shall be on file in the office of the City Clerk.

4-302. NATIONAL ELECTRICAL CODE AMENDED; ARTICLE 110-2. 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, installation without first securing approval and 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 acceptable only if approved. Exception: Temporary services installed for construction activities and installed under the supervision of the supplying utility shall not require a permit.

4-303. SAME; ARTICLE 110-5. 110-5 is changed to read as follows: Conductors. Conductors normally used to carry current shall be of copper unless otherwise provided in this code. Conductors for residential application shall be copper. Conductors for branch circuits #6 AWG and below shall be copper on commercial and industrial applications.

4-304. SAME; ARTICLE 110-8. 110-8 is changed to read as follows: Wiring Method. All construction other than one and two family dwellings shall be wired with insulated conductors in conduit as defined by this code except that multi-family dwellings and not more than four living units per floor and not more than eight living units between fire walls may be wired with nonmetallic sheathed cable. Only wiring methods recognized as suitable are included in this code. The recognized methods of wiring shall be permitted for installation. Exception: Temporary construction of commercial and industrial buildings may be wired with nonmetallic sheathed cable subject to approval of the Building Official.

4-305. SAME; ARTICLE 230-23(b). 230-23(b), is added to read as follows: Entrance Conductor and Equipment. Services shall be sized in accordance with the following provisions: Service conductors, bus bars and equipment ratings shall not be less than 80 percent of the combined ampacity of the service switches or circuit breakers. Service entrance conductors may be aluminum or copper-clad only if larger than #6 and when installed in commercial installations.

4-306. SAME; ARTICLE 210-71. 210-71, is added to read as follows: Receptacle Outlets. Receptacle outlets installed in commercial and office buildings shall be adequate to serve the needs of the occupant using the space. Adequacy shall be determined by the Building Official at the time that plans are submitted for permits. Additional receptacle outlets shall be noted on the plans and installed by the owner or occupant. Commercial office occupancies shall have a wall receptacle every 12 running feet. Other nonresidential occupancies shall have a minimum of one wall receptacle on each wall.

4-307. VIOLATION; PENALTIES. 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 an electrical system in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this chapter, or other references incorporated, is guilty of a public offense, punishable as provided in Section 4-202.

4-308. CIVIL ACTIONS. Notwithstanding any other provisions, decisions of the Building Official, or such assistant or assistants as he or she may appoint, or decisions by the Board of Appeals reviewing decisions of the Building Official or his or her assistants shall be enforceable in the District Court of Johnson County, Kansas or any other court of competent territorial jurisdiction upon action brought by the city attorney, assistant city attorney, special attorney, or other legal counsel authorized to maintain such action for Leawood Codes enforcement.

4-309. LIABILITY. Requirements stated in this chapter and all existing codes and ordinances in force shall not be construed as imposing on the city, its officials, agents, or employees, any ~~liability~~ or responsibility for damages to any property or injury to any person due to defective installations. The city or any official, employee or agent thereof, shall not assume any liability or responsibility whatsoever by reason of inspection or approval of any installation.

Section 2. Repeal of Existing Article. That existing Article 3 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1144C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1277 C

AN ORDINANCE ADOPTING THE 1991 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.

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

Section 1. Code Amended. That Article 4 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 4. Plumbing Code

4-401. UNIFORM PLUMBING CODE ADOPTED. The "Uniform Plumbing Code", including all appendices, 1991 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 and 4-403 of this article. Three copies of this document shall be on file in the Office of the City Clerk.

4-402. UNIFORM PLUMBING CODE AMENDED; SEC. 20.3 VIOLATIONS AND PENALTIES. 20.3 Violations and Penalties shall read as follows: Any person, form 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, 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 180 days from date of issuance or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be 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, will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 1 year.

4-403 SAME; SEC. 1004(a) MATERIALS. 1004(a) Materials, add the following: As an alternate, POLYBUTYLENE (PB) pipe manufactured to recognized standards, may be utilized in cold water distribution systems outside a building and for hot and cold water distribution systems within a building.

4-404. SAME; SEC. 1008(a) INSTALLATION. 1008(a) Installation, add the following: Water service piping and sewers shall be installed not less than 3 feet 6 inches below grade for water piping and in accordance with Johnson County Wastewater District regulations for sewers.

Section 2. Repeal of Existing Article. That existing Article 4 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1017C)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Debra L. Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $41.26

Ord. 1277C

R	SWRENDRA KUMAR	O	PRO SE-92C2613-60D
	HEIDI MARIE REICHER	C	H.S. LEVITAN-92C2614-61
TENBURG	ANNA SMITH	C	H.S. LEVITAN-92C2615-61
COOLEY	JOHNNY B COOLEY	O	PRO SE-29C2616-60D
ASSOCIATES	DRU ANNE STOERMANN	C	H.S. LEVITAN-92C2617-61
ASSOCIATES	TODD A MILLER	C	H.S. LEVITAN-92C2618-61
K	DIAMOND SHIELD	T	H.S. LEVITAN-92C2619-60
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OUNCIL OF CAMPFIRE	QUIVIRA IN	ON	L. WINN III-92C2623-60
ERS SINCLAIR	SIERRA CONST	C	F.D. COVELL-92C2624-61
N ELECTRIC SERV	BETTY CHELLGREN	ON	92C2626-60
TAL BK	FLETCHER D SAPP	ON	D.L. DAVIS-92C2628-60
F OLATHE	JAMES J GREEN	RE	C.B. BACON-92C2629-60
NDING	MICHAEL FITZPATRICK	C	J.L. SIMON-92C2630-61
R CO	LARRY G LOCKWOOD	C	J.M. COX-92C2631-60

CONTINUED ON NEXT PAGE

ORD. 1277 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1277 C

AN ORDINANCE ADOPTING THE 1991 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.

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

Section 1. Code Amended. That Article 4 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 4. Plumbing Code

4-401. UNIFORM PLUMBING CODE ADOPTED. The "Uniform Plumbing Code", including all appendices, 1991 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 and 4-403 of this article. Three copies of this document shall be on file in the Office of the City Clerk.

4-402. UNIFORM PLUMBING CODE AMENDED; SEC. 20.3 VIOLATIONS AND PENALTIES. 20.3 Violations and Penalties shall read as follows: Any person, form 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, 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 180 days from date of issuance or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be 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, will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 1 year.

4-403 SAME; SEC. 1004(a) MATERIALS. 1004(a) Materials, add the following: As an alternate, POLYBUTYLENE (PB) pipe manufactured to recognized standards, may be utilized in cold water distribution systems outside a building and for hot and cold water distribution systems within a building.

4-404. SAME; SEC. 1008(a) INSTALLATION. 1008(a) Installation, add the following: Water service piping and sewers shall be installed not less than 3 feet 6 inches below grade for water piping and in accordance with Johnson County Wastewater District regulations for sewers.

Section 2. Repeal of Existing Article. That existing Article 4 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1017C)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Attest:

Marcia Rinehart Mayor

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1276 C

AN ORDINANCE ADOPTING THE 1991 EDITIONS OF THE UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF CONSTRUCTION WITHIN THE CITY OF LEAWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Code Amended. That Article 2 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 2. Building Code

4-201. UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS ADOPTED. The "Uniform Building Code and Uniform Building Code Standards", including appendices listed below, 1991 editions, as published by the International Conference of Building Officials, are hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or changed. Three copies of each of these documents shall be on file in the Office of the City Clerk being marked and designated as:

1. UNIFORM BUILDING CODE, 1991 EDITION, published by the International Conference of Building Officials including Appendix Chapter I, Division I (Delete Section 110(b)), Appendix Chapter 12 Division III, as amended, Appendix Chapter 29, Appendix Chapter 32, Appendix Chapter 35, Appendix Chapter 53, Appendix Chapter 55 and Appendix Chapter 70.

2. UNIFORM BUILDING CODE STANDARDS, 1991 EDITION, published by the International Conference of Building Officials, including standard for installation of Sprinkler Systems, NFPA 13-1991, NFPA 13R 1991, and NFPA 13D 1991 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 4-235 of this article, and same are hereby adopted for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Leawood; providing for issuance of permits and collections of fees therefor; and each and all of the regulations, provisions, conditions and terms of such UNIFORM BUILDING CODE, 1991 EDITION, and UNIFORM BUILDING CODE STANDARDS, 1991 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. 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.

4-203. SAME; SEC. 301(b) EXEMPTED WORK. Sec. 301(b) Work Exempt from permit. Delete numbers 1, 2, 3, 6, 7, and 11.

4-204. 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.

> 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. Plans shall be prepared and certified by an architect or engineer responsible for the structural components of the pool design.

4-205. SAME; SEC. 302 (d) INFORMATION ON PLANS AND SPECIFICATIONS. Sec. 302 (d) 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.

4-206. SAME; SEC. 302(e) SITE PLAN. Sec. 302(e) Site Plan is hereby added and shall read as follows: There shall be a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines, and established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All; decks, balconies, overhangs or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot.

Fire apparatus access roads provided in accordance with the Uniform Fire Code Article 10, Division II shall be indicated as such on the site plan.

The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, and building setbacks.

4-207. 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 and shall read as follows: Permits for mechanical, 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 occupation license in the City of Leawood. (Certification of at least one employee of the respective company as a master tradesman shall be a requisite for licensing.) 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. Homeowners, however, must certify that thy are capable of and will personally participate in the permitted work.

4-208. SAME; SEC. 303(g) POTABLE WATER CERTIFICATION. Sec. 303(g) Potable Water Certification is hereby added and shall read as follows: A permit shall not be issued until written evidence is presented to the building official certifying the availability of a 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 areas 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.

4-209. SAME; SEC. 303(h) FIRE PROTECTION CERTIFICATION. Sec. 303(h) Fire Protection Certification is hereby added and shall read as follows: A permit shall not be issued until written evidence is presented to the building official certifying that adequate means of fire protection is available. This certification shall be issued by the Fire Official upon approval of an automatic sprinkler system installed throughout the structure in accordance with the 1991 edition of NFPA 13, Standard for the Installation of Sprinkler Systems, or the 1991 edition of NFPA 13D or 13R (residential) as appropriate. In addition to this, one approved hydrant per 20,000 square feet of first-story floor area and within 300 feet of every part of the structure in an approved location will be required.

EXCEPTION:

1. R3 occupancies within 500 feet of an approved hydrant or hydrants supplying a minimum of 1000 gpm or .33 gpm per square feet of floor space, whichever is greater, shall not be required to have an automatic sprinkler system. Approved hydrants will be those complying with AWWA Standard C-502 and flowing at least 1000 gpm.

2. Open air structures equipped with roofs rated U.L. Class A, shall not be required to have an automatic sprinkler system.

3. Group B, and Groups M1 and M2 occupancies with less than 1000 square feet of floor area, non-combustible exterior walls, U.L. Class A roof covering and more than 100 feet separation from the nearest structure shall not be required to have an automatic sprinkler system. There shall be no hydrant requirement for these structures.

4. Structures or portions of structures which, in the opinion of the Building Official, are properly omitted in accordance with Section 3804 of the 1991 Uniform Building Code, shall not be required to have an automatic sprinkler system. Qualification for this exception shall be based upon the installation of such fire protection systems as deemed appropriate and approved by the Fire Official. (This section shall be used in lieu of UFC appendices IIIA and IIIB).

4-210. SAME; SEC. 303(i) OUTSIDE SANITARY SEWER CONSTRUCTION AND CONNECTION PERMIT REQUIRED. Sec. 303(i) Outside Sanitary Sewer Construction and Connection Permit Required is hereby added and shall 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.

4-211. SAME; SEC. 303(j) PERFORMANCE BOND REQUIRED. Sec. 303(j) Performance Bond Required is hereby added to read as follows: A performance bond not to exceed the amount of $5,000 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 homeowner 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.

4-212. SAME; SEC. 304(c) PLAN REVIEW FEES. Sec. 304(c) Plan Review Fees is changed to read as follows: A plan review fee shall be required on all new commercial construction including tenant finish spaces. Said plan

review fee shall be paid at the time of submitting plans and specifications for review and may be a maximum of 45 percent of the building permit fee as shown n 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.

4-213. SAME; SEC. 304(e) 2. FEE. 304(e) Fee is changed to read: An investigation fee shall be collected. The investigation fee shall be the amount of the permit fee plus the permit fee; thus the total fee is double the normal permit fee. Payment of the fee shall not exempt any person from compliance with all other provisions of this code nor any penalty prescribed by law.

4-214. 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.

4-215. SAME; SEC. 308(b) CHANGE IN USE. Sec. 308(b) Change in Use is hereby changed 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.

4-216. SAME; SEC. 308(g) CONNECTION WITH A SEWER SYSTEM. Sec. 308(g) Connection With a Sewer System is hereby added and shall read as follows: No Certificate of Occupancy shall 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.

4-217. SAME; SEC. 405 "D". Add the following:

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 guardians 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 24hours per day (generally within a dwelling unit).

GROUP DAY CARE HOME is a lace 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 (generally within a dwelling unit).

4-218. SAME; SEC. 419"R". RESIDENTIAL BOARD AND CARE FACILITIES. Sec. 419"R" Residential Board and Care Facilities is hereby added and shall read as follows: 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.

4-219. SAME; SEC. 420 "S" SLEEPING ROOM. Sec. 420 "S" Sleeping Room is hereby added and shall read as follows: Any room that may be used on a regular basis for sleeping, generally with an adjacent three or more fixture bathroom.

4-220. SAME; SEC. 503(d) FIRE RATINGS FOR OCCUPANCY SEPARATION. Sec. 503(d) Fire Ratings for Occupancy Separation is hereby changed and shall 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 9 persons per vehicle and provided no repair or fueling is done.

2. In Group R, Division I Occupancies, a 1 hour occupancy separation is permitted from a Group B, Division I 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 1 hour occupancy separation between a Group R, Division 3 and M occupancy the separation may be limited to the installation of materials, approved for 1 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 1 hour fire assembly. In addition, a 4 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 2 hour area separation walls that are carried to the underside of the roof deck conforming to 505(e).

4-221. SAME; SEC. 506(a) GENERAL. Sec. 506(a) General is hereby deleted.

4-222. SAME; SEC. 507 EXCEPTION. Sec. 507 Exception No.3 is added and shall read as follows: The maximum height for Group R, Division 3 occupancies may be increased to 50 feet on all sides not facing the street provided 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 1991 Edition of the "Standard for the Installation of Sprinkler Systems in One and Two Family Dwelling and Mobile Homes."

4-223. SAME; SEC. 1102(B) SPECIAL AREA PROVISIONS. Sec. 1102(b) Special Area Provisions: Change 3000 square feet to read 1600 square feet.

4-224. SAME; SEC. 1201. GROUP R OCCUPANCIES. Sec. 1201 Group R Occupancies, Division 3. Dwellings and lodging houses is changed as follows: 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, 1991 Edition.

4-225. SAME; SEC. 1202(b) SPECIAL PROVISIONS. Sec. 1202(b) Special Provisions is hereby changed to read as follows: Group R, Division I Occupancies more than 2 stories in height or having more than 3000 square feet of floor area above the first story shall be not less than 1 hour fire-resistive construction throughout except as provided in Section 1705(b) 2.

Storage or laundry rooms that are within Group R, Division I Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than 1 hour fire-resistive occupancy separation.

Every apartment house 3 stories or more in height or containing more than 4 dwelling units and every hotel 3 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 less than 2 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 2 hour fire-resistive occupancy separations and each individual dwelling unit has an exit direct to a yard or public way.

For Group R, Division I Occupancies with a Group B, Division I 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.

4-226. SAME; SEC. 1204, ACCESS AND EXIT FACILITIES AND EMERGENCY ESCAPES. Sec. 1204, Exceptions 1 and 2 are added and shall read as follows:

EXCEPTION 1. Emergency escape exiting from a dwelling unit basement may be by way of a second stairway which leads to an escape exit on the main floor different from that of the first stairway.

EXCEPTION 2. The second escape exit from a dwelling unit basement may be through one of the basement windows, enlarged to 5.7 square feet (minimum openable height 24 inches; minimum openable width 20 inches) with either stairs or a ladder mounted on the wall beneath the window. Release mechanisms must comply with Section 1204 of this code.

4-227. SAME; SEC. 1214. RESIDENTIAL LIVE LOADS. Sec. 1214 Residential Live Loads is added and shall 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, stirs, 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 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.

4-228. SAME; SEC. 2305(d) SNOW LOADS. Sec. 2305(d) Snow Loads is 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 or 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:

$$R_s = S - 1$$
$$40 \quad 2$$

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.

4-229. SAME; SEC. 2517(d) FLOOR JOISTS. Sec. 2517(d) 1. is changed to read as follows: Floor Joists 1. General. Spans for joists shall be in accordance with Table No. 25-J.J.i. Spas for joists used in decks requiring a 60 pound per square foot live load shall not exceed 2/3 of those shown in Table No. 25U.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.

4-230. SAME; SEC. 2907(a) GENERAL. Sec. 2907(a) General is 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.

4-231. SAME; SEC. 3203 ROOF COVERING REQUIREMENTS. Sec. 3203 Roof Covering Requirements is changed to read as follows: Roof coverings shall be Class A rated.

EXCEPTION: Group R, Division 3 single family dwellings may be covered with roofing materials and methods complying with Leawood Development Ordinance, Sections 3-1K, 3-2K, and 3-3K provided that a minimum of 20 feet between structures exists.

4-232. SAME; SEC. 3205(a) ATTIC ACCESS. Sec. 3205(a) Attic Access is changed to read as follows: Opening dimensions, 32 inches by 30 inches.

4-233. SAME; SEC. 3704(c) REINFORCING AND SEISMIC ANCHORAGE. Delete.

4-234. SAME; SEC. 4304(h) WALLS AND PARTITIONS. Sec. 4304(h) Walls and Partitions is added and shall read as follows: 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".

4-235. SAME; APPENDIX CHAPTER 12, DIVISION III SEC. 1242 BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Change Swimming Pool Definition to read as follows: Swimming Pool is any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground swimming pools, hot tubs and spas. (Note: Above ground or on-ground swimming pools are not permitted in the City of Leawood.)

4-236. SAME; APPENDIX CHAPTER 12, DIVISION III SEC. 1243, BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Sec. 1243(a) Delete item 9 and 10. 1243(b) Delete.

Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1016C).

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $220.69

Ord. 1276C

ORD. 1276 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1276 C

AN ORDINANCE ADOPTING THE 1991 EDITIONS OF THE UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS GOVERNING THE CONDITIONS, TERMS, SPECIFICATIONS AND CONTROL OF CONSTRUCTION WITHIN THE CITY OF LEAWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Code Amended. That Article 2 of Chapter 4 of the Code of the City of Leawood is hereby amended to read as follows:

Article 2. Building Code

4-201. UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS ADOPTED. The "Uniform Building Code and Uniform Building Code Standards", including appendices listed below, 1991 editions, as published by the International Conference of Building Officials, are hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or changed. Three copies of each of these documents shall be on file in the Office of the City Clerk being marked and designated as:

1. UNIFORM BUILDING CODE, 1991 EDITION, published by the International Conference of Building Officials including Appendix Chapter I, Division I (Delete Section 110(b)), Appendix Chapter 12 Division III, as amended, Appendix Chapter 29, Appendix Chapter 32, Appendix Chapter 35, Appendix Chapter 53, Appendix Chapter 55 and Appendix Chapter 70.

2. UNIFORM BUILDING CODE STANDARDS, 1991 EDITION, published by the International Conference of Building Officials, including standard for installation of Sprinkler Systems, NFPA 13-1991, NFPA 13R 1991, and NFPA 13D 1991 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 4-235 of this article, and same are hereby adopted for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Leawood; providing for issuance of permits and collections of fees therefor; and each and all of the regulations, provisions, conditions and terms of such UNIFORM BUILDING CODE, 1991 EDITION, and UNIFORM BUILDING CODE STANDARDS, 1991 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. 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.

4-203. SAME; SEC. 301(b) EXEMPTED WORK. Sec. 301(b) Work Exempt from permit. Delete numbers 1, 2, 3, 6, 7, and 11.

4-204. 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.

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. Plans shall be prepared and certified by an architect or engineer responsible for the structural components of the pool design.

4-205. SAME; SEC. 302 (d) INFORMATION ON PLANS AND SPECIFICATIONS. Sec. 302 (d) 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.

4-206. SAME; SEC. 302(e) SITE PLAN. Sec. 302(e) Site Plan is hereby added and shall read as follows: There shall be a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines, and established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All; decks, balconies, overhangs or other building

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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 Article 10, Division II shall be indicated as such on the site plan.

The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, and building setbacks.

4-207. 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 and shall read as follows: Permits for mechanical, 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 occupation license in the City of Leawood. (Certification of at least one employee of the respective company as a master tradesman shall be a requisite for licensing.) 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. Homeowners, however, must certify that thy are capable of and will personally participate in the permitted work.

4-208. SAME; SEC. 303(g) POTABLE WATER CERTIFICATION. Sec. 303(g) Potable Water Certification is hereby added and shall read as follows: A permit shall not be issued until written evidence is presented to the building official certifying the availability of a 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 areas 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.

4-209. SAME; SEC. 303(h) FIRE PROTECTION CERTIFICATION. Sec. 303(h) Fire Protection Certification is hereby added and shall read as follows: A permit shall not be issued until written evidence is presented to the building official certifying that adequate means of fire protection is available. This certification shall be issued by the Fire Official upon approval of an automatic sprinkler system installed throughout the structure in accordance with the 1991 edition of NFPA 13, Standard for the Installation of Sprinkler Systems, or the 1991 edition of NFPA 13D or 13R (residential) as appropriate. In addition to this, one approved hydrant per 20,000 square feet of first-story floor area and within 300 feet of every part of the structure in an approved location will be required.

EXCEPTION:

1. R3 occupancies within 500 feet of an approved hydrant or hydrants supplying a minimum of 1000 gpm or .33 gpm per square feet of floor space, whichever is greater, shall not be required to have an automatic sprinkler system. Approved hydrants will be those complying with AWWA Standard C-502 and flowing at least 1000 gpm.

2. Open air structures equipped with roofs rated U.L. Class A, shall not be required to have an automatic sprinkler system.

3. Group B, and Groups M1 and M2 occupancies with less than 1000 square feet of floor area, non-combustible exterior walls, U.L. Class A roof covering and more than 100 feet separation from the nearest structure shall not be required to have an automatic sprinkler system. There shall be no hydrant requirement for these structures.

4. Structures or portions of structures which, in the opinion of the Building Official, are properly omitted in accordance with Section 3804 of the 1991 Uniform Building Code, shall not be required to have an automatic sprinkler system. Qualification for this exception shall be based upon the installation of such fire protection systems as deemed appropriate and approved by the Fire Official. (This section shall be used in lieu of UFC appendices IIIA and IIIB).

4-210. SAME; SEC. 303(i) OUTSIDE SANITARY SEWER CONSTRUCTION AND CONNECTION PERMIT REQUIRED. Sec. 303(i) Outside Sanitary Sewer Construction and Connection Permit Required is hereby added and shall 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.

4-211. SAME; SEC. 303(j) PERFORMANCE BOND REQUIRED. Sec. 303(j) Performance Bond Required is hereby added to read as follows: A performance bond not to exceed the amount of $5,000 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 homeowner 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.

4-212. SAME; SEC. 304(c) PLAN REVIEW FEES. Sec. 304(c) Plan Review Fees is changed to read as follows: A plan review fee shall be required on all new commercial construction including tenant finish spaces. Said plan review fee shall be paid at the time of submitting plans and specifications for review and may be a maximum of 45 percent of the building permit fee as shown n 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.

4-213. SAME; SEC. 304(e) 2. FEE. 304(e) Fee is changed to read: An investigation fee shall be collected. The investigation fee shall be the amount of the permit fee plus the permit fee; thus the total fee is double the normal permit fee. Payment of the fee shall not exempt any person from compliance with all other provisions of this code nor any penalty prescribed by law.

4-214. 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.

4-215. SAME; SEC. 308(b) CHANGE IN USE. Sec. 308(b) Change in Use is hereby changed 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.

4-216. SAME; SEC. 308(g) CONNECTION WITH A SEWER SYSTEM. Sec. 308(g) Connection With a Sewer System is hereby added and shall read as follows: No Certificate of Occupancy shall 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.

4-217. SAME; SEC. 405 "D". Add the following:

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 guardians 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 24hours per day (generally within a dwelling unit).

GROUP DAY CARE HOME is a lace 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 (generally within a dwelling unit).

4-218. SAME; SEC. 419"R". RESIDENTIAL BOARD AND CARE FACILITIES. Sec. 419"R" Residential Board and Care Facilities is hereby added and shall read as follows: 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.

4-219. SAME; SEC. 420 "S" SLEEPING ROOM. Sec. 420 "S" Sleeping Room is hereby added and shall read as follows: Any room that may be used on a regular basis for sleeping, generally with an adjacent three or more fixture bathroom.

4-220. SAME; SEC. 503(d) FIRE RATINGS FOR OCCUPANCY SEPARATION. Sec. 503(d) Fire Ratings for Occupancy

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Separation is hereby changed and shall 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 9 persons per vehicle and provided no repair or fueling is done.

2. In Group R, Division I Occupancies, a 1 hour occupancy separation is permitted from a Group B, Division I 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 1 hour occupancy separation between a Group R, Division 3 and M occupancy the separation may be limited to the installation of materials, approved for 1 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 1 hour fire assembly. In addition, a 4 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 2 hour area separation walls that are carried to the underside of the roof deck conforming to 505(e).

4-221. SAME; SEC. 506(a) GENERAL. Sec. 506(a) General is hereby deleted.

4-222. SAME; SEC. 507 EXCEPTION. Sec. 507 Exception No.3 is added and shall read as follows: The maximum height for Group R, Division 3 occupancies may be increased to 50 feet on all sides not facing the street provided 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 1991 Edition of the "Standard for the Installation of Sprinkler Systems in One and Two Family Dwelling and Mobile Homes."

4-223. SAME; SEC. 1102(B) SPECIAL AREA PROVISIONS. Sec. 1102(b) Special Area Provisions: Change 3000 square feet to read 1600 square feet.

4-224. SAME; SEC. 1201. GROUP R OCCUPANCIES. Sec. 1201 Group R Occupancies, Division 3. Dwellings and lodging houses is changed as follows: 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, 1991 Edition.

4-225. SAME; SEC. 1202(b) SPECIAL PROVISIONS. Sec. 1202(b) Special Provisions is hereby changed to read as follows: Group R, Division I Occupancies more than 2 stories in height or having more than 3000 square feet of floor area above the first story shall be not less than 1 hour fire-resistive construction throughout except as provided in Section 1705(b) 2.

Storage or laundry rooms that are within Group R, Division I Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than 1 hour fire-resistive occupancy separation.

Every apartment house 3 stories or more in height or containing more than 4 dwelling units and every hotel 3 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 less than 2 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 2 hour fire-resistive occupancy separations and each individual dwelling unit has an exit direct to a yard or public way.

For Group R, Division I Occupancies with a Group B, Division I 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.

4-226. SAME; SEC. 1204, ACCESS AND EXIT FACILITIES AND EMERGENCY ESCAPES. Sec. 1204, Exceptions 1 and 2 are added and shall read as follows:

EXCEPTION 1. Emergency escape exiting from a dwelling unit basement may be by way of a second stairway which leads to an escape exit on the main floor different from that of the first stairway.

EXCEPTION 2. The second escape exit from a dwelling unit basement may be through one of the basement windows, enlarged to 5.7 square feet (minimum openable height 24 inches; minimum openable width 20 inches) with either stairs or a ladder mounted on the wall beneath the window. Release mechanisms must comply with Section 1204 of this code.

4-227. SAME; SEC. 1214. RESIDENTIAL LIVE LOADS. Sec. 1214 Residential Live Loads is added and shall 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, stirs, 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 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.

4-228. SAME; SEC. 2305(d) SNOW LOADS. Sec. 2305(d) Snow Loads is 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 or 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:

$$R_s = S - \frac{1}{40}\,2$$

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.

4-229. SAME; SEC. 2517(d) FLOOR JOISTS. Sec. 2517(d) 1. is changed to read as follows: Floor Joists 1. General. Spans for joists shall be in accordance with Table No. 25-J.J.i. Spas for joists used in decks requiring a 60 pound per square foot live load shall not exceed 2/3 of those shown in Table No. 25U.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.

4-230. SAME; SEC. 2907(a) GENERAL. Sec. 2907(a) General is 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.

4-231. SAME; SEC. 3203 ROOF COVERING REQUIREMENTS. Sec. 3203 Roof Covering Requirements is changed to read as follows: Roof coverings shall be Class A rated.

EXCEPTION: Group R, Division 3 single family dwellings may be covered with roofing materials and methods complying with Leawood Development Ordinance, Sections 3-1K, 3-2K, and 3-3K provided that a minimum of 20 feet between structures exists.

4-232. SAME; SEC. 3205(a) ATTIC ACCESS. Sec. 3205(a) Attic Access is changed to read as follows: Opening dimensions, 32 inches by 30 inches.

4-233. SAME; SEC. 3704(c) REINFORCING AND SEISMIC ANCHORAGE. Delete.

4-234. SAME; SEC. 4304(h) WALLS AND PARTITIONS. Sec. 4304(h) Walls and Partitions is added and shall read as follows: Fire resistive walls and partitions shall have

CONTINUED ON PAGE 21

CONTINUED FROM PAGE 20

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".

4-235. SAME; APPENDIX CHAPTER 12, DIVISION III SEC. 1242 BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Change Swimming Pool Definition to read as follows: Swimming Pool is any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground swimming pools, hot tubs and spas. (Note: Above ground or on-ground swimming pools are not permitted in the City of Leawood.)

4-236. SAME; APPENDIX CHAPTER 12, DIVISION III SEC. 1243, BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Sec. 1243(a) Delete item 9 and 10. 1243(b) Delete.

Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1016C).

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 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.

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$$R_s = S - 1$$
$$40 \quad 2$$

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.

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4-234. SAME; SEC. 4304(h) WALLS AND PARTITIONS. Sec. 4304(h) Walls and Partitions is added and shall read as follows: 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".

4-235. SAME; APPENDIX CHAPTER 12; DIVISION III SEC. 1242 BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS. Change Swimming Pool Definition to read as follows: Swimming Pool is any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground swimming pools, hot tubs and spas. (Note: Above ground or on-ground swimming pools are not permitted in the City of Leawood.)

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Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 4 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1016C).

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(SEAL)

Marcia Rinehart — Mayor

Attest:

Martha Heizer — City Clerk

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

R. S. Wetzler — City Attorney

ORDINANCE NO. 1275 C

AN ORDINANCE ADOPTING THE 1991 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES.

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

Section 1. Code Amended. That Article 2 of Chapter 7 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 2. FIRE PREVENTION

7-201. ADOPTION OF UNIFORM FIRE CODE. 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, II-F, III-C, IV-A, and V-A, VI-E and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1991 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 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 IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 82.104 (a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: No use of liquefied petroleum gas, requiring storage, exceeding a water capacity of 100 gallons will be allowed in residential areas consisting of building sites of one acre or less.

7-205. AMENDMENT TO THE UNIFORM FIRE CODE; SEC. 1.103 (c). Sec. 1.103 (c) is ~~added~~ amended 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.

7-206. 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.

7-207. SAME; SEC. 4.103 APPLICATION FOR PERMITS. Sec. 4.103 Application is hereby changed to read as follows: Applications for permits shall be made to the bureau of fire prevention in such form and detail as prescribed by the bureau. Applications for permits shall be accompanied by such plans as required by the bureau. Fees for permits required under Sec. 4.108 must be paid before the permits are issued. Fee amount for each permit shall be $50.00.

7-208. SAME; SEC. 10.201 FIRE APPARATUS ACCESS ROADS. Sec. 10.201 Fire Apparatus Access Roads is changed to read as follows:

Sec. 10.201.(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) Surface. Fire apparatus access roads 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.

(c) Width. The minimum unobstructed width of a fire apparatus access road shall be not less than 20 feet.

(d) Vertical Clearance. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

(e) Turning radius. The turning-radius of a fire apparatus access road shall be as approved by the chief.

(f) Turnarounds. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(g) 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.

(h) Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.

(i) Obstruction. The required width of any fire apparatus access road 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.

> 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.)

Sec. 10.201.1 (a) General. Fire lanes shall be provided and maintained in accordance with the provisions of this sec-

tion. 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 meet the same specification requirements as a fire access road (see above) shall be located within 20 feet of the building, and be 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 and minimum fire department access to the building is provided for.
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) 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.

(e) 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.

7-209. SAME; SEC. 10.401 through 10.403 WATER SUPPLIES FOR FIRE PROTECTION. Sec. 10.401 through 10.403 Water Supplies is hereby deleted. (See 4-209 for water supply requirement).

7-210. SAME; SEC. 10.502 TIMING OF INSTALLATION. Sec. 10.502 **Timing** is hereby changed to read as follows: The

installation of fire hydrants and fire apparatus access roads required under the building code and section 10.201 of this code shall occur before any combustibles are stored on the site.

7-211. SAME; SEC. 10.503 APPROVAL AND TESTING. Sec. 10.503 Approval is changed to read as follows: All fire alarm systems; fire hydrant systems; fire-extinguishing systems, including automatic sprinklers and wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire-protection and life safety systems and appurtenances thereto shall meet the approval of the fire chief in accordance with nationally recognized standards as to design, installation and location and shall be subject to such inspections and tests as required by the chief prior to approval. All such inspections and tests shall be conducted at the expense of the owner or representative of the owner. The fire official shall not be held responsible for any damage arising out of any such test. Where the presence of the fire official is required for any test, notification of such test shall be made 48 hours prior to the test.

7-212. SAME; SEC. 10.504. (a) GENERAL. Sec. 10.504 (a) General is hereby changed to read as follows: Sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire-protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protective or extinguishing systems or appliances shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled or added to. Additions, repairs, alterations and servicing shall be in accordance with recognized standards.

All non-required fire protection equipment shall be arranged and maintained in a manner consistent with requirements at the time of installation. All non-required equipment which is not approved for continued use shall be removed so as not to give the false indication that the area is protected by such equipment.

In addition to this all such systems shall be inspected and tested at least annually and documentation of such tests shall be available to the fire official. All such inspections and tests shall be conducted by and at the owner's expense. The fire department shall not be responsible for any damage arising out of any such inspection or test. If the presence of the fire official is required at any such test, notification shall be made 48 hours prior to the test.

7-213. SAME; Sec. 10-507 REQUIRED INSTALLATIONS OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS. Sec. 10-507 Required Installations is hereby deleted. (For automatic fire extinguishing systems requirements see Leawood Building Code.)

7-214. *SAME; SEC. 10.601 (b) CEILING CONSTRUCTION. Sec.* 10.601 (b) 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. 11.203 OPEN BURNING. Sec. 11.203 Open Burning is changed to read as follows:

Sec. 11.203(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; SEC. 11.203(f) EXCEPTIONS TO OPEN BURNING. Sec. 11.203(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 ma sonry container, the screen shall have heat and corrosion resis tance 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 compli ance with Uniform Building Code Section 2404, and any other relevant Code Sections.
7. There shall be suitable fire protection equipment avail able 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 de grees 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 circum stances, 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 condi tions 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.

7-217. SAME; 11.204 RECREATIONAL FIRES. Sec. 11.204 Recreational Fires is hereby deleted.

7-218. SAME; ARTICLE 77, EXPLOSIVES AND BLASTING AGENTS. Article 77, Explosives and Blasting Agents, is hereby enacted in its entirety with the following changes and additions:

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

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

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

(b) A permit as provided by Section 77.104(a) will not

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

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

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

Sec. 77.103 (c) is hereby added to read as follows: PERMIT DEFINED. "Permit" whenever used in the Article means the written authorization of the Director of Public Works and Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to manufacture, store, possess, transport, sell, and use explosive materials and blasting agents.

Sec. 77.103 (d) is hereby added to read as follows: PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 77.103 (e) is hereby added to read as follows: REISSUING OF PERMITS. All permits issued in accordance with the provisions of this Article shall, when reissued, be subject to any amendments to this Article.

Sec. 77.103 (f) is hereby added to read as follows: FEE. Each applicant for a permit shall pay to the City at the time of application a nonrefundable application fee of fifty dollars ($50.00).

Sec. 77.103 (g) is hereby added to read as follows: SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to

all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (UFC Appendix VI-E). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other portions of the application process.

