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<td>1548</td>
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<td>AN ORD. REZONING PROPERTY (VILLAS OF LEAWOOD) AT APPROX. 138TH &amp; KENNETH RD. FROM RP-3 TO RP-4</td>
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<td>AN ORD. ADOPTING AN AMENDMENT TO THE 1993 MASTER DEVELOPMENT PLAN MAP - redesignating 23.7 acres at 138th &amp; Kenneth Rd., Villas of Leawood, from Medium Density Residential-Single Family Detached to Medium Density Residential-Single Family Attached</td>
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<td>1550</td>
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<td>N/A</td>
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<td>1555</td>
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<td>1556</td>
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<td>2/5/96</td>
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<td>N/A</td>
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<td>N/A</td>
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<td>1546</td>
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<td>9/12/95</td>
<td>N/A</td>
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<tr>
<td>1527</td>
<td>10/2/95</td>
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<td>AN ORD. AUTHORIZING THE IMPROVEMENT OF THE MUNICIPAL POOL COMPLEX AT LEAWOOD PARK, 10601 LEE BLVD.</td>
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<td>AN ORD. EXCLUDING LAND FROM THE CITY - vicinity of 153rd &amp; Mission - Hills of Iron Horse subdivision (eff. 12:01 a.m. 8/31/95)</td>
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<td>AN ORD. ACCEPTING A ROADWAY EASEMENT AND PERMANENT DRAINAGE EASEMENT FROM JULIUS D. SPEARS FOR THE CONSTRUCTION OF 115TH STREET BETWEEN ROE AVE. AND TOMAHAWK CREEK PARKWAY</td>
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<td>N/A</td>
<td>AN ORD. GRANTING A PERMANENT SEWER EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT - required for relocation of/extension for College Blvd. improvements, Phase 2</td>
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<td>1517 C</td>
<td>8/21/95</td>
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<td>AN ORD. ADOPTING THE 1995 EDITION OF THE &quot;STANDARD TRAFFIC ORDINANCE&quot;</td>
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<td>1488</td>
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<td>N/A</td>
<td>AN ORD. AUTHORIZING THE IMPROVEMENT OF COLLEGE BOULEVARD, PHASE 1, STATE LINE ROAD TO EAST BANK OF TOMAHAWK CREEK</td>
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<td>6/6/95</td>
<td>N/A</td>
<td>AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 140-95-21; 83RD STREET; $300,000</td>
</tr>
<tr>
<td>1499</td>
<td>6/5/95</td>
<td>6/6/95</td>
<td>N/A</td>
<td>AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 142-95-22; BELL DRIVE &amp; IRONHORSE DRIVE; $500,000</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 1557

AN ORDINANCE ACCEPTING A DEED FOR LAND FOR EASE IN MAINTAINING STORM DRAINAGE IN THE AREA OF CITY HALL.

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 described as follows:

From L & A Development Company: Lots 39B and 40B, CERTIFICATE OF SURVEY OF LOTS 39 & 40, EDGECOOD, FILED IN BOOK 4717 AT PAGE 881, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

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

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

Passed by the Council the 5th day of February, 1996.

Approved by the Mayor the 5th day of February, 1996.

(S E A L) 

Attest:

Martha Heizer 
City Clerk

APPROVED FOR FORM:

R.G. Wetzler 
City Attorney
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwen, 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 uninterruptedly 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:

ORDINANCE NO. 1557--2/6/96

__________________________
Tammy Schwen
Legal Notices Administrator

Subscribed and sworn to before me on this date:
February 7, 1996

__________________________
DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

$14.00
ORDINANCE NO. 1557
First published in The Legal Record, Tuesday, February 6, 1996.

ORDINANCE NO. 1557
AN ORDINANCE ACCEPTING A DEED FOR LAND FOR EASE IN MAINTAINING STORM DRAINAGE IN THE AREA OF CITY HALL.

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 described as follows:

From L & A Development Company: Lots 39B and 40B, CERTIFICATE OF SURVEY OF LOTS 39 & 40, EDGECOM, FILED IN BOOK 4717 AT PAGE 181, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

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

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

Passed by the Council the 6th day of February, 1996.
Approved by the Mayor the 6th day of February, 1996.

(SEAL)
Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM: /s/ R.S. Wetler
R.S. Wetler
City Attorney
ORDINANCE NO. 1556

OF THE

CITY OF LEAWOOD, KANSAS

Adopted: January 15, 1996
AN ORDINANCE AUTHORIZING AMENDMENT OF THE BASE LEASE AGREEMENT BETWEEN THE CITY AND THE LEAWOOD PUBLIC BUILDING COMMISSION; AUTHORIZING A LEASE AGREEMENT BETWEEN THE COMMISSION AND THE CITY; APPROVING THE FORM AND TERMS OF THE COMMISSION'S PUBLIC BUILDING REFUNDING REVENUE BONDS, SERIES 1996 (THE LEAWOOD CITY HALL PROJECT); AND EXPRESSING ITS INTENT TO APPROPRIATE FUNDS 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 the Leawood Public Building Commission pursuant to the provisions of and for the purposes provided in 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 Commission has issued its Public Building Revenue Bonds, Series 1992 (The Leawood City Hall Project), dated March 1, 1992, in the original principal amount of $4,450,000 (the "Series 1992 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 in connection therewith the City has leased the real property described on Exhibit A hereto (the "Project Site") to the Commission pursuant to the Base Lease Agreement dated as of March 1, 1992 (the "Original Base Lease"), and the Commission and the City have entered into a Lease Agreement (the "Original Lease") with respect to the Project financed with the proceeds of the Series 1992 Bonds; and

WHEREAS, the City desires to refinance the Project and has proposed that the Commission pay, redeem and retire and thereby refund the outstanding Series 1992 Bonds, and to provide funds to accomplish the same that the Commission issue, sell and deliver $4,300,000 principal amount of its Public Building Refunding Revenue Bonds, Series 1996 (The Leawood City Hall Project) (the "Series 1996 Bonds"), and that the City and the Commission enter into an amendment to the Original Base Lease, terminate the Original Lease and enter into a new Lease Agreement as herein provided (the "Agreement") for such purposes;

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 Series 1996 Bonds, the City of Leawood, Kansas is hereby authorized to execute and enter into a First
Amendment to Base Lease Agreement dated as of February 1, 1996 (the "First Base Lease Amendment") amending the Original Lease pursuant to which the City has leased the Project Site to the Commission in substantially the form attached hereto as Exhibit B. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectfully, the First Base Lease Amendment 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 in consideration of the termination of the Original Lease, the City is further authorized to lease from the Commission the Project Site and the Project pursuant to the Lease Agreement in the form attached to this Ordinance and marked Exhibit C. 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 City hereby elects to cause the Refunded Series 1992 Bonds maturing September 1, 2003 and thereafter to be redeemed on September 1, 2002.

That the form of Escrow Agreement attached hereto as Exhibit E is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Escrow Agreement for an on behalf 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 5. That the sale of the Bonds by the Commission to George K. Baum & Company upon the terms set forth in and pursuant to the Bond Purchase Agreement attached hereto as Exhibit F is hereby approved.

The Preliminary Official Statement dated as of January 2, 1996 in the form attached hereto as Exhibit G 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.

Section 6. That the City intends 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 Series 1996 Bonds 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.

Section 7. 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 15th day of January, 1996.

ATTEST:

City Clerk

Form approved 1/15/96, 1996

City Attorney

Mayor
EXHIBIT A

PROJECT SITE

TO INDENTURE OF TRUST AND SECURITY AGREEMENT FROM THE LEAWOOD PUBLIC BUILDING COMMISSION TO SECURITY BANK OF KANSAS CITY, AS TRUSTEE, AND TO THE BASE LEASE AGREEMENT AND THE LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION OF THE CITY OF LEAWOOD, KANSAS AND THE CITY OF LEAWOOD, KANSAS

I. (a) The following described real property together with all buildings and improvements to be acquired, constructed and installed thereon constitutes the Project:

Lot 1, Leawood Town Center, a subdivision of the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof.

Subject to (i) easements, conditions, restrictions, covenants, agreements and reservations now of record, (ii) the rights of the public in and to any part of the premises lying or being in public roads, alleys or highways, and (iii) taxes and assessments, general and special, not now due or payable;

(b) And all equipment and furnishings installed and located thereon pursuant to the Lease Agreement dated March 1, 1992, by and between the Leawood Public Building Commission and the City of Leawood, Kansas.
EXHIBITS TO ORDINANCE

EXHIBIT A - Project Site
EXHIBIT B - First Amendment to Base Lease Agreement
EXHIBIT C - Agreement
EXHIBIT D - Indenture of Trust and Security Agreement
EXHIBIT E - Escrow Agreement
EXHIBIT F - Bond Purchase Agreement
EXHIBIT G - Preliminary Official Statement

EXHIBITS ARE ON FILE IN CITY CLERK'S OFFICE.
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterruptedly 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 was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for _____ consecutive week(s), as follows:

ORDINANCE NO. 1556--1/16/96

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
January 17, 1996

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.
ORDINANCE NO. 1556

First published in The Legal Record, Tuesday, January 16, 1996.

Published in The Legal Record January 16, 1996.

ORDINANCE NO. 1556

AN ORDINANCE AUTHORIZING AMENDMENT OF THE BASE LEASE AGREEMENT BETWEEN THE CITY AND THE LEAWOOD PUBLIC BUILDING COMMISSION; AUTHORIZING A LEASE AGREEMENT BETWEEN THE COMMISSION AND THE CITY; APPROVING THE FORM AND TERMS OF THE COMMISSION'S PUBLIC BUILDING REFINANCING REVENUE BONDS, SERIES 1996 (THE LEAWOOD CITY HALL PROJECT); AND EXPRESSING ITS INTENT TO APPROPRIATE FUNDS 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 the Leawood Public Building Commission pursuant to the provisions of and for the purposes provided in K.S.A. 12-1575 to 12-1578, both inclusive, and amendments thereto (the "Act"), and Ordinance No. 1049C of the City;

WHEREAS, the Commission has issued its Public Building Revenue Bonds, Series 1992 (The Leawood City Hall Project), dated March 1, 1992, in the original principal amount of $4,450,000 (the "Series 1992 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 in connection therewith the City has leased the real property described on Exhibit A hereto (the "Project Site") to the Commission pursuant to the Base Lease Agreement dated as of March 1, 1992 (the "Original Base Lease"), and the Commission and the City have entered into a Lease Agreement (the "Original Lease") with respect to the proceeds of the Series 1992 Bonds; and

WHEREAS, the City desires to refinance the Project and has proposed that the Commission pay, redeem and retire and thereby refund the outstanding Series 1992 Bonds, and to provide funds to accomplish the same that the Commission issue, sell and deliver $4,300,000 principal amount of its Public Building Refunding Revenue Bonds, Series 1996 (The Leawood City Hall Project) (the "Series 1996 Bonds"), and that the City and the Commission enter into an amendment to the Original Lease, terminate the Original Lease and enter into a new Lease Agreement as herein provided (the "Agreement") for such purposes.

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 Series 1996 Bonds, the City of Leawood, Kansas is hereby authorized to execute and enter into a First Amendment to Base Lease Agreement dated as of February 1, 1996 (the "First Base Lease Amendment") amending the Original Lease pursuant to which the City has leased the Project Site to the Commission in substantially the form attached hereto as Exhibit B. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the First Base Lease Amendment 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 in consideration of the termination of the Original Lease, the City is further authorized to lease from the Commission the Project Site and the Project pursuant to the Lease Agreement in the form attached to this Ordinance and marked Exhibit C. 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 City hereby elects to cause the Refunded Series 1992 Bonds maturing September 1, 2003 and thereafter to be redeemed on September 1, 2002.

That the form of Escrow Agreement attached hereto as Exhibit E is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Escrow 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 5. That the sale of the Bonds by the Commission to George K. Baun & Company upon the terms set forth in and pursuant to the Bond Purchase Agreement attached hereto as Exhibit F is hereby approved.

The Preliminary Official Statement dated as of January 2, 1996 in the form attached hereto as Exhibit G 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 6. That the City intends 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 Series 1996 Bonds 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 reserves and appeals in the event such portions of the budget or supplemental appropriation are not approved.

Section 7. 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 15th day of January, 1996.

SIGNED by the Mayor this 15th day of January, 1996.

ATTEST:

City Clerk

Form approved January 15, 1996

City Attorney

EXHIBIT A

PROJECT SITE

TO INDENTURE OF TRUST AND SECURITY AGREEMENT FROM THE LEAWOOD PUBLIC BUILDING COMMISSION TO SECURITY BANK OF KANSAS CITY, AS TRUSTEE, AND TO THE BASE LEASE AGREEMENT AND THE LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION OF THE CITY OF LEAWOOD, KANSAS AND THE CITY OF LEAWOOD, KANSAS

I. (a) The following described real property together with all buildings and improvements to be acquired, constructed and installed thereon constitutes the Project:

Lot 1, Leawood Town Center, a subdivision of the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof.

Subject to (i) easements, conditions, restrictions, covenants, agreements and reservations now of record, (ii) the rights of the public in and to any part of the premises lying or being in public roads, alleys or highways, and (iii) taxes and assessments, general and special, now due or payable;

(b) And all equipment and furnishings installed and located thereon pursuant to the Lease Agreement dated March 1, 1992, and by and between the Leawood Public Building Commission and the City of Leawood, Kansas.

EXHIBITS TO ORDINANCE

EXHIBIT A - Project Site

EXHIBIT B - First Amendment to Base Lease Agreement

EXHIBIT C - Agreement

EXHIBIT D - Indenture of Trust and Security Agreement

EXHIBIT E - Escrow Agreement

EXHIBIT F - Bond Purchase Agreement

EXHIBIT G - Preliminary Official Statement
ORDINANCE NO. 1555

AN ORDINANCE GRANTING STORM SEWER EASEMENTS TO THE CITY OF OVERLAND PARK, KANSAS, IN THE AREA OF THE VINTAGE APARTMENTS AT APPROXIMATELY 121ST AND ROE AVENUE IN OVERLAND PARK.

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

Section 1. That the City of Leawood, Kansas, does hereby grant 2 storm sewer easements to the City of Overland Park, Kansas, more particularly described as follows, to wit:

A tract of land 50 feet in width across a part of Tract "E", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the Cities of Leawood and Overland Park, Johnson County, Kansas, lying 25 feet on each side of the following described centerline: Commencing at the most Northerly Northwest corner of said Tract "E"; thence S 2° 07'32" E, along the Westerly line of said Tract "E", a distance of 547.85 feet, to the true point of beginning of subject tract; thence N 87°05' 11" E, a distance of 219.84 feet; thence N 54°09'30" E, a distance of 66.91 feet, to point "A", of which a tract of land 15 feet in width, lying 7.50 feet on each side of the above described centerline, shall be a permanent easement and the remainder shall be a temporary construction easement...and also...a tract of land 50 feet in width across a part of said Tract "E", lying 25 feet on each side of the following described centerline: Beginning at said point "A"; thence N 54°09'30" E, a distance of 25 feet, which shall be a temporary construction easement.

AND

A tract of land 50 feet in width across a part of Tract "E", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the Cities of Leawood and Overland Park, Johnson County, Kansas, lying 25 feet on each side of the following described centerline: Commencing at the most Westerly Northwest corner of said Tract "E"; thence N 87° 52'28" E, along the Northerly line of said Tract "E", a distance of 32.46 feet, to the true point of beginning of subject tract; thence S 1°53'50" W, a distance of 205.51 feet; thence S 24°36'10" E, a distance of 98.47 feet, to point "A", of which a tract of land 15 feet in width lying 7.50 feet on each side of the above described centerline shall be a permanent easement and the remainder shall be a temporary construction easement... and also...a tract of land 50 feet in width across a part of said Tract "E", lying 25 feet on each side of
ORDINANCE NO. 1555

the following described centerline: Beginning at said point "A"; thence S 24°36'10" E, a distance of 25 feet, which shall be a temporary construction easement.

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 18th day of December, 1995.
Approved by the Mayor the 18th day of December, 1995.

(S E A L)

Marqia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney
ORDINANCE NO. 1555
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1555

AN ORDINANCE GRANTING STORM SEWER EASEMENTS TO THE CITY OF
OVERLAND PARK, KANSAS, IN THE AREA OF THE VINTAGE APARTMENTS
AT APPROXIMATELY 121ST, AND ROE AVENUE IN OVERLAND PARK.