Sec. 77.103 (h) is hereby added to read as follows: BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

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

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

Sec. 77.103 (i) is hereby ~~amended~~ added mh to read as follows: INSURANCE REQUIRED. Before a permit is issued, as required by Section 77.103 (a) and (c), the applicant shall secure and maintain the following occurrence form insurance coverages:

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

2. Employers Liability:

Bodily Injury by Accident	$1,000,000 each accident
Bodily Injury by Disease	$1,000,000 policy limit
Bodily Injury by Disease	$1,000,000 each employee

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

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

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

Sec. 77.103 (j) is hereby added to read as follows: PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 77.103 (k) is hereby added to read as follows: DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified but not to exceed one (1) year, or until revoked, whichever shall first occur.

Sec. 77.103 (l) is hereby added to read as follows: *SEPARATE PERMITS REQUIRED FOR EACH OPERATION.* Separate and distinct permits shall be required for each operation listed.

Sec. 77.103 (m) is hereby added to read as follows: APPROVAL SUBJECT TO INSPECTION. Application for a permit to construct or erect facilities for the storage, handling, or use of explosives or blasting agents required in this Article shall be made in writing to the Director of Public Works. Prior to issuing any permit, the Director of Public Works shall determine that the applicant has a valid user's permit and storage permit issued by the State Fire Marshal. If the

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

Sec. 77.103 (n) is hereby added to read as follows: INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or his or her designee so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 77.103 (o) is hereby added to read as follows: BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 77.103.1 is hereby added to read as follows: APPEALS. Any owner, lessee, agent, operator, or occupant aggrieved by any decision, order or permit issued pursuant to this Article may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public

Works. The Director shall cause the appeal to be heard at the next available City Council meeting. Such appeal shall not stay the execution of any decision, order or permit issued pursuant to this Article until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this Article shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to appeal.

Sec. 77.103.2 is hereby added to read as follows: COURT APPEALS. No decision, order or permit issued pursuant to this Article shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

Sec. 77.103.3 is hereby added to read as follows: PENALTIES. Any person who fails to comply with the provisions of this Article including but not limited to Uniform Fire Code, Article 77, Explosives and Blasting Agents, as amended, National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, Kansas Administrative Regulations 22-4-2 through and including 22-4-3, Title 27 of the Code of Federal Regulations or with any order of the Director or other authority having jurisdiction issued pursuant thereto shall be subject to the penalties of Section 7-227 of the Code of the City of Leawood.

7-219. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, in its entirety.

7-220 SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as Kansas Administrative Regulations 22-4-1 through 22-4-3 as amended in its entirety.

7-221 SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as Title 27 of the Code of Federal Regulations in its entirety.

7-222. SAME; Section 77.104; BOND. Sec 77.104; Bond is hereby deleted. (See 77.103 (i) for insurance requirements.)

7-223. SAME; Section 77.105; NOTICE OF NEW STORAGE AND MANUFACTURING SITES. Sec. 77.105 Notice is hereby deleted.

7-224. 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.

(b) ACCESS ROADS Sec. 87.103 (b) Is hereby deleted. (See 7-208 for access road requirement.)

7-225. APPEALS. Whenever the chief disapproves any type of application or refuses to grant any type of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the building code appeal committee within 30 days from the date of the decision appealed.

7-226. 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.

7-227. PENALTIES. (a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the appeals board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than one (1) dollar nor more than five hundred (500) dollars or by imprisonment for not less than one (1) day nor more than thirty (30) days or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or otherwise remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 7 of the Code of the City of Leawood is hereby repealed. (Prior law: Sections 7-201: 215, Ord. No. 1021C; 7-215.1, Ord. No. 1024C; 7-216, Ord. No. 1211C; 7-216.1, 216.2, 216.3, Ord. No. 1190C; and 7-217:220, Ord. No. 1021C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder thereof shall not be thereby affected.

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R. S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/10/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/10/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $280.17

Ord. 1275C

ORD. 1275 C

First published in The Legal Record, Tuesday, March 10, 1992.

ORDINANCE NO. 1275 C

AN ORDINANCE ADOPTING THE 1991 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES.

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

Section 1. Code Amended. That Article 2 of Chapter 7 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 2. FIRE PREVENTION

7-201. ADOPTION OF UNIFORM FIRE CODE. 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, II-F, III-C, IV-A, and V-A, VI-E and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1991 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 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 IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 82.104 (a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: No use of liquefied petroleum gas, requiring storage, exceeding a water capacity of 100 gallons will be allowed in residential areas consisting of building sites of one acre or less.

7-205. AMENDMENT TO THE UNIFORM FIRE CODE; SEC. 1.103 (c). Sec. 1.103 (c) 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.

7-206. 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.

7-207. SAME; SEC. 4.103 APPLICATION FOR PERMITS. Sec. 4.103 Application is hereby changed to read as follows: Applications for permits shall be made to the bureau of fire prevention in such form and detail as prescribed by the bureau. Applications for permits shall be accompanied by such plans as required by the bureau. Fees for permits required under Sec. 4.108 must be paid before the permits are issued. Fee amount for each permit shall be $50.00.

7-208. SAME; SEC. 10.201 FIRE APPARATUS ACCESS ROADS. Sec. 10.201 Fire Apparatus Access Roads is changed to read as follows:

Sec. 10.201.(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) Surface. Fire apparatus access roads 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.

(c) Width. The minimum unobstructed width of a fire apparatus access road shall be not less than 20 feet.

(d) Vertical Clearance. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

(e) Turning radius. The turning-radius of a fire apparatus access road shall be as approved by the chief.

(f) Turnarounds. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(g) 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.

(h) Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.

(i) Obstruction. The required width of any fire apparatus access road 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.

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.)

Sec. 10.201.1 (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 meet the same specification requirements as a fire access road (see above) shall be located within 20 feet of the building, and be 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 and minimum fire department access to the building is provided for. 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) 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.

(e) 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.

7-209. SAME; SEC. 10.401 through 10.403 WATER SUPPLIES FOR FIRE PROTECTION. Sec. 10.401 through 10.403 Water Supplies is hereby deleted. (See 4-209 for water supply requirement).

7-210. SAME; SEC. 10.502 TIMING OF INSTALLATION. Sec. 10.502 Timing is hereby changed to read as follows: The installation of fire hydrants and fire apparatus access roads required under the building code and section 10.201 of this code shall occur before any combustibles are stored on the site.

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CONTINUED FROM PAGE 28

7-211. SAME; SEC. 10.503 APPROVAL AND TESTING. Sec. 10.503 Approval is changed to read as follows: All fire alarm systems; fire hydrant systems; fire-extinguishing systems, including automatic sprinklers and wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire-protection and life safety systems and appurtenances thereto shall meet the approval of the fire chief in accordance with nationally recognized standards as to design, installation and location and shall be subject to such inspections and tests as required by the chief prior to approval. All such inspections and tests shall be conducted at the expense of the owner or representative of the owner. The fire official shall not be held responsible for any damage arising out of any such test. Where the presence of the fire official is required for any test, notification of such test shall be made 48 hours prior to the test.

7-212. SAME; SEC. 10.504. (a) GENERAL. Sec. 10.504 (a) General is hereby changed to read as follows: Sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire-protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protective or extinguishing systems or appliances shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled or added to. Additions, repairs, alterations and servicing shall be in accordance with recognized standards.

All non-required fire protection equipment shall be arranged and maintained in a manner consistent with requirements at the time of installation. All non-required equipment which is not approved for continued use shall be removed so as not to give the false indication that the area is protected by such equipment.

In addition to this all such systems shall be inspected and tested at least annually and documentation of such tests shall be available to the fire official. All such inspections and tests shall be conducted by and at the owner's expense. The fire department shall not be responsible for any damage arising out of any such inspection or test. If the presence of the fire official is required at any such test, notification shall be made 48 hours prior to the test.

7-213. SAME; Sec. 10-507 REQUIRED INSTALLATIONS OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS. Sec. 10-507 Required Installations is hereby deleted. (For automatic fire extinguishing systems requirements see Leawood Building Code.)

7-214. SAME; SEC. 10.601 (b) CEILING CONSTRUCTION. Sec. 10.601 (b) 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. 11.203 OPEN BURNING. Sec. 11.203 Open Burning is changed to read as follows:

Sec. 11.203(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; SEC. 11.203(f) EXCEPTIONS TO OPEN BURNING. Sec. 11.203(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 ma sonry container, the screen shall have heat and corrosion resis tance 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 compli ance with Uniform Building Code Section 2404, and any other relevant Code Sections.
7. There shall be suitable fire protection equipment avail able 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 de grees 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 circum stances, 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 condi tions 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.

7-217. SAME; 11.204 RECREATIONAL FIRES. Sec. 11.204 Recreational Fires is hereby deleted.

7-218. SAME; ARTICLE 77, EXPLOSIVES AND BLASTING AGENTS. Article 77, Explosives and Blasting Agents, is hereby enacted in its entirety with the following changes and additions:

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

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

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

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

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

(d) The provisions of this Article shall not be construed to relieve from or lessen the responsibility of any person, firm, corporation, partnership, governmental agency

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or association storing, handling, or using the explosive or blasting agents or to relieve from or lessen the responsibility of the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used, nor shall the City or any of its agents be held as assuming any such liability by reason of the inspections authorized by this Article or any permits or certificates of inspection issued by this Article.

Sec. 77.103 (c) is hereby added to read as follows: PERMIT DEFINED: "Permit" whenever used in the Article means the written authorization of the Director of Public Works and Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to manufacture, store, possess, transport, sell, and use explosive materials and blasting agents.

Sec. 77.103 (d) is hereby added to read as follows: PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 77.103 (e) is hereby added to read as follows: REISSUING OF PERMITS. All permits issued in accordance with the provisions of this Article shall, when reissued, be subject to any amendments to this Article.

Sec. 77.103 (f) is hereby added to read as follows: FEE. Each applicant for a permit shall pay to the City at the time of application a nonrefundable application fee of fifty dollars ($50.00).

Sec. 77.103 (g) is hereby added to read as follows: SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (UFC Appendix VI-E). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other portions of the application process.

Sec. 77.103 (h) is hereby added to read as follows: BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

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

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

Sec. 77.103 (i) is hereby amended to read as follows: INSURANCE REQUIRED. Before a permit is issued, as required by Section 77.103 (a) and (c), the applicant shall secure and maintain the following occurrence form insurance coverages:

1. Workers Compensation, Kansas Statutory Coverage shall be provided.
2. Employers Liability:
   Bodily Injury by Accident $1,000,000 each accident
   Bodily Injury by Disease $1,000,000 policy limit
   Bodily Injury by Disease $1,000,000 each employee
3. Commercial General Liability:
   Bodily Injury and Property Damage
   $1,000,000 Combined Single Limit
   $2,000,000 Aggregate
4. Business Automobile Policy:
   Bodily Injury and Property Damage
   $1,000,000 Combined Single Limit

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

Sec. 77.103 (j) is hereby added to read as follows: PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 77.103 (k) is hereby added to read as follows: DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified but not to exceed one (1) year, or until revoked, whichever shall first occur.

Sec. 77.103 (l) is hereby added to read as follows: SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 77.103 (m) is hereby added to read as follows: APPROVAL SUBJECT TO INSPECTION. Application for a permit to construct or erect facilities for the storage, handling, or use of explosives or blasting agents required in this Article shall be made in writing to the Director of Public Works. Prior to issuing any permit, the Director of Public Works shall determine that the applicant has a valid user's permit and storage permit issued by the State Fire Marshal. If the applicant has a valid user's permit issued by the State Fire Marshal, the Director of Public Works shall then cause an inspection to be made of the premises and equipment proposed to be used. If said premises and equipment are found to be in compliance with this Article, a statement to that effect shall be included on the application and signed by the person making the inspection. If the Director determines to his or her best information and belief that the requirements of this ordinance have been complied with, he or she shall issue a permit as applied for or under such conditions as he or she shall determine necessary. During the inspection of any premises or equipment in connection with any application for a permit, the Director or his or her designee may inspect premises, buildings, installations, or equipment to determine compliance with the applicable law for the storage, handling, or use of explosives or blasting agents. If a violation of this Article is found to exist, the Director or designee shall file with the owner, occupant, or operator a notice citing the violation and ordering its correction within a specified time period. No permit shall be issued by the Director until he or she has determined that any known violations of this Article have been corrected.

Sec. 77.103 (n) is hereby added to read as follows: INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or his or her designee so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 77.103 (o) is hereby added to read as follows: BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 77.103.1 is hereby added to read as follows: APPEALS. Any owner, lessee, agent, operator, or occupant aggrieved by any decision, order or permit issued pursuant to this Article may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works. The Director shall cause the appeal to be heard at the next available City Council meeting. Such appeal shall not stay the execution of any decision, order or permit issued pursuant to this Article until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this Article shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to appeal.

Sec. 77.103.2 is hereby added to read as follows: COURT APPEALS. No decision, order or permit issued pursuant to this Article shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

CONTINUED ON PAGE 31

[Published in _____ _____, 19__]

ORDINANCE NO. 1274

AN ORDINANCE AUTHORIZING THE CITY OF LEAWOOD, KANSAS, TO LEASE CERTAIN REAL PROPERTY TO THE LEAWOOD PUBLIC BUILDING COMMISSION PURSUANT TO A BASE LEASE AGREEMENT BETWEEN THE CITY AND THE COMMISSION; AUTHORIZING THE CITY TO LEASE SAID REAL PROPERTY AND THE PROJECT TO BE CONSTRUCTED THEREON FROM THE LEAWOOD PUBLIC BUILDING COMMISSION PURSUANT TO A LEASE AGREEMENT BETWEEN THE COMMISSION AND THE CITY; APPROVING THE FORM AND TERMS OF THE COMMISSION'S PUBLIC BUILDING REVENUE BONDS, SERIES 1992 (THE LEAWOOD CITY HALL PROJECT); AND EXPRESSING ITS INTENT TO APPROPRIATE FUNDS, SUBJECT TO ANNUAL APPROPRIATION BY THE GOVERNING BODY IN EACH YEAR, SUFFICIENT TO PAY RENTAL PAYMENTS AND OTHER AMOUNTS DUE AND TO BECOME DUE UNDER SAID LEASE AGREEMENT; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS.

WHEREAS, the City of Leawood, Kansas, a city of the second class (the "City"), has created a Public Building Commission pursuant to the provisions of K.S.A. 12-1757 to 12-1768, both inclusive, and amendments thereto (the "Act"), and Ordinance No. 1049C of the City; and

WHEREAS, the Leawood Public Building Commission (the "Commission") is authorized by the Act to acquire real property and to construct, furnish and equip public buildings and facilities to be leased to the City and to issue revenue bonds to pay the cost of the same; and

WHEREAS, pursuant to a Resolution adopted by the Commission, the Commission has authorized the issuance of $4,450,000 principal amount of Public Building Revenue Bonds, Series 1992 (The Leawood City Hall Project), dated March 1, 1992 (the "Bonds") to provide funds, together with other funds available for such purpose, to pay the costs of acquiring, constructing, furnishing and equipping a new City Hall (the "Project") for the City; and

WHEREAS, upon the issuance of the Bonds, the City will lease the real property described on Exhibit A hereto (the "Project Site") and the Project to be acquired, constructed and installed thereon to the Commission pursuant to the Base Lease Agreement (hereinafter referred to and approved), and the Commission and the City will enter into a Lease Agreement (hereinafter referred to and approved) with respect to the Project to be financed with the proceeds of the Bonds; and

WHEREAS, the City and the Commission have agreed to the form of the Base Lease and the Agreement and the terms of the Bonds as authorized and approved by this Ordinance;

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

19-301. Section 1. That for and in consideration of the issuance of the Bonds and the execution and delivery of the Agreement as hereinafter provided, the City of Leawood, Kansas is hereby authorized to lease the Project Site and the Project to be acquired, constructed and installed thereon to the Commission pursuant to the Base Lease Agreement in substantially the form attached hereto as Exhibit B (the "Base Lease"). The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectfully, the Base Lease for and on behalf of and as the act and deed of the City in substantially the form attached hereto with such changes therein as said officers executing the same and with advice of counsel deem appropriate.

19-302. Section 2. That the City is further authorized to lease from the Commission the Project Site and the Project to be acquired, constructed and located thereon pursuant to the Lease Agreement in the form attached to this Ordinance and marked Exhibit C (the "Agreement"). The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Agreement for and on behalf of and as the act and deed of the City in substantially the form attached hereto with such changes therein as said officers executing the same and with advice of counsel deem appropriate.

19-303. Section 3. That the form of Indenture of Trust and Security Agreement attached hereto as Exhibit D and the terms thereof and of the Bonds to be issued thereunder are hereby approved in substantially the forms attached with such changes therein as the Mayor and City Clerk with the advice of counsel shall determine appropriate.

19-304. Section 4. That the sale of the Bonds by the Commission upon the terms set forth in and pursuant to the Bond Purchase Agreement attached hereto as Exhibit E is hereby approved.

The Preliminary Official Statement dated as of February 18, 1992 in the form attached hereto as Exhibit F is hereby approved and the Governing Body hereby deems the information contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted to be omitted by Rule 15c2-12(b)(i) of the Securities and Exchange Commission. The Governing Body further authorizes the preparation and

delivery of a final Official Statement with respect to the Bonds in substantially the form of the Preliminary Official Statement but containing such final terms and provisions so omitted therefrom.

19-305. Section 5. That the City intends, subject to annual appropriation by the Governing Body in each year, to appropriate funds in each year in an amount sufficient to make the Rental Payments and other payments required by the Agreement so long as any of the Bonds issued by the Commission remain outstanding and unpaid, or payment or the provision thereof shall not have been duly made.

The Director of Finance is hereby authorized and directed to do all things lawfully within his power to obtain and maintain funds from which the Rental Payments and Additional Rent may be paid, including making provisions for such Rental Payments and Additional Rent to the extent necessary in each proposed annual budget submitted for approval or by supplemental appropriation in accordance with applicable budgetary procedures of the City and to exhaust all available reviews and appeals in the event such portions of the budget or supplemental appropriation are not approved.

Notwithstanding the foregoing, the decision to budget and appropriate funds or to continue the Agreement is to be made annually in accordance with the City's customary procedures for such decisions.

Section 6. That this Ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED by the Governing Body of the City of Leawood, Kansas, this 2nd day of March, 1992.

Signed by the Mayor this 2nd day of March, 1992.

Marcia Rumsland
Mayor

ATTEST:

Mar Ann Heiser
City Clerk

Form approved March 2, 1992

City Attorney

EXHIBITS TO ORDINANCE

EXHIBIT A - Project Site

EXHIBIT B - Base Lease

EXHIBIT C - Agreement

EXHIBIT D - Indenture

EXHIBIT E - Bond Purchase Agreement

EXHIBIT F - Preliminary Official Statement

EXHIBITS ON FILE IN CITY CLERK'S OFFICE

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/3/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/3/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $62.57

Ord. 1274

ORD. 1274

Published in The Legal Record, Tuesday, March 3, 1992.

ORDINANCE NO. 1274

AN ORDINANCE AUTHORIZING THE CITY OF LEAWOOD, KANSAS, TO LEASE CERTAIN REAL PROPERTY TO THE LEAWOOD PUBLIC BUILDING COMMISSION PURSUANT TO A BASE LEASE AGREEMENT BETWEEN THE CITY AND THE COMMISSION; AUTHORIZING THE CITY TO LEASE SAID REAL PROPERTY AND THE PROJECT TO BE CONSTRUCTED THEREON FROM THE LEAWOOD PUBLIC BUILDING COMMISSION PURSUANT TO A LEASE AGREEMENT BETWEEN THE COMMISSION AND THE CITY; APPROVING THE FORM AND TERMS OF THE COMMISSION'S PUBLIC BUILDING REVENUE BONDS, SERIES 1992 (THE LEAWOOD CITY HALL PROJECT); AND EXPRESSING ITS INTENT TO APPROPRIATE FUNDS, SUBJECT TO ANNUAL APPROPRIATION BY THE GOVERNING BODY IN EACH YEAR, SUFFICIENT TO PAY RENTAL PAYMENTS AND OTHER AMOUNTS DUE AND TO BECOME DUE UNDER SAID LEASE AGREEMENT; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS.

WHEREAS, the City of Leawood, Kansas, a city of the second class (the "City"), has created a Public Building Commission pursuant to the provisions of K.S.A. 12-1757 to 12-1768, both inclusive, and amendments thereto (the "Act"), and Ordinance No. 1049C of the City; and

WHEREAS, the Leawood Public Building Commission (the "Commission") is authorized by the Act to acquire real property and to construct, furnish and equip public buildings and facilities to be leased to the City and to issue revenue bonds to pay the cost of the same; and

WHEREAS, pursuant to a Resolution adopted by the Commission, the Commission has authorized the issuance of $4,450,000 principal amount of Public Building Revenue Bonds, Series 1992 (The Leawood City Hall Project), dated March 1, 1992 (the "Bonds") to provide funds, together with other funds available for such purpose, to pay the costs of acquiring, constructing, furnishing and equipping a new City Hall (the "Project") for the City; and

WHEREAS, upon the issuance of the Bonds, the City will lease the real property described on Exhibit A hereto (the "Project Site") and the Project to be acquired, constructed and installed thereon to the Commission pursuant to the Base Lease Agreement (hereinafter referred to and approved), and the Commission and the City will enter into a Lease Agreement (hereinafter referred to and approved) with respect to the Project to be financed with the proceeds of the Bonds: and

WHEREAS, the City and the Commission have agreed to the form of the Base Lease and the Agreement and the terms of the Bonds as authorized and approved by this Ordinance;

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

Section 1. That for and in consideration of the issuance of the Bonds and the execution and delivery of the Agreement as hereinafter provided, the City of Leawood, Kansas is hereby authorized to lease the Project Site and the Project to be acquired, constructed and installed thereon to the Commission pursuant to the Base Lease Agreement in substantially the form attached hereto as Exhibit B (the "Base Lease"). The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectfully, the Base Lease for and on behalf of and as the act and deed of the City in substantially the form attached hereto with such changes therein as said officers executing the same and with advice of counsel deem appropriate.

Section 2. That the City is further authorized to lease from the Commission the Project Site and the Project to be acquired, constructed and located thereon pursuant to the Lease Agreement in the form attached to this Ordinance and marked Exhibit C (the "Agreement"). The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Agreement for and on behalf of and as the act and deed of the City in substantially the form attached hereto with such changes therein as said officers executing the same and with advice of counsel deem appropriate.

Section 3. That the form of Indenture of Trust and Security Agreement attached hereto as Exhibit D and the terms thereof and of the Bonds to be issued thereunder are hereby approved in substantially the forms attached with such changes therein as the Mayor and City Clerk with the advice of counsel shall determine appropriate.

Section 4. That the sale of the Bonds by the Commission upon the terms set forth in and pursuant to the Bond Purchase Agreement attached hereto as Exhibit E is hereby approved.

The Preliminary Official Statement dated as of February 18, 1992 in the form attached hereto as Exhibit F is hereby approved and the Governing Body hereby deems the information contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted to be omitted by Rule 15c2-12(b)(1) of the Securities and Exchange Commission. The Governing Body further authorizes the preparation and delivery of a final Official Statement with respect to the Bonds in substantially the form of the Preliminary Official Statement but containing such final terms and provisions so omitted therefrom.

Section 5. That the City intends, subject to annual appropriation by the Governing Body in each year, to appropriate funds in each year in an amount sufficient to make the Rental Payments and other payments required by the Agreement so long as any of the Bonds issued by the Commission remain outstanding and unpaid, or payment or the provision thereof shall not have been duly made.

The Director of Finance is hereby authorized and directed to do all things lawfully within his power to obtain and maintain funds from which the Rental Payments and Additional Rent may be paid, including making provisions for such Rental Payments and Additional Rent to the extent necessary in each proposed annual budget submitted for approval or by supplemental appropriation in accordance with applicable budgetary procedures of the City and to exhaust all available reviews and appeals in the event such portions of the budget or supplemental appropriation are not approved.

Notwithstanding the foregoing, the decision to budget and appropriate funds or to continue the Agreement is to be made annually in accordance with the City's customary procedures for such decisions.

Section 6. That this Ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED by the Governing Body of the City of Leawood, Kansas, this 2nd day of March, 1992.

SIGNED by the Mayor this 2nd day of March, 1992.

(S E A L)

Marcia Rinehart
Mayor

ATTEST:

Marilyn Heinzer
City Clerk

Form approved March 2, 1992

City Attorney

repealed by Ord. 1299, 7/20/92

ORDINANCE NO. 1273

AN ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO CLARIFY NOTIFICATION OF RESIDENTS IN RELATION TO OPERATING AN ESTATE SALE IN RESIDENTIAL DISTRICTS.

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

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

4-1 ACCESSORY USES

4-1.1 General Conditions: All accessory buildings, structures, and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthy, disturbing so as to create a public nuisance and shall be located on the premises of the main use.

4-1.2 Location and Height of Accessory Uses, Buildings and Structures:

a) Location: No accessory use, building, or structure permitted by this ordinance may be located in a required yard, except as otherwise specifically authorized.

b) Location Exceptions:

1) Swimming pools, tennis court perimeter fences and play equipment shall maintain a minimum of 10 feet from side and rear property lines.

2) Fences other than tennis court perimeter fences, walls, and retaining walls may be placed on property line. Retaining walls so constructed to provide for a patio or similar use shall not be exempt from the minimum yard requirements set forth in this ordinance unless specifically authorized at development plan approval.

3) Concrete at grade patios may extend to property line.

c) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this ordinance shall exceed one floor level and a height of 15 feet measured from ground level. Agricultural (AG) District accessory uses and structures shall be exempt from this requirement.

repealed by Ord. 1299, 7/20/92

4-1.3 Permitted Accessory Uses, Buildings and Structures: Accessory uses, buildings, and structures shall be permitted in the following districts.

a) Agricultural Districts
   1) Any structure used in conjunction with a permitted use;
   2) Any accessory use allowed in "R" districts may be used in conjunction with a single family home;
   3) Signs permitted in Section 4-5 of this ordinance;
   4) Windmills, wind-driven power generators are permitted provided that any such structure complies with all applicable zoning regulations.
   5) Living quarters for farm attendants may be located in an accessory buildings in the Agricultural (AG) District provided the building code can be met.

b) Residential Districts
   1) Solar collector provided that all components servicing the collector panel are concealed and all exposed metal shall be finished with warm earth tones or black, in color;

   2) Satellite receiving dish antennae may be placed on the ground in rear yards. Adequate landscape screening shall be provided which prevents the antennae from being observed from any street or from surrounding properties at the time of installation. The Board of Zoning Appeals shall have the power to waive the screening requirement if the Board finds that an antenna cannot be seen from surrounding properties and that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, location, height, size and color and mounting of antennae. Maximum size of the dish to be 10 feet in diameter and 14 feet in height;

   3) Readily moveable sports, recreation or outdoor cooking equipment;
   4) In ground swimming pool, tennis court with related 12-foot perimeter fence, and similar permanent facilities;

   5) Home Occupations; (See Section 4-8 of this ordinance);

   6) Fence,walls and retaining walls (Sealed engineering plans shall be submitted and approved prior to construction of any wall or retaining wall 4 feet in height or higher);

repealed by Ord. 1299 7/20/92

7) Garage sales limited to 2 sales per year (4 days per sale);

8) Sample sales limited to 2 sales per year (4 days per sale;)

9) Children's play equipment including swing sets, jungle gyms, sandboxes, playhouses, and, other related equipment provided playhouses do not exceed 15 feet in total height measured from the ground to the highest point;

10) Flag pole;

11) Wood decks (attached);

12) Concrete patios including stone, brick, and pavers but not including asphalt;

13) Bath house, pool house, and cabana only in conjunction with swimming pools;

14) Statuary, arbors, trellises, firewood piles for home use;

15) Storage or parking of major recreational equipment including boats with trailers, pop-up campers, and motorized recreational vehicles, provided that such storage or parking shall be limited to private garages, rear yards screened from neighboring views of private homes and in the driveways of private homes. Such vehicles and equipment shall not encroach onto public property or obstruct any sidewalk and also provided that the placement of such vehicles and equipment shall be located on a hard surface asphalt pavement or concrete pad designed to accommodate such use;

16) Horse pasturing shall be permitted as an accessory use in Planned Large Lot Single Family Residential (RP-A) District provided that a minimum lot area of 3 acres can be maintained;

17) Hobby or craft activities operated by the occupant only provided that articles produced or constructed are not sold on the premises;

18) Signs permitted in Section 4-5 of this ordinance;

19) Mother's day out programs and preschools shall be permitted accessory uses in church, religious, educational, and community buildings.

repealed by Ord. 1299, 7/20/92

20) An estate sale for purposes of this ordinance shall mean a sale conducted on the premises (lot or parcel of land) by the owner or said premises for the specific purpose of selling personal possessions and/or belongings that shall have been acquired or which have accumulated at said premises over the course of time. In no event shall "estate" include possessions that are not owned by resident or have been transferred to the site specifically for purposes of sale. Estate Sales shall be permitted provided the following conditions have been met:
a. Residents within 200 feet have been notified by regular mail postmarked not less than 10 days prior to the date of the sale.
b. Means of parking and traffic control have been established and coordinated with the Police and Public Works Departments.
c. Signage shall be limited to that permitted by this ordinance.
d. Tents or other accessory structures; food vendors; and/or any other such atypical residential uses shall require Special Use Permits as provided in Section 4-3.1(31) dealing with temporary short term uses.
e. Sales limited to 1 per calendar year per location, operated for not more than 4 consecutive days during daylight hours.
f. Permit required.

c) <u>Planned Apartment House Residential (RP-3) and Planned Cluster Residential (RP-4) Districts (Additional Uses)</u>
1) Parking areas; (plan approved)

2) Signs permitted in Section 4-5 of this ordinance;

3) Tenant used recreation facilities including minor buildings (plan approved);

4) Trash collection centers;

5) Power generators;

6) Vending machines located inside tenant buildings.

d) <u>Office, Commercial, Industrial and Special Development Districts</u>
1) Off street parking lots as approved in the final development plan;

2) Signs permitted in Section 4-5 of this ordinance;

3) Food service and vending machines located inside of a building;

repealed by Ord. 1299, 7/20/92

4) Private garage for motor vehicles; (plan approved)

5) Living quarters for maintenance personnel;

6) Low level exterior lighting;

7) Flagpoles;

8) Health club for employees or tenants when located inside of the primary building;

9) Day care center for employees or tenants when located inside of the primary building;

10) Restaurants, cafeterias, drug stores, gift shops and newsstands when located inside of the building;

11) Fencing as approved in the final development plan;

12) Pharmaceutical sales, medicines,etc. when incidental to the practice of medicine in a medical office;

13) Eyeglass sales when incidental to the practice of optometry;

14) Satellite receiving dish antennae may be placed on the roof of a building provided that the antennae shall only be located on a flat roof and shall be screened from view. The screen shall be architecturally compatible with the structure as to shape, size, color and bulk;

15) Solar Collector (plan approved)
    a) Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

    b) Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraph (a). No freestanding panels or panel racks shall be allowed.

repealed by Ord. 1299, 7/20/92

c) In an active or photovaltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

d) All exposed metal - including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

4-1.4 Prohibited Accessory Uses

a) No accessory building may be used for residential dwelling purposes at any time except as specifically authorized in the Agricultural (AG) District.

b) Outdoor storage, except as specifically authorized in the district regulations.

c) Standing or parked advertising trailers.

Section 2. Existing Section Repealed. That existing Section 4-1 of the Leawood Development Ordinance is hereby repealed. (Prior law: Ordinance No. 1237)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

3/3/92

Debra L Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/3/92

Sharon L Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $120.14

Ord. 1273

ORD. 1273

First published in The Legal Record, Tuesday, March 3, 1992

ORDINANCE NO. 1273

AN ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO CLARIFY NOTIFICATION OF RESIDENTS IN RELATION TO OPERATING AN ESTATE SALE IN RESIDENTIAL DISTRICTS.

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

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

4-1 ACCESSORY USES

4-1.1 General Conditions: All accessory buildings, structures, and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthy, disturbing so as to create a public nuisance and shall be located on the premises of the main use.

4-1.2 Location and Height of Accessory Uses, Buildings and Structures:

a) Location: No accessory use, building, or structure permitted by this ordinance may be located in a required yard, except as otherwise specifically authorized.

b) Location Exceptions:

1) Swimming pools, tennis court perimeter fences and play equipment shall maintain a minimum of 10 feet from side and rear property lines.

2) Fences other than tennis court perimeter fences, walls, and retaining walls may be placed on property line. Retaining walls so constructed to provide for a patio or similar use shall not be exempt from the minimum yard requirements set forth in this ordinance unless specifically authorized at development plan approval.

3) Concrete at grade patios may extend to property line.

c) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this ordinance shall exceed one floor level and a height of 15 feet measured from ground level. Agricultural (AG) District accessory uses and structures shall be exempt from this requirement.

4-1.3 Permitted Accessory Uses, Buildings and Structures: Accessory uses, buildings, and structures shall be permitted in the following districts.

a) Agricultural Districts

1) Any structure used in conjunction with a permitted use;
2) Any accessory use allowed in "R" districts may be used in conjunction with a single family home;
3) Signs permitted in Section 4-5 of this ordinance;
4) Windmills, wind-driven power generators are permitted provided that any such structure complies with all applicable zoning regulations.
5) Living quarters for farm attendants may be located in an accessory buildings in the Agricultural (AG) District provided the building code can be met.

b) Residential Districts

1) Solar collector provided that all components servicing the collector panel are concealed and all exposed metal shall be finished with warm earth tones or black, in color;

2) Satellite receiving dish antennae may be placed on the ground in rear yards. Adequate landscape screening shall be provided which prevents the antennae from being observed from any street or from surrounding properties at the time of installation. The Board of Zoning Appeals shall have the power to waive the screening requirement if the Board finds that an antenna cannot be seen from surrounding properties and that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, location, height, size and color and mounting of antennae. Maximum size of the dish to be 10 feet in diameter and 14 feet in height;

3) Readily moveable sports, recreation or outdoor cooking equipment;
4) In ground swimming pool, tennis court with related 12-foot perimeter fence, and similar permanent facilities;

5) Home Occupations; (See Section 4-8 of this ordinance);

6) Fence,walls and retaining walls (Sealed engineering plans shall be submitted and approved prior to construction of any wall or retaining wall 4 feet in height or higher);

7) Garage sales limited to 2 sales per year (4 days per sale);

8) Sample sales limited to 2 sales per year (4 days per sale;)

9) Children's play equipment including swing sets, jungle gyms, sandboxes, playhouses, and, other related equipment provided playhouses do not exceed 15 feet in total height measured from the ground to the highest point;

10) Flag pole;

11) Wood decks (attached);

12) Concrete patios including stone, brick, and pavers but not including asphalt;

13) Bath house, pool house, and cabana only in conjunction with swimming pools;

14) Statuary, arbors, trellises, firewood piles for home use;

15) Storage or parking of major recreational equipment including boats with trailers, pop-up campers, and motorized recreational vehicles, provided that such storage or parking shall be limited to private garages, rear yards screened from neighboring views of private homes and in the driveways of private homes. Such vehicles and equipment shall not encroach onto public property or obstruct any sidewalk and also provided that the placement of such vehicles and equipment shall be located on a hard surface asphalt pavement or concrete pad designed to accommodate such use;

16) Horse pasturing shall be permitted as an accessory use in Planned Large Lot Single Family Residential (RP-A) District provided that a minimum lot area of 3 acres can be maintained;

17) Hobby or craft activities operated by the occupant only provided that articles produced or constructed are not sold on the premises;

18) Signs permitted in Section 4-5 of this ordinance;

19) Mother's day out programs and preschools shall be permitted accessory uses in church, religious, educational, and community buildings.

20) An estate sale for purposes of this ordinance shall mean a sale conducted on the premises (lot or parcel of land) by the owner or said premises for the specific purpose of selling personal possessions and/or belongings that shall have been acquired or which have accumulated at said premises over the course of time. In no event shall "estate" include possessions that are not owned by resident or have been transferred to the site specifically for purposes of sale. Estate Sales shall be permitted provided the following conditions have been met:
a. Residents within 200 feet have been notified by regular mail postmarked not less than 10 days prior to the date of the sale.
b. Means of parking and traffic control have been established and coordinated with the Police and Public Works Departments.
c. Signage shall be limited to that permitted by this ordinance.
d. Tents or other accessory structures; food vendors; and/or any other such atypical residential uses shall require Special Use Permits as provided in Section 4-3.1(31) dealing with temporary short term uses.
e. Sales limited to 1 per calendar year per location, operated for not more than 4 consecutive days during daylight hours.
f. Permit required.

c) Planned Apartment House Residential (RP-3) and Planned Cluster Residential (RP-4) Districts (Additional Uses)

1) Parking areas; (plan approved)

2) Signs permitted in Section 4-5 of this ordinance;

3) Tenant used recreation facilities including minor buildings (plan approved);

4) Trash collection centers;

5) Power generators;

6) Vending machines located inside tenant buildings.

d) Office, Commercial, Industrial and Special Development Districts

1) Off street parking lots as approved in the final development plan;

2) Signs permitted in Section 4-5 of this ordinance;

3) Food service and vending machines located inside of a building;

4) Private garage for motor vehicles; (plan approved)

5) Living quarters for maintenance personnel;

6) Low level exterior lighting;

7) Flagpoles;

8) Health club for employees or tenants when located inside of the primary building;

9) Day care center for employees or tenants when located inside of the primary building;

10) Restaurants, cafeterias, drug stores, gift shops and newsstands when located inside of the building;

11) Fencing as approved in the final development plan;

12) Pharmaceutical sales, medicines,etc. when incidental to the practice of medicine in a medical office;

CONTINUED ON PAGE 24

CONTINUED FROM PAGE 15

13) Eyeglass sales when incidental to the practice of optometry;

14) Satellite receiving dish antennae may be placed on the roof of a building provided that the antennae shall only be located on a flat roof and shall be screened from view. The screen shall be architecturally compatible with the structure as to shape, size, color and bulk;

15) Solar Collector (plan approved)

a) Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

b) Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraph (a). No freestanding panels or panel racks shall be allowed.

c) In an active or photovaltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

d) All exposed metal - including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

4-1.4 Prohibited Accessory Uses

a) No accessory building may be used for residential dwelling purposes at any time except as specifically authorized in the Agricultural (AG) District.

b) Outdoor storage, except as specifically authorized in the district regulations.

c) Standing or parked advertising trailers.

Section 2. Existing Section Repealed. That existing Section 4-1 of the Leawood Development Ordinance is hereby repealed. (Prior law: Ordinance No. 1237)

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

Passed by the Council the 2nd day of March, 1992.

Approved by the Mayor the 2nd day of March, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

CITY OF LEAWOOD

ORDINANCE NO. 1272

AN ORDINANCE CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $6,250,000 FOR THE PURPOSE OF PAYING FOR ACQUISITION OF PARK LAND IN THE VICINITY OF 151ST STREET AND NALL AVENUE AND IMPROVING SAID PARK LAND BY THE CONSTRUCTION OF A PUBLIC GOLF COURSE THEREON.

WHEREAS, in the judgment of the Governing Body it is expedient to acquire land for park purposes and to make improvements for park purposes; and

WHEREAS, the City is authorized by K.S.A. 12-1302 to issue general obligation bonds for such purposes provided that no bonds shall be issued for the purpose of making improvements for park purposes until the Governing Body shall be instructed to do so by the majority of the votes cast on the proposition at any general or special election;

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

19-139. Section 1. An election for the purpose of submitting a special question to authorize the City to issue its general obligation bonds in an amount not to exceed $6,250,000 for the purpose of paying the cost of acquiring and making improvements to park land is hereby called to be held on the 7th day of April, 1992 during the same hours and the same manner as the general election of City Officers held on that day all as is provided by law.

19-140. Section 2. The following question shall be submitted at the election as above provided for:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed $6,250,000 for the purpose of paying the cost of acquiring park land in the vicinity of 151st Street and Nall Avenue and making improvements thereto by constructing a public municipal golf course and related facilities.?"

Yes . . . . . [ ]

No . . . . . [ ]

19-141. Section 3. Notice of submission of the above question signed by the Commissioner of Elections of Johnson County, Kansas, shall be given to the qualified electors of the City of Leawood, Kansas, in the manner provided by K.S.A. § 10-120. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued. Said Notice shall be published in an official City newspaper once each week for two consecutive weeks. The first publication shall be not less than twenty-one (21) days prior to the election. The election shall be held at the usual places of holding elections and in the manner provided by law for holding elections in the City.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

ADOPTED by the Governing Body this 24th day of February, 19 92.

APPROVED AND SIGNED by the Mayor on this 24th day of February, 19 92.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

I hereby certify the foregoing is a true and correct copy of ~~Resolution No.~~ Ordinance No. 1272 as adopted by the City Council of the City of Leawood, Kansas, at their ~~regular~~ special meeting of February 24, 1992.

Martha Heizer
City Clerk

F:\USER\DICK\PARK2IMP.ORD 02/26/92 3:07pm

First Published in The Johnson County Sun, Friday, February 28, 1992.

ORDINANCE NO. 1272

AN ORDINANCE CALLING AN ELECTION ON THE QUESTION WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $6,250,000 FOR THE PURPOSE OF PAYING FOR ACQUISITION OF PARK LAND IN THE VICINITY OF 151ST STREET AND NALL AVENUE AND IMPROVING SAID PARK LAND BY THE CONSTRUCTION OF A PUBLIC GOLF COURSE THEREON.

WHEREAS, in the judgment of the Governing Body it is expedient to acquire land for park purposes and to make improvements for park purposes; and

WHEREAS, the City is authorized by K.S.A. 12-1302 to issue general obligation bonds for such purposes provided that no bonds shall be issued for the purpose of making improvements for park purposes until the Governing Body shall be instructed to do so by the majority of the votes cast on the proposition at any general or special election;

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

Section 1. An election for the purpose of submitting a special question to authorize the City to issue its general obligation bonds in an amount not to exceed $6,250,000 for the purpose of paying the cost of acquiring and making improvements to park land is hereby called to be held on the 7th day of April, 1992 during the same hours and the same manner as the general election of City Officers held on that day all as is provided by law.

Section 2. The following question shall be submitted at the election as above provided for:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed $6,250,000 for the purpose of paying the cost of acquiring park land in the vicinity of 151st Street and Nall Avenue and making improvements thereto by constructing a public municipal golf course and related facilities.?"

Yes.....( )
No .....( )

Section 3. Notice of submission of the above question signed by the Commissioner of Elections of Johnson County, Kansas, shall be given to the qualified electors of the City of Leawood, Kansas, in the manner provided by K.S.A.§ 10-120. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued. Said Notice shall be published in an official City newspaper once each week for two consecutive weeks. The first publication shall be not less than twenty-one (21) days prior to the election. The election shall be held at the usual places of holding elections and in the manner provided by law for holding elections in the City.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

ADOPTED by the Governing Body this 24th day of February, 1992.

APPROVED AND SIGNED by the Mayor on this 24th day of February, 1992.

(s) Marcia Rinehart, Mayor
(SEAL)
ATTEST:
(s) Martha Helzer
City Clerk
APPROVED AS TO FORM:
(s) Richard S. Wetzler,
City Attorney

(10047 1F-JC)

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks/days) the first publication thereof being made as aforesaid on the 28th day of, February 19 92, with subsequent publications being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

ubscribe amd sworn to before me this 28th day of February 19 92

Pearlie A. Peterson
NOTARY PUBLIC

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

ommission Expires_____

er's Fees 26.50

ional copies $_____

ORDINANCE NO. 1271 C

AN ORDINANCE RELATING TO THE PUBLIC OFFENSE OF WINDOW PEEPING.

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

Section 1. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 11-209 which reads as follows:

11-209. WINDOW PEEPING. Window peeping is the going upon property owned or occupied by another without such person's consent for the purpose of looking into any window, door, skylight, or other opening into a house, room, or building.

Window peeping is a Class B violation.

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

Passed by the Council the 18th day of February, 1992.

Approved by the Mayor the 18th day of February, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

2/25/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/25/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.81

ORD. 1271 C

First published in The Legal Record, Tuesday, February 25, 1992.

ORDINANCE NO. 1271 C

AN ORDINANCE RELATING TO THE PUBLIC OFFENSE OF WINDOW PEEPING.

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

Section 1. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 11-209 which reads as follows:

11-209. WINDOW PEEPING. Window peeping is the going upon property owned or occupied by another without such parson's consent for the purpose of looking into any window, door, skylight, or other opening into a house, room, or building.
Window peeping is a Class B violation.

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

Passed by the Council the 18th day of February, 1992.

Approved by the Mayor the 18th day of February, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R/S. Wetzler City Attorney

Ord. 1271C

ORDINANCE NO. 1270

AN ORDINANCE ACCEPTING A DEED FROM MARNED CORPORATION CONVEYING LAND TO THE CITY OF LEAWOOD FOR A "VIEW CORRIDOR" ADJACENT TO THE CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVENUE.

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

19-137. Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept a Kansas Warranty Deed from Marned Corporation for land at 117th & Roe Ave. to be used to establish a "view corridor" in conjunction with the construction of a city hall and branch library, the legal description of which is as follows:

> All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25′ 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 2174.34 feet, to the true point of beginning of subject tract; thence continuing N 1° 25′ 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 487.99 feet, to the Northeast corner thereof; thence S 87° 46′ W, along the North line of the SW 1/4 of said Section 16, a distance of 75.44 feet; thence S 2° 14′ E, along a line perpendicular to the North line of the SW 1/4 of said Section 16, a distance of 30 feet; thence S 24° 59′ 07" W, a distance of 440.43 feet; thence S 74° 55′ 45" E, a distance of 220 feet, to a point 60 feet West of the East line of the SW 1/4 of said Section 16; thence N 88° 34′ 15" E, along a line perpendicular to the East line of the SW 1/4 of said Section 16, a distance of 60 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes. The above described tract of land contains 1.856 Gross Acres, more or less.

19-138. Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 3rd day of February, 1992.

Approved by the Mayor the 3rd day of February, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORIGINAL COMPARED WITH RECORD 030327

2091132

Entered in Transfer Record
Date Feb 10 1992
Beverly L. Baker, County Clerk
Johnson County, Kansas
RE# HF251316-2003

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

92 FEB 11 A 11:01 8

SARA FULLHAMM
REGISTER OF DEEDS

1000

KANSAS WARRANTY DEED
(corporation)

This Indenture, made this 7th day of February, A.D., 1992, between Marned Corporation, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, and having its principal place of business in the State of Kansas, hereinafter Party of the First Part, and the City of Leawood, Kansas, a Kansas municipal corporation of Johnson County Kansas, hereinafter, Party of the Second Part;

Witnesseth, that the said party of the first part, in consideration of the mutual covenants and promises set forth in an "Agreement to Convey Ground for Branch Library and City Hall Site", said agreement being dated the 12th day of December, 1991, and filed of record with the Register of Deeds of Johnson County, Kansas at Volume 3515 Page 384 as supplemented and amended by an "Addendum to Agreement for Branch Library and City Hall Site" also filed of record with the Register of Deeds of Johnson County, Kansas at Volume 3515 Page 419 (hereinafter the "Agreement") and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, and its successors, representatives and assigns, all of the following described real estate (the "property"), situated in the County of Johnson, and State of Kansas, in fee simple determinable with a possibility of reverter, to-wit:

All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 2174.34 feet, to the true point of beginning of subject tract; thence continuing N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 487.99 feet, to the Northeast corner thereof; thence S 87° 46' W, along the North line of the SW 1/4 of said Section 16, a distance of 75.44 feet; thence S 2° 14' E, along a line perpendicular to the North line of the SW 1/4 of said Section 16, a distance of 30 feet; thence S 24° 59' 07" W, a distance of 440.43 feet; thence S 74° 55' 45" E, a distance of 220 feet, to a point 60 feet West of the East line of the SW 1/4 of said Section 16; thence N 88° 34' 15" E, along a line perpendicular to the East line of the SW 1/4 of said Section 16, a distance of 60 feet, to the true

point of beginning of subject tract, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 1.856 Gross Acres, more or less.

The parties hereto, as a part of the consideration, covenant and agree that this conveyance is made subject to the following restrictions as to the use to which the property may be devoted:

1.) Party of the second part agrees the property conveyed hereunder shall be used and devoted to those purposes provided for and permitted by the aforesaid Agreement.

2.) Party of the second part agrees to use the property described in this deed for the purpose of establishing a "view corridor" which will serve to enhance the aesthetic characteristics of both the City Hall and facilities to be constructed by the City and Library upon adjoining property conveyed by the Party of the First Part as provided by the Agreement.

3.) The use of the property is limited to the establishment and maintenance of landscaping, open space and passive recreational purposes and any necessary utilities.

4.) The property shall be maintained by the Party of the Second Part in accordance with standards established by the Agreement.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever, so long as the restrictions as to use to which the property may be devoted set forth in paragraphs one (1) through and including paragraph four (4) hereinbefore are satisfied; it being understood that, the breach of any of the above enumerated restrictions shall cause the property conveyed by this deed to revert to the grantor, its successors, representatives, or assigns.

And said party of the first part, for itself, its successors and assigns, does hereby covenant, promise and agree, to and with said party of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all

former and other grants, titles, charges, estates, judgments, and encumbrances, of any nature and kind whatsoever, except such taxes, assessments and other encumbrances which appear of record and that it will **warrant** and **forever defend** the same unto the said party of the second part, its successors, representatives and assigns, against said party of the first part, its successors, representatives and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

In witness whereof, the said party of the first part has hereunto caused this Deed to be signed on its behalf by its President, thereunto duly authorized to do so, and to be attested by its Secretary, and has caused its common seal to be hereunto affixed, the day and year last above written.

Marned Corporation
By: [signature] NEIL T. DOUTHAT
President

ATTEST:

[signature], Secretary

of the Marned Corp.

STATE OF ~~KANSAS~~ Missouri)
Jackson) SS.
COUNTY OF ~~JOHNSON~~)

BE IT REMEMBERED that on this 7th day of February, 19 92, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Neil T. Douthat, President of Marned Corporation, who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

[signature]
Notary Public

My appointment expires:

Oct. 29, 1995

RENEE SPROUL
NOTARY PUBLIC STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXP. OCT. 29,1995

F:\USER\DICK\VIEWDEED.3RW 01/30/92 3:30pm

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

2/11/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/11/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $25.91

ORD. 1270

First published in The Legal Record, Tuesday, February 11, 1992.

ORDINANCE NO. 1270

AN ORDINANCE ACCEPTING A DEED FROM MARNED CORPORATION CONVEYING LAND TO THE CITY OF LEAWOOD FOR A "VIEW CORRIDOR" ADJACENT TO THE CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVENUE.

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

Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept a Kansas Warranty Deed from Marned Corporation for land at 117th & Roe Ave. to be used to establish a "view corridor" in conjunction with the construction of a city hall and branch library, the legal description of which is as follows:

All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 2174.34 feet, to the true point of beginning of subject tract; thence continuing N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 487.99 feet, to the Northeast corner thereof; thence S 87° 46' W, along the North line of the SW 1/4 of said Section 16, a distance of 75.44 feet; thence S 2° 14' E, along a line perpendicular to the North line of the SW 1/4 of said Section 16, a distance of 30 feet; thence S 24° 59' 07" W, a distance of 440.43 feet; thence S 74° 55' 45" E, a distance of 220 feet, to a point 60 feet West of the East line of the SW 1/4 of said Section 16; thence N 88° 34' 15" E, along a line perpendicular to the East line of the SW 1/4 of said Section 16, a distance of 60 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes. The above described tract of land contains 1.856 Gross Acres, more or less.

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

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

Passed by the Council the 3rd day of February, 1992.

Approved by the Mayor the 3rd day of February, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1269

AN ORDINANCE ACCEPTING A DEED FROM MARNED CORPORATION CONVEYING LAND TO THE CITY OF LEAWOOD FOR A CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVENUE.

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

19-135. Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept a Kansas Warranty Deed from Marned Corporation for land at 117th & Roe Ave. to be used for a city hall/branch library site, the legal description of which is as follows:

> All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25′ 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 1271.17 feet, to the true point of beginning of subject tract; thence S 87° 52′ 15" W, a distance of 277.96 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1085 feet, and a central angle of 38° 09′ 57", a distance of 722.74 feet, to a point of tangency; thence N 53° 57′ 48" W, a distance of 159.22 feet; thence N 36° 02′ 12" E, a distance of 720.92 feet; thence N 76° 52′ 01" E, a distance of 375.91 feet; thence S 74° 55′ 45" E, a distance of 220 feet, to a point 60 feet West of the East line of the SW 1/4 of said Section 16; thence N 88° 34′ 15" E, along a line perpendicular to the East line of the SW 1/4 of said Section 16, a distance of 60 feet, to a point on the East line thereof; thence S 1° 25′ 45" E, along the East line of the SW 1/4 of said Section 16, a distance of 903.17 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes. The above described tract of land contains 17.886 Gross Acres, more or less.

19-136. Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 3rd day of February, 1992.

Approved by the Mayor the 3rd day of February, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Metzler City Attorney

ORIGINAL COMPARED WITH RECORD

Entered in Transfer Record
Date Feb. 10th 19 92
Beverly L. Baker, County Clerk
Johnson County, Kansas
RE# HF 251316-2005

STATE OF KANSAS]ss
COUNTY OF JOHNSON
FILED FOR RECORD

2091131

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SARA FULLMANN
REGISTER OF DEEDS

12.00

KANSAS WARRANTY DEED
(corporation)

030326

This Indenture, made this 7th day of February, A.D., 1992, between Marned Corporation, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, and having its principal place of business in the State of Kansas, hereinafter Party of the First Part, and the City of Leawood, Kansas, a Kansas municipal corporation of Johnson County Kansas, hereinafter, Party of the Second Part:

Witnesseth, that the said party of the first part, in consideration of the mutual covenants and promises set forth in an "Agreement to Convey Ground for Branch Library and City Hall Site", said agreement being dated the 12th day of December, 1991, and filed of record with the Register of Deeds of Johnson County, Kansas at Volume 3515 Page 384 as supplemented and amended by an "Addendum to Agreement for Branch Library and City Hall Site" also filed of record with the Register of Deeds of Johnson County, Kansas at Volume 3515 Page 419 (hereinafter the "Agreement") and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, and its successors, representatives and assigns, all of the following described real estate (the "property"), situated in the County of Johnson, and State of Kansas, in fee simple determinable with a possibility of reverter, to-wit:

All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 1271.17 feet, to the true point of beginning of subject tract; thence S 87° 52' 15" W, a distance of 277.96 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1085 feet, and a central angle of 38° 09' 57", a distance of 722.74 feet, to a point of tangency; thence N 53° 57' 48" W, a distance of 159.22 feet; thence N 36° 02' 12" E, a distance of 720.92 feet; thence N 76° 52' 01" E, a distance of 375.91 feet; thence S 74° 55' 45" E, a distance of 220 feet, to a point 60 feet West of the East line of the SW 1/4 of said Section 16; thence N 88° 34' 15" E, along a line perpendicular to the East line of the SW 1/4 of said Section 16, a distance of 60 feet, to a point on the East line thereof; thence S 1° 25' 45" E,

along the East line of the SW 1/4 of said Section 16, a distance of 903.17 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes.

The above described tract of land contains 17.886 Gross Acres, more or less.

The parties hereto, as a part of the consideration, covenant and agree that this conveyance is made subject to the following restrictions as to the use to which the property may be devoted:

1.) Party of the second part agrees the property conveyed hereunder shall be used and devoted to those purposes provided for and permitted by the aforesaid Agreement.

2.) The real estate conveyed to the Party of the Second Part by this deed shall be used to provide suitable sites for the construction of a Branch Library, a City Hall, a public plaza, a public park and related streets, sidewalks, trails, common areas, parking and landscaping and other public purposes permitted by the Agreement.

3.) The property conveyed shall be used by the Party of the Second Part for the construction of a City Hall to be completed within five (5) years of the date of this conveyance.

4.) Following construction of a City Hall as provided in paragraph three (3) above the property may be used for such public purposes as are deemed appropriate by the City and which are not prohibited by the Agreement.

5.) Notwithstanding the foregoing, the property conveyed hereunder shall not be used to house operational units of the police, fire or public works departments of the City or for a jail or detention facility.

6.) Any deed conveying any portion of the property conveyed by this deed to the Johnson County Library Board (the "Library Site") pursuant to the Agreement shall provide for the completion of a Branch Library on the Library Site within five years of the conveyance of the Library Site from the City or the Library Site so conveyed will revert to the Party of the First Part. Any deed conveying the Library Site to the Johnson County Library Board shall also provide that the Library Site conveyed to the Johnson County Library Board will revert to Marned if said property is no longer required for library purposes.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever, so long as the restrictions as to use to which the property may be devoted set forth in paragraphs one (1) through and including paragraph six (6) hereinbefore are satisfied; it being understood that, subject to the next succeeding sentence, the breach of any of the above enumerated restrictions shall cause such portion of the property to which such restriction applies to revert to the grantor, its successors, representatives, or assigns. Notwithstanding the foregoing, so long as the principal of or interest on any obligation of the City of Leawood or the Leawood Public Building Commission in whatever form issued or given to finance or refinance construction of a City Hall or any addition or other improvement to the property conveyed by this deed shall remain outstanding and unpaid under the terms of such obligations and the financing documents providing for the issuance thereof, the property shall not revert to said Party of the First Part; provided, however, nothing herein contained shall preclude Party of First Part from seeking any remedy at law or in equity to enforce the terms of the Agreement in the instance of a violation of the restriction contained in paragraph five (5) above or any other provision of the Agreement other than those giving rise to reverter hereunder. Provided further that the reverter provisions of this deed shall not apply to any portion of the property which may hereafter be dedicated as public right of way by said Party of the Second Part.

And said party of the first part, for itself, its successors and assigns, does hereby covenant, promise and agree, to and with said party of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, and encumbrances, of any nature and kind whatsoever, except such taxes, assessments and other encumbrances which appear of record and that it will **warrant** and **forever defend** the same unto the said party of the second part, its successors, representatives and assigns, against said party of the first part, its successors, representatives and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

In witness whereof, the said party of the first part has hereunto caused this Deed to be signed on its behalf by its President, thereunto duly authorized to do so, and to be attested by its Secretary, and has caused its common seal to be hereunto affixed, the day and year last above written.

Marned Corporation

By: _____
President NEIL T. DOUTHAT

ATTEST:

_____, Secretary

of the Marned Corp.

STATE OF ~~KANSAS~~ Missouri)
) SS.
COUNTY OF ~~JOHNSON~~ Jackson)

BE IT REMEMBERED that on this 7th day of February, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Neil T. Douthat, President of Marned Corporation, who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

_____
Notary Public

My appointment expires: Oct. 29, 1995

RENEE SPROUL
NOTARY PUBLIC STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXP. OCT. 29,1995

F:\USER\DICK\CITDEED8.RSW 01/31/92 2:15pm

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

2/11/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/11/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $28.79

ORD. 1269

First published in The Legal Record, Tuesday, February 11, 1992.

ORDINANCE NO. 1269

AN ORDINANCE ACCEPTING A DEED FROM MARNED CORPORATION CONVEYING LAND TO THE CITY OF LEAWOOD FOR A CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVENUE.

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

Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept a Kansas Warranty Deed from Marned Corporation for land at 117th & Roe Ave. to be used for a city hall/branch library site, the legal description of which is as follows:

All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 1271.17 feet, to the true point of beginning of subject tract; thence S 87° 52' 15" W, a distance of 277.96 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1085 feet, and a central angle of 38° 09' 57", a distance of 722.74 feet, to a point of tangency; thence N 53° 57' 48" W, a distance of 159.22 feet; thence N 36° 02' 12" E, a distance of 720.92 feet; thence N 76° 52' 01" E, a distance of 375.91 feet; thence S 74° 55' 45" E, a distance of 220 feet, to a point 60 feet West of the East line of the SW 1/4 of said Section 16; thence N 88° 34' 15" E, along a line perpendicular to the East line of the SW 1/4 of said Section 16, a distance of 60 feet, to a point on the East line thereof; thence S 1° 25' 45" E, along the East line of the SW 1/4 of said Section 16, a distance of 903.17 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes. The above described tract of land contains 17.886 Gross Acres, more or less.

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

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

Passed by the Council the 3rd day of February, 1992.
Approved by the Mayor the 3rd day of February, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Netzler City Attorney

ORDINANCE NO. 1268 C

AN ORDINANCE AMENDING SECTION 11-401 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PROCLAMATIONS OF EMERGENCY.

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

Section 1. Code Amended. That Section 11-401 of the Code of the City of Leawood is hereby amended to read as follows:

11-401. PROCLAMATION OF EMERGENCY. (a) Authorization of Mayor or Councilmember to Act. Whenever the Mayor or, in the event of his or her inability to act, a Councilmember of the City Council acting under the authority of this ordinance and determined as provided in 11-401(b), determines that an emergency exists as a result of mob action, civil disobedience, or natural or manmade disaster within the Kansas City Standard Metropolitan Statistical Area causing danger or injury to or damage to persons or property, he or she shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the City:

(1) To impose a curfew upon all or any portion of the City thereby requiring all persons in such designated curfew areas to forthwith remove themselves and/or their motor vehicles from the public streets, alleys, public parking lots, parks or other public places: Provided, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and City authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(2) To order the closing of any business establishment anywhere within the City for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(3) To designate any public street, thoroughfare or vehicle parking area closed to motor vehicles and pedestrian traffic.

(4) To call upon regular and auxiliary law enforcement agencies and organizations within or without the City, including the sheriff's department under provisions of mutual emergency police protection compact, to assist in preserving and keeping the peace within the City.

(5) That any and all of the regular and auxiliary law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other City

ordinances that might be violated as a result of any mob action, civil disobedience, or natural or manmade disaster.

(6) To enter into a mutual emergency police protection compact with any and all governing bodies of Johnson County, Kansas, and any other duly authorized governing body within the Kansas City Standard Metropolitan Statistical Area.

(b) Determination of Councilmember Authorized to Act in the Event of Inability of the Mayor. In the event the Mayor is unable to act, Councilmembers shall have the foregoing power as they are able to act and in a line of succession from the Councilmember with the longest period of service on the City Council to the Councilmember with the shortest period of service. In the event two or more Councilmembers who are able to act have the same length of service, then the Councilmember from the lowest numbered ward shall be next in line for succession.

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

Section 3. Repeal of Existing Section. That existing Section 11-401 of the Code of the City of Leawood is hereby repealed.

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

Passed by the Council the 20th day of January, 1992.

Approved by the Mayor the 20th day of January, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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992 before
published in
id meeting the

E IT, THEREF
XA, JOHNSO

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

1/21/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/21/92

Sharon L Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $38.38

Ord. 1268C

ORD. 1268 C

First published in The Legal Record, Tuesday, January 21, 1992.

ORDINANCE NO. 1268 C

AN ORDINANCE AMENDING SECTION 11-401 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PROCLAMATIONS OF EMERGENCY.

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

Section 1. Code Amended. That Section 11-401 of the Code of the City of Leawood is hereby amended to read as follows:

11-401. PROCLAMATION OF EMERGENCY. (a) Authorization of Mayor or Councilmember to Act. Whenever the Mayor or, in the event of his or her inability to act, a Councilmember of the City Council acting under the authority of this ordinance and determined as provided in 11-401(b), determines that an emergency exists as a result of mob action, civil disobedience, or natural or manmade disaster within the Kansas City Standard Metropolitan Statistical Area causing danger or injury to or damage to persons or property, he or she shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the City:

(1) To impose a curfew upon all or any portion of the City thereby requiring all persons in such designated curfew areas to forthwith remove themselves and/or their motor vehicles from the public streets, alleys, public parking lots, parks or other public places: Provided, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and City authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(2) To order the closing of any business establishment anywhere within the City for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(3) To designate any public street, thoroughfare or vehicle parking area closed to motor vehicles and pedestrian traffic.

(4) To call upon regular and auxiliary law enforcement agencies and organizations within or without the City, including the sheriff's department under provisions of mutual emergency police protection compact, to assist in preserving and keeping the peace within the City.

(5) That any and all of the regular and auxiliary law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other City ordinances that might be violated as a result of any mob action, civil disobedience, or natural or manmade disaster.

(6) To enter into a mutual emergency police protection compact with any and all governing bodies of Johnson County, Kansas, and any other duly authorized governing body within the Kansas City Standard Metropolitan Statistical Area.

(b) Determination of Councilmember Authorized to Act in the Event of Inability of the Mayor. In the event the Mayor is unable to act, Councilmembers shall have the foregoing power as they are able to act and in a line of succession from the Councilmember with the longest period of service on the City Council to the Councilmember with the shortest period of service. In the event two or more Councilmembers who are able to act have the same length of service, then the Councilmember from the lowest numbered ward shall be next in line for succession.

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

Section 3. Repeal of Existing Section. That existing Section 11-401 of the Code of the City of Leawood is hereby repealed.

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

Passed by the Council the 20th day of January, 1992.

Approved by the Mayor the 20th day of January, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1267

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92A, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $$1,800,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,790. <u>Section One</u>: 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 92A, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of One Million Eight Hundred Thousand Dollars ($1,800,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,791. Section Two: Said issue of Temporary Notes, Series 92A, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 18 inclusive, each in the denomination of $100,000. Said notes shall be dated January 15, 1992, and shall have the stated maturity date of October 9, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.32% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,792. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,793. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.84% of the principal amount thereof.

20-1,794. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of

excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1992, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,795. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of January, 1992.

SIGNED by the Mayor this 6th day of January, 1992.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

1/7/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/7/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $62.37

Ord. 1267

ORD. 1267

First published in The Legal Record, Tuesday, January 7, 1992.

ORDINANCE NO. 1267

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92A, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $$1,800,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

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WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 92A, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of One Million Eight Hundred Thousand Dollars ($1,800,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 92A, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 18 inclusive, each in the denomination of $100,000. Said notes shall be dated January 15, 1992, and shall have the stated maturity date of October 9, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.32% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.84% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1992, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of January, 1992.

SIGNED by the Mayor this 6th day of January, 1992.

(S E A L)

ATTEST:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Watzler, City Attorney

ORDINANCE NO. 1266

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92B, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF REMODELING, ADDITION AND EQUIPPING OF THE POLICE/COURTS BUILDING AND FIRE STATION #1.

WHEREAS, the Governing Body authorized the improvement or remodel of the Police/Courts Building and Fire Station #1 by the approval of Resolution No. 937 on December 5, 1988; and

WHEREAS, total cost of improvement and remodeling is estimated to be $1,200,000.00; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-1737 and all acts amendatory thereto and by Resolution No. 937.

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

24-355. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary design, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 92B, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) which amount does not exceed the total estimated costs of said improvements.

24-356. Section Two: Said issue of Temporary Notes, Series 92B, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 4, each in the denomination of $100,000. Said notes shall be dated January 15, 1992, and shall have the stated maturity date of October 9, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.32% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-1737 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

24-357. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

24-358. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.84% of the principal amount thereof.

24-359. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1992, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

24-360. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of January, 1992.

SIGNED by the Mayor this 6th day of January, 1992.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

1/7/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/7/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $57.57

Ord. 1266

ORD. 1266

First published in The Legal Record, Tuesday, January 7, 1992.

ORDINANCE NO. 1266

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92B, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF REMODELING, ADDITION AND EQUIPPING OF THE POLICE/COURTS BUILDING AND FIRE STATION #1.

WHEREAS, the Governing Body authorized the improvement or remodel of the Police/Courts Building and Fire Station #1 by the approval of Resolution No. 937 on December 5, 1988; and

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WHEREAS, total cost of improvement and remodeling is estimated to be $1,200,000.00; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-1737 and all acts amendatory thereto and by Resolution No. 937.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary design, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 92B, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 92B, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 4, each in the denomination of $100,000. Said notes shall be dated January 15, 1992, and shall have the stated maturity date of October 9, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.32% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-1737 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.84% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1992, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of January, 1992.

SIGNED by the Mayor this 6th day of January, 1992.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1265

AN ORDINANCE ADOPTING BY REFERENCE A SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE, AMENDMENTS NECESSARY TO BRING THE LEAWOOD DEVELOPMENT ORDINANCE INTO COMPLIANCE WITH REVISED STATE STATUTES ON GROUP HOMES AND ENABLING LEGISLATION FOR ZONING AND PLANNING.

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

Section 1. Supplement to Leawood Development Ordinance Incorporated by Reference. That there is hereby incorporated by reference that certain supplement to the Leawood Development Ordinance known as "Amendment of Leawood Development Ordinance", dated December 16, 1991, prepared and published in book form by the City of Leawood, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three (3) copies of such supplement shall be filed in the Office of the City Clerk, to be open to inspection and available to the public during regular office hours.

Section 2. Repeal of Existing Sections and Article of the Leawood Development Ordinance. That existing Sections 1-2, 3-1, 3-2, 3-3, 3-4, 3-13, 4-3, 4-4, 5-4, 5-5, 6-1, 6-2, 9-1, 9-2, and existing Article 8 of the Leawood Development Ordinance are hereby repealed.

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

Passed by the Council the 16th day of December, 1991.

Approved by the Mayor the 16th day of December, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R. S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

12/17/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/17/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $19.19

ORD. 1265

First published in The Legal Record, Tuesday, December 17, 1991.

ORDINANCE NO. 1265

AN ORDINANCE ADOPTING BY REFERENCE A SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE, AMENDMENTS NECESSARY TO BRING THE LEAWOOD DEVELOPMENT ORDINANCE INTO COMPLIANCE WITH REVISED STATE STATUTES ON GROUP HOMES AND ENABLING LEGISLATION FOR ZONING AND PLANNING.

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

Section 1. Supplement to Leawood Development Ordinance Incorporated by Reference. That there is hereby incorporated by reference that certain supplement to the Leawood Development Ordinance known as "Amendment of Leawood Development Ordinance", dated December 16, 1991, prepared and published in book form by the City of Leawood, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three (3) copies of such supplement shall be filed in the Office of the City Clerk, to be open to inspection and available to the public during regular office hours.

Section 2. Repeal of Existing Sections and Article of the Leawood Development Ordinance. That existing Sections 1-2, 3-1, 3-2, 3-3, 3-4, 3-13, 4-3, 4-4, 5-4, 5-5, 6-1, 6-2, 9-1, 9-2, and existing Article 8 of the Leawood Development Ordinance are hereby repealed.

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

Passed by the Council the 16th day of December, 1991.

Approved by the Mayor the 16th day of December, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

Ord. 1265

ORDINANCE NO. 1264 C

AN ORDINANCE AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PARADE REGULATIONS.

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

Section 1. Code Amended. That Section 14-603 of the Code of the City of Leawood is hereby amended to read as follows:

14-603. PROCEDURE. A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

(a) An application for a parade permit shall be filed with the Chief of Police not less than 48 hours before the date on which it is proposed to conduct the parade.

(b) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, then the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;

(3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(4) The date the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons, animals and vehicles that will constitute such parade; the type of animals and description of the vehicles;

(7) The hours when such parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets to be traversed;

(9) The location by streets of any assembly areas for such parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of such parade;

(12) If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf;

(13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(c) The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 48 hours before the date such parade is proposed to be conducted.

(d) A permit fee of $25.00 plus $30.00 per hour for each officer with a car deemed necessary for traffic control shall be paid at the time of filing the application for a parade permit.

Section 2. Code Amended. That Section 14-608 of the Code of the City of Leawood is hereby amended to read as follows:

14-608. NOTICE TO CITY OFFICIALS. Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the Director of Public Works and the Fire Chief.

Section 3. Code Amended. That Section 14-611 of the Code of the City of Leawood is hereby amended to read as follows:

14-611. PUBLIC CONDUCT DURING PARADES. The following rules of public conduct shall be observed during parades:

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

Section 4. Code Amended. That Section 14-612 of the Code of the City of Leawood is hereby amended to read as follows:

14-612. REVOCATION OF PERMIT. The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth.

Section 5. Repeal of Existing Sections. That existing Sections 14-603, 14-608, 14-611, and 14-612 of the Code of the City of Leawood are hereby repealed.

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

11/19/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
11/19/91

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $48.93

Ord. 1264C

ORD. 1264 C

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

ORDINANCE NO. 1264 C

AN ORDINANCE AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PARADE REGULATIONS.

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

Section 1. Code Amended. That Section 14-603 of the Code of the City of Leawood is hereby amended to read as follows:

14-603. PROCEDURE. A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

(a) An application for a parade permit shall be filed with the Chief of Police not less than 48 hours before the date on which it is proposed to conduct the parade.

(b) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, then the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;

(3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(4) The date the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons, animals and vehicles that will constitute such parade; the type of animals and description of the vehicles;

(7) The hours when such parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets to be traversed;

(9) The location by streets of any assembly areas for such parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of such parade;

(12) If the parade is designed to be held by, and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf;

(13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(c) The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 48 hours before the date such parade is proposed to be conducted.

(d) A permit fee of $25.00 plus $30.00 per hour for each officer with a car deemed necessary for traffic control shall be paid at the time of filing the application for a parade permit.

Section 2. Code Amended. That Section 14-608 of the Code of the City of Leawood is hereby amended to read as follows:

14-608. NOTICE TO CITY OFFICIALS. Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the Director of Public Works and the Fire Chief.