BE IT ORDAINED by the Governing Body of the City of Leawood:

Section 1. That the City of Leawood, Kansas, does
hereby grant 2 storm sewer easements to the City of
Overland Park, Kansas, more particularly described as follows, to wit:

A tract of land 50 feet in width across a part of Tract
"E" LEAWOOD GREENWAY AND PARKS, a subdivision of land
now in the Cities of Leawood and Overland Park, Johnson
County, Kansas, lying 25 feet on each side of the fol-
dowing described centerline: Commencing at the most
Westerly Northwest corner of said Tract "E", thence S 49°
57' 03" E, along the Westerly line of said Tract "E", a
distance of 547.85 feet, to the true point of beginning
of subject tract; thence N 87° 09' 11" W, a distance of
159.84 feet; thence N 54° 09' 10" E, a distance of
66.91 feet, to point "A", of which a tract of land 15 feet in
width, lying 7.80 feet on each side of the above des-
dcribed centerline, shall be a permanent easement and
the remainder shall be a temporary construction eas-
ement...and also...a tract of land 50 feet in width
across a part of said Tract "E", lying 25 feet on each
side of the following described centerline: Beginning
at said point "A"; thence N 54° 09' 10" E, a distance of
25 feet, which shall be a temporary construction eas-
ement.

AND

A tract of land 50 feet in width across a part of Tract
"E", LEAWOOD GREENWAY AND PARKS, a subdivision of land
now in the Cities of Leawood and Overland Park, Johnson
County, Kansas, lying 25 feet on each side of the fol-
dowing described centerline Commencing at the most
Westerly Northwest corner of said Tract "E", thence N 87°
57' 03" E, along the Leawood and Overland Park, Johnson
County, Kansas, thence S 24' 36" 10" E, a distance of
99.47 feet to point "A", of which a tract of land 15 feet in
width, lying 7.50 feet on each side of the above des-
dcribed centerline shall be a permanent easement and the
remainder shall be a temporary construction easement...and
also...a tract of land 50 feet in width across a part of said Tract "E", lying 25 feet on each side of the
following described centerline: Beginning at said
point "A"; thence S 24° 36' 10" E, a distance of 25 feet,
which shall be a temporary construction easement.

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
county.

Passed by the Council the 15th day of December, 1995.

Approved by the Mayor the 15th day of December, 1995.

[Signature]
Maria Kimbrough
Mayor

Attest:

[Signature]
Martha Heizer
City Clerk

APPROVED FOR FORM: [Signature]
R.S. Metcalf
City Attorney

Proof of Publication
STATE OF KANSAS, JOHNSON COUNTY, SS:
Tammy Schwien, of lawful age, being first duly sworn, deposes
and says that she is Legal Notices Administrator of The Legal
Record which is a newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterruptedly 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by

the following case number, if any) for [ ] consecutive
week(s), as follows:

ORDINANCE NO. 1555--12/19/95

[Signature]
Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
December 20, 1995

[Signature]
Debra Dziadura
Notary Public

My appointment expires: August 21, 1999.
ORDINANCE NO. 15

AN ORDINANCE GRANTING RIGHTS-OF-WAY TO LATERAL SEWER DISTRICT NO. 13, TOMAHAWK CREEK SEWER SUB-DISTRICT NO. 3, IN THE AREA OF THE VINTAGE APARTMENTS AT APPROXIMATELY 121ST AND ROE AVENUE IN OVERLAND PARK.

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

Section 1. That the City of Leawood, Kansas, does hereby grant 2 rights-of-way to Lateral Sewer District No. 13, Tomahawk Creek Sewer Sub-District No. 3, more particularly described as follows, to wit:

A tract of land 50 feet in width across a part of Tract "D", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the City of Leawood, Johnson County, Kansas, lying 25 feet on each side of the following described centerline: Commencing at the most Westerly, Northwest corner of said Tract "D"; thence S 10° 11'05" E, along the Westerly line of said Tract "D", a distance of 171.53 feet, to the true point of beginning of subject tract; thence N 55° 01'33" E, a distance of 13.63 feet, to point "A", of which a tract of land 10 feet in width, lying 5 feet on each side of the above described centerline, shall be a permanent easement and the remainder shall be a temporary construction easement... and also... a tract of land 50 feet in width, across a part of said Tract "D", lying 25 feet on each side of the following centerline: Beginning at said point "A"; thence N 55° 01'33" E, a distance of 25 feet, which shall be a temporary construction easement.

AND

A tract of land 50 feet in width across a part of Tract "E", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the City of Leawood, Johnson County, Kansas, lying 25 feet on each side of the following described centerline: Commencing at the Southwest corner of said Tract "E"; thence N 2° 07'32" W, along the West line of said Tract "E", a distance of 347 feet, to the Northwest corner thereof; thence N 87° 52'28" E, along the North line of said Tract "E", a distance of 17.43 feet, to the true point of beginning of subject tract; thence S 1° 53'50" W, a distance of 207.99 feet; thence S 19° 07'49" E, a distance of 74.69 feet, to point "A", of which a tract of land 10 feet in width, lying 5 feet on each side of the above described centerline shall be a permanent easement and the remainder shall be a temporary construction easement... and also... a tract of land 50
feet in width across a part of said Tract "E", lying 25 feet on each side of the following described centerline: Beginning at said point "A"; thence S 19° 07' 49" E, a distance of 25 feet, which shall be a temporary construction easement.

Section 2. That copies of said right-of-way grants 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 18th day of December, 1995.

Approved by the Mayor the 18th day of December, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Metzler
City Attorney
ORDINANCE NO. 1554
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1554

AN ORDINANCE GRANTING RIGHTS-OF-WAY TO LATERAL SEWER DISTRICT NO. 13, TOHAWK CREEK SEWER SUB-DISTRICT NO. 3, IN THE AREA OF THE VINTAGE APARTMENTS AT APPROXIMATELY 121ST AND ROE AVENUE IN OVERLAND PARK.

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

Section 1. That the City of Leawood, Kansas, does hereby grant 2 rights-of-way to Lateral Sewer District No. 13, Tohawk Creek Sewer Sub-District No. 3, more particularly described as follows, to wit:

A tract of land 50 feet in width across a part of Tract "C", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the City of Leawood, Johnson County, Kansas, lying 25 feet on each side of the following described centerline: Commencing at the most Westernly Northwest corner of said Tract "C", thence S 10° 17' 05" E, along the Westernly line of said Tract "D", a distance of 171.53 feet, to the true point of beginning of subject tract; thence N 55° 01' 33" E, a distance of 15.62 feet, to point "A", of which a tract of land 10 feet in width, lying 5 feet on each side of the above described centerline, shall be a permanent easement and the remainder shall be a temporary construction easement... and also... a tract of land 50 feet in width, across a part of said Tract "D", lying 25 feet on each side of the following described centerline: Begin at said point "A", a distance of 25 feet, which shall be a temporary construction easement.

AND

A tract of land 50 feet in width across a part of Tract "E", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the City of Leawood, Johnson County, Kansas, lying 25 feet on each side of the following described centerline: Commencing at the Southeast corner of said Tract "E", thence N 2° 07' 12" W, along the West line of said Tract "E", a distance of 347 feet, to the Northwest corner thereof; thence W 87° 52' 23" S, along the North line of said Tract "E", a distance of 174.42 feet, to the true point of beginning of subject tract; thence S 93° 50' W, a distance of 267.99 feet; thence S 19° 07' 49" E, a distance of 74.69 feet, to point "A", a tract of land 10 feet in width, lying 5 feet on each side of the above described centerline shall be a permanent easement and the remainder shall be a temporary construction easement... and also... a tract of land 50 feet in width across a part of said Tract "E", lying 25 feet on each side of the following described centerline: Beginning at said point "A", thence S 19° 07' 49" E, a distance of 25 feet, which shall be a temporary construction easement.

Section 2. That copies of said right-of-way grants 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 14th day of December, 1995.
Approved by the Mayor the 13th day of December, 1995.

(S E A L)

Martha Heizer
Mayor

Attest:

R.S. Mezler
City Clerk

APPROVED FOR FORM:

R.S. Mezler
City Attorney
ORDINANCE NO. 1553


WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1238, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue; signalization of various intersections (as hereinbefore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocations of various streets (as hereinbefore outlined); and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street (the "Project") at an estimated cost of $4,100,000; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur additional costs payable within the next 6 months in the amount of $1,000,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated
City of Leawood, Kansas, Temporary Notes, Project 146 (Town Center Plaza), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated January 2, 1996, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the
Project, and to the extent said special assessments shall not be so collected, the
Governing Body shall levy and collect a tax upon all taxable tangible property
within the territorial limits of the City in an amount sufficient to pay the
principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form
as provided by law, shall be signed by the Mayor and attested by the City Clerk of
the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City
are hereby authorized and directed to prepare and execute the Notes herein
authorized in the form and substance hereinbefore described and as provided by law
and to procure the proper registration in the office of the City Clerk and in the
office of the Treasurer of the State of Kansas, and when so executed and
registered, said Notes shall be countersigned by the City Clerk and delivered to
Bank IV, the original purchaser thereof, upon payment of the purchase price
therefor which shall not be less than 100.029% of the principal amount thereof
plus accrued interest to the date of delivery thereof to the original purchaser
thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said
Notes shall be deposited with the City Treasurer in a special fund created for the
purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it
will comply with each and every provision of Section 103 and Sections 141 through
150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may
become applicable to the Notes, necessary to maintain the exclusion from gross
income for federal income tax purposes of the interest on the Notes, including but
not limited to any provisions requiring the rebate of earnings on amounts held in
funds or accounts created with respect to the Notes and (2) it will not use or
permit the use of any of the proceeds of the Notes or other funds of the City nor
take or permit any other action, or fail to take any action, if any such action or
failure to act would adversely affect the exclusion from gross income for federal
income tax purposes of the interest on the Notes; provided, however, the foregoing
provision in (1) above shall be and become null and void if and to the extent that
the City shall receive an opinion from nationally recognized bond counsel
which concludes that compliance with the foregoing covenant and the provisions of
the Code as provided in this section shall not be required to maintain and
continue the tax-exempt status of the interest income on the Notes.

Section Eight. Further Authority. The duly elected and appointed officers
of the City, including the Mayor, the City Clerk and the Finance Director, are
hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Nine. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 18th day of December, 1995.

APPROVED by the Mayor the 18th day of December, 1995.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

R. E. Wetzel, City Attorney

WII-tnnmo146
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes
and says that she is Legal Notices Administrator of The Legal
Record which is a newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterrupted in said County and State for a
period of more than five (5) years prior to the first publication
of the notice attached, and has been admitted at the post office
as second class matter.
That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:
ORDINANCE NO. 1553--12/19/95

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
December 20, 1995

DEBRA DZIADURA
Notary Public

My appointment expires: August 21, 1999.
ORDINANCE NO. 1553
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1553

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEM-
PORARY NOTES, PROJECT 146 (TOWN CENTER DRIVE), OF THE CITY OF LAWDOCK, KANSAS, IN
THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST
OF CONSTRUCTION OF 111TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO
HALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF 111TH STREET AND HALL STREET,
111TH STREET AND LANDMARKS, TOWN CENTER DRIVE AND BOX AVENUE, TOWN CENTER DRIVE AND HALL
AVENUE AND 111TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, MURAL OF
OVERHEAD POWER LINES, THE MUNICIPAL AND UTILITY RELOCATIONS OF HALL AVENUE, 111TH
STREET, BOX, AND TOWN CENTER DRIVE FROM BOX TO 111TH STREET, THE WIDENING OF TOWN
CENTER DRIVE FROM 111TH STREET TO HALL AVENUE, SIGNALIZATION OF THE INTERSECTION
OF TOWN CENTER DRIVE AND 111TH STREET OR TOWN CENTER DRIVE AND LAWDOCK CITY
HALL/LAWDOCK LIBRARY, AND THE OVERLAY OF 111TH STREET FROM BOX AVENUE TO HALL
AVENUE AND BOX AVENUE FROM TOWN CENTER DRIVE TO 111TH STREET IN THE CITY OF LAWDOCK,

WHEREAS, permanent to K.S.A. 12-6401, et seq., as amended, and Resolution No. 1236, the Governing Body of the City of Lawdock, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of 111th Street from its intersection with Town Center Drive west to Hall Avenue; signalization of various intersections (as heretofore outlined); certain utility main improvements, burial of overhead power lines; widening and utility relocation of various streets (as heretofore outlined); and the overlay of 111th Street from Box Avenue to Hall Avenue and Box Avenue from Town Center Drive to 111th Street (the "Project") at an estimated cost of $1,000,000; and

WHEREAS, the Project has convolved and the City has incurred or expects to incur additional costs payable within the next 6 months in the amount of $1,000,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 12-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

NOW, THEREFORE, AS IT IS ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWDOCK,
KANSAS, AS FOLLOWS:

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Lawdock, Kansas, Temporary Notes, Project 146 (Town Center Drive), in the aggregate principal amount of one million dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of "bearer notes" numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated January 2, 1996, shall mature by its stated terms and become due and payable on July 1, 1996. The Notes shall bear interest from their date paid at the rate of 6.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the holder upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date specified in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Lawdock, Kansas, shall be as and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form, as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinafore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be counterassured by the City Clerk and delivered to the Bank IV, the original purchaser thereof, upon payment of the purchase price thereof which shall not be less than 100.00% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenant. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 160 of the Internal Revenue Code of 1986, as amended (the "Code"); that is to say become applicable to the notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Further Authority. The duly elected and appointed officers

CONTINUED ON PAGE 15
of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Nine. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 18th day of December, 1995.
APPROVED by the Mayor the 18th day of December, 1995.

(SEAL)

Marcia Rinehart
Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler

R.S. Wetzler, City Attorney
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TENDER NOTES, PROJECT No. 140 (83RD STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000 TO PROVIDE TEMORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 83RD STREET, INCLUDING GRAADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAYING, MacADAMIZING, PAVING, MACADAMIZING, CURBING, RECURLING, GUTTERING, REGUTTERING, PAVING, PMACADAMIZING, CURBING, RECURLING, GUTTERING, REGUTTERING, PAVING, PMACADAMIZING, CURBING, RECURLING, GUTTERING, REGUTTERING, PAVING, PMACADAMIZING, CURBING, RECURLING, GUTTERING, REGUTTERING, PAVING
Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated January 2, 1996, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.80% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of
the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.87% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity.
or advisability.

Section Nine. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 18th day of December, 1995.

APPROVED by the Mayor the 18th day of December, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR PRINT:

R. S. Wetzler, City Attorney

WII-tnnmo140
CITY OF LEAWOOD

ATTN: MARTHA HEIZER

4800 TOWN CENTER DR

LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

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

That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for __ consecutive
week(s), as follows:

ORDINANCE NO. 1552--12/19/95

__________________________
Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
December 20, 1995

__________________________
DEBRA Dziadura
Notary Public

My appointment expires: August 21, 1999.
ORDINANCE NO. 1552
First published in The Legal Record, Tuesday, December 19, 1956.

ORDINANCE NO. 1552

"AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 140 (83RD STREET), OF THE CITY OF LEAWOOD, KANSAS. IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT ON REIMPROVEMENT OF 83RD STREET, INCLUDING "GRADING, REGRADING, CURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, REASPHALTING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, LEVEES, VEGETATION CONTROL, ROUNDOVER CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, DRAINAGE, STREET DRAINAGE, TRAFFIC SIGNALIZATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN LINES, DIRECTION LINES OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 17-635, as amended, and ordinance No. 1424, the governing body of the City of Leawood, Kansas (the "City") has heretofore authorized the described improvement project within the City, to wit: "Improvement of 83rd Street beginning at a point on the Kansas/Missouri state line which is the downtown 83rd Street and 131.16 feet on the centerline of State Line Road; thence west along the centerline of 83rd Street to a point on the western city limit, said point being approximately 540.10 feet west of the centerline of Wenona Road (south), within the City of Leawood (the "Project");" at an estimated cost of $3,091,816.00; and
WHEREAS, the Project has commenced and the City has incurred or expects to incur additional costs payable within the next 6 months in the amount of $500,000; and
WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One, Authorization of Notes. That in order to provide funds to pay the costs of the project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 140 (83rd Street), in the aggregate principal amount of five hundred thousand dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated January 2, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at 6% per annum, (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said Bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be counterguaranteed 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 99.9% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be used and applied at the discretion of the Governing Body of the City for the purpose of completing the Project.
Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven: Tax Exemption. The City covenants and agrees that (1) it will comply with each and every provision of sections 103 and 141 through 180 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; (3) it will comply with all rules, regulations, and administrative orders of the Internal Revenue Service; (4) it shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight: Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to prepare all documents and take such actions as they may deem necessary or advisable in order to carry out and perform purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Nine: Effective Date. That this ordinance shall take effect and be in force after its publication as provided by law.

Passed by the Council the 16th day of December, 1995.