Section 3. Code Amended. That Section 14-611 of the Code of the City of Leawood is hereby amended to read as follows:

14-611. PUBLIC CONDUCT DURING PARADES. The following rules of public conduct shall be observed during parades:

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

Section 4. Code Amended. That Section 14-612 of the Code of the City of Leawood is hereby amended to read as follows:

14-612. REVOCATION OF PERMIT. The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth.

Section 5. Repeal of Existing Sections. That existing Sections 14-603, 14-608, 14-611, and 14-612 of the Code of the City of Leawood are hereby repealed.

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

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

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

(S E A L)

Marcie Rinehart
Marcie Rinehart Mayor

Attest:

Martha Heifer City Clerk

APPROVED AS TO FORM:

R. J. Watters City Attorney

ORDINANCE NO. 1263

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $5,143,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1991-A, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

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

(a) Construction of improvements to Lee Boulevard including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1077;

(b) Construction of improvements to Tomahawk Creek Parkway including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by Resolution No. 933 (the "Tomahawk Creek Parkway Improvement"); and

(c) Construction of improvements to 119th Street extending from State Line Road to Mission Road including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1090;

and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements including construction financing and related expenses is not less than $5,143,000 with $1,943,589.57 of the cost to be paid by the owners of the property within the City benefited by the Tomahawk Creek Parkway Improvement and $3,199,410.43 of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the Tomahawk Creek Parkway Improvement and there are no other funds available in the City treasury to pay the remainder of

the cost of the Improvements leaving $5,143,000 to be paid by the issuance and sale of the City's general obligation bonds; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to finance the costs of constructing the Improvements; and

WHEREAS, the City hereby finds and determines that it is necessary and essential to provide funds to finance the cost of constructing the Improvements by the issuance of General Obligation Improvement Bonds, Series 1991-A, in the principal amount of $5,143,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended;

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

ARTICLE I

DEFINITIONS

20-1,763. Section 101. Definitions of Words and Terms. In addition to words and terms defined in the recitals and elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended:

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

"Construction Fund" means the Series 1991-A Improvement Construction Fund created by Section 501 of this Ordinance.

"Cost of Issuance Fund" means the Series 1991-A Cost of Issuance Fund created by Section 501 of this Ordinance.

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

"Paying Agent" means the Treasurer of the State of Kansas, in the City of Topeka, Kansas, and its successors and assigns.

"Principal and Interest Fund" means the Principal and Interest Fund for the City of Leawood, Kansas General

Obligation Improvement Bonds, Series 1991-A, created by Section 501 of this Ordinance.

"Underwriters" means Stern Brothers & Co. and associates.

ARTICLE II

AUTHORIZATION OF THE BONDS

20-1,764. Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of $5,143,000 for the purpose of providing funds to finance the costs of constructing the Improvements, as provided in this Ordinance.

20-1,765. Section 202. Security for the Bonds. The Bonds shall be general obligations of the City payable in part from special assessments levied against properties benefited by the construction of the Tomahawk Creek Parkway Improvement and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

20-1,766. Section 203. Details of the Bonds. The Bonds will be issued as a single series designated "General Obligation Improvement Bonds, Series 1991-A", in the aggregate principal amount of $5,143,000.

The Bonds shall consist of fully registered certificated bonds without coupons in the denominations of $5,000 or any integral multiple thereof except that one bond of the first maturity shall be issued in the denomination of $8,000. The Bonds shall be substantially in the form described in Article IV hereof and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated December 1, 1991, shall become due serially on September 1 (the "Principal Payment Dates") in the years and in the principal amounts (subject to optional redemption prior to maturity as provided in Article III hereof) and shall bear interest at the respective rates per annum as follows:

SERIES 1991-A BONDS

Maturity	Amount	Interest Rate Per Annum	Maturity	Amount	Interest Rate Per Annum
September 1, 1993	$ 98,000	6.50	September 1, 2001	$435,000	5.30
September 1, 1994	350,000	6.50	September 1, 2002	450,000	5.45
September 1, 1995	360,000	6.10	September 1, 2003	260,000	5.60
September 1, 1996	370,000	4.65	September 1, 2004	275,000	5.75
September 1, 1997	380,000	4.80	September 1, 2005	295,000	5.90
September 1, 1998	390,000	5.00	September 1, 2006	315,000	6.00
September 1, 1999	405,000	5.10	September 1, 2007	340,000	6.00
September 1, 2000	420,000	5.20			

The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year composed of twelve 30-day months) from the date thereof or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1993 (the "Interest Payment Dates"), to the registered owners whose names appear on the books maintained by the Bond Registrar at the close of business on the 15th day of the month immediately preceding the Interest Payment Dates (the "Record Dates").

20-1,767. Section 204. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas in the City of Topeka, Kansas, is hereby designated as the City's paying agent for the payment of principal of, premium, if any, and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent" and "Bond Registrar").

The Mayor of the City and the City Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Treasurer of the State of Kansas for said Treasurer to act as Bond Registrar and Paying Agent for the Bonds.

20-1,768. Section 205. Method and Place of Payment of Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent.

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

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

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

20-1,769. Section 206. Registration, Transfer and Exchange of Bonds. The City covenants that it will, as long as any of the Bonds herein authorized remain outstanding, cause to be kept at the office of the Bond Registrar books for the registration, transfer and exchange of Bonds as herein provided.

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

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

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

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

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and redemption

premium, if any, and interest on said Bond and for all other purposes, and all such payments so made to any such registered owner or upon such registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as herein provided.

The Bond Registrar shall not be required to register, transfer or exchange Bonds for a period extending from the Record Date to the immediately following Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds selected for redemption in whole or in part subsequent to the date notice of such redemption is given.

20-1,770. Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding Bond shall be delivered to the Bond Registrar for cancellation pursuant to this Ordinance, upon payment of the principal amount thereof and interest thereon or for replacement pursuant to this Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1,771. Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate as that mutilated, lost, stolen or destroyed; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Bond Registrar and the City evidence of such loss, theft or destruction and an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing such Bond or Bonds mutilated, stolen, lost or destroyed.

20-1,772. Section 209. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of the Bonds, such signature or

facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor of the City and the City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, to cause the Bonds to be registered in the offices of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to the Underwriters, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery plus any premium thereon. The Mayor of the City and the City Clerk are also hereby further authorized to enter into an agreement with a depository trust company to have the executed, authenticated Bonds held in safe keeping prior to their delivery to the Underwriters.

The Bonds shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Exhibit A attached hereto, which shall be executed by the manual or facsimile signature of the Bond Registrar. No Bond shall be entitled to any security or benefit under the Ordinance nor shall it be valid or obligatory for any purpose unless and until such Certificate of Authentication shall have been duly executed by the Bond Registrar. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under the Ordinance. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the Certificate of Authentication on all of the Bonds that may be issued hereunder at any one time.

ARTICLE III

20-1,773. Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 2000, and thereafter may be called for redemption and payment prior to maturity on September 1, 1999, and on any Interest Payment Date thereafter, in whole or in part in inverse order of maturity at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

20-1,774. Section 302. Notice of Redemption. In the event the City shall elect to redeem and pay any of the Bonds prior to the maturity thereof, the City shall publish once in the Kansas Register and in a financial journal published in New York, New York, a notice of the intention of the City to redeem and pay said Bonds, the same being described by number and maturity, said notice in said financial journal to be published not less than 30 days prior to the date on which said Bonds are called for redemption and payment and said notice in the Kansas Register to be published not less than 15 days prior to said redemption date. The City shall also give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by prepaid United States registered or certified mail addressed to the State Treasurer of the State of Kansas and to the Underwriters, said notice to be mailed not less than 45 days prior to the redemption date. The State Treasurer of Kansas will send notice of redemption by ordinary U.S. mail to the registered owners of said Bonds, said notices to be mailed not less than 30 days prior to the date fixed for redemption.

20-1,775. Section 303. Selection of Bonds to Be Redeemed. Bonds shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the outstanding Bonds are to be redeemed and paid prior to maturity, such Bonds shall be redeemed in inverse order of maturity, Bonds of less than a full maturity to be selected by the Paying Agent and Bond Registrar by lot in $5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.

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

Agent and Bond Registrar for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the $5,000 unit or units of face value called for redemption (and to that extent only).

20-1,776. Section 304. Effect of Call for Redemption. Whenever any Bond is called for redemption and payment as provided in this Article, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

ARTICLE IV

FORM OF THE BONDS

20-1,777. Section 401. Form of Bonds. The Bonds shall be printed in accordance with the format required by the Attorney General of the State of Kansas and shall contain information and recitals substantially as set forth in Exhibit A attached hereto or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983) in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive, as amended.

ARTICLE V

ESTABLISHMENT OF FUNDS

20-1,778. Section 501. Creation of Funds. There are hereby created and ordered to be established in the treasury of the City the following separate funds to be known respectively as follows:

(a) Principal and Interest Fund for the City of Leawood, Kansas General Obligation Improvement Bonds, Series 1991-A (the "Principal and Interest Fund");

(b) Series 1991-A Improvement Construction Fund (the "Construction Fund"); and

(c) Series 1991-A Cost of Issuance Fund (the "Cost of Issuance Fund").

20-1,779. Section 502. Administration of Funds. The funds established pursuant to the authority of Section 501 hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

20-1,780. Section 601. Disposition of Bond Proceeds and Other Moneys. The proceeds received from the sale of the Bonds, including any premium and accrued interest thereon, shall be deposited simultaneously with the delivery of the Bonds, as follows:

(a) There shall be deposited in the Principal and Interest Fund any premium on the Bonds and any amount received on account of accrued interest on the Bonds.

(b) There shall be deposited in the Cost of Issuance Fund the sum of $83,300.00.

(c) The entire remaining balance of the proceeds shall be deposited in the Construction Fund.

20-1,781. Section 602. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be separately accounted for and attributed to each of the individual Improvements and shall be used solely to pay the cost of such Improvements, including the retirement of temporary notes of the City previously issued to provide interim financing for the Improvements, and, in the event funds on deposit in the Cost of Issuance Fund shall be insufficient for the purpose, to pay costs of issuance of the Bonds. Upon completion of the Improvements and payment of all costs thereof, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1,782. Section 603. Application of Moneys in the Cost of Issuance Fund. Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on January 15, 1992, shall be transferred to the Construction Fund.

ARTICLE VII

PAYMENT OF BONDS

20-1,783. Section 701. Levy of Taxes to Pay Bonds. The full faith, credit and resources of the City are hereby pledged to secure the payment of the principal of and interest on the Bonds as they severally become due and payable.

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

20-1,784. Section 702. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Fund and transfer to the Paying Agent sums sufficient to pay the principal of and interest on the Bonds and the fees of the Paying Agent and Bond Registrar when the same become due. If, through lapse of time or otherwise, the owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

20-1,785. Section 801. Official Statement. Distribution of the Official Statement relating to the Bonds in substantially the form presented to the governing body of the City and the use thereof by the Underwriters of the Bonds is hereby approved, and the Mayor of the City and the City Clerk are hereby authorized to execute such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve.

20-1,786. Section 802. Special Tax Covenants. The City covenants to comply with each and every provision of the Internal Revenue Code of 1986 and the rules and regulations promulgated thereunder (the "Code"), which is or may be applicable to the Bonds or state and local obligations of the same character as the Bonds authorized and issued hereunder; provided, that, the City shall not be required to comply with any such provision if the City shall be provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure to comply with any such provision will not cause

interest on the Bonds to be subject to federal income taxation.

In particular, the City shall complete the construction of the Improvements that are financed with the proceeds of the Bonds not later than that day which is three years after the earlier of (i) the date of issue of the Bonds or (ii) the date construction of such Improvements began.

The City further covenants and agrees that no portion of the gross proceeds of the Bonds will be used (on a basis different from use by members of the general public of the Improvements) directly or indirectly in any trade or business carried on by any person (including exempt persons) other than the City, any other political subdivision of the State of Kansas or any governmental unit of the State of Kansas, or to make any loan to any such person.

The City will comply with all applicable information reporting requirements of the Code.

20-1,787. Section 803. Arbitrage Covenant. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that no part of the proceeds of the Bonds shall be invested in any securities or obligations except for the temporary period pending such use, nor used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Bonds, would have caused any of the Bonds to be or become "arbitrage bonds" within the meaning of Section 148 of the Code.

The City will abide by any applicable arbitrage rebate requirements of the Code; provided, that, the City shall not be required to abide by any such requirements if the City is provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure of the City to abide by any such requirements will not cause the interest on the Bonds to be or become subject to federal income taxation.

20-1,788. Section 804. Covenants, Representations and Warranties Regarding Qualified Tax-Exempt Obligations. The governing body hereby finds, determines, represents and warrants, as follows:

(a) Since January 1, 1991, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

Project	Date Issued	Amount	Maturity Date
A. Temporary Notes Series L.I.D. 88-1-91A, Project 113 Tomahawk Creek Parkway	03-15-91	$ 700,000	11-01-91
B. Temporary Notes Series 91B, Project 114 Somerset, Belinder-Sagamore	03-15-91	200,000	11-01-91
C. Temporary Notes Series 91C, Project 118 Police/Courts Building & Fire Station #1 Remodel	03-15-91	300,000	11-01-91
D. Temporary Notes Series 91D, Project 115 Mission Road, 103rd Street to College Boulevard	03-15-91	100,000	11-01-91
E. Temporary Notes Series L.I.D. 88-1-91E, Project 113 Tomahawk Creek Parkway	05-20-91	1,100,000	11-01-91
F. Temporary Notes Series 91F, Project 118 Police/Courts Building & Fire Station #1 Remodel	05-20-91	600,000	02-01-92
G. Temporary Notes Series 91G, Project 119 119th Street, State Line to Mission Road	05-20-91	600,000	11-01-91
H. Temporary Notes Series 91H, Project 117 Lee Boulevard, Phase I	05-20-91	400,000	11-01-91
I. Temporary Notes Series 91I, Project 117B Lee Boulevard, Phase II	05-20-91	900,000	02-01-92
J. Temporary Notes Series L.I.D. 88-1-91J, Project 113 Tomahawk Creek Parkway	08-12-91	900,000	02-12-92

K. Temporary Notes Series 91K, Project 117 Lee Boulevard, Phase I	08-12-91	1,100,000	02-12-92
L. Temporary Notes Series 91L, Project 125 Lee Boulevard, Phase II	08-12-91	700,000	02-12-92
M. Temporary Notes Series L.I.D. 88-1-91M, Project 113 Tomahawk Creek Parkway	10-15-91	1,800,000	12-31-91
N. Temporary Notes Series 91N, Project 114 Somerset, Sagamore-Belinder	10-15-91	200,000	06-18-92
O. Temporary Notes Series 91P, Project 118 Police/Courts Building & Fire Station #1 Remodel	10-15-91	200,000	06-18-92
P. Temporary Notes Series 91Q, Project 115 Mission Road, 103rd Street to College Boulevard	10-15-91	200,000	06-18-92
Q. Temporary Notes Series 91R, Project 119 119th Street, State Line to Mission Road	10-15-91	600,000	12-31-91
R. Temporary Notes Series 91S, Project 117 Lee Boulevard, Phase I	10-15-91	400,000	12-31-91
S. Temporary Notes Series 91T, Project 127 151st Street, Nall Avenue to East City Limits	10-15-91	200,000	06-18-92
T. Temporary Notes Series 91U, Project 124 135th Street [K150], State Line to Nall Avenue	10-15-91	300,000	06-18-92
U. Temporary Notes Series 91V, Project 121 Somerset, Belinder-Wenonga	10-15-91	100,000	06-18-92

(b) The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1991, taken into account under Section 265(b)(3)(C) of the Code, in an aggregate amount in excess of $10,000,000;

(c) Other than the Bonds, the City has not issued and does not expect to issue any other bonds or obligations the proceeds of which have been or will be used to provide project financing for the Improvements, other than temporary notes to be retired with the proceeds of the Bonds.

The City hereby covenants and agrees that it shall not issue more than $10,000,000 of tax-exempt obligations taken into account under Section 265(b)(3)(C) of the Code during calendar year 1991.

The City hereby reaffirms its designation of the Bonds as "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

20-1,789. Section 805. Authority to Redeem Outstanding Temporary Notes. The governing body hereby finds and determines that it is necessary and advisable to redeem and prepay the following described outstanding temporary notes of the City:

Project	Date Issued	Amount	Maturity Date
Tomahawk Creek Parkway	10-15-91	$1,800,000	12-31-91
Lee Boulevard-Phase I	10-15-91	400,000	12-31-91
119th Street	10-15-91	600,000	12-31-91
Tomahawk Creek Parkway	08-12-91	900,000	02-12-92
Lee Boulevard-Phase I	08-12-91	1,100,000	02-12-92

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforedescribed temporary notes on December 17, 1991, by publication of notices to the holders thereof, substantially in the form attached as Exhibit B hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 806. Severability. If any section or other part of this Ordinance shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 807. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 808. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official newspaper of the City.

PASSED by the governing body of the City of Leawood, Kansas this 18th day of November, 1991.

Approved by the Mayor this 18th day of November, 1991.

(Seal)

Marcia Rinehart
Mayor

ATTEST:

Marna Heizer
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

EXHIBIT A

(FORM OF FULLY REGISTERED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS

Registered
No. R-

Registered
$_____

CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION
IMPROVEMENT BOND
SERIES 1991-A

Rate of Interest: ___%	Maturity Date: September 1, ____	Dated Date: December 1,1991	CUSIP No. _____

Registered
Owner:_____
Principal Amount: _____ THOUSAND DOLLARS

THE CITY OF LEAWOOD in the County of Johnson, State of Kansas (the "City"), for value received, hereby promises to pay to the registered owner hereof shown above, or registered assigns, upon presentation and surrender of this Bond, the Principal Amount identified above, on the Maturity Date shown above, and to pay interest thereon from the Dated Date set forth above or from the most recent Interest Payment Date to which interest has been paid or duly provided for as provided in the Ordinance of the City authorizing the issuance of the Bonds (the "Ordinance"), at the Rate of Interest per annum shown above, payable semiannually on March 1 and September 1 in each year beginning March 1, 1993 (the "Interest Payment Dates"), until said Principal Amount shall have been paid.

The principal of and interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, in the City of Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of this Bond shall be payable to the registered owner hereof upon presentation of this Bond at the maturity or redemption date to the Paying Agent for payment and cancellation. The interest on this Bond shall be mailed to the registered owner hereof at the address appearing on the registration books of the City maintained by the Bond Registrar at the close of business on the 15th day of the month immediately preceding each Interest Payment Date (the "Record Date").

The Bonds are general obligations of the City payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of certain improvements within the City, and if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City, and the balance being payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

The terms and provisions of this Bond are continued on the reverse hereof and shall for all purposes have the same effect as though fully set forth at this place.

This Bond has been duly registered in the office of the City Clerk and in the office of the Kansas State Treasurer.

It is hereby declared and certified that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of said City, including this series of Bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the governing body of the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its corporate seal to be imprinted hereon, all as of the Dated Date.

(facsimile seal) CITY OF LEAWOOD, KANSAS

(facsimile)
Mayor

ATTEST:

By (facsimile)
City Clerk

10143905

==========

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 1991-A, of the City of Leawood, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

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

By_____

Registration Number _____

==========

FURTHER TERMS AND CONDITIONS

This Bond is one of an authorized issue of bonds of the City designated "General Obligation Improvement Bonds, Series 1991-A," in the aggregate principal amount of $5,143,000 (the "Bonds") issued for the purpose of providing funds to finance the costs of certain improvements within the City as identified in the Ordinance. The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 12-6a01, et seq., and K.S.A. 12-685, et seq., each as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the series of which this Bond is a part becoming due on September 1, 2000, and thereafter may be redeemed and paid prior to maturity, at the option of the City as a whole or in part, in inverse order of maturity (selection of Bonds within the same maturity to be by lot by the Paying Agent and Bond Registrar in such equitable manner as it may determine) on September 1, 1999, or on any Interest Payment Date thereafter, at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

Whenever Bonds are to be selected for the purpose of redemption, the Paying Agent and Bond Registrar shall, in the case of Bonds in denominations greater than $5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each $5,000 of face value of each such

fully registered Bond as though it were a separate Bond of the denomination of $5,000.

If any Bonds are called for redemption and payment prior to maturity, the City shall publish once in the Kansas Register and in a financial journal published in New York, New York, a notice of the intention of the City to redeem and pay said Bonds, the same being described by number and maturity. The notice in said financial journal shall be published not less than 30 days prior to the date on which said Bonds are called for redemption and payment and the notice in the Kansas Register shall be published not less than 15 days prior to said redemption date. The City will also give written notice of its intention to redeem and pay such Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by prepaid United States registered or certified mail addressed to the State Treasurer of Kansas and the Underwriters of the Bonds, said notice to be mailed not less than 45 days prior to the redemption date. The State Treasurer will send notice of redemption by ordinary mail to the registered owners of said Bonds, said notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as aforesaid shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price hereinbefore specified.

The Bonds are issued in fully registered form in the denomination of $5,000 or any integral multiple thereof, except that one bond of the first maturity shall be issued in the denomination of $8,000. This Bond may be exchanged at the office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms provided in the Ordinance.

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

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

the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

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LEGAL OPINION

I, the undersigned, City Clerk of the City of Leawood, Kansas, hereby certify that the following is a true and correct copy of the approving legal opinion of Smith, Gill, Fisher & Butts, a professional corporation, attorneys at law, Kansas City, Missouri, on the within Bond and the series of which it is a part, except that it omits the date of such opinion; that said opinion was manually executed and was dated and issued as of the date of delivery of and payment for the Bonds, and is on file in my office.

By_____(facsimile)_____
City Clerk

[PRINTED LEGAL OPINION]

==========

(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

I, the undersigned, City Clerk of the City of Leawood, Kansas, hereby certify that the within Bond has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

(facsimile seal) _____(facsimile)_____
City Clerk

==========

BOND ASSIGNMENT

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

_____
(Name and Address)

_____
(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $_____, standing in the name of the undersigned on the books of the Treasurer of

the State of Kansas (the "Bond Registrar"). The undersigned do(es) hereby irrevocably constitute and appoint _____ __ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises. Dated _____.

_____
Name

_____
Social Security or
Taxpayer Identification No.

_____
Signature
(Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By_____

==========

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, _____, Treasurer of the State of Kansas, do hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in my office, and that this Bond was registered in my office according to law on _____.

WITNESS my hand and official seal.

_____
Treasurer of the State of Kansas

(facsimile)

(Seal)

==========

EXHIBIT B

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

Notice is hereby given to the holders of City of Leawood, Kansas (the "City") _____ Temporary Notes, Series _____ _____, _____(_____) dated _____, 19____, in the aggregate principal amount of $_____ (the "Notes"), that in accordance with the provisions of Ordinance No. _____ (the "Ordinance") and the terms of said Notes, the City hereby exercises its right to redeem and pay said Notes in whole prior to the stated maturity thereof.

Redemption and payment of said Notes will be made on Tuesday, December 17, 1991, in accordance with the terms of said Ordinance and said Notes.

CITY OF LEAWOOD, KANSAS

Dated: _____, 19__

By:_____
City Clerk

10143905

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

11/26/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
11/26/91

Sharon Lefourg

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

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Ord. 1263

ORD. 1263

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ORDINANCE NO. 1263

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $5,143,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1991-A, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

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

a) Construction of improvements to Lee Boulevard including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1077;

b) Construction of improvements to Tomahawk Creek Parkway including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by Resolution No. 933 (the "Tomahawk Creek Parkway Improvement"); and

c) Construction of improvements to 119th Street extending from State Line Road to Mission Road including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1090;

nd

WHEREAS, all legal requirements pertaining to the mprovements have been complied with, and the governing body f the City now finds and determines that the total cost of he Improvements including construction financing and related xpenses is not less than $5,143,000 with $1,943,589.57 of he cost to be paid by the owners of the property within the ity benefited by the Tomahawk Creek Parkway Improvement and $3,199,410.43 of the cost to be paid by the City at large, nd that none of said property owners have paid their espective assessments on account of the construction of the omahawk Creek Parkway Improvement and there are no other unds available in the City treasury to pay the remainder of the cost of the Improvements leaving $5,143,000 to be paid by the issuance and sale of the City's general obligation bonds; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to finance the costs of constructing the Improvements; and

WHEREAS, the City hereby finds and determines that it is necessary and essential to provide funds to finance the cost of constructing the Improvements by the issuance of General Obligation Improvement Bonds, Series 1991-A, in the principal amount of $5,143,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended;

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined in the recitals and elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended:

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

"Construction Fund" means the Series 1991-A Improvement Construction Fund created by Section 501 of this Ordinance.

"Cost of Issuance Fund" means the Series 1991-A Cost of Issuance Fund created by Section 501 of this Ordinance.

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

"Paying Agent" means the Treasurer of the State of Kansas, in the City of Topeka, Kansas, and its successors and assigns.

"Principal and Interest Fund" means the Principal and Interest Fund for the City of Leawood, Kansas General Obligation Improvement Bonds, Series 1991-A, created by Section 501 of this Ordinance.

"Underwriters" means Stern Brothers & Co. and associates.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of $5,143,000 for the purpose of providing funds to finance the costs of constructing the Improvements, as provided in this Ordinance.

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

Section 203. Details of the Bonds. The Bonds will be issued as a single series designated "General Obligation Improvement Bonds, Series 1991-A", in the aggregate principal amount of $5,143,000.

The Bonds shall consist of fully registered certificated bonds without coupons in the denominations of $5,000 or any integral multiple thereof except that one bond of the first maturity shall be issued in the denomination of $8,000. The Bonds shall be substantially in the form described in Article IV hereof and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated December 1, 1991, shall become due serially on September 1 (the "Principal Payment Dates") in the years and in the principal amounts (subject to optional redemption prior to maturity as provided in Article III hereof) and shall bear interest at the respective rates per annum as follows:

SERIES 1991-A BONDS

Maturity	Amount	Interest Rate Per Annum	Maturity	Amount	Interest Rate Per Annum
September 1, 1993	$ 98,000	6.50	September 1, 2001	$435,000	5.30
September 1, 1994	350,000	6.50	September 1, 2002	450,000	5.45
September 1, 1995	360,000	6.10	September 1, 2003	260,000	5.60
September 1, 1996	370,000	4.65	September 1, 2004	275,000	5.75
September 1, 1997	380,000	4.80	September 1, 2005	295,000	5.90
September 1, 1998	390,000	5.00	September 1, 2006	315,000	6.00
September 1, 1999	405,000	5.10	September 1, 2007	340,000	6.00
September 1, 2000	420,000	5.20			

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The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year composed of twelve 30-day months) from the date thereof or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1993 (the "Interest Payment Dates"), to the registered owners whose names appear on the books maintained by the Bond Registrar at the close of business on the 15th day of the month immediately preceding the Interest Payment Dates (the "Record Dates").

Section 204. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas in the City of Topeka, Kansas, is hereby designated as the City's paying agent for the payment of principal of, premium, if any, and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent" and "Bond Registrar").

The Mayor of the City and the City Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Treasurer of the State of Kansas for said Treasurer to act as Bond Registrar and Paying Agent for the Bonds.

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

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

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

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

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

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

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

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

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

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and redemption premium, if any, and interest on said Bond and for all other purposes, and all such payments so made to any such registered owner or upon such registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as herein provided.

The Bond Registrar shall not be required to register, transfer or exchange Bonds for a period extending from the Record Date to the immediately following Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds selected for redemption in whole or in part subsequent to the date notice of such redemption is given.

Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding Bond shall be delivered to the Bond Registrar for cancellation pursuant to this Ordinance, upon payment of the principal amount thereof and interest thereon or for replacement pursuant to this Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

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

Section 209. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor of the City and the City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, to cause the Bonds to be registered in the offices of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to the Underwriters, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery plus any premium thereon. The Mayor of the City and the City Clerk are also hereby further authorized to enter into an agreement with a depository trust company to have the executed, authenticated Bonds held in safe keeping prior to their delivery to the Underwriters.

The Bonds shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Exhibit A attached hereto, which shall be executed by the manual or facsimile signature of the Bond Registrar. No Bond shall be entitled to any security or benefit under the Ordinance nor shall it be valid or obligatory for any purpose unless and until such Certificate of Authentication shall have been duly executed by the Bond Registrar. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under the Ordinance. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the Certificate of Authentication on all of the Bonds that may be issued hereunder at any one time.

ARTICLE III

Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 2000, and thereafter may be called for redemption and payment prior to maturity on September 1, 1999, and on any Interest Payment Date thereafter, in whole or in part in inverse order of maturity at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

Section 302. Notice of Redemption. In the event the City shall elect to redeem and pay any of the Bonds prior to the maturity thereof, the City shall publish once in the Kansas Register and in a financial journal published in New York, New York, a notice of the intention of the City to redeem and pay said Bonds, the same being described by number and maturity, said notice in said financial journal to be published not less than 30 days prior to the date on which said Bonds are called for redemption and payment and said notice in the Kansas Register to be published not less than 15 days prior to said redemption date. The City shall also give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by prepaid United States registered or certified mail addressed to the State Treasurer of the State of Kansas and to the Underwriters, said notice to be mailed not less than 45 days prior to the redemption date. The State Treasurer of Kansas will send notice of redemption by ordinary U.S. mail to the registered owners of said Bonds, said notices to be mailed not less than 30 days prior to the date fixed for redemption.

Section 303. Selection of Bonds to Be Redeemed. Bonds shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the outstanding Bonds are to be redeemed and paid prior to maturity, such Bonds shall be redeemed in inverse order of maturity, Bonds of less than a full maturity to be selected by the Paying Agent and Bond Registrar by lot in $5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.

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

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

ARTICLE IV

FORM OF THE BONDS

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

ARTICLE V

ESTABLISHMENT OF FUNDS

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

(a) Principal and Interest Fund for the City of Leawood, Kansas General Obligation Improvement Bonds, Series 1991-A (the "Principal and Interest Fund");

(b) Series 1991-A Improvement Construction Fund (the "Construction Fund"); and

(c) Series 1991-A Cost of Issuance Fund (the "Cost of Issuance Fund").

Section 502. Administration of Funds. The funds established pursuant to the authority of Section 501 hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

Section 601. Disposition of Bond Proceeds and Other Moneys. The proceeds received from the sale of the Bonds, including any premium and accrued interest thereon, shall be deposited simultaneously with the delivery of the Bonds, as follows:

(a) There shall be deposited in the Principal and Interest Fund any premium on the Bonds and any amount received on account of accrued interest on the Bonds.

(b) There shall be deposited in the Cost of Issuance Fund the sum of $83,300.00.

(c) The entire remaining balance of the proceeds shall be deposited in the Construction Fund.

Section 602. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be separately accounted for and attributed to each of the individual Improvements and shall be used solely to pay the cost of such Improvements, including the retirement of temporary notes of the City previously issued to provide interim financing for the Improvements, and, in the event funds on deposit in the Cost of Issuance Fund shall be insufficient for the purpose, to pay costs of issuance of the Bonds. Upon completion of the Improvements and payment of all costs thereof, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

Section 603. Application of Moneys in the Cost of Issuance Fund. Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on January 15, 1992, shall be transferred to the Construction Fund.

ARTICLE VII

PAYMENT OF BONDS

Section 701. Levy of Taxes to Pay Bonds. The full faith, credit and resources of the City are hereby pledged to secure the payment of the principal of and interest on the Bonds as they severally become due and payable.

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

Section 702. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Fund and transfer to the Paying Agent sums sufficient to pay the principal of and interest on the Bonds and the fees of the Paying Agent and Bond Registrar when the same become due. If, through lapse of time or otherwise, the owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 801. Official Statement. Distribution of the Official Statement relating to the Bonds in substantially the form presented to the governing body of the City and the use thereof by the Underwriters of the Bonds is hereby approved, and the Mayor of the City and the City Clerk are hereby authorized to execute such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve.

Section 802. Special Tax Covenants. The City covenants to comply with each and every provision of the Internal Revenue Code of 1986 and the rules and regulations promulgated thereunder (the "Code"), which is or may be applicable to the Bonds or state and local obligations of the same character as the Bonds authorized and issued hereunder; provided, that, the City shall not be required to comply with any such provision if the City shall be provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure to comply with any such provision will not cause interest on the Bonds to be subject to federal income taxation.

In particular, the City shall complete the construction of the Improvements that are financed with the proceeds of the Bonds not later than that day which is three years after the earlier of (i) the date of issue of the Bonds or (ii) the date construction of such Improvements began.

The City further covenants and agrees that no portion of the gross proceeds of the Bonds will be used (on a basis different from use by members of the general public of the Improvements) directly or indirectly in any trade or business carried on by any person (including exempt persons) other than the City, any other political subdivision of the State of Kansas or any governmental unit of the State of Kansas, or to make any loan to any such person.

The City will comply with all applicable information reporting requirements of the Code.

Section 803. Arbitrage Covenant. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that no part of the proceeds of the Bonds shall be invested in any securities or obligations except for the temporary period pending such use, nor used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Bonds, would have caused any of the Bonds to be or become "arbitrage bonds" within the meaning of Section 148 of the Code.

The City will abide by any applicable arbitrage rebate requirements of the Code; provided, that, the City shall not be required to abide by any such requirements if the City is provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure of the City to abide by any such requirements will not cause the interest on the Bonds to be or become subject to federal income taxation.

Section 804. Covenants, Representations and Warranties Regarding Qualified Tax-Exempt Obligations. The governing body hereby finds, determines, represents and warrants, as follows:

(a) Since January 1, 1991, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

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Project	Date Issued	Amount	Maturity Date
A. Temporary Notes Series L.I.D. 88-1-91A, Project 113 Tomahawk Creek Parkway	03-15-91	$ 700,000	11-01-91
B. Temporary Notes Series 91B, Project 114 Somerset, Belinder-Sagamore	03-15-91	200,000	11-01-91
C. Temporary Notes Series 91C, Project 118 Police/Courts Building & Fire Station #1 Remodel	03-15-91	300,000	11-01-91
D. Temporary Notes Series 91D, Project 115 Mission Road, 103rd Street to College Boulevard	03-15-91	100,000	11-01-91
E. Temporary Notes Series L.I.D. 88-1-91E, Project 113 Tomahawk Creek Parkway	05-20-91	1,100,000	11-01-91
F. Temporary Notes Series 91F, Project 118 Police/Courts Building & Fire Station #1 Remodel	05-20-91	600,000	02-01-92
G. Temporary Notes Series 91G, Project 119 119th Street, State Line to Mission Road	05-20-91	600,000	11-01-91
H. Temporary Notes Series 91H, Project 117 Lee Boulevard, Phase I	05-20-91	400,000	11-01-91
I. Temporary Notes Series 91I, Project 117B Lee Boulevard, Phase II	05-20-91	900,000	02-01-92
J. Temporary Notes Series L.I.D. 88-1-91J, Project 113 Tomahawk Creek Parkway	08-12-91	900,000	02-12-92
K. Temporary Notes Series 91K, Project 117 Lee Boulevard, Phase I	08-12-91	1,100,000	02-12-92
L. Temporary Notes Series 91L, Project 125 Lee Boulevard, Phase II	08-12-91	700,000	02-12-92
M. Temporary Notes Series L.I.D. 88-1-91M, Project 113 Tomahawk Creek Parkway	10-15-91	1,800,000	12-31-91
N. Temporary Notes Series 91N, Project 114 Somerset, Sagamore-Belinder	10-15-91	200,000	06-18-92
O. Temporary Notes Series 91P, Project 118 Police/Courts Building & Fire Station #1 Remodel	10-15-91	200,000	06-18-92
P. Temporary Notes Series 91Q, Project 115 Mission Road, 103rd Street to College Boulevard	10-15-91	200,000	06-18-92
Q. Temporary Notes Series 91R, Project 119 119th Street, State Line to Mission Road	10-15-91	600,000	12-31-91
R. Temporary Notes Series 91S, Project 117 Lee Boulevard, Phase I	10-15-91	400,000	12-31-91
S. Temporary Notes Series 91T, Project 127 151st Street, Nall Avenue to East City Limits	10-15-91	200,000	06-18-92
T. Temporary Notes Series 91U, Project 124 135th Street [K150], State Line to Nall Avenue	10-15-91	300,000	06-18-92
U. Temporary Notes Series 91V, Project 121 Somerset, Belinder-Wenonga	10-15-91	100,000	06-18-92

(b) The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1991, taken into account under Section 265(b)(3)(C) of the Code, in an aggregate amount in excess of $10,000,000;

(c) Other than the Bonds, the City has not issued and does not expect to issue any other bonds or obligations the proceeds of which have been or will be used to provide project financing for the Improvements, other than temporary notes to be retired with the proceeds of the Bonds.

The City hereby covenants and agrees that it shall not issue more than $10,000,000 of tax-exempt obligations taken into account under Section 265(b)(3)(C) of the Code during calendar year 1991.