APPROVED by the Mayor the 18th day of December, 1995.

[Signature]
Marion Rimbaud, Mayor

ATTEST:
[Signature]
Martha Heiser, City Clerk

APPROVED FOR FILING:
[Signature]
R. S. Whaley, City Attorney

ORDINANCE NO. 1551
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1551

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (35TH STREET [K-110], STATE LINE-HALL AVENUE), OF THE CITY OF LAWRENCE, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PAY TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 35TH STREET (K-110), STATE LINE-HALL AVENUE, INCLUDING GROUND, GRAADING, REGRADING, CURVING, RECURVING, OUTLINING, REGROUTING, PAYING, RESUING, MACADAMIZING, MACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, MOUNDING CURBIES, STRAIGHTLING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THEREOF, VIADUCTS, OVERPASSES, UNDERPASSES, CURVING, STORM DRAINAGE, TRAFFIC SIGNALIZATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, CYCLE WAYS, OR OTHER IMPROVEMENTS ON ANY TWO OR MORE OF SUCH IMPROVEMENTS OR

[Continued on Page 17]
Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"); that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Nine. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 18th day of December, 1995.

APPROVED by the Mayor the 18th day of December, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Marcha Helzer, City Clerk

APPROVED FOR PORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney
ORDINANCE NO. 1551

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-NALL AVENUE, INCLUDING GRADING, REGRADING, CURBLING, RECURBLING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDBING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement and reparation of 135th Street (K-150) located within the City of Leawood (State Line-Nall Avenue) (the "Project") at an estimated cost of $3,959,851; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur additional costs payable within the next 6 months in the amount of $1,000,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of
bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated January 2, 1996, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City
are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 100.029% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Nine. Effective Date. That this Ordinance shall take effect and be
in force after its publication as provided by law.

PASSED by the Council the 18th day of December, 1995.

APPROVED by the Mayor the 18th day of December, 1995.

(S E A L)

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FIRM

K. B. Wetzler, City Attorney

Marcia Rinehart, Mayor

WII-tnnmo124
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

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

That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for consecutive week(s), as follows:

ORDINANCE NO. 1551--12/19/95

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Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

December 20, 1995

DEBRA DZIADURA
Notary Public

My appointment expires: August 21, 1999.
REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-545, et seq., as amended, and Ordinance No. 129, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement and improvement of 135th Street (K-150) located within the City of Leawood (State Line-Hall Avenue) (the "Project") at an estimated cost of $2,959,881; and

WHEREAS: the Project has commenced and the City has incurred or expects to incur additional costs payable within the next 6 months in the amount of $1,000,000; and

WHEREAS: the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One: Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Project 124 (135th Street [K-150], State Line-Hall Avenue), in the aggregate principal amount of One Million Dollars ($1,000,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two: Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated January 2, 1996, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, in the sum of $4.00 per annum, and be payable, either in one lump sum or in installments of the total amount thereof, at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof and provide permanent financing of the Project.

Section Three: Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of general obligation improvement bonds of the City to provide permanent financing of the Project upon the completion thereof. It is further resolved that said bonds shall not be issued and the Notes shall not be paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the

ORDINANCE NO. 1551
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1551
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE INSURANCE AND DELIVERY OF TEMPORARY NOTES, PROJECT 124 (135TH STREET [K-150], STATE LINE-HALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET (K-150), STATE LINE-HALL AVENUE, INCLUDING GRAADING, 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 DRAINS, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR

CONTINUED ON PAGE 17
Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law; shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinafter described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 100.025% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenant. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 1st through 150 of the Internal Revenue Code of 1966, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for Federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for Federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Nine. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

Approved by the Council the 24th day of December, 1974. Amended and re-enacted by the same Council the 28th day of December, 1976.

Nelcie Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED FOR FUND:

/s/ R. S. Wether

R. S. Wether, City Attorney

WITNESSETH

Martha Heizer, City Clerk

APPROVED FOR FUND:

/s/ R. S. Wether

R. S. Wether, City Attorney

WITNESSETH
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 A SECTION OF BELL DRIVE (IMPROVEMENT DISTRICT BELL DRIVE, PROJECT 142).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Construction of 155th Street (Bell Drive) and Ironhorse Drive from Mission Road to the Ironhorse Clubhouse and in Ironhorse Estates; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $1,158,523.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $164,022.82 and such property, within the improvement district abutting the proposed improvement shall be assessed for actual cost based on percentage of area within the benefit district; 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., Thursday, January 18, 1996, 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., Thursday, January 18, 1996, 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 18th day of December, 1995.

Approved by the Mayor this 18th day of December, 1995.

(S E A L)

Martha Heizer
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:
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<td>Area</td>
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<td>100%</td>
<td>$89,421.86</td>
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CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes
and says that she is Legal Notices Administrator of The Legal
Record which is a newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterruptedly 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ____ consecutive
week(s), as follows:
ORDINANCE NO. 1550--12/19/95

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
December 20, 1995

DEBRA DZIADURA
Notary Public

My appointment expires: August 21, 1999.

ORD1550
Publication Fees: $33.05
ORDINANCE NO. 1550
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1550

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 A SECTION OF BELL DRIVE (IMPROVEMENT DISTRICT BELL DRIVE, PROJECT 142).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Construction of 155th Street (Bell Drive) and Ironhorse Drive from Mission Road to the Ironhorse Clubhouse and in Ironhorse Estates; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $1,158,623.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $164,022.82 and such property, within the improvement district abutting the proposed improvement shall be assessed for actual cost based on percentage of area within the benefit district; 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., Thursday, January 18, 1996, 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., Thursday, January 18, 1996, 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 18th day of December, 1995

Approved by the Mayor this 18th day of December, 1995

(S E A L)

Mayor

Attest:

City Clerk

APPROVED FOR FORM: ____________________________

City Attorney
ORDINANCE NO. 1549

AN ORDINANCE ADOPTING AN AMENDMENT TO THE LEAWOOD, KANSAS, 1993 MASTER DEVELOPMENT PLAN MAP.

WHEREAS, the Plan Commission of the City of Leawood has previously adopted the Master Development Plan Map for the City pursuant to the authority granted by Kansas Statutes; and

WHEREAS, a certified copy of the Master Development Plan Map, adopted by the Plan Commission, was adopted by the Governing Body December 21, 1992; and

WHEREAS, pursuant to K.S.A. 12-747, the Master Development Plan Map adopted by the Plan Commission and any current amendments must be adopted by the Governing Body prior to its becoming effective; and

WHEREAS, a certified copy of the Amendment to the 1993 Master Development Plan Map as adopted by the Plan Commission on December 12, 1995, together with written summary of the Public Hearing thereon, have been submitted to the Governing Body;

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

Section 1. That the Governing Body of the City of Leawood, Kansas, hereby adopts Amendment to the 1993 Master Development Plan Map. The adopted amendment to the 1993 Master Development Plan Map modifies the Plan Map by redesignating a tract, approximately 23.7 acres in size, located at 138th and Kenneth, commonly referred to as Villas of Leawood, from Medium Density Residential-Single Family Detached to Medium Density Residential-Single Family Attached.

Section 2. That there is hereby incorporated by reference the above-described amendment to the 1993 Master Development Plan Map, adopted by the Plan Commission of the City of Leawood on December 12, 1995, and adopted by the Governing Body on December 18, 1995, as set forth in Section 1 of this ordinance, such incorporation by reference being authorized by K.S.A. 12-3009 to and including 12-3012. Not less than three (3) copies of this Ordinance, to each of which shall be attached a copy of the Master Development Plan Map, 1993 Amendment, as adopted December 18, 1995, marked as or stamped "Official Copy", shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 3. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.
ORDINANCE NO. 1549

Passed by the Council the 18th day of December, 1995.

Approved by the Mayor the 18th day of December, 1995.

(S E A L)

Margia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzel
City Attorney
138th and Kenneth Rd

Original Land Use: Medium Density Residential-
Single Family Detached

Modified Land Use: Medium Density Residential-
Single Family Attached

Acreage: 23.7
ORDINANCE NO. 1549
First published in The Legal Record, Tuesday, December 19, 1995.

ORDINANCE NO. 1549
An Ordinance Adopting an Amendment to the Leawood, Kansas, 1993 Master Development Plan Map.

WHEREAS, the Plan Commission of the City of Leawood has previously adopted the Master Development Plan Map for the City pursuant to the authority granted by Kansas Statutes; and

WHEREAS, a certified copy of the Master Development Plan Map, adopted by the Plan Commission, was adopted by the Governing Body December 21, 1992; and

WHEREAS, pursuant to K.S.A. 12-747, the Master Development Plan Map adopted by the Plan Commission and any current amendments must be adopted by the Governing Body prior to its becoming effective; and

WHEREAS, a certified copy of the Amendment to the 1993 Master Development Plan Map as adopted by the Plan Commission on December 12, 1995, together with written summary of the Public Hearing thereon, have been submitted to the Governing Body;

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

Section 1. That the Governing Body of the City of Leawood, Kansas, hereby adopts Amendment to the 1993 Master Development Plan Map. The adopted amendment to the 1993 Master Development Plan Map modifies the Plan Map by redesignating a tract, approximately 23.7 acres in size, located at 138th and Kenneth, commonly referred to as Villas of Leawood, from Medium Density Residential-Single Family Detached to Medium Density Residential-Single Family Attached.

Section 2. That there is hereby incorporated by reference the above-described amendment to the 1993 Master Development Plan Map, adopted by the Plan Commission of the City of Leawood on December 12, 1995, and adopted by the Governing Body on December 18, 1995, as set forth in Section 1 of this ordinance, such incorporation by reference being authorized by K.S.A. 12-3009 to and including 12-3012. Not less than three (3) copies of this Ordinance, to each of which shall be attached a copy of the Master Development Plan Map, 1993 Amendment, as adopted December 18, 1995, marked as or stamped "Official Copy", shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

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

Passed by the Council the 18th day of December, 1995.

Approved by the Mayor the 18th day of December, 1995.

(S E A L)

[Signature]
Mayor

Attest:

[Signature]
City Clerk

[Signature]
City Attorney
ORDINANCE NO. 1548

AN ORDINANCE REZONING PROPERTY (VILLAS OF LEAWOOD) LOCATED AT APPROXIMATELY 138TH AND KENNETH ROAD FROM RP-3 (PLANNED APARTMENT HOUSE RESIDENTIAL) TO RP-4 (PLANNED CLUSTER RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

All that part of Frac. Section 35, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the N1/2 of said Frac. Section 35; thence S 1°59'26" E, along the West line of the N1/2 of said Frac. Section 35, a distance of 2515.04 feet, to the true point of beginning of subject tract; thence continuing S 1°59'26" E, along the West line of the N1/2 of said Frac. Section 35, a distance of 144.16 feet, to the Southwest corner thereof; thence S 2°01'08" E, along the West line of the S1/2 of said Frac. Section 35, a distance of 664.60 feet; thence S 88°57'58" E, a distance of 1102.17 feet, to a point on the East line of the S1/2 of said Frac. Section 35, said point also being on the West line of Frac. Section 30, Township 47, Range 33, Kansas City, Jackson County, Missouri; thence N 2°20'17" W, along the East line of the S1/2 of said Frac. Section 35, and along the West line of said Frac. Section 30, a distance of 666.46 feet, to the Northwest corner of said Frac. Section 30; thence N 1°51'32" W, along the East line of said Frac. Section 35, and along the West line of Frac. Section 19, Township 47, Range 33, Kansas City, Jackson County, Missouri, a distance of 334.26 feet; thence N 90°W, a distance of 260 feet; thence N 75°W, a distance of 130 feet; thence S 80°W, a distance of 290 feet; thence S 40°W, a distance of 140 feet; thence S 70°W, a distance of 140 feet; thence N 90°W, a distance of 199.67 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 23.689 Gross Acres, more or less.

now zoned RP-3, is hereby rezoned to RP-4.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing
ORDINANCE NO. 1548

changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 18th day of December, 1995.

Approved by the Mayor the 18th day of December, 1995.

(S E A L)

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.B. Nettler
City Attorney
ORDINANCE NO. 1548

First published in The Legal Record, Tuesday, December 10, 1995.

AN ORDINANCE REZONING PROPERTY (VILLAS OF LEAWOOD) LOCATED AT APPROXIMATELY 195TH AND KENNEDY ROAD FROM RP-3 (PLANNED APARTMENT - MIXED USE RESIDENTIAL) TO RP-4 (PLANNED CLUSTER RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

It is ordered 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 Frac. Section 35, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the N1/2 of said Frac. Section 35; thence S 1°59'26" E, along the West line of the N1/2 of said Frac. Section 35, a distance of 215.04 feet, to the true point of beginning of subject tract; thence continuing S 1°59'26" E, along the West line of the N1/2 of said Frac. Section 35, a distance of 144.16 feet, to the Southwest corner thereof; thence S 2°01'08" E, along the West line of the S1/2 of said Frac. Section 35, a distance of 864.60 feet; thence S 88°57'58" E, a distance of 1102.17 feet, to a point on the East line of the S1/2 of said Frac. Section 35, a point also being on the West line of Frac. Section 30, Township 47, Range 33, Kansas City, Jackson County, Missouri; thence N 2°20'17" W, along the East line of the S1/2 of said Frac. Section 35, and along the West line of said Frac. Section 30, a distance of 666.44 feet, to the Northwest corner of said Frac. Section 30; thence N 1°51'32" W, along the East line of said Frac. Section 35, and along the West line of Frac. Section 19, Township 47, Range 33, Kansas City, Jackson County, Missouri, a distance of 314.26 feet; thence N 90°W, a distance of 266 feet; thence N 75°W, a distance of 130 feet; thence S 80°W, a distance of 290 feet; thence S 40°W, a distance of 140 feet; thence S 70°W, a distance of 199.67 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 23.689 Gross Acres, more or less.

Now zoned RP-3, is hereby rezoned to RP-4.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 18th day of December, 1995.

Approved by the Mayor the 18th day of December, 1995.

(S.E.A.L.)

Maricia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR POSTING

City Attorney
AN ORDINANCE ELIMINATING THE ASSISTANT CITY ATTORNEY
POSITION FROM OFFICERS APPOINTED BY ORDINANCE, MAKING SAID
POSITION A STAFF POSITION; AND REPEALING EXISTING SECTION.

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

SECTION 1. CODE AMENDED. That Section 1-404 of the Code of the City of Leawood
is hereby amended to read as follows:

1-404. OFFICERS APPOINTED. The Mayor shall, by and with the consent of the
City Council, appoint (a) Municipal Judge(s) and City Attorney. Prior to
appointment of the Municipal Judge(s), candidates for that position shall be
screened in the manner provided by Section 9-106 of the Code.

Officers so appointed shall hold their office until their successors are
appointed and qualified. The City Clerk shall enter every appointment to
office and the date thereof in the journal of proceedings.

SECTION 2. REPEAL OF EXISTING SECTION. That existing Section 1-404 of the Code
of the City of Leawood is hereby repealed, eliminating the position of
Assistant City Attorney from officers appointed by ordinance (prior law:
Ordinance no. 1098C).

Said Assistant City Attorney position shall become a staff position subject to
the City of Leawood Personnel Rules and Regulations Administrative Policy
and its administration per Section 1-306(f) of the Code of the City of
Leawood.

SECTION 3. VALIDITY OF ORDINANCE. That if any section, subsection, sentence,
clause or phrase of this ordinance be declared unconstitutional or invalid
for any reason, the remainder shall not be thereby affected.

SECTION 4. TAKE EFFECT. That this ordinance shall take effect and be in force on
February 1, 1996 and after its publication in the official City newspaper.
Passed by the Council the 4th day of December, 1995.

Approved by the Mayor the 4th day of December, 1995.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

Approved as to form:

K. S. Wetzler
City Attorney
AN ORDINANCE ELIMINATING THE ASSISTANT CITY ATTORNEY POSITION FROM OFFICERS APPOINTED BY ORDINANCE, MAKING SAID POSITION A STAFF POSITION; AND REPEALING EXISTING SECTION.

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

SECTION 1. CODE AMENDED. That Section 1-404 of the Code of the City of Leawood is hereby amended to read as follows:

1-404. OFFICERS APPOINTED. The Mayor shall, by and with the consent of the City Council, appoint (a) Municipal Judge(s) and City Attorney. Prior to appointment of the Municipal Judge(s), candidates for that position shall be screened in the manner provided by Section 9-106 of the Code.

Officers so appointed shall hold their office until their successors are appointed and qualified. The City Clerk shall enter every appointment to office and the date thereof in the journal of proceedings.

SECTION 2. REPEAL OF EXISTING SECTION. That existing Section 1-404 of the Code of the City of Leawood is hereby repealed, eliminating the position of Assistant City Attorney from officers appointed by ordinance (prior law: Ordinance no. 1096C).

Said Assistant City Attorney position shall become a staff position subject to the City of Leawood Personnel Rules and Regulations Administrative Policy and its administration per Section 1-306(1) of the Code of the City of Leawood.

SECTION 3. VALIDITY OF ORDINANCE. That if any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.

SECTION 4. TAKE EFFECT. That this ordinance shall take effect and be in force on February 1, 1995 and after its publication in the official City newspaper.

Passed by the Council the 4th day of December, 1995

Approved by the Mayor the 4th day of December, 1995

(SEAL)

Mayor

Attest:

(Martha Heizer)

City Clerk

Approved as to form:

(John D. Schwieler)

City Attorney
ORDINANCE NO. 1546

AN ORDINANCE REZONING PROPERTY (TOWN CENTER BUSINESS PARK) LOCATED AT 115TH AND ROE AVENUE FROM AG (AGRICULTURAL) TO CP-0 (PLANNED OFFICE) AND CP-1 (PLANNED NEIGHBORHOOD RETAIL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

Lots 1 & 2 and Tract A TOWN CENTER BUSINESS PARK, FIRST PLAT

now zoned AG, is hereby rezoned to CP-0.

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

Tract B TOWN CENTER BUSINESS PARK, FIRST PLAT

now zoned AG, is hereby rezoned to CP-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 4th day of December, 1995.

Approved by the Mayor the 4th day of December, 1995.

(S E A L)  

Maryia Rinehart  
Mayor
Page 2
ORDINANCE NO. 1546

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

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

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

That the attached notice is a true copy thereof and was published in the
regular and entire issue of said newspaper for one consecutive
month (weeks/days), the first publication thereof being made as
aforesaid on the ___ day of December 1995, with subsequent publication being made on the following dates:

__________________________________________, 1995

__________________________________________, 1995

__________________________________________, 1995

__________________________________________, 1995

Subscribed and sworn to before me this ___ day
of December 1995

DEANNA J. MARTASIN
NOTARY PUBLIC

My Commission Expires 1/25/96
Printer's Fees $20.81
Additional Copies $
First Published in The Johnson County Sun, Friday, December 9, 1995.

ORDINANCE NO. 1548

AN ORDINANCE REZONING PROPERTY (TOWN CENTER BUSINESS PARK), LOCATED AT 124TH AND ROE AVENUES FROM AG (AGRICULTURAL) TO CP-O (PLANNED OFFICE) AND CPB (PLANNED NEIGHBORHOOD RETAIL), DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS, AND REINCORPORATING SAID ZONING MAP.

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

Section 1. Rezoning of Property. That the real estate hereinabove described, to wit:

Tract 1 & 2 and Tract A TOWN CENTER BUSINESS PARK, FIRST PLAT, now zoned AG, is hereby rezoned to CP-O.

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

Tract B TOWN CENTER BUSINESS PARK, FIRST PLAT now zoned AG, is hereby rezoned to CP-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 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 4th day of December, 1995.

Approved by the Mayor the 4th day of December, 1995.

(SEAL)

(s) Marcia Rinehart, Mayor
Attest:
(s) Martha Heizer, City Clerk

APPROVED FOR FORM:
(s) R. S. Wetzel, City Attorney

(15631 1F-JC)
ORDINANCE NO. 1545

AN ORDINANCE PROVIDING FOR THE USE OF CERTAIN ROOFING MATERIALS IN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Leawood Development Ordinance provides for the use of other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council; and

WHEREAS, the Plan Commission has reviewed the Gerard Tile, a lightweight, stone-coated steel roofing material designed to withstand 120 mile per hour (mph) winds, fire and hail with a 50-year transferable limited weatherproof warranty, a 20-year hail warranty, and a 20-year 120 mph wind warranty; and

WHEREAS, the Plan Commission has found said roofing material in keeping with Leawood’s high design and quality standards; and

WHEREAS, the Plan Commission approved said roofing material by resolution on November 14, 1995;

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

Section 1. That the City Council of the City of Leawood, Kansas, hereby approves the Gerard Tile and other tile with the same characteristics as follows:

1. The manufacturer’s specifications shall be followed for installation and use in Leawood.
2. The Gerard Tile and other stone-coated steel roofing tile meeting the same characteristics shall be limited to the following colors:
   a. Chestnut
   b. Driftwood
   c. Mahogany
3. The product(s) shall continue to meet the building code requirements.

Section 2. 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 November, 1995.

Approved by the Mayor the 20th day of November, 1995.

(S E A L)

Marcia Rinehart
Mayor
ORDINANCE NO. 1545

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

D.S. Wetzler
City Attorney
USE PERMIT FOR A TEMPORARY SALES TRAILER TO BE LOCATED AT 4741 W. 132ND TERR.: On motion of Rasmussen, seconded by Giblin, Council unanimously approved a permit for 1 year starting on the date of issuance of a building permit.

RESOLUTION NO. 1263 APPROVING REQUEST FOR REZONING FROM AG TO CP-0.
PRELIMINARY PLAT AND PRELIMINARY PLAN APPROVAL, FOR MADDEN-MCFARLAND AT 128TH AND STATE LINE ROAD - involved the relocation of an existing building from K-150 and State Line Road to 128th and State Line Road (shown as office area on the Master Development Plan map): Adopted unanimously on motion of Clawson, seconded by Rasmussen. Attached as part of the record.

ORDINANCE NO. 1543 REZONING PROPERTY (MADDEN-MCFARLAND) LOCATED AT 128TH AND STATE LINE ROAD FROM AG TO CP-0: The ordinance was considered and passed on motion of Patterson, seconded by Rasmussen. On roll call, the vote was: Yeas---LaHue, Campbell, Clawson, Giblin, Peppes, Dunn, Rasmussen, Patterson. Nays---None.

RESOLUTION NO. 1264 APPROVING REQUEST FOR REZONING FROM CP-0 TO CP-2 AND REVISED FINAL SITE PLAN APPROVAL, FOR TUTERA AND ASSOCIATES LOCATED AT 8015 STATE LINE ROAD: The property was a strip of land on the east side of State Line Road abutting a retail-zoned tract in Kansas City, Missouri. The final site plan consisted of a landscaping strip and parking area along State Line Road approximately 40 feet wide. On motion of Clawson, seconded by Peppes, Council unanimously adopted the resolution, attached as part of the record.

ORDINANCE NO. 1544 REZONING PROPERTY LOCATED AT 8015 STATE LINE ROAD FROM CP-0 TO CP-2: The ordinance was considered and passed on motion of Dunn, seconded by Peppes. On roll call, the vote was: Yeas---LaHue, Campbell, Clawson, Giblin, Peppes, Dunn, Rasmussen, Patterson. Nays---None.

ORDINANCE NO. 1545 PROVIDING FOR THE USE OF CERTAIN ROOFING MATERIALS IN THE CITY OF LEAWOOD - approving the use of the Gerard Tile and other tile with the same characteristics under certain conditions relating to manufacturer's specifications for installation and use, limited colors, and building code requirements and standards: Councilmember Rasmussen was concerned about permitting a 4-foot long "metal" type shingle without proper overlap which would not reflect the affluent character of Leawood. If suitable overlap was provided for to reflect pictures shown in a brochure shown to the Council, Mr. Rasmussen would not be able to support the ordinance. Planning Director McKay felt that the manufacturer's specifications for installation would eliminate Mr. Rasmussen's concern.

Councilmember Patterson moved to pass the ordinance with the manufacturer's specifications as presented to the Council to be followed in connection with the installation and use in the City, including photographs of the material as applied, attached to the original ordinance on file in the City Clerk's office. Motion seconded by Rasmussen. On roll call to pass the ordinance, the vote was: Yeas---LaHue, Campbell, Clawson, Giblin, Peppes, Dunn, Patterson.
GERARD TILES

GERARD TILE SPECIFICATION OUTLINE

I. GENERAL
   A. SCOPE OF WORK.
      This specification refers to a contract from an Independent Gerard Contractor for supply, installation, and completion of the Gerard Tile roof system, including all flashings, valley metal, roof-to-wall metal, etc., and accessories sufficient to provide a weather tight roof system applied in accordance with these specifications and Gerard’s installation manual in effect at the time.
      The Independent Gerard Contractor is responsible for all equipment and labor necessary to complete the installation.
      Storage and power to be provided by the general contractor.
      The Independent Gerard Contractor is responsible for coordinating the installation schedule with the general contractor.

II. PRODUCTS
   GERARD ROOF TILES AND ACCESSORIES
      A. TILE DIMENSIONS
         Gerard Tiles are approximately 45 1/2" long by 16" wide, in each tile there are 7 individual tile impressions.
         22.6 tiles per square.
      B. COLOR/FINISH
         As selected by Architect/Specifieer
         Gerard stone coated tile and accessories.
      C. MANUFACTURER
         Gerard Roofing Technologies
         955 Columbia Street
         Brea, CA 92622-9459
      D. TECHNICAL ASSISTANCE
         Gerard Customer Service: 1-800-641-3002 inside California
         1-800-641-3213 outside California
      E. GERARD TILE INTERLOCKING ROOF SYSTEM
         The exposed Gerard roof panel and accessories will be nominal 0.0185" thick galvanized/galvalume steel with a colored stone granule finish.
         Secure Gerard tiles and accessories with 2" long flat head 6D, hot dipped, galvanized or equivalent Mechanical galvanized power driven nails.
         Gerard Independent Contractor to supply all accessories required including compatible sealant, paint, and flashings.
      F. FRAMING: LUMBER/STEEL
         Provide and install all Gerard tile battens as per manufacturer’s specifications.
         Gerard panels are applied using wood battens that are 2"x2" nominal, ripped from lumber of a grade standard or better.
         Steel battens to be manufactured from minimum 28 AWG galvanized steel in a “Hat” section shape. Minimum total batten height to be 1½”.
         At all hips, rakes, and ridges, provide and install framing to support Gerard accessories.
         At all valleys provide and install framing to support sheet metal valley.
         Frame all openings and penetrations in order to support flashings.

G. FLASHINGS
   All flashings (vent jacks), to be as specified by the architect. Other related flashings (Z-bar, tile pan), shall be manufactured from 28AWG galvanized or benderized steel.

H. FASTENING LUMBER/STEEL
   2” x 2” battens are secured with 16D vinyl sinkers or equivalent power driven nails. Steel battens to be 1½” “Hat” section and secured with 3/4” Tek, or equivalent screws, to steel rafters/truss member. If screws are required to secure tiles, they are to be 1½” long, self-drilling, Tec type screws with a dome cap covering a neoprene washer.

I. SEALANT
   Non-acidic, urethane, one part sealant should be used.

III. EXECUTION
   A. INSPECTION/SUPERVISION
      The roof structure is to be inspected for correct framing prior to installation of Gerard tiles.
      Faults found as per the inspection are to be corrected by the general contractor before installation of Gerard Tiles commences.
   B. INSTALLATION
      Install felts and cant strips as required. (i.e.: Especially if a “dry in” state is required, wait for conflicting sub trades to finish before tiles are installed).
      All exterior cladding is to be completed prior to tile installation. (This includes stucco)
      Skylights/roof hatches, etc., must be temporarily secured to allow final flashing during tile installation.
      Chimney saddles/crickets to be installed if chimney or skylight width is over one full tile wide, i.e. 48”.
      Install battens as indicated in Gerard's installation manual. (14 1/2’ from the front face of one batten to the next).
      Proceed with tile laying, flashings, hips and valleys, etc. as indicated in the Gerard Installation Manual.
      Protection: It is the responsibility of the General Contractor that only the “installer” shall have access over the roof area during installation.
   C. APPLICATION
      The Gerard roof tiles shall be applied by applicators knowledgeable in the installation of Gerard tile. For information on product training manuals and videos, contact Gerard’s Customer Service division at (800) 641-3002 outside California call (800) 841-3213.
      All applicators of the product must be familiar with the Gerard product and the current installation training manual and video.
   D. WARRANTY
      Workmanship: The Gerard Independent Contractor shall provide the general contractor with his own installation warranty.
      Gerard Tiles carry a warranty provided by the manufacturer which covers defects in the Gerard products. Products not manufactured by Gerard are not covered by this warranty.
      The Gerard warranty does not cover the installation of the product.
      Gerard products are designed to be installed on roof pitches from 2 ½:12 (114 degrees) on up to a vertical face.
GERARD SHAKE SPECIFICATION OUTLINE

I. GENERAL
A. SCOPE OF WORK
This specification refers to a contract from an independent Gerard Contractor for supply, installation, and completion of the Gerard Shake roof system, including all flashings, valley metal, roof-to-wall metal, etc., and accessories sufficient to provide a weathertight roof system applied in accordance with these specifications and Gerard's installation manual in effect at the time.

The Independent Gerard Contractor is responsible for all equipment and labor necessary to complete the installation.

Storage and power to be provided by the general contractor.

The Independent Gerard Contractor is responsible for coordinating the installation schedule with the general contractor.

II. PRODUCTS
A. SHAKE DIMENSIONS
Gerard shakes are approximately 44\(^{1/4}\)" long by 15\(^{1/2}\)" in each panel there are four recessed and five raised shake impressions.

23.2 Shake panels per square.

B. COLOR/FINISH
As selected by Architect/Specifieer
Gerard stone coated shake and accessories.

C. MANUFACTURER
Gerard Roofing Technologies
955 Columbia Street
Brea, CA 92622-9459

D. TECHNICAL ASSISTANCE
Gerard Customer Service:
1-800-641-3002 Inside California
1-800-941-3213 Outside California

E. GERARD SHAKE INTERLOCKING ROOF SYSTEM
The exposed Gerard roof panel and accessories will be nominal 0.0125" thick, galvanized/galvalume steel with a colored stone granule finish.

Secure Gerard Shake and accessories with 2" long flat head 6D, hot dipped, galvanized or equivalent Mechanical galvanized power driven nails.

Gerard Independent Contractor to supply all accessories required including compatible sealant, paint, and flashings.

F. FRAMING: LUMBER/STEEL
Provide and install all Gerard battens as per manufacturer's specifications.

Gerard panels are applied using wood battens that are 2"x2" nominal, ripped from lumber of a grade standard or better.

Steel battens to be manufactured from minimum 28 AWG galvanized steel formed into a "Hat" section shape. Minimum total batten height to be 11\(^{1/2}\)"

At all hips, rakes, and ridges, provide and install framing to support Gerard accessories.

At all valleys provide and install framing to support sheet metal valley.

Frame all openings and penetrations in order to support flashings.

G. FLASHINGS
All flashings (vent jacks), to be as specified by the architect. Other related flashings (Z-bar, tile pan), shall be manufactured from 28AWG galvanized or benderized steel.

H. FASTENING LUMBER/STEEL
2" x 2" battens are secured with 16D vinyl sinkers or equivalent power driven nails. Steel battens to be 11\(^{1/2}\)" "Hat" section and secured with 3/4" Tek or equivalent screws, to steel rafter/struss member. If screws are required to secure shakes, they are to be 1 3/4" long, self-drilling, Tek type screws with a dome cap covering a neoprene washer.

I. SEALANT
Non-acidic, urethane, one part sealant should be used.

III. EXECUTION
A. INSPECTION/SUPervision
The roof structure is to be inspected for correct framing prior to installation of Gerard Shake.

Faults found as per inspection are to be corrected by the general contractor before installation of Gerard Shake commences.

B. INSTALLATION
Install felts and cant strips as required. (i.e.: Especially if a "dry in" state is required, wait for conflicting sub trades to finish before shakes are installed).

All exterior cladding is to be completed prior to shake installation. (This includes stucco.)

Skylights/roof hatches, etc., must be temporarily secured to allow final flashing during shake installation.

Chimney saddles/crickets to be installed if chimney or skylight width is over one full shake wide, i.e., 44".

Install battens as indicated in Gerard's installation manual. (14\(^{1/2}\)" from the front face of one batten to the next).

Proceed with shake laying, flashings, hips and valleys, etc. as indicated in the Gerard Installation Manual.

Protection: It is the responsibility of the General Contractor that only the "installer" shall have access over the roof area during installation.

C. APPLICATION
The Gerard roof panels shall be applied by applicators knowledgeable in the installation of Gerard roofing products. For information on product training manuals and videos, contact Gerard's Customer Service division at (800) 941-3002 outside California call (900) 941-3213.

All applicators of the product must be familiar with the Gerard product and the current installation training manual and video.

D. WARRANTY
Workmanship: The Gerard Independent Contractor shall provide the general contractor with his own installation warranty.