The City hereby reaffirms its designation of the Bonds as "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

Section 805. Authority to Redeem Outstanding Temporary Notes. The governing body hereby finds and determines that it is necessary and advisable to redeem and prepay the following described outstanding temporary notes of the City:

Project	Date Issued	Amount	Maturity Date
Tomahawk Creek Parkway	10-15-91	$1,800,000	12-31-91
Lee Boulevard-Phase I	10-15-91	400,000	12-31-91
119th Street	10-15-91	600,000	12-31-91
Tomahawk Creek Parkway	08-12-91	900,000	02-12-92
Lee Boulevard-Phase I	08-12-91	1,100,000	02-12-92

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforedescribed temporary notes on December 17, 1991, by publication of notices to the holders thereof, substantially in the form attached as Exhibit B hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 806. Severability. If any section or other part of this Ordinance shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 807. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 808. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official newspaper of the City.

PASSED by the governing body of the City of Leawood, Kansas this 18th day of November, 1991.

Approved by the Mayor this 18th day of November, 1991.

(Seal)

Marcia Rinehart
Mayor

ATTEST:

Marsha Heiman
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 1262

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (TRAFFIC SIGNAL MODIFICATION AT 89TH STREET AND STATE LINE ROAD).

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

19-5,117. Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Resolution Trust Corp., Conservator of Franklin Savings Association: All that part of the North 1/2 of Fractional Section 35, Township 12, Range 25, in the City of Leawood, Johnson County, Kansas described as follows: Commencing at the intersection of the west right-of-way line of State Line Road as now established with the east-west centerline of said North 1/2; thence south along said west line a distance of 85.44 feet to the TRUE POINT OF BEGINNING; thence south along said west line of State Line Road a distance of 15.00 feet; thence southwesterly along the existing right-of-way line a distance of 20.77 feet to a point on the north right-of-way line of 89th Street as now established, thence westerly along the north line of 89th Street, said north line being a curve to the right with a radius of 245.00 feet, to a point 15.00 feet west of the said west line of State Line Road extended as measured at a right angle to said west line; thence northerly 15.00 feet on a line parallel to the said west line of State Line Road; thence northeasterly on a straight line to the true point of beginning. (Northwest corner of 89th Street and State Line)

19-5,118. Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

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

Approved by the Mayor the 4th day of November, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

CITY OF LEAWOOD 00296

2061787

025910

ORIGINAL COMPARED WITH RECORD

QUIT CLAIM DEED OF DEDICATION

The RESOLUTION TRUST CORPORATION was appointed Conservator of Franklin Savings Association, Ottawa, Kansas, on February 15, 1990, by order number 90-368 of the Office of Thrift Supervision pursuant to Section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. Section 1464(d)(2)(1989).

The RESOLUTION TRUST CORPORATION as Conservator of Franklin Savings Association, Ottawa, Kansas, as Grantor, having a mailing address of P.O. Box 419570, Kansas City, Missouri 64141, for a valuable consideration, the receipt of which is hereby acknowledged, does by these presents, Remise, Release, and Quitclaim unto The City of Leawood, Kansas, as Grantee, having a mailing address of 9617 Lee Blvd, Leawood, KS 66206, and unto its successors and assigns, all of Grantor's right, title, interest, estate, claim and demand in and to the following described land in Johnson County, Kansas, to-wit:

SEE EXHIBIT A, ATTACHED

The property conveyed shall be used only in the construction, improvement, reconstruction and maintenance of a public right-of-way. Should the right-of-way, or any part of it, be vacated, it shall revert to the Grantor, its successors and assigns.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever, except as stated above.

IN WITNESS WHEREOF, this Quit Claim Deed has been executed this 8th day of August, 1991.

RESOLUTION TRUST CORPORATION

Conservator of Franklin Savings Association, Ottawa, Kansas

BY: Charles P. Farrell Jr.
Printed Name: Charles P. Farrell, Jr.
Title: Managing Agent

Pursuant to Power of Attorney
Dated: 2/16/90
Recorded: 8/10/90

Entered in Transfer Record
10 Day of Oct 1991
Beverly L. Baker

PL
Johnson County Clerk
NF 251235-1040

P:\SP\JLS\FRANK.DED

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

91 OCT 10 P 4:50

10.00

SARA FULLMANN
REGISTER OF DEEDS

10.00 ck

Quit Claim Deed, Version 5.03
Resolution Trust Corporation, North Central Region
Use for States of AR,AZ,CA,CO,KS,IN,IL,IA,MN,MO,MI,NE,ND,SD,TX,WI.
Last Revised: January 24, 1991.

VOL 3439 PAGE 834

ACKNOWLEDGEMENT

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

On this 8th day of August, 1991, before me, appeared Charles P. Farrell, Jr., to me personally known, who, being duly sworn, did say that s/he is the Managing Agent for Resolution Trust Corporation, Conservator of Franklin Savings Association, and that the instrument was signed for the purposes therein contained on behalf of the corporation, and by authority of the corporation, and s/he further acknowledged the instrument to be the free act and deed of the corporation as Managing Agent of Franklin Savings Association.

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

RENEE MADAY
Notary Public - State of Kansas
My Appt. Expires 3-20-93

Renee Maday
Notary Public

Printed Name: Renee Maday

My Commission Expires:
3.20.93.

This instrument was prepared by:
(Name and address of preparer)

Joseph L. Stokely
Resolution Trust Corporation
4900 Main Street
Kansas City, MO 64141

Tax statements for the real property described in this instrument should be sent to:

City of Leawood
9617 Lee Blvd
Leawood, KS 66206

After recording, please return this document to:

City of Leawood
9617 Lee Blvd
Leawood, KS 66206

Quit Claim Deed, Version 5.03
Resolution Trust Corporation, North Central Region
Use for States of AR,AZ,CA,CO,KS,IN,IL,IA,MN,MO,MI,NE,ND,SD,TX,WI.
Last Revised: January 24, 1991.

EXHIBIT "A"

All that part of the North 1/2 of Fractional Section 35, Township 12, Range 25, in the City of Leawood, Johnson County, Kansas described as follows:

Commencing at the intersection of the west right-of-way line of State Line Road as now established with the east-west centerline of said North 1/2; thence south along said west line a distance of 85.44 feet to the TRUE POINT OF BEGINNING; thence south along said west line of State Line Road a distance of 15.00 feet; thence southwesterly along the existing right-of-way line a distance of 20.77 feet to a point on the north right-of-way line of 89th Street as now established, thence westerly along the north line of 89th Street, said north line being a curve to the right with a radius of 245.00 feet, to a point 15.00 feet west of the said west line of State Line Road extended as measured at a right angle to said west line; thence northerly 15.00 feet on a line parallel to the said west line of State Line Road; thence northeasterly on a straight line to the true point of beginning.

(Northwest corner of 89th Street and State Line)

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

11/5/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
11/5/91

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $19.19

ORD. 1262

ORDINANCE NO. 1262 First published in The Legal Record, Tuesday, October 22, 1991

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (TRAFFIC SIGNAL MODIFICATION AT 89TH STREET AND STATE LINE ROAD).

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

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

From Resolution Trust Corp., Conservator of Franklin Savings Association: All that part of the North 1/2 of Fractional Section 35, Township 12, Range 25, in the City of Leawood, Johnson County, Kansas described as follows: Commencing at the intersection of the west right-of-way line of State Line Road as now established with the east-west centerline of said North 1/2; thence south along said west line a distance of 85.44 feet to the TRUE POINT OF BEGINNING; thence south along said west line of State Line Road a distance of 15.00 feet; thence southwesterly along the existing right-of-way line a distance of 20.77 feet to a point on the north right-of-way line of 89th Street as now established, thence westerly along the north line of 89th Street, said north line being a curve to the right with a radius of 245.00 feet, to a point 15.00 feet west of the said west line of State Line Road extended as measured at a right angle to said west line; thence northerly 15.00 feet on a line parallel to the said west line of State Line Road; thence northeasterly on a straight line to the true point of beginning. (Northwest corner of 89th Street and State Line)

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

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

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

Approved by the Mayor the 4th day of November, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

Ord. 1262

ORDINANCE NO. 1261

AN ORDINANCE ACCEPTING EASEMENTS FOR STREET PURPOSES.

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

19-6,245. Section 1. That the City of Leawood hereby accepts permanent easements, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easements, to wit:

From Hallbrook Farms Associates, L.P.: A tract of land in the north 1/2 of fractional section 14, township 13, range 25 in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southeast corner of said north 1/2; thence north 2°-22'-55" west along the east line of said north 1/2 a distance of 616.0 feet; thence westerly along a bearing of south 87°-53'-23" west along a line that is parallel with the south line of said north 1/2 a distance of 424.12 feet to the true point of beginning of the tract herein described. Thence continuing along said bearing of south 87°-53'-23" west a distance of 17.51 feet; thence north 2°-36'-36" west a distance of 332.01 feet; thence north 87°-53'-23" east along a line that is parallel to the south line of said north 1/2 a distance of 17.51 feet; thence south along a line parallel to and 17.51 feet from said bearing north 2°-36'-36" west a distance of 332.01 feet to the point of beginning. Containing .129 acres more or less.

AND

A tract of land in the north 1/2 of fractional section 14, township 13, range 25 in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southeast corner of said north 1/2; thence south 87°-53'-23" west along the south line of said north 1/2 a distance of 420.35 feet to the true point of beginning; thence continuing along said bearing south 87°-53'-23" east a distance of 17.51 feet; thence north 2°- 36'-36" west a distance of 288.01 feet; thence north 87°-53'-23" east along a line that is parallel with the south line of said north 1/2 a distance of 17.51 feet; thence south 2°-36'-36" east a distance of 288.01 feet to the point of beginning. Containing .116 acres more or less.

19-6,246. Section 2. That a copy of said easement agreement is attached hereto and thereby incorporated by reference.

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

2065145

ORIGINAL COMPARED WITH RECORD

STATE OF KANSAS
COUNTY OF JOHNSON, SS
FILED FOR RECORD

16.00

91 OCT 28 P 1:46.2

SARA F. ULLMANN
REGISTER OF DEEDS

EASEMENT AGREEMENT

THIS AGREEMENT is made effective as of the 21 day of October, 1991, by and between HALLBROOK FARMS ASSOCIATES, L.P., a Delaware limited partnership ("Grantor"), and the City of Leawood, Kansas, a municipal corporation ("Grantee" or "City").

RECITALS

(A) Grantor owns certain real property (the "Easement Property") located in the City of Leawood, Johnson County, Kansas, and more particularly described in Exhibit A attached hereto and made a part hereof by this reference.

(B) The Easement Property consist of two narrow parcels of ground approximately seventeen feet in width which are adjacent to (i) the public street known as " Overbrook" (which street is dedicated on the plat of Hallbrook Farms Clubhouse, a subdivision located in Leawood, Johnson County, Kansas) and (ii) certain property presently owned by William Reinsch Davis (the Davis Property") and Fern Stultz (Stultz Property) and more particularly described on Exhibit B attached hereto and made a part hereof by this reference.

(C) The City is not presently aware of any plans for the development of the Davis or Stultz property but has required the Grantor as a part of platting of Hallbrook Farms Clubhouse to make provision such that the Davis and Stultz property may at a future date be accessed from Overbrook by either a public street or private drives.

(D) The location of any future private drives or public street serving the Davis or Stultz property will of necessity be constructed from Overbrook to the Davis or Stultz property over a portion or portions of the property which is the subject of this easement agreement and which is described in Exhibit A.

(C) Grantor has agreed to as a part of and in consideration of plat approval of Hallbrook Farms Clubhouse to grant an easement to the City, said easement to be used by the City at a future date subject to the limitations of this agreement.

NOW, THEREFORE, in consideration of the covenants herein contained and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties agree as follows:

1. That for the consideration expressed, the undersigned, called Grantor, grants and conveys to the City of Leawood, its successors and assigns, an easement

16.00

for the purpose of constructing and maintaining a public street and/or private drive(s) from Overbrook to the Davis or Stultz Property, said street or drives to be constructed and maintained on the lands described in Exhibit A, attached hereto and incorporated by reference. This easement is granted upon the following conditions:

2. That if a public road is constructed from Overbrook to the Davis or Stultz Property over the property subject to this easement, then the right of way for said street construction shall be limited to one roadway which shall not exceed fifty feet (50') in width.

3. That if a private drive or drives are constructed from Overbrook to the Davis or Stultz Property over the property subject to this easement, then said private drives construction shall be limited to two drives each of which shall not exceed twenty-six feet (26') in width .

4. The exact location of any public street or private drives constructed or permitted by the City upon the property subject to this easement will be determined by the City after consulting with the Grantor or its successors in interest. Any public street or private drives constructed or permitted by the City will be designed and constructed in accordance with the Leawood Public Improvement Construction Standards.

5. If at a future date the Grantor shall become the owner of the property described in Exhibit B as well as the property which is subject to this easement, then this easement will terminate.

6. If at a future date the Grantor agrees to dedicate permanent right of way over the property subject to this easement at a location acceptable to the city, then this easement will terminate on acceptance of the dedication of said right of way by the City.

7. Until such date as the City shall construct or permit construction of a public street or private drives over the subject property the Grantor will assume all responsibility for maintenance of the property described in Exhibit B. At such time as the city shall construct or permit construction of a public street or private drives the city or its assignee(s) will assume responsibility for maintenance of any street constructed over the property described in Exhibit A. In the event that it is determined that private drives should be constructed over the property subject to this easement then the City may assign this easement upon the agreement of the assignee to assume responsibility for maintenance of any private drives constructed over the property.

The terms of this Agreement shall run with the land and shall inure to the benefit of and bind Grantor and Grantee and their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

HALLBROOK FARMS ASSOCIATES, L.P.

By: RDC, INC.,
General Partner

By: Mel J. Lavery
MEL J. LAVERY, PRESIDENT

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 15 day of October, 1991, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came MEL J. LAVERY, President of RDC, Inc., a General Partner of Hallbrook Farms Associates, L.P., who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

Mary Alice Tinkler
Notary Public Mary Alice Tinkler

My appointment expires:
Jan 30, 1994

NOTARY PUBLIC
MARY ALICE TINKLER
STATE OF KANSAS

THE CITY OF LEAWOOD, KANSAS

(S E A L)

By: Marcia Rinehart
Marcia Rinehart
Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

D:\LEAWOOD\HALBROOK.EAS

EXHIBIT A

EASEMENT PROPERTY

DAVIS ACCESS EASEMENT

A tract of land in the north 1/2 of fractional section 14, township 13, range 25 in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southeast corner of said north 1/2; thence north 2 -22'-55" west along the east line of said north 1/2 a distance of 616.0 feet; thence westerly along a bearing of south 87 -53'-23" west along a line that is parallel with the south line of said north 1/2 a distance of 424.12 feet to the true point of beginning of the tract herein described. Thence continuing along said bearing of south 87 -53'-23" west a distance of 17.51'; thence north 2 -36'-36" west a distance of 332.01 feet; thence north 87 - 53'-23" east along a line that is parallel to the south line of said north 1/2 a distance of 17.51 feet; thence south along a line parallel to and 17.51 feet from said bearing north 2 -36'-36" west a distance of 332.01 feet to the point of beginning. Containing .129 acres more or less.

STULTZ ACCESS EASEMENT

A tract of land in the north 1/2 of fractional section 14, township 13, range 25 in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southeast corner of said north 1/2; thence south 87 -53'-23" west along the south line of said north 1/2 a distance of 420.35 feet to the true point of beginning; thence continuing along said bearing south 87 -53'23" east a distance of 17.51 feet; thence north 2 -36'36 " west a distance of 288.01 feet; thence north 87 - 53'-23" east along a line that is parallel with the south line of said north 1/2 a distance of 17.51 feet; thence south 2 -36'36" east a distance of 288.01 feet to the point of beginning. Containing .116 acres more or less.

EXHIBIT B

DAVIS PROPERTY

DESCRIPTION: A TRACT OF LAND IN THE NORTH 1/2 OF FRACTIONAL SECTION 14, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTH 1/2; THENCE NORTH 2°-22'-55" WEST, ALONG THE EAST LINE OF SAID NORTH 1/2, A DISTANCE OF 616.00 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 87°-53'-23" WEST, ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2; THENCE NORTH 2°-36'-36" WEST, A DISTANCE OF 332.01 FEET; THENCE NORTH 87°-53'-23" EAST ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2, A DISTANCE OF 424.12 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 332.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.227 ACRES, MORE OR LESS. SUBJECT TO AN ESTABLISHED PUBLIC ROAD ALONG THE EAST SIDE OF SAID TRACT.

STULTZ PROPERTY

DESCRIPTION: A TRACT OF LAND IN THE NORTH 1/2 OF FRACTIONAL SECTION 14, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTH 1/2; THENCE SOUTH 87°-53'-23" WEST ALONG THE SOUTH LINE OF SAID NORTH 1/2, A DISTANCE OF 420.35 FEET; THENCE NORTH 2°-36'-361" WEST, A DISTANCE OF 288.01 FEET; THENCE NORTH 87°-53'-23" EAST, ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID NORTH 1/2, A DISTANCE OF 421.50 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 288.00 FEET, TO THE POINT OF BEGINNING. CONTAINING 2.783 ACRES, MORE OR LESS, SUBJECT TO ESTABLISHED PUBLIC ROADS ALONG THE EAST AND SOUTH SIDES OF SAID TRACT.

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

10/22/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
10/22/91

Sharon Lefoung

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $28.79

Ord. 1261

ORD. 1261
First published in The Legal Record, Tuesday, October 22, 1991.

ORDINANCE NO. 1261

AN ORDINANCE ACCEPTING EASEMENTS FOR STREET PURPOSES.

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

Section 1. That the City of Leawood hereby accepts permanent easements, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easements, to wit:

From Hallbrook Farms Associates, L.P.: A tract of land in the north 1/2 of fractional section 14, township 13, range 25 in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southeast corner of said north 1/2; thence north 2°-22'-55" west along the east line of said north 1/2 a distance of 616.0 feet; thence westerly along a bearing of south 87°-53'-23" west along a line that is parallel with the south line of said north 1/2 a distance of 424.12 feet to the true point of beginning of the tract herein described. Thence continuing along said bearing of south 87°-53'-23" west a distance of 17.51 feet; thence north 2°-36'-36" west a distance of 332.01 feet; thence north 87°-53'-23" east along a line that is parallel to the south line of said north 1/2 a distance of 17.51 feet; thence south along a line parallel to and 17.51 feet from said bearing north 2°-36'-36" west a distance of 332.01 feet to the point of beginning. Containing .129 acres more or less.

AND

A tract of land in the north 1/2 of fractional section 14, township 13, range 25 in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southeast corner of said north 1/2; thence south 87°-53'-23" west along the south line of said north 1/2 a distance of 420.35 feet to the true point of beginning; thence continuing along said bearing south 87°-53'-23" east a distance of 17.51 feet; thence north 2°- 36'-36" west a distance of 288.01 feet; thence north 87°-53'-23" east along a line that is parallel with the south line of said north 1/2 a distance of 17.51 feet; thence south 2°-36'-36" east a distance of 288.01 feet to the point of beginning. Containing .116 acres more or less.

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

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

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

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

(S E A L)

Attest:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Helzer
Martha Helzer City Clerk

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

ORDINANCE NO. 1260 C repealed by Ord. 1309C, 9/8/92

AN ORDINANCE AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR DRUG OFFENSES.

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

Section 1. Code Amended. That Section 11-606 of the Code of the City of Leawood is hereby amended to read as follows:

11-606. PENALTIES. A violation of any provision of this Article shall be punishable as a Class A violation as defined by the "Uniform Public Offense Code for Kansas Cities", 1991 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-606 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1128C)

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

Passed by the Council the 8th day of October, 1991.

Approved by the Mayor the 8th day of October, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- One ---------- consecutive ---------- day ---------- (weeks, days) the first publication thereof being made as aforesaid on the ---- 11th ---- day of October 19-91, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this ---- 11th ---- day of October 19-91

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92

Printer's Fee$ 11.50

Additional copies $

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1260 C

AN ORDINANCE AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR DRUG OFFENSES.

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

Section 1. Code Amended. That Section 11-606 of the Code of the City of Leawood is hereby amended to read as follows:

11-606. PENALTIES. A violation of any provision of this Article shall be punishable as a Class A violation as defined by the "Uniform Public Offense Code for Kansas Cities", 1991 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-606 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1128C)

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

Passed by the Council the 8th day of October, 1991.

Approved by the Mayor the 8th day of October, 1991.

(s) Marcia Rinehart, Mayor

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

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

(9477-1F-JC)

ORDINANCE NO. 1259

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91U, PROJECT 124 (135TH STREET [K150], STATE LINE-NALL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K150], STATE LINE-NALL, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 135th Street (K150), State Line-Nall, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1203 on February 4, 1991; and

WHEREAS, the City of Leawood's share of the total cost of improvements to 135th Street (K150), State Line-Nall, is estimated to be $3,146,400.00; and

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,757. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal, acquisition of right-of-way, and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91U, Project 124 (135th Street [K150], State Line-Nall), in the aggregate principal amount of Three Hundred Thousand Dollars

($300,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,758. Section Two: Said issue of Temporary Notes, Series 91U, Project 124 (135th Street [K150], State Line-Nall), shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000.00. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for reduction) at any date prior to the stated maturity date of said note by written notice to known holder or the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,759. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,760. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.91% of the principal amount thereof.

20-1,761. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000

(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,762. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------ One ------ consecutive ------ day ------ (weeks, days) the first publication thereof being made as aforesaid on the --- 11th ------ day of October --- 19-91---, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this--- 11th ------ day of October ------ 19-91--

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$ ---------- 99.60

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1259

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91U, PROJECT 124 (135TH STREET (K150), STATE LINE-NALL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K150), STATE LINE-NALL, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 135th Street (K150), State Line-Nall, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1203 on February 4, 1991; and

WHEREAS, the City of Leawood's share of the total cost of improvements to 135th Street (K150), State Line-Nall, is estimated to be $3,146,400.00; and

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal, acquisition of right-of-way, and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91U, Project 124 (135th Street (K150), State Line-Nall), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91U, Project 124 (135th Street (K150), State Line-Nall), shall consist of bearer notes numbered 1 through 1 inclusive, each in the denomination of $100,000.00. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 15, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for reduction) at any date prior to the stated maturity date of said note by written notice to known holder or the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.91% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91A Somerset, Sycamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 800,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ORDINANCE NO. 1258

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91V, PROJECT 121 (SOMERSET, BELINDER-WENONGA), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, BELINDER-WENONGA, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Somerset, Belinder-Wenonga, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1132 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Wenonga, is estimated to be $75,000.00.

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,751. 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 91V, Project 121 (Somerset, Belinder-Wenonga), in the aggregate principal

amount of One Hundred Thousand Dollars ($100,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,752. Section Two: Said issue of Temporary Notes, Series 91V, Project 121 (Somerset, Belinder-Wenonga), shall consist of bearer note number 1 in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,753. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,754. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.89% of the principal amount thereof.

20-1,755. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000

(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,756. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- one ---------- consecutive ---------- day ---------- (weeks, days) the first publication thereof being made as aforesaid on the ---- 11th ---- day of, ---- October ---- 19-91---, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this---- 11th ---- day of -- October ---- 19--91.

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$ ---------- 99.60

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1258

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91V, PROJECT 121 (SOMERSET, BELINDER-WENONGA), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, BELINDER-WENONGA, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Somerset, Belinder-Wenonga, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1132 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Wenonga, is estimated to be $75,000.00.

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91V, Project 121 (Somerset, Belinder-Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91V, Project 121 (Somerset, Belinder-Wenonga), shall consist of bearer note number 1 in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.85% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rich

ORDINANCE NO. 1257

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91T, PROJECT 127 (151ST STREET, NALL-EAST LIMITS), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 151ST STREET, NALL-EAST LIMITS, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 151st Street, Nall-East Limits, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1241 on August 19, 1991; and

WHEREAS, total cost of improvements to 151st Street, Nall-East Limits, estimated to be $225,000.00.

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,745. 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 91T, Project 127 (151st Street, Nall-East Limits), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not

exceed the total estimated costs of said improvements.

20-1,746. Section Two: Said issue of Temporary Notes, Series 91T, Project 127 (151st Street, Nall-East Limits), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,747. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,748. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.91% of the principal amount thereof.

20-1,749. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000

(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,750. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- one ---------- consecutive ------ days ------ (weeks, days) the first publication thereof being made as aforesaid on the ---- 11th ---- day of, ---- October ---- 19- 91 -, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this ---- 11th ---- day of ---- October ---- 19-- 91

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$ ---------- 99.60

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1257

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91T, PROJECT 127 (151ST STREET, WALL-EAST LIMITS), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 151ST STREET, WALL-EAST LIMITS, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 151st Street, Wall-East Limits, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1241 on August 19, 1991; and

WHEREAS, total cost of improvements to 151st Street, Wall-East Limits, estimated to be $225,000.00.

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91T, Project 127 (151st Street, Wall-East Limits), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91T, Project 127 (151st Street, Wall-East Limits), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.91% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Richard

ORDINANCE NO. 1256

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

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 119th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1090 on February 6, 1989; and

WHEREAS, total cost of improvements to 119th Street, State Line to Mission Road, is estimated to be $1,200,000.00; and

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,739. 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 91R, Project 119 (119th Street, State Line Road to Mission Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,740. Section Two: Said issue of Temporary Notes, Series 91R, Project 119 (119th Street, State Line to Mission Road), shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000.00. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of December 31, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said note shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, in whole or in part (but in any event in the full face amount of the particular note chosen for reduction) at any date prior to the stated maturity date of said note by written notice to known holder or the publication of notice and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,741. Section Three: Said note shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,742. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.94% of the principal amount thereof.

20-1,743. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,744. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- one ---------- consecutive ---------- day ---------- (weeks, days) the first publication thereof being made as aforesaid on the --- 11th --- day of, October 19-91, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this 11th day of October 19-91

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$ ---------- 97.80

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1256

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

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 119th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1090 on February 6, 1989; and

WHEREAS, total cost of improvements to 119th Street, State Line to Mission Road, is estimated to be $1,200,000.00; and

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91R, Project 119 (119th Street, State Line Road to Mission Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91R, Project 119 (119th Street, State Line to Mission Road), shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000.00. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of December 31, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said note shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, in whole or in part (but in any event in the full face amount of the particular note chosen for reduction) at any date prior to the stated maturity date of said note by written notice to known holder or the publication of notice and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said note shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.94% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

ORDINANCE NO. 1255

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91S, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1077 on November 21, 1988; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,733. 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 91S, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000.00) which amount does not exceed the

total estimated costs of said improvements.

20-1,734. Section Two: Said issue of Temporary Notes, Series 91S, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 4 inclusive, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of December 31, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,735. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,736. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.925% of the principal amount thereof.

20-1,737. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,738. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- one ---------- consecutive ---------- day ---------- (weeks, days) the first publication thereof being made as aforesaid on the ---- 11th ---- day of ---- October ---- 19 91 ----, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this ---- 11th ---- day of ---- October ---- 19 91 ----

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$ ---------- 99 ----------

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1255

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91S, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1077 on November 21, 1988; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91S, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91S, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 4 inclusive, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of December 31, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.925% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91E Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

ORDINANCE NO. 1254

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91Q, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD-COLLEGE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Mission Road, 103rd-College Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1204 on February 4, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,727. 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 91Q, Project 115 (Mission Road, 103rd-College Boulevard), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,728. Section Two: Said issue of Temporary Notes, Series 91Q, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note numbers 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,729. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,730. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.91% of the principal amount thereof.

20-1,731. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations;

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000

(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,732. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- one ---------- consecutive ------- day ------ (weeks, days) the first publication thereof being made as aforesaid on the -- 11th ------- day of, October -- 19-- 91 ---, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this---- 11th ------- day of -- October ------ 19-- 91.

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$ ---------- 100.20

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1254

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91Q, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD-COLLEGE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Mission Road, 103rd-College Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1204 on February 4, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91Q, Project 115 (Mission Road, 103rd-College Boulevard), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91Q, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note numbers 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.91% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations;

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ORDINANCE NO. 1253

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91N, PROJECT 114 (SOMERSET, SAGAMORE-BELINDER), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, SAGAMORE-BELINDER, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Somerset, Sagamore-Belinder, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1131 on October 2, 1989; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,721. 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 91N, Project 114 (Somerset, Sagamore-Belinder), in the aggregate principal

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

20-1,722. Section Two: Said issue of Temporary Notes, Series 91N, Project 114 (Somerset, Sagamore-Belinder), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,723. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,724. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.90% of the principal amount thereof.

20-1,725. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000

(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,726. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------- One ---------- consecutive ---------- day ---------- (weeks, days) the first publication thereof being made as aforesaid on the ---- 16th ---- day of October 19-- 91 ---, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this ---- 16th ---- day of October 19-- 91

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$ ---------- 99.60

Additional copies $ ----------

First published in The Johnson County Sun, Friday,

ORDINANCE NO. 1253

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91N, PROJECT 114 (SOMERSET, SAGAMORE-BELINDER), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, SAGAMORE-BELINDER, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Somerset, Sagamore-Belinder, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1131 on October 2, 1989; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91N, Project 114 (Somerset, Sagamore-Belinder), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91N, Project 114 (Somerset, Sagamore-Belinder), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount) at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor, which shall not be less than 99.90% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

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

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ORDINANCE NO. 1252

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91M, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,800,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be $3,392,017; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,715. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 88-1-91M, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of One Million Eight Hundred Thousand Dollars ($1,800,000), which amount does not exceed the total estimated costs of said improvements.

20-1,716. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91M, Project 113, shall consist of bearer notes numbered from 1 through 18 inclusive, each in the denomination of $100,000. Each of said notes shall be dated October 15, 1991, and shall have the stated maturity date of December 31, 1991. The notes shall bear interest from their dated date, payable at maturity or upon

redemption prior thereto, at a rate of interest of 4.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,717. Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,718. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.96% of the principal amount thereof.

20-1,719. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond

counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,720. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------one--------- consecutive ------one------ (weeks, days) the first publication thereof being made as aforesaid on the --11th-------- day of, October 19-91---, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this---11th------ day of - October ------19--91

Pearlie A. Peterson

NOTARY PUBLIC

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

My Commission expires: ----------94----------

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

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1252

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91M, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,800,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be $3,392,017; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 88-1-91M, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of One Million Eight Hundred Thousand Dollars ($1,800,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91M, Project 113, shall consist of bearer notes numbered from 1 through 18 inclusive, each in the denomination of $100,000. Each of said notes shall be dated October 15, 1991, and shall have the stated maturity date of December 31, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.96% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sycamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

(9479-1F-JC)

ORDINANCE NO. 1251

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91P, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF REMODELING, ADDITION AND EQUIPPING OF THE POLICE/COURTS BUILDING AND FIRE STATION #1.

WHEREAS, the Governing Body authorized the improvement or remodel of the Police/Courts Building and Fire Station #1 by the approval of Resolution No. 937 on December 5, 1988; and

WHEREAS, total cost of improvement and remodeling is estimated to be $1,200,000.00; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-1737 and all acts amendatory thereto and by Resolution No. 937.

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

24-349. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary design, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91P, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) which amount does not exceed the total estimated costs of said improvements.

24-350. Section Two: Said issue of Temporary Notes, Series 91P, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-1737 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

24-351. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

24-352. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.91% of the principal amount thereof.

24-353. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

24-354. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------One--------- consecutive ------day------(weeks, days) the first publication thereof being made as aforesaid on the --11th--------- day of October 19--91---, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this---11th--------- day of ---October---------- 19--91

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$ ----------92.40

Additional copies $ ----------

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1251

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91P, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF REMODELING, ADDITION AND EQUIPPING OF THE POLICE/COURTS BUILDING AND FIRE STATION #1.

WHEREAS, the Governing Body authorized the improvement or remodel of the Police/Courts Building and Fire Station #1 by the approval of Resolution No. 937 on December 5, 1988; and

WHEREAS, total cost of improvement and remodeling is estimated to be $1,200,000.00; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-1737 and all acts amendatory thereto and by Resolution No. 937.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary design, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91P, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91P, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel) shall consist of the issue of notes numbered 1 and 2, each in the denomination of $100,000. Said notes shall be dated October 15, 1991, and shall have the stated maturity date of June 18, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-1737 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.91% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000
(10)	Temporary Notes Series L.I.D. 88-1-91J Tomahawk Creek Parkway	August 12, 1991	$ 900,000
(11)	Temporary Notes Series 91K Lee Boulevard, Phase I	August 12, 1991	$ 1,100,000
(12)	Temporary Notes Series 91L Lee Boulevard, Phase II	August 12, 1991	$ 700,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 8th day of October, 1991.

SIGNED by the Mayor this 8th day of October, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

(0478-1F-JC)

ORDINANCE NO. 1250

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF CERTAIN EASEMENTS FOR THE CONSTRUCTION OF PUBLIC SIDEWALKS ALONG MISSION ROAD IN THE CITY FROM 89TH STREET TO 92ND STREET.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on October 8, 1991 declare the necessity of appropriating certain private property for the use of the City; and

WHEREAS, the Governing Body has previously authorized a survey and description of the land and interest to be condemned to be made by some competent engineer and filed with the City Clerk; and

WHEREAS, a survey and description of the land and interest to be condemned has been made by a competent engineer and filed with the City Clerk.

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

19-134. Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements to public sidewalks along Mission Road in the City from 89th Street to 92nd Streets.

Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire permanent sidewalk easements to the following described property:

Tract 1. The west 4 feet of Lot 1225, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

Owner: A.E. Millis and Doris V. Millis, 8905 Mission Road, Leawood, Kansas 66206.

Tract 2. The West 4 feet of Lot 1234, Leawood, a subdivision of land in the City of Leawood, Johnson County, Kansas.

Owner: Robert L. Kalen, Trustee of the Robert L. Kalen Trust, 3528 West 92nd Street, Leawood, Kansas 66206.

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

PASSED AND APPROVED THIS 8th DAY OF October, 1991.

Marcia Rinehart
Mayor

ATTEST:

Marsha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

First published in The Johnson County Sun, Friday, October 11, 1991.

ORDINANCE NO. 1250

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF CERTAIN EASEMENTS FOR THE CONSTRUCTION OF PUBLIC SIDEWALKS ALONG MISSION ROAD IN THE CITY FROM 89TH STREET TO 92ND STREET.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on October 8, 1991 declare the necessity of appropriating certain private property for the use of the City; and

WHEREAS, the Governing Body has previously authorized a survey and description of the land and interest to be condemned to be made by some competent engineer and filed with the City Clerk, and

WHEREAS, a survey and description of the land and interest to be condemned has been made by a competent engineer and filed with the City Clerk.

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

Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements to public sidewalks along Mission Road in the City from 89th Street to 92nd Streets.

NSAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty sworn, say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a ewspaper printed in the State of Kansas, and published in and of general OHNSON County, Kansas, and that said newspaper in not a trade, religious or ation.

aper is a semi-weekly published at least weekly 50 times a year; has been so nuously and uninterruptedly in said county and state for a period of more than to the first publication of said notice; and has been admitted at the post office of SION, KANSAS in said County as a second class matter.

ched notice is a true copy thereof and was published in the regular and entire wspaper for ------ One ------ consecutive ------ (weeks, days) the first publication thereof being made as aforesaid ------ day of October 19-91-, with subsequent publications he following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this 11th day of October 19-11-

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92

Printer's Fee$ 26.96

Additional copies $

ORDINANCE NO. 1249

AN ORDINANCE AMENDING SECTION 3-15 (FLOOD HAZARD OVERLAY DISTRICT) OF THE LEAWOOD DEVELOPMENT ORDINANCE.

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

Section 1. Leawood Development Ordinance Amended. That Section 3-15 of the Leawood Development Ordinance is hereby amended to read as follows:

3-15 FL FLOOD HAZARD OVERLAY DISTRICT

3-15.1 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 Governing Body 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 obstruction 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 of the most recent date, 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 over-bank 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 3-15.1 B(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) Provide information to individuals 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.

3-15.2 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 3-15.4 of this ordinance. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the Governing Body or its duly designated representative under such safeguards and restriction as the Governing Body 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 3-15.5 and 3-15.7.

B. **The Enforcement Officer.** The Director of Planning and Development of the City is hereby designated as the Governing Body'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 may, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Planning and Development 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 Governing Body 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 Director of Planning and Development, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

3-15.3 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 3-4.4.12 of this ordinance.

B. **Administration.**

1) The Director of Planning and Development is hereby appointed to administer and implement the provisions of this ordinance.

2) Duties of the Director of Planning and Development 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 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 Director of Planning and Development 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 that 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 Director of Planning and Development.

3-15.4 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 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.