Gerard Shakes carry a warranty provided by the manufacturer which covers defects in the Gerard products. Products not manufactured by Gerard are not covered by this warranty.

The Gerard warranty does not cover the installation of the product.

Gerard products are designed to be installed on roof pitches from 2\(^{1/2}\):12 (11\(^{1/2}\) degrees) on up to a vertical face.
GERARD DESIGN
INFORMATION
FOR ARCHITECTS

ADVANTAGES:
LIGHTWEIGHT
Only 140 lbs. per 100 square feet
DURABLE
Stone coated galvanized/galvalume steel
ATTRACTIVE
Earthstone shades
FIRE RETARDANT
Class "A" fire rated when installed with specified underlayments

PROVEN
Gerard panels are performance proven under all weather extremes.

MADE IN U.S.A.
Gerard’s manufacturing facility is located in Brea, California.

VERSATILITY:
MINIMUM PITCH
2½:12 (11 4/16 degrees) Gerard panels can be installed on roof pitches from 2½:12 up to a vertical face.

STRUCTURAL INTEGRITY
Gerard panels are secured in shear, eliminating nail/screw withdrawal in high wind conditions.

MANSARDS
Gerard panels are so lightweight (140 lbs./sq.). They can be used extensively for retrofit work on mansards or buildings that currently do not have a mansard and need upgrading.

RESIDENTIAL
The attractive earthenstone shades complement any architectural style.

COMMERCIAL
If the roof pitch is at the minimum or above, Gerard panels are your best lightweight alternative.

MANUFACTURER
Gerard Roofing Technologies has its head office and manufacturing facility in Orange County, California. Gerard offers the North American market a unique stone-coated, steel tile roofing system for commercial and residential applications. Developed in New Zealand, and currently installed world wide, the product compliments both new construction and re-roofing. Gerard product combines the lightweight strength of pressed, pre-primed, galvanized/galvalume steel with the long life beauty of earthenstone granules.
Gerard has established a network of service oriented stocking distributors strategically located in major markets across America.

Gerard products are performance proven under all weather extremes, and are manufactured to strict quality controls.

MATERIAL FINISHES
Gerard panels and trim have a standardized coating which consists of, acrylic resin base coat, stone granules, and a clear 100% acrylic overglaze.

©1990 Gerard Roofing Technologies
PRODUCT COMPONENTS

Gerard products are manufactured from pre-primed, galvanized or galvalume steel. All Gerard manufactured products are produced with the same stone finish.

GERARD TILE
Actual Size: 45¾" x 15¼"
Actual Exposure: 43¾" x 14½"
Actual Weight: 6.2 lbs.
Tile Coverage per square (100 sq. ft.) 22.6 tiles
Weight per square (100 sq. ft.) 140 lbs.

GERARD SHAKE
Actual Size: 44½" x 15¼"
Actual Exposure: 42¾" x 14½"
Actual Weight: 6.2 lbs.
Shake Coverage per square (100 sq. ft.) 23.2 shakes
Weight per square (100 sq. ft.) 140 lbs.

GERARD MISSION TRIM
Actual Size: 15⅛" x 6"
Actual Exposure: 14½" x 6"
Actual Weight per piece: 1.0 lb.
Approximately 7 trim pieces per square (100 sq. ft.)

GERARD SHAKE CAP
Actual Size: 15⅛" x 6"
Actual Exposure: 14½" x 6"
Actual Weight per piece: 1.0 lb.
Approximately 7 trim pieces per square (100 sq. ft.)

GERARD SHAKE RAKE
Actual Size: 16" x 2½"
Actual Exposure: 14½" x 2½"
Actual Weight per piece: 1.0 lb. (approx.)

SPECIAL FLASHINGS
These are not manufactured by Gerard Roofing Technologies, Inc., but are available from local sheet metal suppliers or the local Gerard Distributor:

Z-Bar (Bonderized/paint grip)—New construction 3" x 1" x 3"
Tile Pan (Galvanized)—New construction 1" x 3½" x 3½"
Valley Metal (Galvanized)—New construction 18" with ¾" splash diverter
Re-Roof Valley 6"x1" can be used for new construction

SEALANTS AND PAINT
Non-acidic, one-part, urethane sealants should be used. Spray paint which is specifically designed for paint-grip bonderized metal is recommended for color coordinating the vent flashings and Z-Bar etc.
OPEN OR SOLID SHEATHING
Gerard panels are designed to be applied directly over open rafters/trusses (Rafters/trusses at max spacing of 24" O/C), or over 15/32nd plywood sheathing.

If a "Dry In" state is required, use a cant strip around the perimeter at the fascia to deflect water over the raised fascia board.

BATTEN SPACING
Gerard panels are applied using wood battens that are 2"x2" nominal, ripped from lumber of a grade standard or better.

Spacing is critical to product application, as each panel fits snugly against the front face of one batten to the next.

The last batten at the ridge is random depending on rafter length.
FRAMING BUILD UP

FASCIA—
The fascia must be positioned above sheathing or rafters by the height of the batten. The fascia becomes the first batten.

FELT OVER 15/32" PLYWOOD

SOLID SHEATHING

BATTEN HEIGHT ABOVE SHEATHING

SELF SUPPORTING FELT OVER RAFTERS

BATTEN HEIGHT ABOVE RAFTER

RAKE BUILD-UP

RAKE BOARDS—
Project rakes 3" above the sheathing or rafter.

RAKE: ONE BATTEN HEIGHT ABOVE BATTENS

RAKE: ONE BATTEN HEIGHT ABOVE BATTENS

RAKE: ONE BATTEN HEIGHT ABOVE BATTENS

MISSION TRIM—

SHAKE TRIM

RIDGE & HIP—
Build-up is performed by the installer when applying the battens.

HIPP CROSS SECTION A-A

HIP CROSS SECTION A-A

HIP CROSS SECTION A-A

HIPP CROSS SECTION A-A

HIPP CROSS SECTION A-A

RIDGE

"FILL" ROW (CUT-BENT TO FIT)

"FILL" ROW (CUT-BENT TO FIT)
**GERARD DESIGN INFORMATION FOR ARCHITECTS**

**FILLER STIFFENERS. MAKE FROM 2" x 4"S TO SIT ½" ABOVE RAFTERS**

**BLOCK TO WIDTH OF 18" TO ACCEPT 18° VALLEY METAL WITH ¾" SPLASH DIVERTER**

**VALLEY/OPEN RAFTER**

Valleys are recessed, creating a trough for the metal valley to fit in. Stiffening blocks projecting a minimum of ½" above the rafter/truss at the edge of each side of the valley. The valley trough should be blocked with lumber, nailed between the rafters/trusses, and then fixed flush with the top of the rafter/truss surface.

**SHIM STRIP 2" x ½"**

Re-Roof Valley 5"x1" can be used for new construction.

**VALLEY/SOLID SHEATHING**

Install shim strips down either side of the valley metal. This eliminates crushing of the valley return flange by the cantilevered battens. "Open" or "Closed" valley methods are acceptable. In severe snowfall and extreme freeze/thaw conditions, "Open" valleys are recommended.

**FASCIA**

The fascia must be notched to allow valley to protrude.
**FRAMING DETAILS — MANSARD/FACADES**
Gerard roof panels require a batten structure to be affixed to. The battens are 2" x 2" nominal. A vertical wall or steep angled Mansard is installed in the same manner as for lower pitched structures. When the roof line changes pitch drastically as in a "Cape Cod" roof design, a batten should be installed at the pitch change. See illustration. When an equal number of full panel courses cannot be accommodated at the pitch change, a full panel can be bent to suit. See illustration.

**FLASHING DETAILS — CHIMNEY/SKYLIGHTS**
Chimneys and other square-cornered roof protrusions: Because of the unique interlocking, overlapping design of the Gerard product, it becomes its own flashing. Therefore, in areas such as chimneys and air conditioners, or skylights that are not over one panel wide (4 feet), the Gerard product can become its own diverter. For large chimneys (over 4 feet wide), a cricket/saddle must be provided.

The Gerard panel is turned up against the chimney or skylight, and counterflashed with Z-bar, step flashing, or the skylight down-turned flange. See illustration for details.

**FRAMING DETAILS — VERTICAL WALL**
Gerard roof panels can be bent up under a Z-bar type flashing. When stucco or other types of exterior cladding are to be installed, a "tile pan" can be used and the Gerard panel cantilevered over to the wall. See illustration for framing details. Important Note: All exterior cladding including stucco, is to be completed prior to product installation.

**FRAMING DETAILS — PARAPET WALL**
Gerard panels are bent up against the vertical parapet wall, and then counterflashed. See illustration for framing details. The Gerard trim can be used to cap a parapet wall. The exterior wall width must not exceed 5½ inches if this is to be done.
GERARD DESIGN INFORMATION FOR ARCHITECTS

Shake panels are flashed in the same manner as for tile.

FLASHING DETAILS — PIPE VENTS

For best results, a pliable-type flashing material is recommended around vent pipes and all protrusions. Buildings requiring a "dry in" state with felt paper, and having all conflicting sub-trades complete their work before tiling begins, require 2 vent flashings per vent. The first being a regular galvanized flashing. The second for use with Gerard tiles to be a similar pliable material. See illustration for details. Generally the "double tile" method is used for flashing pipe vents, as this provides a much neater appearance when completed.

ROOF SLOPE

The Gerard interlocking design allows any pitch from 2½:12 (11½ degrees) minimum to a vertical face. For slopes less than 2½:12, consult your local building official. Gerard panels below this pitch act as a decorative roof covering only.

UNDERLAYMENT

Underlayment to be type 30 lb. organic fiber felt applied over solid sheathing. When open rafters/trusses are used, a self-supporting underlayment is recommended.

DISTRIBUTION/AVAILABILITY

Gerard panels are packaged (15 squares) per pallet. Each pallet weighs approximately 2,100 lbs., and is wrapped in clear plastic. Gerard panels are available through the Gerard distributor network. For estimating, distributor location, general costing information, and technical assistance, contact Gerard's Customer Service Division. Phone (800) 641-3002 inside California, or (630) 841-3213 outside of California.

CODES/CERTIFICATION

Gerard roof panels have been appraised, and have received appraisal certificates and approvals as follows:

APPRASIALS

(U.S.A) U.L. LISTED

Underwriters Laboratories Inc. Class A fire test, limited to solid sheathed surfaces with ½" U.L. CLASSIFIED WR-C gypsum board over the solid sheathing. File #R12996.

(U.S.A) C.A.B.O./N.E.R.

National Evaluation Report #423

NEW CONSTRUCTION CLASS A

In jurisdictions utilizing the Uniform Building Code, Gerard panels are Class A fire retardant roof coverings as described in the 1988 USBC, Section 3204 (a)(4), when applied over new construction.

TEST REPORTS

WEATHER RESISTANCE

Cyclone Testing Station, Report No. TS126 (Australia).
Low Speed Dynamic Rain Penetration Report No. 1419 (Australia).
High Speed Dynamic Rain Infiltration & Static Pressure Uplift Test. Construction Research Laboratory. Inc. No. 4170 (USA)
Simulated Wind & Snow Load Test Report No. 81971 (NZ).
Concentrated Load Test Report No. 81934 (NZ).
Accelerated Weathering Tests Report No. 1. 506224 (Singapore).
Roofing Nailing Calculations Report No. 99 (USA).

FIRE RESISTANCE

U.L. UNDERWRITERS LABORATORIES, Class A New Construction/Solid Sheathing, ½" WR-C Gypsum test report #R12996

U.S. TESTING CO. CLASS B


U.S. TESTING CO. CLASS B

Re-roofing, Test Report No. LA21024 USA

U.S. TESTING CO. CLASS C

Re-roof, Test Report No. LA40231 USA

PRODUCT WARRANTY

40 year limited weatherproof warranty.

MEMBERSHIP ORGANIZATIONS

Gerard Tile is Designed to Withstand 120mph Winds, Fire, Hail and the Test of Time.

50 Year Limited Warranty
Gerard Shake

Lightweight, Stone Coated Steel Roofing

Beautiful Under Any Condition

(1.4 lbs. per sq.ft.)
Put On Our Sunday Best.

Lightweight, Stone Coated Steel Roofing

(1.4 lbs. per sq.ft.)
ORDINANCE NO. 1545
First published in The Legal Record, Tuesday, November 21, 1995.

ORDINANCE NO. 1545

AN ORDINANCE PROVIDING FOR THE USE OF CERTAIN ROOFING MATERIALS IN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the 'Leawood Development Ordinance provides for the use of other tile or roofing materials as specifically authorized by resolution of the Plan Commission and ordinance of the City Council; and

WHEREAS, the Plan Commission has reviewed the Gerard Tile, a lightweight, steel-coated steel roofing material designed to withstand 120 mile per hour (mph) winds, fire and hail with a 50-year transferable limited weatherproof warranty, a 20-year hail warranty, and a 50-year 120 mph wind warranty; and

WHEREAS, the Plan Commission has found said roofing material in keeping with Leawood’s high design and quality standards; and

WHEREAS, the Plan Commission approved said roofing material by resolution on November 14, 1995;

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

Section 1. That the City Council of the City of Leawood, Kansas, hereby approves the Gerard Tile and other tile with the same characteristics as follows:

1. The manufacturer's specifications shall be followed for installation and use in Leawood.
2. The Gerard Tile and other steel-coated steel roof tile meeting the same characteristics shall be limited to the following colors:
   a. Chestnut
   b. Driftwood
   c. Mahogany
3. The product(s) shall continue to meet the building code requirements.

Section 2. 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 November, 1995.
Approved by the Mayor the 20th day of November, 1995.

(S.E.A.L.)
Acting:

[Signature]
Martha Heizer
Mayor

[Signature]
Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.
ORDINANCE NO. 1544

AN ORDINANCE REZONING PROPERTY LOCATED AT 8015 STATE LINE ROAD FROM CP-0 (PLANNED OFFICE) TO CP-2 (PLANNED GENERAL RETAIL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

Lot 30, except the North 50 feet thereof, MEADOW LAKE LAWN, a subdivision in the City of Leawood, Johnson County, Kansas, except that portion now in State Line Road and subject to the Deed of Dedication as recorded in Book 2566 at Page 687, described as beginning at the intersection of the existing right-of-way line of 81st Street; thence North 0°00'00" East, along the existing East right-of-way line of State Line Road, a distance of 18.71 feet; thence South 54°19'30" East, a distance of 32.58 feet to a point on the North right-of-way line of 81st Street as it now exists; thence North 89°22'44" West, along said North right-of-way line, a distance of 26.47 feet to the point of beginning.

now zoned CP-0, is hereby rezoned to CP-2.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 20th day of November, 1995.

Approved by the Mayor the 20th day of November, 1995.

(S E A L)  

Marcia Rinehart  
Mayor
ORDINANCE NO. 1544

Attest:

Martha Heizer  City Clerk

APPROVED FOR FORM:

K.S. Wetzler  City Attorney
ORDINANCE NO. 1544
First published in The Legal Record, Tuesday, November 21, 1995.

AN ORDINANCE REZONING PROPERTY LOCATED AT 8016 STATE LINE ROAD--FROM CP-0 (PLANNED OFFICE) TO CP-2 (PLANNED GENERAL RETAIL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

Section 1. Rezoning of Property. That the real estate hereinafter described to wit:

Lot 39, except the North 50 feet thereof, MEADOW LAKE ESTATES, a subdivision in the City of Leawood, Johnson County, Kansas, except that portion now in State Line Road and subject to the Deed of Dedication as recorded in Book 1856 at Page 597, described as beginning at the intersection of the existing right-of-way line of 81st Street, thence North 39° 30' East, along the existing East right-of-way line of State Line Road, a distance of 38.71 feet, thence South 39° 30' East, a distance of 32.98 feet to a point on the North right-of-way line of 31st Street as is now exists; thence North 90° 22.41' West, along said North right-of-way line, a distance of 30.47 feet to the point of beginning.

now zoned CP-0, is hereby rezoned to CP-2.

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 10th day of November, 1995.
Approved by the Mayor the 10th day of November, 1995.

[SEAL]

Martha Heizer
Mayor

Attest:

[SEAL]

Debra Dziadura
Notary Public

My appointment expires: August 21, 1999.

$21.27
ORDINANCE NO. 1543

AN ORDINANCE REZONING PROPERTY (MADDEN-MCFARLAND) LOCATED AT
128TH AND STATE LINE ROAD FROM AG (AGRICULTURAL) TO CP-0
(PLANNED OFFICE); DIRECTING AMENDMENT OF THE OFFICIAL ZONING
MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID
ZONING MAP.

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

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

All of the south 175 feet of the north 835 feet of the
east 330 feet of the NW1/4 of Fractional Section 26,
Township 13, Range 25, Johnson County, Kansas.

now zoned AG, is hereby rezoned to CP-0.

Section 2. Official Zoning Map Amended. That the Di-
rector of Planning and Development of the City of Leawood,
Kansas, is hereby directed to amend the Official Zoning Map
of the City in accordance with the above and foregoing
changes in zoning.

Section 3. Reincorporation of Official Zoning Map as
Amended. That the Official Zoning Map of the City, as
amended by the provisions of this ordinance, is hereby
reincorporated and declared to be the Official Zoning Map of
the City as provided for and adopted pursuant to the
provisions of Section 2-2 of the "Leawood Development
Ordinance".

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

Passed by the Council the 20th day of November, 1995.

Approved by the Mayor the 20th day of November, 1995.

(S-E A L)  
Marcia Rinehart Mayor

Attest:

Martha Heizer  City Clerk

APPROVED FOR FORM:  
R.S. Wetzel  City Attorney
ORDINANCE NO. 1543
First published in The Legal Record, Tuesday, November 21, 1995.

ORDINANCE NO. 1543
AN ORDINANCE REZONING PROPERTY (HOADEC-MCFARLAND) LOCATED AT
128TH AND STATE LINE ROAD-FROM AG (AGRICULTURAL) TO CP-0
(PHASED OFFICE): DIRECTING AMENDMENT OF THE OFFICIAL ZONING
MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID
ZONING MAP.

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

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

All of the south 175 feet of the north 815 feet of the
northeast 30 feet of the NE/4 of Fractional Section 26,
Township 13, Range 35, Johnson County, Kansas,
now zoned AG, is hereby rezoned to CP-0.

Section 2. Official Zoning Map Amended. That the Di-
rector of Planning and Development of the City of Leawood,
Kanas, is hereby directed to amend the Official Zoning Map
of the City in accordance with the above and foregoing
changes in zoning.

Section 3. Reincorporation of Official Zoning Map as
Amended. That the Official Zoning Map of the City, as
amended by the provisions of this ordinance, is hereby
reincorporated and declared to be the Official Zoning Map
of the City as provided for and adopted pursuant to the
provisions of Section 2-2 of the "Leawood Development
Ordinance".

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

Passed by the Council the 20th day of November, 1995.
Approved by the Mayor the 20th day of November, 1995.

[S A D]
Marcia Richardson Mayor

Attest:
Martha Heizer City Clerk

APPROVED FOR FORM:
R. S. Metzler City Attorney

$18.18
ORDINANCE NO. 1542 C

AN ORDINANCE AMENDING SECTION 12-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PARK HOURS, AND REPEALING EXISTING SECTION.

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

Section 1. Code Amended. That Section 12-201 of the Code of the City of Leawood is hereby amended to read as follows:

12-201. PARK HOURS. (a) All Leawood parks with the exception of the trail shall be closed between the hours of 11:00 p.m. and 6:00 a.m. during the period of the first Sunday in April to the fourth Sunday in October during which Central Daylight Savings Time shall be in force in the City; and between the hours of 9:00 p.m. and 7:00 a.m. during the balance of the year.

(b) All trails within all City parks shall be closed one-half hour after sunset until one-half hour before sunrise during the calendar year.

(c) Any or all parks may be closed temporarily, or opening hours extended temporarily, in case of emergency, adverse weather, or unusual circumstances, as determined by the Director of Parks and Recreation, or his or her designee.

(d) It shall be unlawful for any person to be in any City park during the hours in which it is closed.

Section 2. Repeal of Existing Section. That existing Section 12-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1213 C)

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

Passed by the Council the 6th day of November, 1995.

Approved by the Mayor the 6th day of November, 1995.

(S. E A L)  
Marcia Rinehart  
Mayor

Attest:  
Martha Heizer  
City Clerk

APPROVED FOR FORM:  
R.S. Wetzler  
City Attorney
ORDINANCE NO. 1542 C
First published in The Legal Record, Tuesday, November 7, 1995.

ORDINANCE NO. 1542 C

AN ORDINANCE AMENDING SECTION 12-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PARK HOURS, AND REPEALING EXISTING SECTION.

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

Section 1. Code Amended. That Section 12-201 of the Code of the City of Leawood is hereby amended to read as follows:

12-201. PARK HOURS. (a) All Leawood parks with the exception of the trail shall be closed between the hours of 11:00 p.m. and 6:00 a.m. during the period of the first Sunday in April to the fourth Sunday in October during which central daylight savings time shall be in force in the City, and between the hours of 9:00 p.m. and 7:00 a.m. during the balance of the year.

(b) All trails within all City parks shall be closed one-half hour after sunset until one-half hour before sunrise during the calendar year.

(c) Any or all parks may be closed temporarily, or opening hours extended temporarily, in case of emergency, adverse weather, or unusual circumstances, as determined by the Director of Parks and Recreation, or his or her designee.

(d) It shall be unlawful for any person to enter any City park during the hours in which it is closed.

Section 2. Repeal of Existing Section. That existing Section 12-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1113C)

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

Passed by the Council the 6th day of November, 1995.

Approved by the Mayor the 6th day of November, 1995.

[Signature]
Mayor

Attest:

[Signature]
City Clerk

APPROVED FOR FORM:

[Signature]
City Attorney

$17.82
ORDINANCE NO. 1541 C

AN ORDINANCE AMENDING SECTION 13-402 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO STREET TREES, AND REPEALING EXISTING SECTION.

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

Section 1. Code Amended. That Section 13-402 of the Code of the City of Leawood is hereby amended to read as follows:

13-402. STREET TREES. The City of Leawood shall maintain an extensive list of recommended trees for planting in public areas. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

Section 2. Existing Section Repealed. That existing Section 13-402 of the Code of the City of Leawood is hereby repealed.

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

Passed by the Council the 6th day of November, 1995.

Approved by the Mayor the 6th day of November, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

K.S. Wetzel
City Attorney
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Tammy Schwien, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterruptedly 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 was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for consecutive week(s), as follows:

ORDINANCE NO. 1541C--11/7/95

Legal Notices Administrator

Subscribed and sworn to before me on this date:
November 8, 1995

Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.
ORDINANCE NO. 1540

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 A SECTION OF STATE LINE ROAD (IMPROVEMENT DISTRICT STATE LINE, PHASE II, PROJECT 134).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvement of State Line Road from approximately the center line of 119th Street to approximately Five Hundred Thirteen (513) feet south of the center line of 112th Terrace.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $1,348,366.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $754,950.00 and that such property within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments; and

WHEREAS, said Governing Body has considered the statements of property owners or representatives made during the public hearing on the assessments proposed to be assessed to Property I.D. # HF251314-1007, owned by Fern Stultz and to Property I.D. #HF241314-1009, owned by William R. Davis [hereinafter the “Stultz and Davis Property”];

WHEREAS, said Governing Body makes the following specific findings as to the assessments to be made to the property of Fern Stultz and William R. Davis:

1. That the Stultz and Davis Property is benefited by the improvements to be paid for by these assessments.
2. That the Governing Body, in determining that the Stultz and Davis Property is benefited by the improvements, has considered not only whether the property is enhanced for the purposes to which the property is presently devoted but also whether the property is enhanced for any purpose.
3. That the Stultz and Davis Property is currently used for residential purposes.
4. That the City of Leawood has adopted a policy regarding
assessments to residential property within improvement districts and has adopted this policy as Resolution No. 694 of the City.

5. The Governing Body specifically finds and determines that while the Stultz and Davis Property is benefited by the improvements, these properties are not benefited to the same extent as the other parcels of property within the District.

6. The Governing Body specifically finds and determines that while the Stultz and Davis Properties are similar to each other and are similarly benefited by the improvements, there is no other property within the District that is similar to the properties of Stultz and Davis for the reasons that they are both presently used as residential properties and both abut and have direct access to the improvements.

7. The Governing Body finds that the Stultz and Davis Property is presently zoned for use as agricultural property under the Leawood Development Ordinance.

8. The Governing Body finds that the Stultz and Davis Property has a potential for future development for a use other than the present.

9. The Governing Body finds that the Stultz and Davis Property each benefit in an amount equal to the cost of construction of one-half of a collector street, said cost representing the amount, that would be the responsibility of any developer of property within the City of Leawood.

10. The Governing Body has determined that the estimated cost of constructing one-half of a residential collector street is approximately $130 per lineal front foot of street and that this amount should be assessed to the Stultz and Davis property in the event that the use of these properties should change in the next five years.

11. Because of the fact, as represented to the Governing Body, that the owners of the Stultz and Davis Property do not intend to develop said property in the near future and that the Stultz and Davis Property is presently used solely for single family residential purposes, the Governing Body determines the Stultz and Davis Property should not be assessed at the present time in an amount equal to the full benefit but should be assessed an amount equal to the cost of constructing one-half of a residential street and that the remainder should be deferred.

12. The Governing Body determines that the portion of the assessment which is in excess of the estimated cost of constructing one-half of a residential street should be deferred until such time as the property is developed for a use other than the present.

13. The Governing Body finds that the approximate cost of constructing one-half of a residential street is $110 per lineal front foot of street.

14. The Governing Body also finds and determines that if within five years of the adoption of this ordinance the Stultz and Davis properties are sold for development then in such event the City may, by procedure set forth in K.S.A. 6a01 et seq., convene a subsequent assessment hearing and adjust the assessment on the property and to increase the assessment in an amount equal to the portion
of the assessment which is deferred under this ordinance, i.e. from $110 per lineal abutting front foot to $130 per lineal abutting front foot. For purposes of Resolution 694, the property shall be subject to reassessment following final approval of any rezoning of the Stultz and Davis Property which permits any owner other than the present owners or their heirs to use the property for a use other than the present use which permits one single family residence.

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 assessment for said improvement as set out on the assessment roll on file in the City Clerk’s Office and incorporated herein.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installments 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 December 7, 1995, 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 December 7, 1995, 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 AND APPROVED by the Governing Body of the City of Leawood, Kansas this 6th day of November, 1995.
APPROVED by the Mayor this 6th day of November, 1995.

(SEAL)

By: Marcia Rinehart
Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney
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 A SECTION OF STATE LINE ROAD (IMPROVEMENT DISTRICT STATE LINE, PHASE II, PROJECT 134).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvement of State Line Road from approximately the center line of 119th Street to approximately Five Hundred Thirteen (513) feet south of the center line of 112th Terrace.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $1,348,366.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $754,950.00 and that such property within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments; and

WHEREAS, said Governing Body has considered the statements of property owners or representatives made during the public hearing on the assessments proposed to be assessed to Property I.D. # HF251314-1007, owned by Fern Stultz and to Property I.D. #HF241314-1009, owned by William R. Davis [hereinafter the “Stultz and Davis Property”];

WHEREAS, said Governing Body makes the following specific findings as to the assessments to be made to the property of Fern Stultz and William R. Davis:

1. That the Stultz and Davis Property is benefited by the improvements to be paid for by these assessments.
2. That the Governing Body, in determining that the Stultz and Davis Property is benefited by the improvements, has considered not only whether the property is enhanced for the purposes to which the property is presently devoted but also whether the property is enhanced for any purpose.
3. That the Stultz and Davis Property is currently used for residential purposes.
4. That the City of Leawood has adopted a policy regarding
assessments to residential property within improvement districts and has adopted this policy as Resolution No. 694 of the City.

5. The Governing Body specifically finds and determines that while the Stultz and Davis Property is benefited by the improvements, these properties are not benefited to the same extent as the other parcels of property within the District.

6. The Governing Body specifically finds and determines that while the Stultz and Davis Properties are similar to each other and are similarly benefited by the improvements, there is no other property within the District that is similar to the properties of Stultz and Davis for the reasons that they are both presently used as residential properties and both abut and have direct access to the improvements.

7. The Governing Body finds that the Stultz and Davis Property is presently zoned for use as agricultural property under the Leawood Development Ordinance.

8. The Governing Body finds that the Stultz and Davis Property has a potential for future development for a use other than the present.

9. The Governing Body finds that the Stultz and Davis Property each benefit in an amount equal to the cost of construction of one-half of a collector street, said cost representing the amount, that would be the responsibility of any developer of property within the City of Leawood.

10. The Governing Body has determined that the estimated cost of constructing one-half of a residential collector street is approximately $130 per lineal front foot of street and that this amount should be assessed to the Stultz and Davis property in the event that the use of these properties should change in the next five years.

11. Because of the fact, as represented to the Governing Body, that the owners of the Stultz and Davis Property do not intend to develop said property in the near future and that the Stultz and Davis Property is presently used solely for single family residential purposes, the Governing Body determines the Stultz and Davis Property should not be assessed at the present time in an amount equal to the full benefit but should be assessed an amount equal to the cost of constructing one-half of a residential street and that the remainder should be deferred.

12. The Governing Body determines that the portion of the assessment which is in excess of the estimated cost of constructing one-half of a residential street should be deferred until such time as the property is developed for a use other than the present.

13. The Governing Body finds that the approximate cost of constructing one-half of a residential street is $110 per lineal front foot of street.

14. The Governing Body also finds and determines that if within five years of the adoption of this ordinance the Stultz and Davis properties are sold for development then in such event the City may, by procedure set forth in K.S.A. 6a01 et seq., convene a subsequent assessment hearing and adjust the assessment on the property and to increase the assessment in an amount equal to the portion
of the assessment which is deferred under this ordinance, i.e. from $110 per lineal abutting front foot to $130 per lineal abutting front foot. For purposes of Resolution 694, the property shall be subject to reassessment following final approval of any rezoning of the Stultz and Davis Property which permits any owner other than the present owners or their heirs to use the property for a use other than the present use which permits one single family residence.

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 assessment for said improvement as set out on the assessment roll on file in the City Clerk’s Office and incorporated herein.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installments 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 December 7, 1995, 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 December 7, 1995, 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 AND APPROVED by the Governing Body of the City of Leawood, Kansas this 6th day of November, 1995.
APPROVED by the Mayor this 6th day of November, 1995.

(SEAL)

By: Marcia Rinehart
Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED FOR FORM: R.S. Wetzler
City Attorney

CERTIFICATE

State of Kansas
County of Johnson
City of Leawood

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing with attached assessment roll is a true and correct copy of Ordinance No. 1540 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 10th day of January, 1996.

Martha Heizer

Martha Heizer
### ASSESSMENT ROLL

**Improvement District**  
State Line Road  
Project 134

**Assessment Factor**  
$206.329684745$ a front lineal foot.

<table>
<thead>
<tr>
<th>Property I. D. #</th>
<th>Ownership</th>
<th>Lineal Footage</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>HF251314-1006</td>
<td>Hallbrook Farms</td>
<td>3,038.1215</td>
<td>$626,855.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>prepaid 12/7/95</td>
</tr>
<tr>
<td>HF251314-1007</td>
<td>Fern Stultz</td>
<td>288.73</td>
<td>$31,760.00</td>
</tr>
<tr>
<td>HF241314-1009</td>
<td>William R. Davis</td>
<td>332.10</td>
<td>$36,531.00</td>
</tr>
</tbody>
</table>

**Total**  
$695,146.00
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterruptedly 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 was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for ___ consecutive week(s), as follows:

ORDINANCE NO. 1540--11/7/95

---

Tammy Schwien  
Legal Notices Administrator

Subscribed and sworn to before me on this date:  
November 8, 1995

Debra Dziadura  
Notary Public

My appointment expires: August 21, 1999.
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 A SECTION OF STATE LINE ROAD (IMPROVEMENT DISTRICT STATE LINE, PHASE II, PROJECT 114),

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvement of State Line Road from approximately the center line of 119th Street to approximately Five Hundred Thirteen (513) feet south of the center line of 112th Terrace,

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $1,248,366.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $754,310.00 and that such property within the improvement district abutting the proposed improvement shall be assessed on an abutting front-foot basis; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments; and

WHEREAS, said Governing Body has considered the statements of property owners or representatives made during the public hearing on the assessments proposed to be assessed to Property ID # H183114-1007, owned by Fern Stultz and to Property ID # H183114-1008, owned by William R. Davis (hereinafter the “Stultz and Davis Property”);

WHEREAS, said Governing Body makes the following specific findings as to the assessments to be made to the property of Fern Stultz and William R. Davis:

1. That the Stultz and Davis Property is benefited by the improvements to be paid for by these assessments.

2. That the Governing Body, in determining that the Stultz and Davis Property is benefited by the improvements, has considered not only whether the property is enhanced for the purposes to which the property is presently devoted but also whether the property is improved or not.

3. That the Stultz and Davis Property is currently used for residential purposes.

4. That the City of Leawood has adopted a policy regarding assessments to residential property within improvement districts and has adopted this policy as Resolution No. 694 of the City.