3-15.5 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 within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of the 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. (Note: * A "100 year flood" does not refer to a flood that occurs every 100 years, but refers to a flood level with a 1 percent or greater chance of being equalled or exceeded in any given year.)

C. New construction, subdivision proposals, substantial improvements 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 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 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 3-15.1 B(3)(a) of this ordinance. (Note: * A "100 year flood" does not refer to a flood that occurs every 100 years, but refers to a flood level with a 1 percent or greater change of being equalled or exceeded in any given year.)

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 the readily removable from the area within the time available after flood warning.

7. Subdivision proposals and other proposed new development 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 of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

3-15.6 FLOODWAY FRINGE OVERLAY DISTRICT. (Including AO and AH Zones)

A. Permitted Uses. Any use permitted in Section 3-15.7 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 3-15.5 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 3-15.3 B(2)(g) of this ordinance.

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. Located within the areas of special flood hazard established in Section 3-15.2A 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 2 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 2 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 classification shall be provided to the official as set forth in Section 3-15.3 B(2)(g) of this ordinance.

c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

3-15.7 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 3-15.5 and 3-15.6. 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) Nonresidential 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 3-15.5 C(7)(d)___of this ordinance, in meeting the standards of this section.

3-15.8 CITY FLOOD HAZARD OVERLAY DISTRICT

A. This section provides for the establishment of a city flood hazard overlay district. This district will include those areas subject to periodic inundation by 100 year flood but are not delineated on the most recent maps prepared by the Federal Insurance Administration.

B. Generally, residential structures in this area shall have the lowest floor (including basement) elevated at least one foot above the flood hazard elevation. If this entirely precludes the development of the lot the Director of Planning and Development shall decide another form of mitigation.

C. Structures having a use other than residential shall, in general, be held to the same criteria as otherwise provided in this ordinance. The enforcement of this section shall depend upon the determination of the Director of Planning and Development.

3-15.9 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 Director of Planning and Development 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 3-15.8E(2) through 3-15.8E(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 flood elevation.

3-15.10 NONCONFORMING 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 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Companies shall notify the Director of Planning and Development in writing of instances of nonconforming uses where utility services have been discontinued for a period of 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 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.

3-15.11 PENALTIES FOR VIOLATION.

Any person or other entity who violates this article shall be subject to the penalties provided in Article 5 of this ordinance.

3-15.12 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed 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 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.

3-15.13 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 Director of Planning and Development'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 or 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.

"City flood hazard overlay district" means areas that are subject to periodic inundation by 100 year flood waters but are not delineated on the most current maps available from the Federal Insurance Administration.

"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 FIRMs 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:

The overflow of inland or tidal waters.
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 chance 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.

"New Construction" means structures for which the "start of construction or substantial improvement is commenced on or after the effective date of the FIRM.

"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.

"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 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.

"Structure" means a walled and roofed building that is principally above ground and a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not; however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum nessecary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"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 2. Existing Section Repealed. That existing Section 3-15 of the Leawood Development Ordinance is hereby repealed.

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

Passed by the Council the 8th day of October, 1991.

Approved by the Mayor the 8th day of October, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

Proof of Publication

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

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

10/15/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
10/15/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $297.45

Ord. 1249

ORD. 1249

ORDINANCE NO. 1249

First published in The Legal Record, Tuesday, October 15, 1991.

AN ORDINANCE AMENDING SECTION 3-15 (FLOOD HAZARD OVERLAY DISTRICT) OF THE LEAWOOD DEVELOPMENT ORDINANCE.

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

Section 1. Leawood Development Ordinance Amended. That Section 3-15 of the Leawood Development Ordinance is hereby amended to read as follows:

3-15 FL FLOOD HAZARD OVERLAY DISTRICT

3-15.1 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 Governing Body 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 obstruction 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 of the most recent date, 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 over-bank 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 3-15.1 B(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) Provide information to individuals 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.

3-15.2 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 3-15.4 of this ordinance. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the Governing Body or its duly designated representative under such safeguards and restriction as the Governing Body 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 3-15.5 and 3-15.7.

B. The Enforcement Officer. The Director of Planning and Development of the City is hereby designated as the Governing Body'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 may, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Planning and Development 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 Governing Body 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 Director of Planning and Development, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

3-15.3 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 3-4.4.12 of this ordinance.

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B. Administration.

1) The Director of Planning and Development is hereby appointed to administer and implement the provisions of this ordinance.

2) Duties of the Director of Planning and Development 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 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 Director of Planning and Development 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 that 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 Director of Planning and Development.

3-15.4 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 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.

3-15.5 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 within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of the 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. (Note: * A "100 year flood" does not refer to a flood that occurs every 100 years, but refers to a flood level with a 1 percent or greater chance of being equalled or exceeded in any given year.)

C. New construction, subdivision proposals, substantial improvements 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 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 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 3-15.1 B(3)(a) of this ordinance. (Note: * A "100 year flood" does not refer to a flood that occurs every 100 years, but refers to a flood level with a 1 percent or greater change of being equalled or exceeded in any given year.)

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 the readily removable from the area within the time available after flood warning.

7. Subdivision proposals and other proposed new development 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 of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

3-15.6 FLOODWAY FRINGE OVERLAY DISTRICT. (Including AO and AH Zones)

A. Permitted Uses. Any use permitted in Section 3-15.7 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 3-15.5 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 3-15.3 B(2)(g) of this ordinance.

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

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structures.

5. Located within the areas of special flood hazard established in Section 3-15.2A 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 2 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 2 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 classification shall be provided to the official as set forth in Section 3-15.3 B(2)(g) of this ordinance.

c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

3-15.7 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 3-15.5 and 3-15.6. 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) Nonresidential 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 3-15.5 C(7)(d) of this ordinance, in meeting the standards of this section.

3-15.8 CITY FLOOD HAZARD OVERLAY DISTRICT

A. This section provides for the establishment of a city flood hazard overlay district. This district will include those areas subject to periodic inundation by 100 year flood but are not delineated on the most recent maps prepared by the Federal Insurance Administration.

B. Generally, residential structures in this area shall have the lowest floor (including basement) elevated at least one foot above the flood hazard elevation. If this entirely precludes the development of the lot the Director of Planning and Development shall decide another form of mitigation.

C. Structures having a use other than residential shall, in general, be held to the same criteria as otherwise provided in this ordinance. The enforcement of this section shall depend upon the determination of the Director of Planning and Development.

3-15.9 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 Director of Planning and Development 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 3-15.8E(2) through 3-15.8E(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 flood elevation.

3-15.10 NONCONFORMING 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 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Companies shall notify the Director of Planning and Development in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.

2) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

CONTINUED ON PAGE 16

CONTINUED FROM PAGE 15

8. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 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.

3-15.11 PENALTIES FOR VIOLATION.

Any person or other entity who violates this article shall be subject to the penalties provided in Article 5 of this ordinance.

3-15.12 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed 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 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.

3-15.13 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 Director of Planning and Development'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 or 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.

"City flood hazard overlay district" means areas that are subject to periodic inundation by 100 year flood waters but are not delineated on the most current maps available from the Federal Insurance Administration.

"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 FIRMs 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:

The overflow of inland or tidal waters.
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 chance 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.

"New Construction" means structures for which the "start of construction or substantial improvement is commenced on or after the effective date of the FIRM.

"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.

"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 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.

"Structure" means a walled and roofed building that is principally above ground and a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not; however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum nessecary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"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 2. Existing Section Repealed. That existing Section 3-15 of the Leawood Development Ordinance is hereby repealed.

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

Passed by the Council the 8th day of October, 1991.

Approved by the Mayor the 8th day of October, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1248 C repealed by Ord. 1308C, 9/8/92

AN ORDINANCE AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS.

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

Section 1. Code Amended. That Section 11-201 of the Code of the City of Leawood is hereby amended to read as follows:

11-201. PENALTIES. Unless otherwise specified, the penalties for violation of any of the following sections will be classed in the manner set out in Article 12 of the "Uniform Public Offense Code for Kansas Cities", 1991 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1177C)

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

Passed by the Council the 16th day of September, 1991.

Approved by the Mayor the 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

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

ORD. 1248C

First published in The Legal Record, Tuesday, September 17, 1991.

ORDINANCE NO. 1248C

AN ORDINANCE AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS.

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

Section 1. Code Amended. That Section 11-201 of the Code of the City of Leawood is hereby amended to read as follows:

11-201. PENALTIES. Unless otherwise specified, the penalties for violation of any of the following sections will be classed in the manner set out in Article 12 of the "Uniform Public Offense Code for Kansas Cities", 1991 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1177C)

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

Passed by the Council the 16th day of September, 1991.

Approved by the Mayor the 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

K.S. Wurtz
City Attorney

Proof of Publication

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

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

9/17/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/17/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $17.27

Ord. 1248C

entire ord. repealed by Ord. 1307C, 9/8/92

ORDINANCE NO. 1247 C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES".

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

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

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference the "Uniform Public Offense Code for Kansas Cities", 1991 Edition, prepared and published by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said uniform ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

11-102. SAME; AMENDMENT. Section 10.1 of the Uniform Code incorporated in Section 11-101 above is hereby amended to read as follows:

10.1. UNLAWFUL USE OF WEAPONS.

(a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;

(2) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, sling shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) Carrying on one's person or in any land, water

entire Ord. repealed by Ord. 1307C, 9/8/92

or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) Carrying any pistol, revolver or other firearm:

(i) concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(ii) openly or visibly on the person at any place open to public view;

(iii) within any vehicle in transport unless the weapon is unloaded and in a case;

(5) Setting a spring gun;

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(b) Subsections (a) (1), (2), (3) and (4) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; or

(4) Manufacture of, transportation to, or sale of weapons to a person authorized under (b) (1) through (b) (3) of this section to possess such weapons.

(c) Subsection (a) (4) does not apply to or affect the follow ing:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) Licensed hunters while engaged in hunting;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) Detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(5) The state fire marshal, the state fire marshal's deputies or member of a fire department authorized to carry a firearm pursuant to K.S.A. Supp. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto.

entire ord. repealed by Ord. 1307C, 9/8/92

(d) Subsections (a) (1) and (6) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) It shall be a defense that the defendant is within an exemption. (K.S.A. 21-4201)

Violation of this section is a Class B violation.

11-103. SAME. Section 10.5 of the Uniform Code incorporated in Section 11-101 above shall be amended to read as follows:

10.5. UNLAWFUL DISCHARGE OF FIREARMS.

Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the city. This section shall not be construed to apply:

(a) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;

(b) To the discharge of firearms in any licensed shooting gallery;

(c) To firing squads for ceremonials; nor

(d) To a legitimate gunsmith in pursuit of his or her trade; nor

(e) To an established trap or skeet range upon the premises of any private club, which club was in existence upon the same property prior to the date of the incorporation of the City, from 10:00 a.m. to 5:00 p.m., solely for recreational purposes, provided that the club rules and changes therein related to the types of weapons and loads will be first submitted to the Chief of Police for approval; provided further that the distance from the muzzle direction of the appropriate firearm so used shall not be less than 1,000 feet from the boundary line of any adjacent property owned by another.

Unlawful discharge of firearms is a Class B violation.

11-104. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 of the Code of the City of Leawood is hereby amended to read as follows:

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

(a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except within the confines of a building or other structure from which the

entire Ord. repealed by Ord. 1307C, 9/8/92

projectiles cannot escape.

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

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

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

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 11 (Sections 11-101:105) of the Code of the City of Leawood is hereby repealed. (Prior law: Sections 11-101:104 previously amended by Ord. No. 1176C; Section 11-105, Ord. No. 1212C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

Passed by the Council the 16th day of September, 1991.

Approved by the Mayor the 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

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

Proof of Publication

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

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

9/17/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/17/91

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $75.80

Ord. 1247C

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and parallel to the
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hereby required to

ROBERT M. CANTRELL, et al.,
DEFENDANTS
Case No. 91C10442
Div. No.
K.S.A. 60
Mortgage Foreclosure

NOTICE OF SUIT

The State of Kansas to: ROBERT M. CANTRELL,
A/K/A ROBERT MASON CANTRELL;
JOYCE ANN CANTRELL;
A/K/A JOYCE ANN SIMON;
STATE OF KANSAS,
DEPARTMENT OF REVENUE;

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said real propert
said property to
indebtedness, s
described as follow
Lot 48, BLUE VA
subdivision in
Overland Par
County, Kansa
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Northeast corner
thence Southeast
Easterly line of
distance of 123.

ORD. 1247C

First published in The Legal Record, Tuesday, September 17, 1991.

ORDINANCE NO. 1247C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES".

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

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

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference the "Uniform Public Offense Code for Kansas Cities", 1991 Edition, prepared and published by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said uniform ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

11-102. SAME; AMENDMENT. Section 10.1 of the Uniform Code incorporated in Section 11-101 above is hereby amended to read as follows:

10.1. UNLAWFUL USE OF WEAPONS.

(a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;

(2) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, sling shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) Carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) Carrying any pistol, revolver or other firearm:

(i) concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(ii) openly or visibly on the person at any place open to public view;

(iii) within any vehicle in transport unless the weapon is unloaded and in a case;

(5) Setting a spring gun;

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(b) Subsections (a) (1), (2), (3) and (4) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; or

(4) Manufacture of, transportation to, or sale of weapons to a person authorized under (b) (1) through (b) (3) of this section to possess such weapons.

(c) Subsection (a) (4) does not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) Licensed hunters while engaged in hunting;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) Detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(5) The state fire marshal, the state fire marshal's deputies or member of a fire department authorized to carry a firearm pursuant to K.S.A. Supp. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto.

(d) Subsections (a) (1) and (6) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) It shall be a defense that the defendant is within an exemption. (K.S.A. 21-4201)

Violation of this section is a Class B violation.

11-103. SAME. Section 10.5 of the Uniform Code incorporated in Section 11-101 above shall be amended to read as follows:

10.5. UNLAWFUL DISCHARGE OF FIREARMS.

Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the city. This section shall not be construed to apply:

(a) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;

(b) To the discharge of firearms in any licensed shooting gallery;

(c) To firing squads for ceremonials; nor

(d) To a legitimate gunsmith in pursuit of his or her trade; nor

(e) To an established trap or skeet range upon the premises of any private club, which club was in existence upon the same property prior to the date of the incorporation of the City, from 10:00 a.m. to 5:00 p.m., solely for recreational purposes, provided that the club rules and changes therein related to the types of weapons and loads will be first submitted to the Chief of Police for approval; provided further that the distance from the muzzle direction of the appropriate firearm so used shall not be less than 1,000 feet from the boundary line of any adjacent property owned by another.

Unlawful discharge of firearms is a Class B violation.

11-104. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 of the Code of the City of Leawood is hereby amended to read as follows:

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

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

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

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

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

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 11 (Sec~~tions 11-101 to 11-105~~) of the Code of the City of Leawood is hereby repealed. (Prior law: Sections 11-101:104 previously amended by Ord. No. 1176C; Section 11-105, Ord. No. 1212C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

Passed by the Council the 16th day of September, 1991.

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

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Helzer — City Clerk

APPROVED AS TO FORM: /s/ R.E. Watzler
R.E. Watzler — City Attorney

entire ord. repealed by Ord. 1310C, 9/8/92

ORDINANCE NO. 1246 C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE "STANDARD TRAFFIC ORDINANCE".

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

Section 1. Code Amended. That Article 1 of Chapter 14 ("Traffic") of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. INCORPORATING "STANDARD TRAFFIC ORDINANCE". There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1991, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. SAME; AMENDMENT. Section 33 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

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

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

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

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

entire ord. repealed by Ord. 1310C, 9/8/92

Chief of Police with the consent of the City Council.

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

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

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

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

14-103. SAME. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 68. Pedestrians on Highways. (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk, jog or run along and upon an

entire Ord. repealed by Ord. 1310C, 9/8/92

adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.

(d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 14 (Sections 14-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1175C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

Passed by the Council the 16th day of September, 1991.

Approved by the Mayor the 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

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

Proof of Publication

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

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

9/17/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/17/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $56.61

Ord. 1246C

ORD. 1246C

First published in The Legal Record, Tuesday, September 17, 1991.

ORDINANCE NO. 1246C

AN ORDINANCE ADOPTING THE 1991 EDITION OF THE "STANDARD TRAFFIC ORDINANCE".

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

Section 1. Code Amended. That Article 1 of Chapter 14 ("Traffic") of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. INCORPORATING "STANDARD TRAFFIC ORDINANCE". There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1991, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. SAME; AMENDMENT. Section 33 of the standard traffic ordinance incorporated in section 14-101 of this article shall be amended to read as follows:

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

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

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

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

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

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

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

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

14-103. SAME. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 68. Pedestrians on Highways. (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk, jog or run along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.

(d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 14 (Sections 14-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1175C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

Passed by the Council the 16th day of September, 1991.

Approved by the Mayor the 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Meizer
Martha Meizer City Clerk

APPROVED AS TO FORM:

R.S. Metzler
R.S. Metzler City Attorney

ORDINANCE NO. 1245

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING TOMAHAWK CREEK PARKWAY (IMPROVEMENT DISTRICT TOMAHAWK CREEK PARKWAY, PROJECT 113.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Improvement of Tomahawk Creek Parkway in the City of Leawood, Johnson County, Kansas, being within a Right-a-way varying from 100′ to 200′ in widths beginning at the centerline of College Boulevard and running in a southwesterly direction along a meandering alignment crossing 119th Street and ending at Roe Avenue where Overland Park's Tomahawk Creek Park begins.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $3,666,827; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $1,943,589.57 and such property, within the improvement district abutting the the west right-of-way line of the proposed improvement and which is located within one-quarter mile of the westerly right-of-way line of the proposed improvement, shall be assessed on an average of the percentage of square footage of each tract located within the improvement district and of the percentage of lineal front footage abutting the west right-of way line ; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,710. Section 1. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,711. Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installment shall

be payable at the time of the first payment of general property taxes following the adopting and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

20-1,712. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,713. Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Friday, October 18, 1991, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,714. Section 5. Assessments not paid prior to 4:00 p.m., Friday, October 18, 1991, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 16th day of September, 1991.

Approved by the Mayor this 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ASSESSMENT ROLL

Improvement District
Tomahawk Creek Parkway

Property I.D. #	Ownership	Square Footage	Assessment
		Assessment Factor $.351214504	
HF251315-1001	Marshall Gordon	1,592,106	$559,170.72
		Assessment Factor $.150418109	
HF251315-1002	Julius D. Spears	303,600	$ 45,666.94
HF251316-3002	Julius D. Spears	57,000	$ 8,573.83
HF251316-3006	Julius D. Spears	163,500	$ 24,593.36
HF251316-3007	Julius D. Spears	1,101,928	$165,749.93
HF251316-3010	Julius D. Spears	533,400	$ 80,233.02
HF251316-3011	Julius D. Spears	119,880	$ 18,032.12
		Assessment Factor $.250807865	
HF251316-4010	Frank S. Morgan	1,857,598	$465,900.20
HP09250000-0001	Ninety-Five West Co.	922,987	$231,492.40
HP09250000-0002	Ninety-Five West Co.	44,635.9	$ 11,195.03
HP09250000-0003	Ninety-Five West Co.	35,937.2	$ 9,013.33

HP09250000-0004	Ninety-Five West Co.	58,853.1	$ 14,760.82
HP09250000-0005	Valley View State Bank	55,099	$ 13,819.26
HP09250000-0006	Ninety-Five West Co.	51,623	$ 12,947.45
HP09250000-0007	Ninety-Five West Co.	51,178.6	$ 12,836.00
HP09250000-0008	Ninety-Five West Co.	45,010.5	$ 11,288.99
HP09250000-0009	Ninety-Five West Co.	34,316.6	$ 8,606.87
HP09250000-0010	Ninety-Five West Co.	64,782.4	$ 16,247.94
HP09250000-0011	Ninety-Five West Co.	45,542	$ 11,422.29
HP09250000-0012	Ninety-Five West Co.	40,841.9	$ 10,243.47
HP09250000-0013	Ninety-Five West Co.	48,003.1	$ 12,039.56
HP09250000-0014	Ninety-Five West Co.	56,741.3	$ 14,231.16
HP09250000-0015	Ninety-Five West Co.	51,100.2	$ 12,816.33
HF251321-3001	Ninety-Five West Co.	688,609	$172,708.55
	TOTAL	$1,943,589.57	

ORIGINAL COMPARED WITH RECORD

2062365

ORDINANCE NO. 1245

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING TOMAHAWK CREEK PARKWAY (IMPROVEMENT DISTRICT TOMAHAWK CREEK PARKWAY, PROJECT 113.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Improvement of Tomahawk Creek Parkway in the City of Leawood, Johnson County, Kansas, being within a Right-a-way varying from 100' to 200' in widths beginning at the centerline of College Boulevard and running in a southwesterly direction along a meandering alignment crossing 119th Street and ending at Roe Avenue where Overland Park's Tomahawk Creek Park begins.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $3,666,827; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $1,943,589.57 and such property, within the improvement district abutting the the west right-of-way line of the proposed improvement and which is located within one-quarter mile of the westerly right-of-way line of the proposed improvement, shall be assessed on an average of the percentage of square footage of each tract located within the improvement district and of the percentage of lineal front footage abutting the west right-of way line ; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

Section 1. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installment shall

STATE OF KANSAS
COUNTY OF JOHNSON } SS
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SARA F. ULLMANN
REGISTER OF DEEDS

be payable at the time of the first payment of general property taxes following the adopting and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Friday, October 18, 1991, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 4:00 p.m., Friday, October 18, 1991, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 16th day of September, 1991.

Approved by the Mayor this 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ASSESSMENT ROLL

Improvement District
Tomahawk Creek Parkway

Property I.D. #	Ownership	Square Footage	Assessment
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HP09250000-0010	Ninety-Five West Co.	64,782.4	$ 16,247.94
HP09250000-0011	Ninety-Five West Co.	45,542	$ 11,422.29
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HP09250000-0013	Ninety-Five West Co.	48,003.1	$ 12,039.56
HP09250000-0014	Ninety-Five West Co.	56,741.3	$ 14,231.16
HP09250000-0015	Ninety-Five West Co.	51,100.2	$ 12,816.33
HF251321-3001	Ninety-Five West Co.	688,609	$172,708.55
	TOTAL		$1,943,589.57

CERTIFICATE

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

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing are true and correct copies of Ordinance No. 1245 and related Assessment Roll as the same appear in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 11th day of October, 1991.

(S E A L)

Martha Heizer

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

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

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

Proof of Publication

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

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

9/17/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/17/91

Notary Public

My appointment expires:
October 11, 1994

Publication Fees: $35.50

Ord. 1245

ORD. 1245

First published in The Legal Record, Tuesday, September 17, 1991.

ORDINANCE NO. 1245

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING TOMAHAWK CREEK PARKWAY (IMPROVEMENT DISTRICT TOMAHAWK CREEK PARKWAY, PROJECT 113.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Improvement of Tomahawk Creek Parkway in the City of Leawood, Johnson County, Kansas, being within a Right-a-way varying from 100' to 200' in widths beginning at the centerline of College Boulevard and running in a southwesterly direction along a meandering alignment crossing 119th Street and ending at Roe Avenue where Overland Park's Tomahawk Creek Park begins.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $3,666,827; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $1,943,589.57 and such property, within the improvement district abutting the the west right-of-way line of the proposed improvement and which is located within one-quarter mile of the westerly right-of-way line of the proposed improvement, shall be assessed on an average of the percentage of square footage of each tract located within the improvement district and of the percentage of lineal front footage abutting the west right-of way line ; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

Section 1. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adopting and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Friday, October 18, 1991, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

Section 5. Assessments not paid prior to 4:00 p.m., Friday, October 18, 1991, shall be certified, together with the interest accrued or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 16th day of September, 1991.

Approved by the Mayor this 16th day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1244

AN ORDINANCE ESTABLISHING THE 1992 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

28-315. Section 1. 1992 ANNUAL ASSESSMENT. That pursuant to the terms of Section 15-104 of the Code of the City of Leawood, the following shall be the formula to establish the 1992 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.3424 per 1000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = $102.14 per user per unit;

Replacement Cost = $0.00/account (for 1992);

Special Charge = $26.49/account; Debt Service, Public Works Facility; 1986 Sewer Repair

28-316. Section 2. PUBLICATION. That this ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Council the 3rd day of September, 1991.

Approved by the Mayor the 3rd day of September, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---- one ---- consecutive ---- day ---- (weeks, days) the first publication thereof being made as aforesaid on the ---- 6th ---- day of September 19 91, with subsequent publications being made on the following dates:

September 11, 19 91 ---------- , 19 ------

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

Georgiann Thacker

Subscribe and sworn to before me this 11th day of September 19 91.

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92

Printer's Fee$ 28.10

Additional copies $ ----------

First Published in The Johnson County Sun, Friday, September 6, 1991.

ORDINANCE NO. 1244

AN ORDINANCE ESTABLISHING THE 1992 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

Section 1. 1992 ANNUAL ASSESSMENT. That pursuant to the terms of Section 15-104 of the Code of the City of Leawood, the following shall be the formula to establish the 1992 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.3424 per 1000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = $102.14 per user per unit;

Replacement Cost = $0.00/account (for 1992);

Special Charge = $26.49/account; Debt Service, Public Works Facility; 1986 Sewer Repair

Section 2. PUBLICATION. That this ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Council the 3rd day of September, 1991.

Approved by the Mayor the 3rd day of September, 1991.

(s) Marcia Rinehart,
Mayor
(S E A L)
Attest:
(s) Martha Heizer,
City Clerk
APPROVED AS TO FORM:
(s) R. S. Wetzler,
City Attorney

(9337 2C-JC)

ORDINANCE NO. 1243

AN ORDINANCE ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES.

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

19-6,243. Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

> From Ronald D. and Penny J. Burton: All that part of Lot 973, LEAWOOD, a subdivision in Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the northwest corner of said Lot 973, being on the southerly curved right-of-way line of Somerset Drive; thence northeasterly on a curve to the right of the northerly line of said Lot 973, a distance of 37 feet to the point of beginning; thence southwesterly, deflecting 141° to the right from the forward tangent of the last described curve, a distance of 32 feet; thence southeasterly, normal to the last described line, a distance of 30 feet; thence northeasterly, normal to the last described line, a distance of 26 feet; thence northeasterly deflecting 20° to the left from the last described course to the northerly line of said Lot 973; thence southwesterly on a curve to the left of said northerly line, being the southerly right-of-way line of Somerset Drive, to the point of beginning. The above contains 1282 square feet, more or less.

19-6,244. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORIGINAL COMPARED WITH RECORD

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

1991 JUL 25 P 12: 27 .8

SARA F. ULLMANN
REGISTER OF DEEDS

2043228

LEAWOOD, KANSAS
Somerset Drive
83rd to Belinder
LA No. 89120.00
Tract No. 8

PERMANENT DRAINAGE EASEMENT

THIS AGREEMENT, made and entered into this 8th day of May, 19 91, by and between Ronald D. Burton and Penny J. Burton, 8000 Wenonga Part of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part, In consideration of the sum of One thousand five hundred five dollars ($1,505.00)

WITNESSETH:

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

All that part of Lot 973, Leawood, a subdivision in Leawood, Johnson County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Lot 973, being on the southerly curved right-of-way line of Somerset Drive; thence northeasterly on a curve to the right of the northerly line of said Lot 973, a distance of 37 feet to the point of beginning; thence southwesterly, deflecting 141° to the right from the forward tangent of the last described curve, a distance of 32 feet; thence southeasterly, normal to the last described line, a distance of 30 feet; thence northeasterly, normal to the last described line, a distance of 26 feet; thence northeasterly deflecting 20° to the left from the last described course to the northerly line of said Lot 973; thence southwesterly on a curve to the left of said northerly line, being the southerly right-of-way line of Somerset Drive, to the point-of-beginning.

The above contains 1282 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 any claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said storm sewers.

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

Ronald D. Burton

Ronald D. Burton

Penny J. Burton

Penny J. Burton

8.00 ck

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Missouri)
COUNTY OF Jackson) SS.

BE IT REMEMBERED, That on this 8th day of May, 1991, before me, the undersigned, a Notary Public in and for said County and State, came

Ronald D. Burton
Penny J. Burton

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 by name and affixed my official seal the day and year last above written.

Mary R. McNamara
Notary Public

Mary R. McNamara

My Appointment Expires 8/6/91.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) SS.

BE IT REMEMBERED, That on this _____ day of _____, 19__, before me, the undersigned, a Notary Public in and for said County and State, came

_____

_____

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

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

_____
Notary Public

My Appointment Expires _____

City of Leawood
9617 Lee Blvd
Leawood, Ks. 66206

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

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

Proof of Publication

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

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

8/20/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.82

ORD. 1243

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1243

AN ORDINANCE ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Ronald D. and Penny J. Burton: All that part of Lot 973, LEAWOOD, a subdivision in Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the northwest corner of said Lot 973, being on the southerly curved right-of-way line of Somerset Drive; thence northeasterly on a curve to the right of the northerly line of said Lot 973, a distance of 37 feet to the point of beginning; thence southwesterly, deflecting 141° to the right from the forward tangent of the last described curve, a distance of 32 feet; thence southeasterly, normal to the last described line, a distance of 10 feet; thence northeasterly, normal to the last described line, a distance of 26 feet; thence northeasterly deflecting 20° to the left from the last described course to the northerly line of said Lot 973; thence southwesterly on a curve to the left of said northerly line, being the southerly right-of-way line of Somerset Drive, to the point of beginning. The above contains 1282 square feet, more or less.

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

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

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

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

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

Ord. 1243

ORDINANCE NO. 1242

AN ORDINANCE ACCEPTING AN EASEMENT FOR UTILITY PURPOSES.

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

19-6,241. Section 1. That the City of Leawood hereby accepts a permanent utility easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Daniel J. Schrock: Tract A BSD Estates

Commencing at the Northwest corner of the Southwest Quarter of Section 22, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas; thence North 87° 40′ 51" East along the North line of said Southwest Quarter, 50.00 feet to a point; thence South 01° 47′ 52" East, 30.00 feet to a point in the Southerly right-of-way of 123rd Street; thence South 01° 47′ 52" East, 241.53 feet to a Point of Beginning; thence North 88° 12′ 08" East, 125.03 feet to a point; thence North 01° 47′ 52" West, 10.00 feet to a point; thence South 88° 12′ 08" West, 125.03 feet to a point; thence South 01° 47′ 52" East, 10.00 feet to the Point of Beginning.

19-6,242. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORIGINAL COMPARED WITH RECORD

2037881

Refile 2044020

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

1991 JUL 29 A 9:35.9

8.00 SARA F. ULLMANN
REGISTER OF DEEDS

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

1991 JUL -8 A 10:11.0

8.00 SARA F. ULLMANN
REGISTER OF DEEDS

ORIGINAL COMPARED WITH RECORD

PERMANENT UTILITY EASEMENT

This agreement, made and entered into this 7TH day of MAY, 1991, by and between Daniel J. SCHROCK, 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 Public Utilities, 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:

Tract A BSD Estates
~~Tract II Leawood South~~

Commencing at the Northwest corner of the Southwest Quarter of Section 22, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas; thence North 87°40' 51" East along the North line of said Southwest Quarter, 50.00 feet to a point; thence South 01° 47' 52" East, 30.00 feet to a point in the Southerly right-of-way of 123rd Street; thence south 01° 47' 52" East, 241.53 feet to a Point of Beginning; thence north 88° 12' 08" East, 125.03 feet to a point; thence North 01° 47' 52" West, 10.00 feet to a point; thence South 88° 12' 08" West, 125.03 feet to a point; thence South 01° 47' 52" East, 10.00 feet to the Point of Beginning.

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 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 utilities.

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

By: Daniel J. Schrock
Daniel J. Schrock

8.00 Ck

VOL 3385 PAGE 23
VOL 3397 PAGE 865

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas :
SS.
COUNTY OF Johnson :

BE IT REMEMBERED, That on the 7th day May, 1991, before me, the undersigned, a Notary Public in and for said County and State,

came Daniel J. Schrock

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.

Deborah V. Mehal
Notary Public
Deborah V. Mehal

My Commission Expires:

March 31, 1994

DEBORAH V. MEHAL
Notary Public - State of Kansas
My Appt. Expires 3-31-94

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

VOL 3385 PAGE 24
VOL 3397 PAGE 866

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

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

Proof of Publication

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

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

8/20/91

Debra L Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Sharon L Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.52

Ord. 1242

ORD. 1242

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1242

AN ORDINANCE ACCEPTING AN EASEMENT FOR UTILITY PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a permanent utility easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Daniel J. Schrock: Tract A BSD Estates

Commencing at the Northwest corner of the Southwest Quarter of Section 22, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas; thence North 87° 40' 51" East along the North line of said Southwest Quarter, 50.00 feet to a point; thence South 01° 47' 52" East, 10.00 feet to a point in the Southerly right-of-way of 123rd Street; thence South 01° 47' 52" East, 241.53 feet to a Point of Beginning; thence North 88° 12' 08" East, 125.03 feet to a point; thence North 01° 47' 52" West, 10.00 feet to a point; thence South 88° 12' 08" West, 125.03 feet to a point; thence South 01° 47' 52" East, 10.00 feet to the Point of Beginning.

Section 1. That a copy of said easement is attached hereto and thereby incorporated by reference.

Section 1. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

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

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

(S E A L)

Attest: Marcia Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM: Kent Harrison, City Attorney

ORDINANCE NO. 1241

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTION OF 151ST STREET, A MAIN TRAFFICWAY, FROM NALL AVENUE TO THE EASTERN CITY BOUNDARY, WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 151st Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

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

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of 151st Street from Nall Avenue to the eastern City boundary as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

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

20-1,708. <u>Section 1.</u> It is hereby deemed and declared to be necessary to improve and reimprove certain portions of 151st Street from Nall Avenue to the eastern City Boundary, located within

the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements, be done under the authority of K.S.A. 12-687

20-1,709. Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is $225,000, and shall be chargeable to the City at large and may be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

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

Approved by the Mayor this 19th day of August, 1991

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Wetzler City Attorney

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

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

Proof of Publication

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

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

8/20/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $27.42

Ord. 1241

ORD. 1241

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1241

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTION OF 151ST STREET, A MAIN TRAFFICWAY, FROM NALL AVENUE TO THE EASTERN CITY BOUNDARY, WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 151st Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

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

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of 151st Street from Nall Avenue to the eastern City boundary as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

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

Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of 151st Street from Nall Avenue to the eastern City Boundary, located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements, be done under the authority of K.S.A. 12-687

Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is $225,000, and shall be chargeable to the City at large and may be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

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

Approved by the Mayor this 19th day of August, 1991

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Watkins
R. S. Watkins City Attorney

ORDINANCE NO. 1240

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91L, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, AND REPEAL OF ORDINANCE NO. 1235.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,702. 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 91L, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,703. Section Two: Said issue of Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1

through 7 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.46% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,704. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,705. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,706. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond

counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade

or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,707. 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: Ordinance No. 1235, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

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

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

Proof of Publication

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

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

8/20/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Dana Lewis

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $63.35

Ord. ~~1239~~ 1240

ORD. 1240

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1240

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91L, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, AND REPEAL OF ORDINANCE NO. 1235.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 7 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.46% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. SS-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. SS-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: Ordinance No. 1235, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

(S E A L)

ATTEST:

Martha Heizer, City Clerk

Marcia Rinehart, Mayor

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1239

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91K, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS; AND REPEAL OF ORDINANCE NO. 1234.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1077 on November 21, 1988; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,696. 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 91K, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000.00) which amount does not

exceed the total estimated costs of said improvements.

20-1,697. Section Two: Said issue of Temporary Notes, Series 91K, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.48% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,698. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,699. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,700. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,701. 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: Ordinance No. 1234, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

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

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

Proof of Publication

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

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

8/20/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $66.02

Ord. 1239

ORD. 1240

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1240

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91L, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, AND REPEAL OF ORDINANCE NO. 1235.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 7 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.46% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: Ordinance No. 1235, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

(S E A L)

ATTEST:

Martha Neiner, City Clerk

Marcia Rinehart, Mayor

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORD. 1239

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1239

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91E, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS; AND REPEAL OF ORDINANCE NO. 1234.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-688; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1077 on November 21, 1988; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91E, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91E, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.48% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1946.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 101rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: Ordinance No. 1234, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

(S E A L)

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

Marcia Rinehart, Mayor

ORDINANCE NO. 1238

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91J, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM, AND REPEAL OF ORDINANCE NO. 1233.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be $3,392,017; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,690. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 88-1-91J, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000), which amount does not exceed the total estimated costs of said improvements.