5. The Governing Body specifically finds and determines that while the Stultz and Davis Property is benefited by the improvements, these properties are not benefited to the same extent as the other parcels of property within the District.

6. The Governing Body specifically finds and determines that while the Stultz and Davis Properties are similar to each other and are similarly benefited by the improvements, there is no other property within the District that is similar to the properties of Stultz and Davis for the reasons that they are both presently used as residential properties and both have direct access to the improvements.

7. The Governing Body finds that the Stultz and Davis Property is presently zoned for use as agricultural property under the Leawood Development Ordinance.

8. The Governing Body finds that the Stultz and Davis Property has a potential for future development for a use other than the present.

9. The Governing Body finds that the Stultz and Davis Property each benefit in an amount equal to the cost of construction of one-half of a collector street, said cost representing the amount, that would be the responsibility of any owner of property within the City of Leawood.

10. The Governing Body has determined that the estimated cost of constructing one-half of a residential collector street is approximately $150 per linear front foot of street and that such amount should be assessed to the Stultz and Davis Property in the event that the use of these properties changes in the next five years.

11. Because the fact as represented to the Governing Body, that the owners of the Stultz and Davis Property do not intend to develop said property in the near future and that the Stultz and Davis Property is presently used solely for single family residential purposes, the Governing Body determines the Stultz and Davis Property should not be assessed at the present time in an amount equal to the full benefit but should be assessed an amount equal to the cost of constructing one-half of a residential street and the remainder should be deferred.

12. The Governing Body determines that the portion of the assessment which is in excess of the estimated cost of constructing one-half of a residential street should be deferred until such time as the property is developed for a use other than the present.

13. The Governing Body finds that the approximate cost of constructing one-half of a residential street is $110 per linear front foot of street.

14. The Governing Body also finds and determines that if within five years of the adoption of this ordinance the Stultz and Davis properties are sold for development then in such event the City may, by procedure set forth in K.S.A. 65-68, et seq., convene a subsequent assessment hearing and adjust the assessment accordingly to increase the assessment in an amount equal to the portion of the assessment which was deferred under this ordinance, i.e. from $110 per linear foot to $130 per linear foot.

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 hereby levied against the several lots, pieces and parcels of land subject to special assessment for said improvement as set out on the assessment roll on file in the City Clerk's Office and incorporated herein.

Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installments 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 December 7, 1995, 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 December 7, 1995, 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.

TAKEN EFFECT.

Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Leawood, Kansas this 6th day of November, 1995.

APPROVED by the Mayor this 6th day of November, 1995.

(SEAL)

By:  ____________________________

Mayor

Attest:

______________________________

City Clerk

APPROVED FOR FORM

______________________________

City Attorney
ORDINANCE NO. 1539

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 A SECTION OF 143RD STREET (IMPROVEMENT DISTRICT 143RD STREET, PROJECT 129).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvement of 143rd Street, in the City of Leawood, Johnson County, Kansas from Mission Road to 1,320' east along 143rd Street.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $500,343.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $344,351.80 and such property, within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

Section 1. Special assessments to pay the cost of 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., Thursday, November 16, 1995, 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., Thursday, November 16, 1995, 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 October, 1995.

Approved by the Mayor this 16th day of October, 1995.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM: 

K. S. Wetzler, City Attorney
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 A SECTION OF 143RD STREET (IMPROVEMENT DISTRICT 143RD STREET, PROJECT 129).

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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 $500,343.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $344,351.80 and such property, within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

Section 1. Special assessments to pay the cost of 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.

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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 October, 1995.

Approved by the Mayor this 16th day of October, 1995.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

CERTIFICATE

State of Kansas
County of Johnson
City of Leawood

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing with attached assessment roll is a true and correct copy of Ordinance No. 1539 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 10th day of January, 1996.

(SEAL)

Martha Heizer
ASSESSMENT ROLL

Improvement District
143rd Street
Project 129

Assessment Factor
$130.00 a front lineal foot.

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<th>Lineal Footage</th>
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Assessment Factor
$130.00 a front lineal foot for entire tract within district and further divided based on percentage of area for each lot.

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

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes
and says that she is Legal Notices Administrator of The Legal
Record which is a newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterruptedly 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:
ORDINANCE NO. 1539--10/17/95

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
October 18, 1995.

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.
ORDINANCE NO. 1539
First published in The Legal Record, Tuesday, October 17, 1995.

ORDINANCE NO. 1539
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 A SECTION OF 143RD STREET (IMPROVEMENT DISTRICT 143RD STREET, PROJECT NO. 129).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvement of 143rd Street, in the City of Leawood, Johnson County, Kansas from Mission Road to 1,230 feet along 143rd Street.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $500,343.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $344,351.80 and such property, within the improvement district abutting the proposed improvement shall be assessed on an abutting front foot basis; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment:

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

Section 1. Special assessments to pay the cost of 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 adoption and publication of this ordinance unless this ordinance is adopted and certified too late to permit collection at such time.

Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Thursday, November 16, 1995, 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., Thursday, November 16, 1995, 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 October, 1995.

Approved by the Mayor this 16th day of October, 1995.

(S E A L)

Marita Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM: 16/ R. S. Wetzler City Attorney
R. S. Wetzler
ORDINANCE NO. 1538

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 160-95-37 (MUNICIPAL POOL COMPLEX IMPROVEMENTS), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENTS TO THE MUNICIPAL POOL COMPLEX IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-1736, et seq., as amended, and Ordinance No. 1527, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the reconstruction, remodeling, replacement and repair of the pool, bathhouse and related facilities at Leawood Park, 10601 Lee Boulevard, (the "Project") at an estimated cost of $1,196,516; and

WHEREAS, the Project has commenced and the City has incurred or expects to incur costs payable within the next nine months in the amount of $200,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 160-95-37 (Municipal Pool Complex Improvements), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 2 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled
contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.82% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser.
Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.
Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.
APPROVED by the Mayor the 2nd day of October, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR PRINT:

R. S. Wetzler, City Attorney

WII-tnnmo160
CITY OF LEWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
John Lewis, of lawful age, being first duly sworn, deposes and
says that he is Publisher of The Legal Record which is a
newspaper printed in the State of Kansas,
which is 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for 1 consecutive
week(s), as follows:
ORDINANCE NO. 1538--10/3/95

Publisher

Subscribed and sworn to before me on this date:

10/5/95

Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

Publication Fees: $84.30
ORDINANCE NO. 1538

First published in The Legal Record, Tuesday, October 3, 1895.

ORDINANCE NO. 1538

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE RESISTANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 180-93-37 (MUNICIPAL POOL COMPLEX IMPROVEMENTS), OF THE CITY OF LEAMOOG, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENTS TO THE MUNICIPAL POOL COMPLEX IN THE CITY OF LEAMOOG.

WHEREAS, pursuant to K.S.A. 12-1736, S.E. S.H. as amended, and Ordinance No. 1527, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described Improvement project within the City, to wit: the reconstruction, remodeling, replacement and repair of the pool, bathhouse and related facilities at Leawood Park, 10601 Lee Boulevard, (the "Project") at an estimated cost of $1,196,514; and

WHEREAS, the project has commenced and the City has incurred or expects to incur costs payable within the next nine months in the amount of $200,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-121, as amended, to issue temporary notes of the City to pay the costs of the Project as the same become due and payable.

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

Section One: Authorization of Notes. That in order to provide funds to pay the costs of the project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 180-93-37 (Municipal Pool Complex Improvements), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two: Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 2 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.95% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation Improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in
shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price thereof which shall not be less than 99.82% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Exempt. The City covenants and agrees that [1] it will comply with each and every provision of Sections 103 and 141 through 150 of the Internal Revenue Code of 1954, as amended (the "Code"); that it is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and [2] it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes, provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation or the State of Kansas in existence since 1948;

2. Since January 1, 1993, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which may be appropriate, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

APPROVED by the Mayor the 2nd day of October, 1995.

[Signature]

Mayor

[Signature]

City Clerk

[Signature]

City Attorney
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 142-95-36 (BELL DRIVE AND IRON HORSE DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF BELL DRIVE, SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and Resolution No. 1153, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of 155th Street (Bell Drive) and Iron Horse Drive from Mission Road to the Iron Horse Clubhouse and in Iron Horse Estates (the "Project") at an estimated cost of $1,642,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 142-95-5 (Bell Drive and Iron Horse Drive), dated February 1, 1995, in the principal amount of $300,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $200,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary_notes_of_the_City_designated_City_of_Leawood_Kansas_Temporary_Notes, Series 142-95-36 (Bell Drive and Iron Horse Drive), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of
bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.05% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of
the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.831% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $300,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or
other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

K. S. Wetsler, City Attorney

WII-tnnml142
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and
says that he is Publisher of The Legal Record which is a
newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterrupted in said County and State for a
period of more than five (5) years prior to the first publication
of the notice attached, and has been admitted at the post office
as second class matter.
That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ______ consecutive
week(s), as follows:

ORDINANCE NO. 1537--10/3/95

____________________________
Publisher

Subscribed and sworn to before me on this date:

10/5/95

____________________________
Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

Publication Fees: $93.39

$93.39
such notes. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in the customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance heretofore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.8% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of said Notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying the costs and expenses of the Project.

Section Seven. Tax Covenant. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 104 through 110 of the Internal Revenue Code of 1986, as amended (the "Code"); that it is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, that the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1949.

2. Since January 1, 1995, the City, any elected officer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds of the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations", within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

Passed by the Council the 2nd day of October, 1995.

Approved by the Mayor the 2nd day of October, 1995.

[Signature]

Martha Reiser, Mayor

Approved for Form:

R. E. Wheetley, City Attorney

ORDINANCE NO. 1537

First published in The Legal Record, Tuesday, October 3, 1995.

ORDINANCE NO. 1537

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 142-95-26 (DEE-MOR DRIVE AND IRON HORSE DRIVE), OF THE CITY OF LEAWOOD, KANSAS, 'IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF DEE-MOR DRIVE AND IRON HORSE DRIVE, NORTHWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUARDER, ASPHALT PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-4401, et seq., as amended, and Resolution No. 1153, the Governing Body of the City of Leawood, Kansas (the 'City'), has heretofore authorized the following described improvement project within the City, to wit: "construction of 15th Street (Bell Drive) and Iron Horse Drive from Mission Road to the Iron Horse Clubhouse and in Iron Horse Estates (the 'Project') at an estimated cost of $1,642,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 142-95-5 (Bell Drive and Iron Horse Drive), dated February 1, 1995, in the principal amount of $100,000 (the 'Prior Notes'), to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $100,000 and

WHEREAS, the City is authorized by law and in particular K.S.A.10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

NOW, THEREFORE, be it ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AS FOLLOWS:

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 142-95-26 (Bell Drive and Iron Horse Drive), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the 'Notes'). The amount of
Section Two. - Terms of the Notes. - Said issues of Notes shall consist of bearer Notes numbered 1 through 5, inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1959, shall mature by said thereof, shall bear due and payable on July 9, 1959. The Notes shall be interest from their date, due and payable at maturity, or upon redemption prior thereto, as herein provided, at the rate of interest of 5% per annum, computed on the basis of actual days elapsed and a 360-day year, composed of twelve 30-day months. The Notes shall be subject to redemption at the option of the City upon notice, as herein provided, and shall be redeemed and cancelled contemporaneously with the issuance of the general obligation improvement bonds of the City issued in lieu thereof, to provide payment financing of the Project.

Both principal and interest on said Notes shall be payable in lawful money of the United States of America, by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first-class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date. (By) Law.

Section Three. - Security for the Notes. - The full faith, credit, and revenues of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes of general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessment upon property benefited by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. - Form of Notes. - Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereon.

Section Five. - Execution and Delivery. - The Mayor and City Clerk of the City are hereby authorized and directed to prepare, sign, and execute the Notes, herein authorized in the form and substance hereinbefore described and as provided by law, and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be counter signed 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% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. - Disposition of Proceeds. - The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $100,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. - Tax Covenant. - The City covenants and agrees that it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1954, as amended (the "Code").
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 142-95-36 (BELL DRIVE AND IRON HORSE DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF BELL DRIVE, SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER; ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, as amended, and Resolution No. 1153, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: "construction of 155th Street (Bell Drive) and Iron Horse Drive from Mission Road to the Iron Horse Clubhouse and in Iron Horse Estates (the "Project"), at an estimated cost of $1,642,000; and"

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 142-95-5 (Bell Drive and Iron Horse Drive), dated February 1, 1995, in the principal amount of $300,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $200,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 142-95-36 (Bell Drive and Iron Horse Drive), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of

CONTINUED ON PAGE 20
ORDINANCE NO. 1536

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 140-95-35 (83RD STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 83RD STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUN ding CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1424, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of 83rd Street beginning at a point on the Kansas/Missouri state line which is the centerline of 83rd Street and 111.18 feet east of the center line of State Line Road; thence west along the centerline of 83rd Street to a point on the west corporate city limit, said point being approximately 650.10 feet west of the centerline of Wenonga Road (south), within the City of Leawood (the "Project") at an estimated cost of $3,095,816.00; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 140-95-11 (83rd Street), dated February 1, 1995, in the principal amount of $500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 140-95-35 (83rd Street), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary
notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.05% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form
as provided by law, shall be signed by the Mayor and attested by the City Clerk of
the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City
are hereby authorized and directed to prepare and execute the Notes herein
authorized in the form and substance hereinbefore described and as provided by law
and to procure the proper registration in the office of the City Clerk and in the
office of the Treasurer of the State of Kansas, and when so executed and
registered, said Notes shall be countersigned by the City Clerk and delivered to
United Missouri Bank, the original purchaser thereof, upon payment of the purchase
price therefor which shall not be less than 99.831% of the principal amount
thereof plus accrued interest to the date of delivery thereof to the original
purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes
shall be deposited with the City Treasurer to be used to redeem and retire the
Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it
will comply with each and every provision of Section 103 and Sections 141 through
150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may
become applicable to the Notes, necessary to maintain the exclusion from gross
income for federal income tax purposes of the interest on the Notes, including but
not limited to any provisions requiring the rebate of earnings on amounts held in
funds or accounts created with respect to the Notes and (2) it will not use or
permit the use of any of the proceeds of the Notes or other funds of the City nor
take or permit any other action, or fail to take any action, if any such action or
failure to act would adversely affect the exclusion from gross income for federal
income tax purposes of the interest on the Notes; provided, however, the foregoing
provision in (1) above shall be and become null and void if and to the extent that
the City shall receive an opinion from nationally recognized bond counsel
which concludes that compliance with the foregoing covenant and the provisions of
the Code as provided in this section shall not be required to maintain and
continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations.
The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of
the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City
and any subordinate issuing entity to the City have not issued bonds or notes or
other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an
aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and
says that he is Publisher of The Legal Record which is a
newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterrupted in said County and State for a
period of more than five (5) years prior to the first publication
of the notice attached, and has been admitted at the post office
as second class matter.
That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:
ORDINANCE NO. 1536--10/3/95

[Signature]
Publisher

Subscribed and sworn to before me on this date:

[Signature]
Notary Public

My appointment expires: August 21, 1999.

DEBRA Dziadura
Notary Public - State of Kansas

Publication Fees: $92.48
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ENSUANCE AND DELIVERY OF TEMPERTARY NOTES, SERIES 10-93-35 (83RD STREET); OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 83RD STREET, INCLUDING GUIDING, RECURSIVE, CURBING, RECLINING, CUTTING, CUTTING, PAYING, REPAVING, MAINTAINING, RECONSTRUCTION, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, REBNDING CURBES, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY RECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFIC ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAY, CYCLE WAY OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-689, as amended, and Ordinance No. 1436, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: Improvement of 83rd Street beginning at a point on the Kansas/Missouri state line which is the centerline of 83rd Street and 111.10 feet east of the center line of State Line Road; thence west along the centerline of 83rd Street to a point on the west corporate city limit, said point being approximately 650.10 feet west of the centerline of Wanoga Road (south), within the City of Leawood (the "Project") at an estimated cost of $3,095,814.00; and

WHEREAS, the Project has commenced and the City has heretofore issued its Temporary Notes, Series 140-93-11 (83rd Street), dated February 1, 1993, in the principal amount of $500,000 (the "Prior Notes") to provide funds to the costs of the Project heretofore incurred by the City and said Prior Notes have become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 140-93-35 (83rd Street), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary notes hereafter issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issues of Notes shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1993, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their stated date, payable at maturity, or upon redemption prior thereto as herein provided, at a rate of interest of 4.05% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchasers of the Notes and to any known holder of the Notes or by the publication of such notice at least once in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes. such publication of such notice or mailing of written notification of redemption to the original purchasers and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given is aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Erection and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinafore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.831% of the principal amount thereof plus accrued interest, to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Exemptions. The City covenants and agrees that (1) it will comply with each and every provision of Section 102 and Sections 141 through 180 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the repayment of payments (other than payments attributable to principal) on the Notes, and (2) it will not use or permit the use by any of the proceeds of the Notes or other funds of the City of any tax-exempt status to be lost, revoked or denied in any manner or to prevent or otherwise inhibit the maintenance of the tax-exempt status of the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;
2. Since January 1, 1995, the City, any related issuer on behalf of the City, and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 148(b)(2)(0) of an aggregate amount in excess of $10,000,000.
3. The City does not reasonably anticipate issuing tax-exempt obligations.