20-1,691. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91J, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes

shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.46% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,692. Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,693. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,694. 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 ex-

tent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

rary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,695. 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: Ordinance No. 1233, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

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

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

Proof of Publication

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

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

8/20/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Dana Lewis

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $65.58

Ord. 1238

ORD. 1238

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1238

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91J, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM, AND REPEAL OF ORDINANCE NO. 1233.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be $3,391,017; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 88-1-91J, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91J, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.46% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.8% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: Ordinance No. 1233, passed by the City Council on August 5, 1991, is hereby repealed.

Section Eight: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of August, 1991.

SIGNED by the Mayor this 19th day of August, 1991.

(S E A L)

ATTEST:

Marcia Rinehart

Marcia Rinehart, Mayor

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. J. Metzler, City Attorney

entire ord. repealed by Ord. 1273, 3/2/92

ORDINANCE NO. 1237

AN ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO ADD PROVISIONS FOR ESTATE SALES IN RESIDENTIAL DISTRICTS.

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

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

4-1 ACCESSORY USES

4-1.1 General Conditions: All accessory buildings, structures, and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthy, disturbing so as to create a public nuisance and shall be located on the premises of the main use.

4-1.2 Location and Height of Accessory Uses, Buildings and Structures:

a) Location: No accessory use, building, or structure permitted by this ordinance may be located in a required yard, except as otherwise specifically authorized.

b) Location Exceptions:

1) Swimming pools, tennis court perimeter fences and play equipment shall maintain a minimum of 10 feet from side and rear property lines.

2) Fences other than tennis court perimeter fences, walls, and retaining walls may be placed on property line. Retaining walls so constructed to provide for a patio or similar use shall not be exempt from the minimum yard requirements set forth in this ordinance unless specifically authorized at development plan approval.

3) Concrete at grade patios may extend to property line.

c) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this ordinance shall exceed one floor level and a height of 15 feet measured from ground level. Agricultural (AG) District accessory uses and structures shall be exempt from this requirement.

4-1.3 Permitted Accessory Uses, Buildings and Structures: Accessory uses, buildings, and structures shall be permitted in the following districts.

all repealed by Ord. 1273, 3/2/92

a) Agricultural Districts

1) Any structure used in conjunction with a permitted use;

2) Any accessory use allowed in "R" districts may be used in conjunction with a single family home;

3) Signs permitted in Section 4-5 of this ordinance;

4) Windmills, wind-driven power generators are permitted provided that any such structure complies with all applicable zoning regulations.

5) Living quarters for farm attendants may be located in an accessory buildings in the Agricultural (AG) District provided the building code can be met.

b) Residential Districts

1) Solar collector provided that all components servicing the collector panel are concealed and all exposed metal shall be finished with warm earth tones or black, in color;

2) Satellite receiving dish antennae may be placed on the ground in rear yards. Adequate landscape screening shall be provided which prevents the antennae from being observed from any street or from surrounding properties at the time of installation. The Board of Zoning Appeals shall have the power to waive the screening requirement if the Board finds that an antenna cannot be seen from surrounding properties and that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, location, height, size and color and mounting of antennae. Maximum size of the dish to be 10 feet in diameter and 14 feet in height;

3) Readily moveable sports,recreation or outdoor cooking equipment;

4) In ground swimming pool, tennis court with related 12-foot perimeter fence, and similar permanent facilities;

5) Home Occupations; (See Section 4-8 of this ordinance);

6) Fence,walls and retaining walls (Sealed engineering plans shall be submitted and approved prior to construction of any wall or retaining wall 4 feet in height or higher);

7) Garage sales limited to 2 sales per year (4 days per sale);

8) Sample sales limited to 2 sales per year (4 days per sale;)

All repealed by Ord. 1273, 3/2/92

9) Children's play equipment including swing sets, jungle gyms, sandboxes, playhouses, and, other related equipment provided playhouses do not exceed 15 feet in total height measured from the ground to the highest point;

10) Flag pole;

11) Wood decks (attached);

12) Concrete patios including stone, brick, and pavers but not including asphalt;

13) Bath house, pool house, and cabana only in conjunction with swimming pools;

14) Statuary, arbors, trellises, firewood piles for home use;

15) Storage or parking of major recreational equipment including boats with trailers, pop-up campers, and motorized recreational vehicles, provided that such storage or parking shall be limited to private garages, rear yards screened from neighboring views of private homes and in the driveways of private homes. Such vehicles and equipment shall not encroach onto public property or obstruct any sidewalk and also provided that the placement of such vehicles and equipment shall be located on a hard surface asphalt pavement or concrete pad designed to accommodate such use;

16) Horse pasturing shall be permitted as an accessory use in Planned Large Lot Single Family Residential (RP-A) District provided that a minimum lot area of 3 acres can be maintained;

17) Hobby or craft activities operated by the occupant only provided that articles produced or constructed are not sold on the premises;

18) Signs permitted in Section 4-5 of this ordinance;

19) Mother's day out programs and preschools shall be permitted accessory uses in church, religious, educational, and community buildings.

20) An estate sale for purposes of this ordinance shall mean a sale conducted on the premises (lot or parcel of land) by the owner of said premises for the specific purpose of selling personal possessions and/or belongings that shall have been acquired or which have accumulated at said premises over the course of time. In no event shall "estate" include possessions that are not owned by resident and have been transported to the site specifically for purposes of sale. Estate Sales shall be permitted provided the following conditions have been met:

All repealed by Ord. 1273, 3/2/92

a) Property owners within 500 feet have been notified by certified mail prior to the sale.

b) Means of parking and traffic control have been established and coordinated with the Police and Public Works Departments.

c) Signage shall be limited to that permitted by this ordinance.

d) Tents or other accessory structures; food vendors; and/or any other such atypical residential uses shall require Special Use Permits as provided in Section 4-3.1(31) dealing with temporary short-term uses.

e) Sales limited to 1 per calendar year for not more than 4 consecutive days and during daylight hours.

f) Permit required.

c) <u>Planned Apartment House Residential (RP-3) and Planned Cluster Residential (RP-4) Districts (Additional Uses)</u>

1) Parking areas; (plan approved)

2) Signs permitted in Section 4-5 of this ordinance;

3) Tenant used recreation facilities including minor buildings (plan approved);

4) Trash collection centers;

5) Power generators;

6) Vending machines located inside tenant buildings.

d) <u>Office, Commercial, Industrial and Special Development Districts</u>

1) Off street parking lots as approved in the final development plan;

2) Signs permitted in Section 4-5 of this ordinance;

3) Food service and vending machines located inside of a building;

4) Private garage for motor vehicles; (plan approved)

5) Living quarters for maintenance personnel;

6) Low level exterior lighting;

7) Flagpoles;

All repealed by Ord. 1273, 3/2/92

8) Health club for employees or tenants when located in side of the primary building;

9) Day care center for employees or tenants when located inside of the primary building;

10) Restaurants, cafeterias, drug stores, gift shops and newsstands when located inside of the building;

11) Fencing as approved in the final development plan;

12) Pharmaceutical sales, medicines,etc. when incidental to the practice of medicine in a medical office;

13) Eyeglass sales when incidental to the practice of optometry;

14) Satellite receiving dish antennae may be placed on the roof of a building provided that the antennae shall only be located on a flat roof and shall be screened from view. The screen shall be architecturally compatible with the structure as to shape, size, color and bulk;

15) Solar Collector (plan approved)

a) Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

b) Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraph (a). No freestanding panels or panel racks shall be allowed.

c) In an active or photovaltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

d) All exposed metal - including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

All repealed by Ord. 1273, 3/2/92

4-1.4 Prohibited Accessory Uses:

a) No accessory building may be used for residential dwelling purposes at any time except as specifically authorized in the Agricultural (AG) District.

b) Outdoor storage, except as specifically authorized in the district regulations.

c) Standing or parked advertising trailers.

Section 2. Existing Section Repealed. That existing Section 4-1 of the Leawood Development Ordinance is hereby repealed.

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

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

Proof of Publication

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

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

8/20/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $85.22

Ord. 1237

ORD. 1237

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1237

AN ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO ADD PROVISIONS FOR ESTATE SALES IN RESIDENTIAL DISTRICTS.

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

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

4-1 ACCESSORY USES

4-1.1 General Conditions: All accessory buildings, structures, and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthy, disturbing so as to create a public nuisance and shall be located on the premises of the main use.

4-1.2 Location and Height of Accessory Uses, Buildings and Structures:

a) Location: No accessory use, building, or structure permitted by this ordinance may be located in a required yard, except as otherwise specifically authorized.

b) Location Exceptions:

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2) Fences other than tennis court perimeter fences, walls, and retaining walls may be placed on property line. Retaining walls so constructed to provide for a patio or similar use shall not be exempt from the minimum yard requirements set forth in this ordinance unless specifically authorized at development plan approval.

3) Concrete at grade patios may extend to property line.

c) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this ordinance shall exceed one floor level and a height of 15 feet measured from ground level. Agricultural (AG) District accessory uses and structures shall be exempt from this requirement.

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a) Agricultural Districts

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2) Any accessory use allowed in "R" districts may be used in conjunction with a single family home;

3) Signs permitted in Section 4-5 of this ordinance;

4) Windmills, wind-driven power generators are permitted provided that any such structure complies with all applicable zoning regulations.

5) Living quarters for farm attendants may be located in an accessory buildings in the Agricultural (AG) District provided the building code can be met.

b) Residential Districts

1) Solar collector provided that all components servicing the collector panel are concealed and all exposed metal shall be finished with warm earth tones or black, in color;

2) Satellite receiving dish antennae may be placed on the ground in rear yards. Adequate landscape screening shall be provided which prevents the antennae from being observed from any street or from surrounding properties at the time of installation. The Board of Zoning Appeals shall have the power to waive the screening requirement if the Board finds that an antenna cannot be seen from surrounding properties and that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, location, height, size and color and mounting of antennae. Maximum size of the dish to be 10 feet in diameter and 14 feet in height;

3) Readily moveable sports,recreation or outdoor cooking equipment;

4) In ground swimming pool, tennis court with related 12-foot perimeter fence, and similar permanent facilities;

5) Home Occupations; (See Section 4-8 of this ordinance);

6) Fence,walls and retaining walls (Sealed engineering plans shall be submitted and approved prior to construction of any wall or retaining wall 4 feet in height or higher);

7) Garage sales limited to 2 sales per year (4 days per sale);

8) Sample sales limited to 2 sales per year (4 days per sale;)

9) Children's play equipment including swing sets, jungle gyms, sandboxes, playhouses, and, other related equipment provided playhouses do not exceed 15 feet in total height measured from the ground to the highest point;

10) Flag pole;

11) Wood decks (attached);

12) Concrete patios including stone, brick, and pavers but not including asphalt;

13) Bath house, pool house, and cabana only in conjunction with swimming pools;

14) Statuary, arbors, trellises, firewood piles for home use;

15) Storage or parking of major recreational equipment including boats with trailers, pop-up campers, and motorized recreational vehicles, provided that such storage or parking shall be limited to private garages, rear yards screened from neighboring views of private homes and in the driveways of private homes. Such vehicles and equipment shall not encroach onto public property or obstruct any sidewalk and also provided that the placement of such vehicles and equipment shall be located on a hard surface asphalt pavement or concrete pad designed to accommodate such use;

16) Horse pasturing shall be permitted as an accessory use in Planned Large Lot Single Family Residential (RP-A) District provided that a minimum lot area of 3 acres can be maintained;

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b) Means of parking and traffic control have been established and coordinated with the Police and Public Works Departments.

c) Signage shall be limited to that permitted by this ordinance.

d) Tents or other accessory structures; food vendors; and/or any other such atypical residential uses shall require Special Use Permits as provided in Section 4-3.1(31) dealing with temporary short-term uses.

e) Sales limited to 1 per calendar year for not more than 4 consecutive days and during daylight hours.

f) Permit required.

c) Planned Apartment House Residential (RP-3) and Planned Cluster Residential (RP-4) Districts (Additional Uses)

1) Parking areas; (plan approved)

2) Signs permitted in Section 4-5 of this ordinance;

3) Tenant used recreation facilities including minor buildings (plan approved);

4) Trash collection centers;

5) Power generators;

6) Vending machines located inside tenant buildings.

d) Office, Commercial, Industrial and Special Development Districts

1) Off street parking lots as approved in the final development plan;

2) Signs permitted in Section 4-5 of this ordinance;

3) Food service and vending machines located inside of a building;

4) Private garage for motor vehicles; (plan approved)

5) Living quarters for maintenance personnel;

6) Low level exterior lighting;

7) Flagpoles;

8) Health club for employees or tenants when located inside of the primary building;

9) Day care center for employees or tenants when located inside of the primary building;

10) Restaurants, cafeterias, drug stores, gift shops and newsstands when located inside of the building;

11) Fencing as approved in the final development plan;

12) Pharmaceutical sales, medicines,etc. when incidental to the practice of medicine in a medical office;

13) Eyeglass sales when incidental to the practice of optometry;

14) Satellite receiving dish antennae may be placed on the roof of a building,provided that the antennae shall only be located on a flat roof and shall be screened from view. The screen shall be architecturally compatible with the structure as to shape, size, color and bulk;

15) Solar Collector (plan approved)

a) Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

b) Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraph (a). No freestanding panels or panel racks shall be allowed.

c) In an active or photovaltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

d) All exposed metal - including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

4-1.4 Prohibited Accessory Uses:

a) No accessory building may be used for residential dwelling purposes at any time except as specifically authorized in the Agricultural (AG) District.

b) Outdoor storage, except as specifically authorized in the district regulations.

c) Standing or parked advertising trailers.

Section 2. Existing Section Repealed. That existing Section 4-1 of the Leawood Development Ordinance is hereby repealed.

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

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

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

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 1236 repealed by Ord. 1286, 4/6/92

AN ORDINANCE AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS.

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

Section 1. Leawood Development Ordinance Amended. That Section 2-7 of the Leawood Development Ordinance is hereby amended to read as follows:

2-7 FENCES AND WALLS

2-7.1 Intent:

a) To secure safety to life and welfare from hazards incident to man-made pools of all types.

b) To buffer uncomplementary land uses and generally enhance the quality and appearance of a project site.

c) To ensure exterior privacy for residential developments.

d) To ensure that design, erection and construction of fences and walls do provide the proper structural strength,height, and surface drainage.

e) To maintain the look of open space in residential areas.

2-7.2 General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls shall be subject to inspection in accordance with approved plans. Permits for swimming pools, wading pools, hot tubs, or similar man-made pool structures and fences and walls for the same shall be coordinated and issued by the City at the same time.

b) Fences and walls except retaining walls shall not be located closer to the street line than the front building line or the side building line in the case of a corner lot. Fences and walls shall be permitted to be located on the rear property line in the case of through lots. The rear property line shall be considered to be the opposite street frontage for through lots.

c) Wood fences shall be constructed with posts, rails, and other construction details to be located on the "inside" of the fence. (Finished side facing out.)

d) Fences and walls shall be constructed to allow for surface drainage.

repealed by Ord. 1286, 4/6/92

e) Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences and walls built on slopes shall comply with the required height measured along the line of the fence location.

f) Fences and walls enclosing man-made pool structures shall have safety latches mounted 48 inches above the ground line, or at the top of 4 foot fences.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads. Retaining walls exceeding 4 feet in height, whether terraced or not, shall submit sealed plans by a structural engineer for approval prior to the issuance of a building permit.

h) Fences and walls constructed within City owned easements may be removed to allow access for utilities. The property owner shall be responsible for the reconstruction and replacement of any fences and walls removed.

i) Fences and walls shall be located on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item (b) above and except at terminations at the dwelling structure.

j) When the back property line of a residentially zoned lot is in common with the boundary of another municipality, the least restrictive fence or walls regulations of the two cities pertaining to height of fence or walls shall apply to the property located within Leawood.

2-7.3 Height, Location and Permit Requirements:

a) Fences and walls 4 feet or less in height may be constructed without a fence and/or wall permit, providing the above comply with general conditions and plan requirements.

b) Fences and/or walls enclosing swimming pools and/or hot tubs and other fences and/or walls over 4 feet in height shall not be constructed until a permit has been issued, and shall only be permitted under the following conditions:

1) 4 foot minimum height (mandatory) up to and including a 6 foot maximum height (optional) fences and/or walls shall be required to enclose swimming pools and/or hot tubs, and shall be installed strictly in accordance with the approved plans.

a) A swimming pool shall be considered to be "enclosed" by a fence and/or wall located either adjacent to the structure or on the property line or other approved location complimentary to the site, so long as the structure is circumscribed.

repealed by Ord. 1286, 4/6/92

b) A hot tub shall be considered to be "enclosed" by a fence and/or wall up to 6 feet in height located adjacent to the structure or 4 feet in height if located on the property line, so long as the structure is circumscribed. Fences greater than 4 feet in height enclosing hot tubs shall only be permitted when located adjacent to the structure.

c) All required swimming pool and hot tub fencing or walls shall provide self-latching and self-closing gates/barriers per Chapter 12, Division III "BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS" of the Uniform Building Code, 1991 Edition.

d) For purposes of this ordinance definitions for swimming pools and hot tubs shall be as established in the Uniform Building Code, 1991 Edition as provided for in (c) above.

e) Fences greater than 4 feet in height and up to a maximum of 6 feet in height shall only be permitted with swimming pools and hot tubs as provided for and defined by this ordinance.

2) Fences or walls up to 6 feet in height are permitted adjacent to patios and/or decks to provide privacy to such areas, and must be installed strictly in accordance with the approved plan.

3) Fences or walls up to 6 feet in height may be required by the Plan Commission to provide screening and/or buffering of one property from another.

4) Fences or walls up to 6 feet in height may be allowed by the Plan Commission if designed as an integral part of a planned residential development to provide privacy.

5) Anyone requesting a variance from this ordinance shall apply to the Board of Zoning Appeals in accordance with its procedures.

c) Fence height, for compliance with this ordinance, shall be measured from the finished grade of the adjoining ground to the top of the fence. When used in conjunction with any wall, the to tal height of the fence plus the wall shall not in any way exceed 6 feet except in cases where a retaining wall is necessary and a fence is required for safety purposes. The Director of Planning and Development may allow the fence and wall height combination to exceed the six feet maximum, but in no case shall the fence be greater than 6 feet in height when used in combination with any wall.

Repealed by Ord. 1286, 4/6/92

2-7.4 Fences Prohibited: Electric fences and barbed wire shall be prohibited except on AG, Agricultural, zoned properties for the purpose of containing livestock and when specifically approved as part of an approved development plan for providing security.

2-7.5 Exceptions to Height Restrictions: The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences and walls if the Board finds that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, the uses of adjoining property, proximity to collector or arterial streets, noise emanating from adjoining property, security of owner's property, views of and through adjoining property, safety, visual blight and other extenuating circumstances. Such exception shall require a public hearing, notice and publication in the Official City Newspaper. In no case shall the Board allow a fence or wall that exceeds 6 feet in height.

Section 2. Existing Section Repealed. That existing Section 2-7 of the Leawood Development Ordinance is hereby repealed.

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

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

Proof of Publication

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

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

8/20/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/20/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $56.32

Ord. 1236

1991.

Mayor

CONTINUED ON PAGE 15

ORD. 1236

First published in The Legal Record, Tuesday, August 20, 1991.

ORDINANCE NO. 1236

AN ORDINANCE AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS.

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

Section 1. Leawood Development Ordinance Amended. That Section 2-7 of the Leawood Development Ordinance is hereby amended to read as follows:

2-7 FENCES AND WALLS

2-7.1 Intent:

a) To secure safety to life and welfare from hazards incident to man-made pools of all types.

b) To buffer uncomplementary land uses and generally enhance the quality and appearance of a project site.

c) To ensure exterior privacy for residential developments.

d) To ensure that design, erection and construction of fences and walls do provide the proper structural strength,height, and surface drainage.

e) To maintain the look of open space in residential areas.

2-7.2 General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls shall be subject to inspection in accordance with approved plans. Permits for swimming pools, wading pools, hot tubs, or similar man-made pool structures and fences and walls for the same shall be coordinated and issued by the City at the same time.

b) Fences and walls except retaining walls shall not be located closer to the street line than the front building line or the side building line in the case of a corner lot. Fences and walls shall be permitted to be located on the rear property line in the case of through lots. The rear property line shall be considered to be the opposite street frontage for through lots.

c) Wood fences shall be constructed with posts, rails, and other construction details to be located on the "inside" of the fence. (Finished side facing out.)

d) Fences and walls shall be constructed to allow for surface drainage.

e) Fences built in combination with walls shall not exceed the requires height restrictions. In addition, fences and walls built on slopes shall comply with the required height measured along the line of the fence location.

f) Fences and walls enclosing man-made pool structures shall have safety latches mounted 48 inches above the ground line, or at the top of 4 foot fences.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads. Retaining walls exceeding 4 feet in height, whether terraced or not, shall submit sealed plans by a structural engineer for approval prior to the issuance of a building permit.

h) Fences and walls constructed within City owned easements may be removed to allow access for utilities. The property owner shall be responsible for the reconstruction and replacement of any fences and walls removed.

i) Fences and walls shall be located on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item (b) above and except at terminations at the dwelling structure.

j) When the back property line of a residentially zoned lot is in common with the boundary of another municipality, the least restrictive fence or walls regulations of the two cities pertaining to height of fence or walls shall apply to the property located within Leawood.

2-7.3 Height, Location and Permit Requirements:

a) Fences and walls 4 feet or less in height may be constructed without a fence and/or wall permit, providing the above comply with general conditions and plan requirements.

b) Fences and/or walls enclosing swimming pools and/or hot tubs and other fences and/or walls over 4 feet in height shall not be constructed until a permit has been issued, and shall only be permitted under the following conditions:

1) 4 foot minimum height (mandatory) up to and including 6 foot maximum height (optional) fences and/or walls shall be required to enclose swimming pools and/or hot tubs, and shall be installed strictly in accordance with the approved plans.

a) A swimming pool shall be considered to be "enclosed" by a fence and/or wall located either adjacent to the structure or on the property line or other approved location complementary to the site, so long as the structure is circumscribed.

b) A hot tub shall be considered to be "enclosed" by a fence and/or wall up to 6 feet in height located adjacent to the structure or 4 feet in height if located on the property line, so long as the structure is circumscribed. Fences greater than 4 feet in height enclosing hot tubs shall only be permitted when located adjacent to the structure.

c) All required swimming pool and hot tub fencing or walls shall provide self-latching and self-closing gates/barriers per Chapter 12, Division III "BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS" of the Uniform Building Code, 1991 Edition.

d) For purposes of this ordinance definitions for swimming pools and hot tubs shall be as established in the Uniform Building Code, 1991 Edition as provided for in (c) above.

e) Fences greater than 4 feet in height and up to a maximum of 6 feet in height shall only be permitted with swimming pools and hot tubs as provided for and defined by this ordinance.

2) Fences or walls up to 6 feet in height are permitted adjacent to patios and/or decks to provide privacy to such areas, and must be installed strictly in accordance with the approved plan.

3) Fences or walls up to 6 feet in height may be required by the Plan Commission to provide screening and/or buffering of one property from another.

4) Fences or walls up to 6 feet in height may be allowed by the Plan Commission if designed as an integral part of a planned residential development to provide privacy.

5) Anyone requesting a variance from this ordinance shall ~~apply to the Board of Zoning Appeals~~ in accordance with its procedures.

c) Fence height, for compliance with this ordinance, shall be measured from the finished grade of the adjoining ground to the top of the fence. When used in conjunction with any wall, the total height of the fence plus the wall shall not in any way exceed 6 feet except in cases where a retaining wall is necessary and a fence is required for safety purposes. The Director of Planning and Development may allow the fence and wall height combination to exceed the six feet maximum, but in no case shall the fence be greater than 6 feet in height when used in combination with any wall.

2-7.4 Fences Prohibited: Electric fences and barbed wire shall be prohibited except on AG, Agricultural, zoned properties for the purpose of containing livestock and when specifically approved as part of an approved development plan for providing security.

2-7.5 Exceptions to Height Restrictions: The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences and walls if the Board finds that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, the uses of adjoining property, proximity to collector or arterial streets, noise emanating from adjoining property, security of owner's property, views of and through adjoining property, safety, visual blight, and other extenuating circumstances. Such exception shall require a public hearing, notice and publication in the Official City newspaper. In no case shall the Board [illegible] exceeds 6 feet in height.

Section 2. Existing Section Repealed. That existing [illegible] of the Leawood Development Ordinance is hereby repealed.

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

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

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

Nancia Kinnaert, Mayor

(S E A L)

Attest:

Martha Heizer, City Clerk

APPROVED AS TO FORM: [illegible], City Attorney

Repealed by: ORDINANCE NO. 1240
Adopted: 8/19/91
Effective:

ORDINANCE NO. 1235

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91L, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,702. 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 91L, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,703. Section Two: Said issue of Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1

through 7 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.68% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,704. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,705. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,706. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond

counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade

or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,707. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 5th day of August, 1991.

SIGNED by the Mayor this 5th day of August, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

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

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

Proof of Publication

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

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

8/6/91

Debra Dziadura

Legal Notices Administrator

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

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $52.61

Ord. 1235

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein

period of law provided
approval of the Court.
FRED ALLENBRAND, SHERIFF
OF JOHNSON COUNTY,
KANSAS
Submitted By:
/s/ TERENCE R. McMAHON #9687

15 Demand notes issued to the
16 Other borrowed money
17 Mortgage indebtedness and obl
18 Bank's liability on acceptances
19 Subordinated notes and debent
20 Other liabilities

ORD. 1235

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

ORDINANCE NO. 1235

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91L, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1218 on May 6, 1991; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91L, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 7 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.68% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 5th day of August, 1991.

SIGNED by the Mayor this 5th day of August, 1991.

ATTEST:

Marcia Rinehart

Marcia Rinehart, Mayor

Martha Hetzer, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

Repealed by:
ORDINANCE NO. 1239
Adopted: 8/19/91
Effective:

ORDINANCE NO. 1234

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91K, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1077 on November 21, 1988; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1,696. 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 91K, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000.00) which amount does not

exceed the total estimated costs of said improvements.

20-1,697. Section Two: Said issue of Temporary Notes, Series 91K, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.70% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,698. Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,699. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,700. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,701. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 5th day of August, 1991.

SIGNED by the Mayor this 5th day of August, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

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

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

Proof of Publication

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

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

8/6/91

Legal Notices Administrator

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

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $58.54

Ord. 1234

hat's over 50% off the annual cover price of $221.
NAME
COMPANY
ADDRESS
CITY, STATE, ZIP
Please charge my Mastercard Visa
Card No. Exp. Date

ORD. 1234

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

ORDINANCE NO. 1234

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91K, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1077 on November 21, 1988; and

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

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

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 91K, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91K, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.70% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption) at any date prior to the stated maturity date of said notes by written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Said notes shall be in customary form as provided by law, shall be signed by the mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. BB-I-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. BB-I-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 5th day of August, 1991.

SIGNED by the Mayor this 5th day of August, 1991.

ATTEST:

Martha Heizer, City Clerk

Marcia Rinehart, Mayor

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

Repealed by:
ORDINANCE NO. 1238
Adopted: 8/19/91
Effective:

ORDINANCE NO. 1233

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91J, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be $3,392,017; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,690. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 88-1-91J, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000), which amount does not exceed the total estimated costs of said improvements.

20-1,691. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91J, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from their dated date, payable at maturity or upon

redemption prior thereto, at a rate of interest of 4.68% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,692. Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,693. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,694. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond

counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,695. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 5th day of August, 1991.

SIGNED by the Mayor this 5th day of August, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

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

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

Proof of Publication

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

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

8/6/91

Debra Dziadura
Legal Notices Administrator

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

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $55.58

Ord. 1233

ORD. 1233

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

ORDINANCE NO. 1233

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91J, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be $3,392,017; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 88-1-91J, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91J, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated August 12, 1991, and shall have the stated maturity date of February 12, 1992. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.68% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;

2. Since January 1, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Balinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000
(5)	Temporary Notes Series L.I.D. 88-1-91E Tomahawk Creek Parkway	May 20, 1991	$ 1,100,000
(6)	Temporary Notes Series 91F Police/Court/Fire #1 Remodel	May 20, 1991	$ 600,000
(7)	Temporary Notes Series 91G 119th Street, State Line-Mission	May 20, 1991	$ 600,000
(8)	Temporary Notes Series 91H Lee Boulevard, Phase I	May 20, 1991	$ 400,000
(9)	Temporary Notes Series 91I Lee Boulevard, Phase II	May 20, 1991	$ 900,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000.00;

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

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 5th day of August, 1991.

SIGNED by the Mayor this 5th day of August, 1991.

ATTEST:

Martha Heizer, City Clerk

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1232

AN ORDINANCE REZONING PROPERTY LOCATED BETWEEN 115TH AND 119TH STREETS AND BETWEEN ROE AND NALL AVENUES (LEAWOOD TOWN CENTER) FROM AG (AGRICULTURAL) TO SD (SPECIAL DEVELOPMENT DISTRICT) AND RP-4 (PLANNED CLUSTER RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

18-2002. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

> All that part of the SW 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25′ 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 1331.17 feet; thence S 87° 52′ 15" W, a distance of 278.69 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1025 feet, and a central angle of 38° 09′ 57", a distance of 682.77 feet, to a point of tangency; thence N 53° 57′ 48" W, a distance of 1792.56 feet, more or less, to a point on the North line of the SW 1/4 of said Section 16; thence Westerly, along the North line of the SW 1/4 of said Section 16, to the Northwest corner thereof; thence Southerly, along the West line of the SW 1/4 of said Section 16, to the Southwest corner thereof; thence Easterly, along the South line of the SW 1/4 of said Section 16, to the point of beginning (116 Acres, more or less)

now zoned AG, is hereby rezoned to SD.

18-1012. Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

> All that part of the SW 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 Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25′ 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 1331.17 feet, to the true point of beginning of subject tract; thence S 87° 52′ 15" W, a distance of 278.69 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1025 feet, a central angle of 38° 09′ 57", a distance of 682.77 feet, to a point of tangency; thence N 53° 57′ 48" W, a distance of 1792.56 feet, more or less, to a point on the North line of the SW 1/4 of said Section 16; thence Easterly, along the North line of the SW 1/4

of said Section 16, to the Northeast corner thereof; thence Southerly, along the East line of the SW 1/4 of said Section 16, to the true point of beginning of subject tract (45 Acres, more or less)

now zoned AG, is hereby rezoned to RP-4.

Section 3. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 4. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 5th day of August, 1991.

Approved by the Mayor the 5th day of August, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

Printer's Fee $_____

PROOF OF PUBLICATION

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

NORMA TATE of lawful age, being first duly sworn, deposeth and saith that she is

LEGAL CLERK of

THE DAILY NEWS,

a daily newspaper printed in the State of Kansas and published in the City of Olathe, Johnson County, Kansas, of general paid circulation on a daily, weekly, monthly, or yearly basis in Johnson County, Kansas, and not a trade, religious, or fraternal publication, which newspaper has been entered as second-class mail matter in the United States post office in Olathe, Kansas, which said newspaper in its separate and combined weekly form and in its daily form and under all of its former names, separate or combined, and its present name, has possessed all of the foregoing qualifications and has continuously and uninterruptedly published weekly or daily, except Sundays and Mondays, for more than fifty weeks a year and has been so published for more than five years prior to the first publication of the notice hereinafter mentioned; and that a notice, of which a true copy is hereto attached, was printed in the regular and

entire FRIDAY issue of said THE DAILY NEWS

for ONE days, ~~XXXXXXXXXXXXXX~~, the first publication being made as aforesaid on the

THIRTIETH day of AUGUST

A.D., 19~~91~~, and the last on the THIRTIETH

day of AUGUST, 19 91

Affiant further says that she has personal knowledge of the statements above set forth, and that they are true.

Norma Tate

Subscribed and sworn to before me this 30TH

day of AUGUST, 19 91

Pamela J. Morris

PAMELA J. MORRIS
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 9/28/91

(First Published in The Olathe Daily News, Friday, August 30, 1991.)

ORDINANCE NO. 1232

AN ORDINANCE REZONING PROPERTY LOCATED BETWEEN 115TH AND 119TH STREETS AND BETWEEN ROE AND NALL AVENUES (LEAWOOD TOWN CENTER) FROM AG (AGRICULTURAL) TO SD (SPECIAL DEVELOPMENT DISTRICT) AND RP-4 (PLANNED CLUSTER RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

All that part of the SW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the SW¼ of said Section 16; thence N 1°25'45" W, along the East line of the SW¼ of said Section 16, a distance of 1331.17 feet; thence S 87°52'15" W, a distance of 278.69 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1025 feet, and a central angle of 38°09'57", a distance of 682.77 feet, to a point of tangency; thence N 53°57'48" W, a distance of 1792.56 feet, more or less, to a point on the North line of the SW¼ of said Section 16; thence Westerly, along the North line of the SW¼ of said Section 16, to the Northwest corner thereof; thence Southerly, along the West line of the SW¼ of said Section 16, to the Southwest corner thereof; thence Easterly, along the South line of the SW¼ of said Section 16, to the point of beginning (116 Acres, more or less)

now zoned AG, is hereby rezoned to SD.

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

All that part of the SW¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the SW¼ of said Section 16; thence N 1°25'45" W, along the East line of the SW¼ of said Section 16, a distance of 1331.17 feet, to the true point of beginning of subject tract; thence S 87°52'15" W, a distance of 278.69 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1025 feet, a central angle of 38°09'57", a distance of 682.77 feet, to a point of tangency; thence N 53°57'48" W, a distance of 1792.56 feet, more or less, to a point on the North line of the SW¼ of said Section 16; thence Easterly, along the North line of the SW¼ of said Section 16, to the Northeast corner thereof; thence Southerly, along the East line of the SW¼ of said Section 16, to the true point of beginning of subject tract (45 Acres, more or less)

now zoned AG, is hereby zoned to RP-4.

Section 3. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 4. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance."

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

Passed by the Council the 5th day of August, 1991.

Approved by the Mayor the 5th day of August, 1991.

Marcia Rinehard, Mayor

(SEAL)
Attest:
Martha Heizer, City Clerk
APPROVED AS TO FORM:
/s/ R.S. Wetzler, City Attorney

(30)

ORDINANCE NO. 1231

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 132ND STREET BETWEEN MISSION AND ROE (WILSHIRE SUBDIVISION) FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

18-1417. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

> The North one-half of the Southeast one-quarter of Section 28, Township 13 South, Range 25 East in the City of Leawood, Johnson County, Kansas, except the South 343.71 feet of the East 540.00 feet thereof, containing 76.338 acres, more or less.

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

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

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

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

Passed by the Council the 5th day of August, 1991.

Approved by the Mayor the 5th day of August, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

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

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

Proof of Publication

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

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

8/6/91

Debra Dziadura
Legal Notices Administrator

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

Sharon L Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $17.78

ORD. 1231

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

ORDINANCE NO. 1231

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 132ND STREET BETWEEN MISSION AND ROE (WILSHIRE SUBDIVISION) FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

The North one-half of the Southeast one-quarter of Section 28, Township 13 South, Range 25 East in the City of Leawood, Johnson County, Kansas, except the South 343.71 feet of the East 540.00 feet thereof, containing 76.338 acres, more or less.

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

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

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

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

Passed by the Council the 5th day of August, 1991.

Approved by the Mayor the 5th day of August, 1991.

(S E A L)
Attest:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

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

Ord. 1231

ORDINANCE NO. 1230 C

AN ORDINANCE AMENDING SECTION 1-306 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, SPECIFICALLY AS PERSONNEL OFFICER OF THE CITY; AND REPEAL OF SECTION 1-504 OF THE CODE RELATING TO THE "PERSONNEL RULES AND REGULATIONS" DATED JANUARY 3, 1984.

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

Section 1. Code Amended. That Section 1-306 of the Code of the City of Leawood is hereby amended to read as follows:

1-306. DUTIES. The City Administrator shall: (a) Be the chief administrative assistant to the Mayor and as such shall be the administrative officer of the City government. Except as otherwise specified by ordinance or by law of the State of Kansas, the City Administrator shall coordinate and generally supervise the operation of all departments of the City;

(b) Be the purchasing agent for the City, and all purchases amounting to $5,000 or less shall be made under his or her general direction and supervision. All purchases over $5,000, except for emergency repair or maintenance to City-owned facilities or equipment, shall be approved by the City Council. Those emergency repairs or maintenance purchases shall be approved by the City Administrator. All purchases shall be made in accordance with the purchasing rules and procedures approved by the City Council;

(c) Be the budget officer of the City and with the assistance of all department heads shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and City Council for their final approval;

(d) Make monthly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget;

(e) Prepare and present to the Mayor and City Council an annual report of the City's affairs, including in such a report a summary of reports of department heads and such other reports as the Mayor and City Council may require;

(f) Act as the personnel officer of the City and shall administer the Personnel Rules and Regulations Administrative Policy including making appropriate changes to the Policy to facilitate the efficient and effective daily operations of the City. The City Administrator shall report any amendment of or changes to the Personnel Rules and Regulations Administrative Policy to the Mayor and City Council as soon

as is practical. The City Administrator shall recommend an appropriate pay plan to the Mayor and City Council and, after consultation with department heads, shall approve advancement and appropriate pay increases within the approved pay plan and the position classification system. The City Administrator shall have the power to appoint and remove all subordinate employees of the City subject to the personnel system regulations and shall make recommendations to the Mayor and City Council concerning the appointment and removal of department heads.

(g) Recommend to the Mayor and City Council adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City;

(h) Submit to the Mayor and City Council a proposed agenda for each Council meeting at least 72 hours before the time of the regular Council meeting;

(i) Work with all City commissions and committees to help coordinate the work of each;

(j) Attend all meetings of the City Council unless excused by the Mayor;

(k) Supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the City Council;

(l) Coordinate federal and state programs which may have application to the City;

(m) Attend state and regional conferences and programs applicable to the office, and the business of the City, whenever such attendance is directed and approved by the City Council and Mayor;

(n) Keep full and accurate records of all actions taken by him or her in the course of his or her duties, and he or she shall safely and properly keep all records and papers belonging to the City and entrusted to his or her care in accordance with federal and Kansas State statutes. All such records shall be and remain the property of the City and be open to inspection by the Mayor and City Council at all times;

(o) Perform any and all other duties or functions prescribed by the Mayor and City Council.

Section 2. Repeal of Existing Sections. That existing Sections 1-306 and 1-504 of the Code of the City of Leawood are hereby repealed. (Prior law: Sec. 1-306 previously amended by Ord. No. 1092C.)

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

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

Proof of Publication

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

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

7/16/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
7/16/91

Sharon Lefing
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $44.46

ORD. 1230 C

First published in The Legal Record, Tuesday, July 16, 1991.

ORDINANCE NO. 1230 C

AN ORDINANCE AMENDING SECTION 1-306 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, SPECIFICALLY AS PERSONNEL OFFICER OF THE CITY; AND REPEAL OF SECTION 1-304 OF THE CODE RELATING TO THE "PERSONNEL RULES AND REGULATIONS" DATED JANUARY 3, 1984.

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

Section 1. Code Amended. That Section 1-306 of the Code of the City of Leawood is hereby amended to read as follows:

1-306. DUTIES. The City Administrator shall: (a) Be the chief administrative assistant to the Mayor and as such shall be the administrative officer of the City government. Except as otherwise specified by ordinance or by law of the State of Kansas, the City Administrator shall coordinate and generally supervise the operation of all departments of the City;

(b) Be the purchasing agent for the City, and all purchases amounting to $5,000 or less shall be made under his or her general direction and supervision. All purchases over $5,000, except for emergency repair or maintenance to City-owned facilities or equipment, shall be approved by the City Council. Those emergency repairs or maintenance purchases shall be approved by the City Administrator. All purchases shall be made in accordance with the purchasing rules and procedures approved by the City Council;

(c) Be the budget officer of the City and with the assistance of all department heads shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and City Council for their final approval;

(d) Make monthly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget;

(e) Prepare and present to the Mayor and City Council an annual report of the City's affairs, including in such a report a summary of reports of department heads and such other reports as the Mayor and City Council may require;

(f) Act as the personnel officer of the City and shall administer the Personnel Rules and Regulations Administrative Policy including making appropriate changes to the Policy to facilitate the efficient and effective daily operations of the City. The City Administrator shall report any amendment of or changes to the Personnel Rules and Regulations Administrative Policy to the Mayor and City Council as soon as is practical. The City Administrator shall recommend an appropriate pay plan to the Mayor and City Council and, after consultation with department heads, shall approve advancement and appropriate pay increases within the approved pay plan and the position classification system. The City Administrator shall have the power to appoint and remove all subordinate employees of the City subject to the personnel system regulations and shall make recommendations to the Mayor and City Council concerning the appointment and removal of department heads.

(g) Recommend to the Mayor and City Council adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City;

(h) Submit to the Mayor and City Council a proposed agenda for each Council meeting at least 72 hours before the time of the regular Council meeting;

(i) Work with all City commissions and committees to help coordinate the work of each;

(j) Attend all meetings of the City Council unless excused by the Mayor;

(k) Supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the City Council;

(l) Coordinate federal and state programs which may have application to the City;

(m) Attend state and regional conferences and programs applicable to the office, and the business of the City, whenever such attendance is directed and approved by the City Council and Mayor;

(n) Keep full and accurate records of all actions taken by him or her in the course of his or her duties, and he or she shall safely and properly keep all records and papers belonging to the City and entrusted to his or her care in accordance with federal and Kansas state statutes. All such records shall be and remain the property of the City and be open to inspection by the Mayor and City Council at all times;

(o) Perform any and all other duties or functions prescribed by the Mayor and City Council.

Section 2. Repeal of Existing Sections. That existing Sections 1-306 and 1-304 of the Code of the City of Leawood are hereby repealed. (Prior law: Sec. 1-306 previously amended by Ord. No. 1092C.)

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

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

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

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.T.B. Watson
R.T.B. Watson City Attorney

never published

ORDINANCE NO. 1229

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 115TH & NALL (JOHNSON COUNTY BANK) IN THE LEAWOOD COMMONS OFFICE PARK FROM CP-0 (PLANNED OFFICE) TO CP-1 (PLANNED NEIGHBORHOOD RETAIL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

18-1210. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

Lot 6, LEAWOOD COMMONS

now zoned CP-0, is hereby rezoned to CP-1.

18-1211. Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

18-1212. Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 17th day of June, 1991.

Approved by the Mayor the 17th day of June, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1228

AN ORDINANCE REASSESSING AND LEVYING ASSESSMENT ON CERTAIN PROPERTY WITHIN THE CITY OF LEAWOOD PURSUANT TO THE PROVISIONS OF K.S.A. § 12-6A12.

Whereas the property described in Exhibit A attached hereto and incorporated herein by reference was previously assessed by the City for a portion of the cost of improving Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1);

Whereas following the imposition of said assessment the owner of the property described in Exhibit A appealed the assessment to the Johnson County District Court, said appeal being identified as Williams v. Leawood, Case No. 90C-10093.

Whereas the City and the owner of the property have agreed that the property may not benefit to the same extent as other property within the improvement district and should, on advice of counsel and pursuant to the provisions of K.S.A. § 12-6a12, be reassessed;

Whereas the property described in Exhibit A is the only property to be reassessed and the owner has filed an appropriate waiver of the notice and hearing required by K.S.A. § 12-6a09;

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

20-1,687. Section 1. Property Reassessed. The special assessment previously levied against the property described in Exhibit A for the purpose of paying a portion of the cost of improving Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1) is hereby repealed and the property is reassessed. A reassessment is hereby levied against the property described in exhibit A in the amount $2,425.48.

20-1,688. Section 2. Prepayment. The owner of the property reassessed pursuant to this ordinance shall have the right to prepay the assessment with interest accrued to date within thirty days of the adoption of the this ordinance.

20-1,689. Section 3. Certification of Assessment. In the event that the assessment levied by this ordinance is not paid in full within the time permitted for prepayment, the assessment shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 4. Take effect. This ordinance shall take effect and be in force from and after its publication as provided by law.

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

"EXHIBIT A"

All that part of the NW 1/4 of the NE 1/4 of Section 21, Township 13, Range 25, Johnson County, Kansas, described as follows: Commencing at a point 190 feet south of the Northwest corner of said 1/4 1/4 Section, measured along the West line of said 1/4 1/4 Section; thence East at right angles to said 1/4 1/4 Section line, a distance of 250 feet;.thence South at right angles to the last described course, a distance of 160 feet; thence West at right angles to the last described course, a distance of 250 feet to said West line of said 1/4 1/4 Section; thence North along said West line, a distance of 160 feet, to the point of beginning.

"EXHIBIT A"

ORIGINAL COMPARED WITH RECORD

2030539

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1991 JUN 10 A 10:00 3

SARA F. ULLMANN
REGISTER OF DEEDS

ORDINANCE NO. 1228

10.00

AN ORDINANCE REASSESSING AND LEVYING ASSESSMENT ON CERTAIN PROPERTY WITHIN THE CITY OF LEAWOOD PURSUANT TO THE PROVISIONS OF K.S.A. § 12-6A12.

Whereas the property described in Exhibit A attached hereto and incorporated herein by reference was previously assessed by the City for a portion of the cost of improving Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1);

Whereas following the imposition of said assessment the owner of the property described in Exhibit A appealed the assessment to the Johnson County District Court, said appeal being identified as Williams v. Leawood, Case No. 90C-10093.

Whereas the City and the owner of the property have agreed that the property may not benefit to the same extent as other property within the improvement district and should, on advice of counsel and pursuant to the provisions of K.S.A. § 12-6a12, be reassessed;

Whereas the property described in Exhibit A is the only property to be reassessed and the owner has filed an appropriate waiver of the notice and hearing required by K.S.A. § 12-6a09;

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

20-1,687. Section 1. Property Reassessed. The special assessment previously levied against the property described in Exhibit A for the purpose of paying a portion of the cost of improving Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1) is hereby repealed and the property is reassessed. A reassessment is hereby levied against the property described in exhibit A in the amount $2,425.48.

20-1,688. Section 2. Prepayment. The owner of the property reassessed pursuant to this ordinance shall have the right to prepay the assessment with interest accrued to date within thirty days of the adoption of the this ordinance.

20-1,689. Section 3. Certification of Assessment. In the event that the assessment levied by this ordinance is not paid in full within the time permitted for prepayment, the assessment shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

10.00 ck

Section 4. Take effect. This ordinance shall take effect and be in force from and after its publication as provided by law.

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

"EXHIBIT A"

All that part of the NW 1/4 of the NE 1/4 of Section 21, Township 13, Range 25, Johnson County, Kansas, described as follows: Commencing at a point 190 feet south of the Northwest corner of said 1/4 1/4 Section, measured along the West line of said 1/4 1/4 Section; thence East at right angles to said 1/4 1/4 Section line, a distance of 250 feet;.thence South at right angles to the last described course, a distance of 160 feet; thence West at right angles to the last described course, a distance of 250 feet to said West line of said 1/4 1/4 Section; thence North along said West line, a distance of 160 feet, to the point of beginning.

CERTIFICATE

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

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1228 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 7th day of June, 1991.

(S E A L)

Martha Heizer

~~--"EXHIBIT A"--~~

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

WAIVER OF NOTICE AND HEARING REQUIRED BY K.S.A. § 12-6A12

The undersigned Wilson M. Williams does hereby acknowledge and agree to the following:

1. That he is the owner of the property described in Exhibit A attached hereto and incorporated herein by reference.

2. That he has agreed to the reassessment of the property described in Exhibit A by the City of Leawood and that the amount $2,425.48 is the proper amount to be assessed against the property as a result of the improvement of Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1).

3. That he is aware of his right to notice and hearing on the amount to be reassessed against the property described in Exhibit A, said rights being established by K.S.A. 12-6a01 et seq.

4. That he does by this document waive any and all right to notice and hearing relating to the imposition of the assessment as a result of the improvement of Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1) upon the property described in Exhibit A.

5. That he does by this document request the City to adopt an ordinance reassessing the property in the amount $2,425.48.

Wilson M. Williams

Wilson M. Williams

Signature Witnessed 6/3/91

Lowell L. Smithson

LOWELL L. SMITHSON

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On the ____ day of _____, 19___, before me, a Notary Public in and for the county and state aforesaid, came Wilson M. Williams, who is personally known to me to be the same person who executed the above instrument and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

_____
Notary Public

My appointment expires:

_____

"EXHIBIT A"

All that part of the NW 1/4 of the NE 1/4 of Section 21, Township 13, Range 25, Johnson County, Kansas, described as follows: Commencing at a point 190 feet south of the Northwest corner of said 1/4 1/4 Section, measured along the West line of said 1/4 1/4 Section; thence East at right angles to said 1/4 1/4 Section line, a distance of 250 feet;.thence South at right angles to the last described course, a distance of 160 feet; thence West at right angles to the last described course, a distance of 250 feet to said West line of said 1/4 1/4 Section; thence North along said West line, a distance of 160 feet, to the point of beginning.

"EXHIBIT A"

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

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

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

6/4/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
6/4/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $24.45

Ord. No. 1228

ORD. 1228

First published in The Legal Record, Tuesday, June 4, 1991.

ORDINANCE NO. 1228

AN ORDINANCE REASSESSING AND LEVYING ASSESSMENT ON CERTAIN PROPERTY WITHIN THE CITY OF LEAWOOD PURSUANT TO THE PROVISIONS OF K.S.A. § 12-6a12.

Whereas the property described in Exhibit A attached hereto and incorporated herein by reference was previously assessed by the City for a portion of the cost of improving Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1);

Whereas following the imposition of said assessment the owner of the property described in Exhibit A appealed the assessment to the Johnson County District Court, said appeal being identified as Williams v. Leawood, Case No. 90C-10093.

Whereas the City and the owner of the property have agreed that the property may not benefit to the same extent as other property within the improvement district and should, on advice of counsel and pursuant to the provisions of K.S.A. § 12-6a12, be reassessed;

Whereas the property described in Exhibit A is the only property to be reassessed and the owner has filed an appropriate waiver of the notice and hearing required by K.S.A. § 12-6a09;

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

Section 1. Property Reassessed. The special assessment previously levied against the property described in Exhibit A for the purpose of paying a portion of the cost of improving Roe Avenue from 112th Street to Tomahawk Creek Parkway (Improvement District 86-1) is hereby repealed and the property is reassessed. A reassessment is hereby levied against the property described in exhibit A in the amount $3,425.48.

Section 2. Prepayment. The owner of the property reassessed pursuant to this ordinance shall have the right to prepay the assessment with interest accrued to date within thirty days of the adoption of the this ordinance.

Section 3. Certification of Assessment. In the event that the assessment levied by this ordinance is not paid in full within the time permitted for prepayment, the assessment shall be certified together with the interest accrued or to accrue by the City Clerk to the county clerk, and collected in the same manner as other taxes.

Section 4. Take effect. This ordinance shall take effect and be in force from and after its publication as provided by law.

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)
ATTEST:

Marcia Rinehart, Mayor

Martha Walker, City Clerk

APPROVED AS TO FORM:

Richard S. Werner, City Attorney

"EXHIBIT A"

All that part of the NW 1/4 of the NE 1/4 of Section 21, Township 13, Range 25, Johnson County, Kansas, described as follows: Commencing at a point 190 feet south of the Northwest corner of said 1/4 1/4 Section, measured along the West line of said 1/4 1/4 Section; thence East at right angles to said 1/4 1/4 Section line, a distance of 250 feet; thence South at right angles to the last described course, a distance of 160 feet; thence West at right angles to the last described course, a distance of 250 feet to said West line of said 1/4 1/4 Section; thence North along said West line, a distance of 160 feet, to the point of beginning.

ORDINANCE NO. 1227

AN ORDINANCE ACCEPTING AN EASEMENT FOR SANITARY AND STORM SEWER PURPOSES.

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

19-6,239. Section 1. That the City of Leawood hereby accepts a permanent sanitary and storm sewer easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Hallbrook Farm Associates, L.P.: A tract of land in the North 1/2 of Fractional Section 14, in Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the southeast corner of the North 1/2 of said Fractional Section 14; thence South 87° -53'-23" West, along the South line of said North 1/2, a distance of 480.35 feet; thence North 2°-36'-36" West, a distance of 591.68 feet to the point of beginning of the tract of land herein described; thence North 89°-45'-33" West, a distance of 159.11 feet; thence North 53°-51'-41" West, a distance of 373.54 feet; thence North 15° -11'-09" East, a distance of 21.61 feet; thence South 53°-44'-40" East, a distance of 377.14 feet; thence North 87° -53'-23" East, a distance of 149.99 feet; thence South 2° -36'-36" East, a distance of 24.33 feet to the point of beginning.

19-6,240. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

2022695 ORIGINAL COMPARED WITH RECORD

PERMANENT SANITARY AND STORM SEWER EASEMENT

THIS AGREEMENT, made and entered into this 11th day of April, 19 91, BETWEEN Hallbrook Farm Associates, L.P., owners of property herein described, hereinafter known as (Party) (Parties) of the First Party, 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

One 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 Party, a permanent construction easement hereinafter more particularly designated and described, to wit:

A TRACT OF LAND IN THE NORTH 1/2 OF FRACTIONAL SECTION 14, IN TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14; THENCE SOUTH 87°-53'-23" WEST, ALONG THE SOUTH LINE OF SAID NORTH 1/2, A DISTANCE OF 480.35 FEET; THENCE NORTH 2°-36'-36" WEST, A DISTANCE OF 591.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 89°-45'-33" WEST, A DISTANCE OF 159.11 FEET; THENCE NORTH 53°-51'-41"WEST, A DISTANCE OF 373.54 FEET; THENCE NORTH 15°-11'-09" EAST, A DISTANCE OF 21.61 FEET; THENCE SOUTH 53°-44'-40" EAST, A DISTANCE OF 377.14 FEET; THENCE NORTH 87°-53'-23" EAST, A DISTANCE OF 149.99 FEET; THENCE SOUTH 2°-36'-36" EAST, A DISTANCE OF 24.33 FEET TO THE POINT OF BEGINNING.

for the sole use of said party of the second party, as and for sanitary and storm 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 and storm sewers. This does not include acts of the City during period of construction, repair, or maintenance of the sanitary and storm sewer.

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

Hallbrook Farm Associates, L.P.
Saul Ellis Attorney In Fact

Saul Ellis

STATE OF Kansas)
) SS
COUNTY OF Johnson)

BE IT REMEMBERED that on this 11th day of April, 19 91, before me a notary public in and for said county and state, came Saul Ellis, Attorney In Fact, 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.

Mary Alice Tinkler Notary Public

My Commission Expires:
January 30, 1994

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1991 MAY -9 A 10: 02 .0
SARA F. ULLMANN
REGISTER OF DEEDS

8.00 ck

8.00

MARY ALICE TINKLER NOTARY PUBLIC KANSAS

VOL 3948 PAGE 193

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas)
) SS
COUNTY OF Johnson)

BE IT REMEMBERED, That on this 11th day of April, 19 91, before me, the undersigned, a Notary public in and for said County and State, came Saul Ellis Attorney In Fact

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.

Mary Alice Tinkler
Notary Public
Mary Alice Tinkler

My Commission Expires:
January 30, 1994

MARY ALICE TINKLER
STATE OF KANSAS
NOTARY PUBLIC

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 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:

_____

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

ORD. 1227

First published in The Legal Record, Tuesday, June 4, 1991.

ORDINANCE NO. 1227

AN ORDINANCE ACCEPTING AN EASEMENT FOR SANITARY AND STORM SEWER PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a permanent sanitary and storm sewer easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Wallbrook Farm Associates, L.P.: A tract of land in the North 1/2 of Fractional Section 14, in Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the southeast corner of the North 1/2 of said Fractional Section 14; thence South 87° -53'-23" West, along the South line of said North 1/2, a distance of 480.25 feet; thence North 2°-36'-36" West, a distance of 591.68 feet to the point of beginning of the tract of land herein described; thence North 89°-45'-33" West, a distance of 158.11 feet; thence North 52°-51'-41" West, a distance of 373.54 feet; thence North 15° -11'-09" East, a distance of 21.61 feet; thence South 52° -44'-40" East, a distance of 377.14 feet; thence North 87° -53'-23" East, a distance of 149.99 feet; thence South 2° -36'-36" East, a distance of 24.33 feet to the point of beginning.

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

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

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Heizer — City Clerk

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

Proof of Publication

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

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

6/4/91

Debra L Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
6/4/91

Sharon L Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.23

Ord. No. 1227

ORDINANCE NO. 1226

AN ORDINANCE ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES.

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

19-6,237. Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Hallbrook Farm Associates, L.P.: A strip of land 10.00 feet in width through part of Lot 8, Block 4, "Hallbrook Farms, First Plat", lying 5.00 feet on each side of the following described centerline: Commencing at the southwest corner of said Lot 8; thence North 9° -26'-04" West, along the West line of said Lot 8, a distance of 5.04 feet to the point of beginning of the centerline herein described; thence North 87° -44'-26" East along a line that is 5.00 feet North of and parallel to the South line of said Lot 8, as measured at right angles thereto, a distance of 117.80 feet; thence North 44° -31'-16" East, a distance of 58.45 feet to a point on the Easterly line of said Lot 8 that is 45.05 feet North of the Southeast corner of said Lot 8, as measured along said Easterly line, said point being the point of termination of said centerline.

The outer limits of said easement are to be lengthened or shortened, as necessary, to terminate on the East and West lines of said Lot 8.

19-6,238. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

2022694 ✓ ORIGINAL COMPARED WITH RECORD

PERMANENT DRAINAGE EASEMENT

This agreement made and entered into this 11th day of April, 19 91, by and between Hallbrook Farm Associates, L.P. part of the first part, does hereby remise, let and release to the City of Leawood, Johnson County, Kansas, party of the second part, the following described real estate to-wit:

A STRIP OF LAND 10.00 FEET IN WIDTH THROUGH PART OF LOT 8, BLOCK 4, "HALLBROOK FARMS, FIRST PLAT", LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 9°-26'-04" WEST, ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 5.04 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE HEREIN DESCRIBED; THENCE NORTH 87°-44'-26" EAST ALONG A LINE THAT IS 5.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 8, AS MEASURED AT RIGHT ANGLES THERETO, A DISTANCE OF 117.80 FEET; THENCE NORTH 44°-31'-16" EAST, A DISTANCE OF 58.45 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 8 THAT IS 45.05 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 8, AS MEASURED ALONG SAID EASTERLY LINE, SAID POINT BEING THE POINT OF TERMINATION OF SAID CENTERLINE.

THE OUTER LIMITS OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED, AS NECESSARY, TO TERMINATE ON THE EAST AND WEST LINES OF SAID LOT 8.

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

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

Hallbrook Farm Associates, L.P.
By: Saul Ellis Attorney In Fact

Saul Ellis

MARY ALICE TINKLER NOTARY PUBLIC STATE OF KANSAS

ATTEST:

Mary Alice Tinkler

Mary Alice Tinkler
My Appointment Expires 1-30-94

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1991 MAY -9 A 10:01 .6

SARA F. ULLMANN
REGISTER OF DEEDS

8.00

8.00 ck

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas
SS.
COUNTY OF Johnson

BE IT REMEMBERED, That on this 11th day of April, 19 91, before me, the undersigned, a Notary Public in and for said County and State, came Saul Ellis Attorney In Fact

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

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

January 30, 1994
My Commission Expires

Mary Alice Tinkler
Notary Public
Mary Alice Tinkler

MARY ALICE TINKLER NOTARY PUBLIC STATE OF KANSAS

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

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1225 C

AN ORDINANCE ESTABLISHING A SPECIAL LIABILITY EXPENSE AND RESERVE FUND PURSUANT TO THE PROVISIONS OF ARTICLE 61 OF CHAPTER 75 OF THE KANSAS STATUTES ANNOTATED (K.S.A. § 75-6101 et seq. 1990 Supp.) AND RELATED MATTERS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Code Amended. Article Eight of Chapter 1 of the Code of the City of Leawood is hereby amended by adding sections which shall read as follows:

1-822. Special Liability Expense and Reserve Fund Established. There is hereby established, pursuant to the provisions of K.S.A. § 75-6110, a special liability expense and reserve fund pursuant to the provisions of K.S.A. § 75-6110.

1-823. Purposes of Fund. The special liability expense and reserve fund is established to provide for the payment of costs of defense of the City and its employees and to provide for the payment of claims and other direct and indirect costs resulting from the implementation of the Kansas Tort Claims Act (K.S.A. § 75-6101 et seq. 1990 Supp.) and any acts amendatory thereof or supplemental thereto.

1-824. Source of Funds. Any moneys received by the City from any source whatsoever which may be lawfully utilized for such purpose may be deposited to the fund established by this ordinance.

1-825. Limitation on Fund. The fund established by this ordinance shall not be subject to the provisions of K.S.A. §§ 79-2925 to 79-2937, inclusive and any acts amendatory thereof or supplemental thereto, except that in making the budget of the City, the amounts credited to and the amount on hand in such special fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of such municipality.

1-826. Levy Authorized. Whenever the Governing Body of the City shall determine that moneys from other sources will be insufficient to pay costs incurred by the City for any costs resulting from the implementation of the Tort Claims Act the Governing Body may levy an annual tax upon all taxable tangible property within the municipality in an amount determined by the Governing Body to be necessary for such purpose.

Section 2. Take Effect. This ordinance shall take effect from and after publication in the Official City Newspaper.

Passed by the Council the 20 day of May, 1991.

Approved by the Mayor the 20 day of May, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

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

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

5/21/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/21/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.23

Ord. 1225C

ORD. 1225 C

First published in The Legal Record, Tuesday, May 21, 1991.

ORDINANCE NO. 1225 C

AN ORDINANCE ESTABLISHING A SPECIAL LIABILITY EXPENSE AND RESERVE FUND PURSUANT TO THE PROVISIONS OF ARTICLE 61 OF CHAPTER 75 OF THE KANSAS STATUTES ANNOTATED (K.S.A. § 75-6101 et seq. 1990 Supp.) AND RELATED MATTERS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Code Amended. Article Eight of Chapter 1 of the Code of the City of Leawood is hereby amended by adding sections which shall read as follows:

1-822. Special Liability Expense and Reserve Fund Established. There is hereby established, pursuant to the provisions of K.S.A. § 75-6110, a special liability expense and reserve fund pursuant to the provisions of K.S.A. § 75-6110.

1-823. Purposes of Fund. The special liability expense and reserve fund is established to provide for the payment of costs of defense of the City and its employees and to provide for the payment of claims and other direct and indirect costs resulting from the implementation of the Kansas Tort Claims Act (K.S.A. § 75-6101 et seq. 1990 Supp.) and any amendatory thereof or supplemental thereto.

1-824. Source of Funds. Any moneys received by the City from any source whatsoever which may be lawfully utilized for such purpose may be deposited to the fund established by this ordinance.

1-825. Limitation on Fund. The fund established by this ordinance shall not be subject to the provisions of K.S.A. §§ 79-2925 to 79-2937, inclusive and any acts amendatory thereof or supplemental thereto, except that in making the budget of the City, the amounts credited to and the amount on hand in such special fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of such municipality.

1-826. Levy Authorized. Whenever the Governing Body of the City shall determine that moneys from other sources will be insufficient to pay costs incurred by the City for any costs resulting from the implementation of the Tort Claims Act the Governing Body may levy an annual tax upon all taxable tangible property within the municipality in an amount determined by the Governing Body to be necessary for such purpose.

Section 2. Take Effect. This ordinance shall take effect from and after publication in the Official City Newspaper.

Passed by the Council the 20 day of May, 1991.

Approved by the Mayor the 20 day of May, 1991.

(S E A L)

Attest:

Marcia Rinehart — Mayor

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

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

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

6/4/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
6/4/91

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.23

Ord. No. 1226

ORD. 1226

First published in The Legal Record, Tuesday, June 4, 1991.

ORDINANCE NO. 1226

AN ORDINANCE ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described permanent easement, to wit:

From Mallbrook Farm Associates, L.P.: A strip of land 10.00 feet in width through part of Lot 8, Block 4, "Mallbrook Farms, First Plat", lying 5.00 feet on each side of the following described centerline: Commencing at the southwest corner of said Lot 8; thence North 0°-26'-04" West, along the West line of said Lot 8, a distance of 9.04 feet to the point of beginning of the centerline herein described; thence North 87°-44'-26" East along a line that is 5.00 feet North of and parallel to the South line of said Lot 8, as measured at right angles thereto, a distance of 117.80 feet; thence North 44°-31'-16" East, a distance of 58.45 feet to a point on the Easterly line of said Lot 8 that is 45.05 feet North of the Southeast corner of said Lot 8, as measured along said Easterly line, said point being the point of termination of said centerline.

The outer limits of said easement are to be lengthened or shortened, as necessary, to terminate on the East and West lines of said Lot 8.

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

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

Passed by the Council the 3rd day of June, 1991.

Approved by the Mayor the 3rd day of June, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

R.S. Wetzler
City Attorney

ORDINANCE NO. 1224

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 118TH AND NORWOOD (HALLBROOK, 4TH PLAT) FROM AG (AGRICULTURAL) AND RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL) TO REC (PLANNED RECREATION), AND FROM REC TO RP-1; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

18-2102. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

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 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 259.75 FEET TO A POINT ON THE NORTHERLY LINE OF "HALLBROOK FARMS, FIRST PLAT", A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE; THENCE EASTERLY AND NORTHERLY ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING BEARINGS AND DISTANCES: NORTH 87°-14'-51" EAST, A DISTANCE OF 260.85 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 DEPARTING FROM SAID "HALLBROOK FARMS, FIRST PLAT", 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 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 29°-22'-27" WEST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 67°-03'-31" WEST, A DISTANCE OF 319.35 FEET; THENCE SOUTH 55°-20'-48" WEST, A DISTANCE OF 430.08 FEET; THENCE SOUTH 14°-05'-00" WEST, A DISTANCE OF 213.95 FEET; THENCE SOUTH 39°-09'-20" EAST, A DISTANCE OF 484.87 FEET TO A POINT ON THE NORTHERLY LINE OF "HALLBROOK FARMS, SECOND PLAT", A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE; THENCE NORTHERLY, SOUTHERLY AND WESTERLY ALONG THE NORTHERLY, EASTERLY, AND SOUTHERLY LINES OF SAID SUBDIVISION, THE FOLLOWING BEARINGS AND DISTANCES: NORTH 48°-29'-26" EAST, A DISTANCE OF 193.22 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 "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN THE CITIES OF LEAWOOD AND OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE SOUTH 33°-46'-16" WEST, A DISTANCE OF 156.10 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 560.50 FEET; THENCE NORTH 88°-33'-07" EAST, A DISTANCE OF 356.69 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 55°-01'-58" WEST, A DISTANCE OF 129.16 FEET; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 111.13 FEET; THENCE NORTH 14°-54'-10" EAST, A DISTANCE OF 641.58 FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 716.00 FEET; THENCE NORTH 65°-50'-19" EAST, A DISTANCE OF 196.84 FEET; THENCE NORTH 71°-39'-39" EAST, A DISTANCE OF 120.98 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 333.69 FEET; THENCE SOUTH 15°-56'-43" WEST, A DISTANCE OF 282.70 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, TO THE TRUE POINT OF BEGINNING. CONTAINING A NET AREA OF 170.157 ACRES, MORE OR LESS.

now zoned AG and RP-1, is hereby rezoned to REC.

18-1416. Section 2. Rezoning of Property. That the real estate hereinafter described, to wit:

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 560.50 FEET; THENCE NORTH 88°-33'-07" EAST, A DISTANCE OF 356.69 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 55°-01'-58" WEST, A DISTANCE OF 129.16 FEET; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 111.13 FEET; THENCE NORTH 14°-54'-10" EAST, A DISTANCE OF 641.58 FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 716.00 FEET;

THENCE NORTH 65°-50'-19" EAST, A DISTANCE OF 196.84 FEET;
THENCE NORTH 71°-39'-39" EAST, A DISTANCE OF 120.98 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 333.69 FEET;
THENCE SOUTH 15°-56'-43" WEST, A DISTANCE OF 282.70 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, TO THE TRUE POINT OF BEGINNING. CONTAINING 36.872 ACRES, MORE OR LESS.

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

Section 3. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 4. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 20th day of May, 1991.

Approved by the Mayor the 20th day of May, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

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

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

5/21/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/21/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $59.28

Ord. 1224

...210, 16-211, 16-212, 16-213, and 16-214 are hereby repealed.

SECTION FOUR: This Ordinance shall take effect and be enforced from and after its passage and publication in the official City paper.

ADOPTED by the Governing Body this 1st day of January 1991.

SIGNED by the Mayor this 1st day of January 1991.

Rich Becker, Mayor

ATTEST:

Melissa Howell, City Clerk/Finance Director

APPROVED AS TO FORM:

Michael P. Howe, City Attorney

CITY OF LEAWOOD, KANSAS CORPORATE SEAL

ORD. 1224

[illegible]ed in The Legal Record, Tuesday, May 21, 1991.

ORDINANCE NO. 1224

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 118TH AND NORWOOD (HALLBROOK, 4TH PLAT) FROM AG (AGRICULTURAL) AND RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL) TO REC (PLANNED RECREATION), AND FROM REC TO RP-1; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

DESCRIPTION: 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 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°-32'-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 259.75 FEET TO A POINT ON THE NORTHERLY LINE OF "HALLBROOK FARMS, FIRST PLAT", A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE; THENCE EASTERLY AND NORTHERLY ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING BEARINGS AND DISTANCES: NORTH 87°-14'-51" EAST, A DISTANCE OF 260.85 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 5°-10'-18" EAST, A DISTANCE OF 10[illegible].41 FEET; THENCE SOUTH 60°-25'-20" EAST, A DISTANCE OF 254.53 FEET; THENCE NORTH 43°-59'-10" EAST, A DISTANCE OF 799.16 FEET; THENCE NORTH 40°-36'-05" EAST, A DISTANCE OF 136.29 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 DEPARTING FROM SAID "HALLBROOK FARMS, FIRST PLAT", SOUTH 46°-18'-07" EAST, A DISTANCE OF 139.42 FEET; THENCE NORTH 77°-28'-16" EAST, A DISTANCE OF 218.57 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 390.50 FEET; THENCE NORTH 58°-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 29°-22'-27" WEST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 67°-03'-31" WEST, A DISTANCE OF 319.35 FEET; THENCE SOUTH 55°-20'-48" WEST, A DISTANCE OF 430.08 FEET; THENCE SOUTH 14°-05'-00" WEST, A DISTANCE OF 213.95 FEET; THENCE SOUTH 39°-09'-20" EAST, A DISTANCE OF 484.87 FEET TO A POINT ON THE NORTHERLY LINE OF "HALLBROOK FARMS, SECOND PLAT", A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE; THENCE NORTHERLY, SOUTHERLY AND WESTERLY ALONG THE NORTHERLY, EASTERLY, AND SOUTHERLY LINES OF SAID SUBDIVISION, THE FOLLOWING BEARINGS AND DISTANCES: NORTH 48°-29'-26" EAST, A DISTANCE OF 193.22 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 595.12 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 452.29 FEET; THENCE NORTH 57°-36'-10" WEST, A DISTANCE OF 451.46 FEET; THENCE NORTH 62°-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 "LEAWOOD GREENWAY AND PARKS", A SUBDIVISION OF LAND IN THE CITIES OF LEAWOOD AND OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE SOUTH 33°-46'-16" WEST, A DISTANCE OF 156.10 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 560.50 FEET; THENCE NORTH 88°-33'-07" EAST, A DISTANCE OF 356.89 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 55°-01'-58" WEST, A DISTANCE OF 129.16 FEET; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 111.13 FEET; THENCE NORTH 14°-54'-10" EAST, A DISTANCE OF 641.58 FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 716.00 FEET; THENCE NORTH 65°-50'-19" EAST, A DISTANCE OF 196.84 FEET; THENCE NORTH 71°-39'-39" EAST, A DISTANCE OF 120.98 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 333.69 FEET; THENCE SOUTH 15°-56'-43" WEST, A DISTANCE OF 282.70 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 51°-28'-09" WEST, A DISTANCE OF 101.12 FEET, TO THE TRUE POINT OF BEGINNING. CONTAINING A NET AREA OF 170.157 ACRES, MORE OR LESS.

now zoned AG and RP-1, is hereby rezoned to REC.

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

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 560.50 FEET; THENCE NORTH 88°-33'-07" EAST, A DISTANCE OF 356.89 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 55°-01'-58" WEST, A DISTANCE OF 129.16 FEET; THENCE NORTH 3°-00'-46" EAST, A DISTANCE OF 111.13 FEET; THENCE NORTH 14°-54'-10" EAST, A DISTANCE OF 641.58 FEET; THENCE NORTH 15°-04'-17" WEST, A DISTANCE OF 716.00 FEET; THENCE NORTH 65°-50'-19" EAST, A DISTANCE OF 196.84 FEET; THENCE NORTH 71°-39'-39" EAST, A DISTANCE OF 120.98 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 333.69 FEET; THENCE SOUTH 15°-56'-43" WEST, A DISTANCE OF 282.70 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 51°-28'-09" WEST, A DISTANCE OF 101.12 FEET, TO THE TRUE POINT OF BEGINNING. CONTAINING 36.872 ACRES, MORE OR LESS.

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

Section 3. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 4. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 20th day of May, 1991.

Approved by the Mayor the 20th day of May, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
(K.S. Wetzler) City Attorney