CONTINUED ON PAGE 22
taken into account under section 288(b)(b)(d) during calendar year 1985 in an aggregate amount in excess of $10,000,000;  

4. No portion of the proceeds of the sale of the Notes will be loaned to or will be used for any project or to refund any amount beneficially used by the City.  

The governing body of the City hereby authorizes the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 576 of the Code.  

Section Five. Authority: The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they de may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.  

Section Six. Effective Date: That this Ordinance shall take effect and be in force after its publication as provided by law.  

PASSED by the Council the 2nd day of October, 1985.  

APPROVED by the Mayor the 2nd day of October, 1985.  

[Signature]  

Maic O. Rinehart, Mayor  

Hartha Hrizer, City Clerk  

APPROVED FOR FORM:  

/I/ N. R. Wetzer  

H.S. Wetzer, City Attorney  

ORDINANCE NO. 1535  

First published in The Legal Record, Tuesday, October 3, 1985.  

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPOINARY NOTES, SERIES 137-95-34 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEWANDO, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTRELINE OF 13300 STREET TO A POINT 121.76 FEET SOUTH OF THE CENTRELINE OF CARDONOLLE, INCLUDING GRADES, RE GRADING, CURVING, RECURVING, CUTTING, RECUTTING, PAYING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXPANDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERE TO, VIADUCTS, OVERPASSES, UNDERPASSES, OVERCUTS, STORM DRAINAGE, TRAFFIC ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.  

WHEREAS, pursuant to K.S.A. 11-656, 11-666, as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: Improvement of State Line Road from a point 21.50 feet south of the centerline of 1102nd Street to a point 111.76 feet south of the centerline of Cardonollet, a distance of approximately 2446 feet, within the City of Leawood (the "Project") at an estimated cost of $1,460,000; and  

WHEREAS, the Project has been constructed and the City has heretofore issued its Temporary Notes, Series 137-95-34 (State Line Road, Phase IV), dated February 11, 1985, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and  

WHEREAS, the City is authorized by law and in particular N.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.  

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

Section One. Authorization of Notes: That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 137-95-34 (State Line Road, Phase IV), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary notes hereinafter issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.  

Section Two. Terms of the Notes: Said issue of Notes shall consist of bearer notes numbered 1 in the denomination of $100,000. Each of said Notes shall be dated October 30, 1985, and shall mature by their stated terms and become due and payable on July 9, 1986. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual/360 days) and a 360-day year composed of twelve 30-day months. The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.  

Both principal and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.  

The City reserves the right to redeem and pay said Notes, in whole or in part (and in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the "stated" maturity of said Notes by notice thereof, given by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by publication of such notice in any newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchasers and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.  

Section Three. Security for the Notes: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.  

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same becomes due and payable.  

Section Four. Form of Notes: Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.  

Section Five. Redemption and Delivery: The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance herebefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.62% of the principal amount thereof.
taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

ATTEST:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney

WII-trx140
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 137-95-34 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTERLINE OF 103RD STREET TO A POINT 123.76 FEET SOUTH OF THE CENTERLINE OF CARONDOLET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of State Line Road from a point 25.50 feet south of the centerline of 103rd Street, to a point 123.76 feet south of the centerline of Carondolet, a distance of approximately 2646 feet, within the City of Leawood (the "Project") at an estimated cost of $3,680,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 137-95-6 (State Line Road, Phase IV), dated February 1, 1995, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 137-95-34 (State Line Road, Phase IV), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary
notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form
as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.82% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an
aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

MARCIA RINEHART, Mayor

MARTHA HEIZER, City Clerk

R. S. WETZLER, City Attorney
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

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

That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for ____ consecutive week(s), as follows:

ORDINANCE NO. 1535--10/3/95

_________________________
Publisher

Subscribed and sworn to before me on this date:

10/5/95

_________________________
Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

Publication Fees: $92.30
ORDINANCE NO. 1536
First published in The Legal Record, Tuesday, October 3, 1995.
ORDINANCE NO. 1535
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE INSURANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 137-95-34 (STATE LINE ROAD, PHASE IV), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT TO STATE LINE ROAD FROM A POINT 25.50 FEET SOUTH OF THE CENTERLINE OF 103RD STREET TO A POINT 123.76 FEET SOUTH OF THE CENTERLINE OF CARNOUSLET, INCLUDING GRAADING, REGRADING, CURBING, CURB CURVING, GUTTERING, REGUTTERING, PAYING, REPAYING, REASPHALTING, REASPHALTING, CONSTRUCTION, RECONSTRUCTION, OPENING, WIDENING, EXTENDING, MOUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.
WHEREAS, pursuant to K.S.A. 12-685, as amended, and Ordinance No. 1372, the Governing Body of the City of Leawood, Kansas, (the “City”) has heretofore authorized the following described improvement project within the City, to wit: improvement of State Line Road from a point 25.50 feet south of the centerline of 103rd Street, to a point 123.76 feet south of the centerline of Carnouslet, a distance of approximately 264.5 feet, within the City of Leawood (the “Project”) at an estimated cost of $3,680,000; and
WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 137-95-6 (State Line Road, Phase IV), dated February 1, 1995, in the principal amount of $100,000 (the “Prior Notes”) to provide funds to pay the costs of the Project heretofore incurred by the City and said prior Notes become due and payable in the immediate future; and
WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AS FOLLOWS:
Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 137-95-34 (State Line Road, Phase IV), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the “Notes”). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.
Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.00% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.
Both principal and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.
The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first-class mail to the original purchaser of the Notes and to any known holder of the Notes or by publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notices. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.
Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.
The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.
Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.
Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance heretofore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.92% of the principal amount thereof

CONTINUED ON PAGE 23
Section Five. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenant. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 246(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 246(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will be used on behalf 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 246 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby authorized to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents heretofore approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication, as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

[Signature]
Marcia Rinehart, Mayor

[Signature]
Martha Haecker, City Clerk
APPROVED FOR PRINT:
[Signature]
R. S. Weitzler, City Attorney

WIF:ter137
ORDINANCE NO. 1534

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 136-95-33 (STATE LINE ROAD, PHASE III), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 123RD STREET AND APPROXIMATELY 135TH STREET, SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1399, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of State Line Road, Phase III, from a point beginning approximately 206.47 feet south of the centerline of 123rd Street and ending approximately 800 feet south of the centerline of 135th Street, within the City of Leawood (the "Project") at an estimated cost of $3,300,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 136-95-8 (State Line Road, Phase III), dated February 1, 1995, in the principal amount of $700,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 136-95-33 (State Line Road, Phase III), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) (the "Notes"). The amount of the
Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.10% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.
Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.863% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $700,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;
2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

ATTEST:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
John Lewis, of lawful age, being first duly sworn, deposes and
says that he is Publisher of The Legal Record which is a
newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterrupted in said County and State for a
period of more than five (5) years prior to the first publication
of the notice attached, and has been admitted at the post office
as second class matter.
That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:
ORDINANCE NO. 1534--10/3/95

[Signature]
Publisher

Subscribed and sworn to before me on this date:
10/3/95

[Signature]
Notary Public

My appointment expires: August 21, 1999.

DEBRA Dziadura
Notary Public - State of Kansas

Publication Fees: $95.75
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 136-95-13 (STATE LINE ROAD, PHASE III), OF THE CITY OF LEAMOON, KANSAS, IN THE PRINCIPAL AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 123RD STREET AND APPROXIMATELY 13TH STREET, SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIAN, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STREET SEwers, STREET LIGHts, AND OTHER APPEARANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM, IN THE CITY OF LEAMOON.

WHEREAS, pursuant to K.S.A. 12-685, as amended, and Ordinance No. 139, the Governing Body of the City of Leamoon, Kansas (the “City”) has heretofore authorized the following described improvement project within the City, to wit: Improvement of State Line Road, Phase III, from a point beginning approximately 306.61 feet south of the centerline of 123rd Street and ending approximately 600 feet south of the centerline of 13th Street, within the City of Leamoon (the “Project”) at an estimated cost of $3,300,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 136-95-6 (State Line Road, Phase III), dated February 1, 1995, in the principal amount of $700,000 (the “Prior Notes”) to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leamoon, Kansas, Temporary Notes, Series 136-95-13 (State Line Road, Phase III), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination of $100,000. Each of said "Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.1% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemable and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal and interest on said Notes shall be payable in lawful money of the United States of America by check or, draft, at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice.
thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Remission and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance heretofore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 97.86% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $700,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that: (1) it will comply with each and every provision of Section 103 and Sections 143 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on annuities held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City to take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent the the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain as continuous the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing body hereby finds, determines, represents and warrants, as follows: 1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1949; 2. Since January 1, 1997, the City, any related issuer on behalf of the City, and any subordinate issuing entity to the City have not issued bonds or notes o
thereof given writing by first class mail to the original purchaser of the 
notes and to any known holder of the Notes or by the publication of such notice at 
least one time in a newspaper published or of general circulation in the 
metropolitan Kansas City area, and payment of said Notes, such publication of such 
notices or mailing of written notification of redemption to the original purchaser 
and the known holder to be at least ten days prior to the redemption date fixed in 
such notice. Notice of such redemption having been given as aforesaid, interest 
shall cease to accrue on said Notes from and after the redemption date.

Section Three: Security for the Notes. The full faith, credit and resources 
of the City of Leawood, Kansas, shall be and the same are hereby irrecoverably 
pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said 
Notes by the issuance of renewal notes or general obligation bonds of the City to 
provide permanent financing of the Project upon the completion thereof. If said 
bonds shall not be so issued and the Notes shall not be so paid, the Governing 
Body shall levy and collect a tax upon all taxable tangible property within the 
territorial limits of the City in an amount sufficient to pay the principal of and 
interest on said Notes as the same become due and payable.

Section Four: Form of Notes. Each of said Notes shall be in customary form 
as provided by law, shall be signed by the Mayor and attested by the City Clerk 
of the City and shall have the seal of said City affixed thereto.

Section Five: Execution and Delivery. The Mayor and City Clerk of the City 
are hereby authorized and directed to prepare and execute the Notes herein 
authorized in the form and substance hereinbefore described and as provided by law 
and to procure the proper registration in the office of the City Clerk and in the 
office of the Treasurer of the State of Kansas, and when so executed and 
registered, said Notes shall be countersigned by the City Clerk and delivered to 
United Missouri Bank, the original purchaser thereof, upon payment of the purchase 
price therefor which shall not be less than $9.00 of the principal amount 
thereof plus accrued interest to the date of delivery thereof to the original 
purchaser thereof.

Section Six: Disposition of Proceeds. The proceeds of the sale of the Notes 
shall be deposited with the City Treasurer. The sum of $700,000 of said proceeds 
shall be used to redeem and retire the Prior Notes, and the balance of such 
proceeds shall be deposited in a special fund created for the purpose of paying 
costs and expenses of the Project.

Section Seven: Tax Covenant. The City covenants and agrees that (1) it 
will comply with each and every provision of Section 103 and Sections 141 through 
150 of the Internal Revenue Code of 1986, as amended (the "Code"); that is or may 
become applicable to the Notes, necessary to maintain the exclusion from gross 
income for federal income tax purposes of the Interest on the Notes, including but 
not limited to any provisions requiring the rebate of earnings on amounts held in 
funds or accounts created with respect to the Notes and (2) it will not use or 
permit the use of any of the proceeds of the Notes or other funds of the City nor 
take or permit any other action, or fail to take any action, if any such action or 
failure to act would adversely affect the exclusion from gross income for federal 
income tax purposes of the Interest on the Notes; provided, however, that the 
foregoing provision in (1) above shall be void and null if and to the extent that 
the City shall receive an opinion from a nationally recognized bond counsel, 
which concludes that compliance with the foregoing covenant and the provisions of 
the Code so provided in this section shall not be required to maintain and 
continue the tax-exempt status of the Interest on the Notes.

Section Eight: Designation of Notes as Qualified Tax-Exempt Obligations. 
The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of 
the State of Kansas in existence since 1946;
2. Since January 1, 1995, the City, any related issuer on behalf of the City 
and any subordinate issuing entity to the City have not issued bonds or notes or 
other tax-exempt obligations taken into account under Section 265(b)(3)(B) of an 
aggregate amount in excess of $10,000,000;
3. The City does not reasonably anticipate issuing tax-exempt obligations 
taken into account under Section 265(b)(3)(B) during calendar year 1995 in an 
aggregate amount in excess of $10,000,000;
4. No portion of the proceeds of the sale of the Notes will be loaned to or 
will such proceeds or the Project be in any manner used on a basis different 
from the general public in the trade or business of any person, firm or corporation 
other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified 
tax-exempt obligations" within the meaning and for the purposes of Section 265 of 
the Code.

Section Nine: Further Authority. The duly elected and appointed officers of 
the City, including the Mayor, the City Clerk and the Finance Director, are hereby 
authorized and directed to execute all documents and take such actions as 
may deem necessary or advisable in order to carry out and perform the 
purposes of this Ordinance and to make ministerial alterations, changes or 
additions in the foregoing agreements, statements, instruments and other documents 
herein approved, authorized and confirmed which they may approve, and the 
execution or taking of such action shall be conclusive evidence of such necessity 
or advisability.

Section Ten: Effective Date. That this Ordinance shall take effect and be 
in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.
APPROVED by the Mayor the 2nd day of October, 1995.

MARCIA RINEHART
Mayor

ATTEST:

MARTHA HELMER, City Clerk

R. R. WESTER, City Attorney
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF THE FORAY NOTE SERIES 136-95-33 (STATE LINE ROAD, PHASE III), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $600,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 123rd STREET AND APPROXIMATELY 135th STREET, SAYED IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED FREEWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALT CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIAN, PROJECTED LEFT TURN LANE CURB AND GUTTERS, STORM SEWER, SIDEWALK, STREET LIGHTS, AND OTHER APPLIANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-641, as amended, and Ordinance No. 1999, the Governing Body of the City of Leawood, Kansas (the "City") hereby authorized the following described improvement project within the City, to wit: Improvement of State Line Road, Phase III, from a point beginning approximately 205.67 feet south of the centerline of 123rd Street and ending approximately 800 feet south of the centerline of 135th Street, within the City of Leawood (the "Project") at an estimated cost of $2,500,000; and

WHEREAS, the Project has been commenced and the City has herefore issued its Temporary Notes, Series 136-95-33 (State Line Road, Phase III), dated February 1, 1995, in the principal amount of $700,000 (the "Prior Notes") to provide funds to pay the costs of the Project herefore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred additional costs payable within the next nine months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, amended, to issue temporary notes of the City to provide funds to redeem and to pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorizing of Notes. That in order to provide funds to pay said Prior Notes and to pay costs of the Project now due and payable, including necessary engineering, legal, and incidental costs, there shall be issued and the City is hereby authorized to issue Temporary Notes of the City, designated City of Leawood, Kansas, Temporary Note, Series 136-95-33 (State Line Road, Phase III), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) (the "Notes"). The amount of Notes together with other temporary notes hereafter issued to finance the Project which remain outstanding does not exceed the total estimated costs of a Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature their stated terms and become due and payable on July 1, 1996. The Notes shall bear interest from their date of issue, payable at maturity or upon redemption prior thereto at 6% per annum, computed from the date of actual delivery to and a 360-day year composed of twelve 30-day months. The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and canceled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the Treasurer of the City, upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part, at its discretion, at any date prior to the stated maturity of said Notes by not

CONTINUED ON PAGE 24
ORDINANCE NO. 1533

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 134-95-32 (STATE LINE ROAD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $300,000 TO PROVIDE TEMPOARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 112TH TERRACE TO APPROXIMATELY 123RD STREET, SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., and 12-6a01, et. seq., as amended, and Ordinance No. 1348, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of State Line Road, Phase II, between approximately 112th Terrace to approximately 123rd Street, within the City of Leawood (the "Project") at an estimated cost of $1,476,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 134-95-7 (State Line Road, Phase II), dated February 1, 1995, in the principal amount of $300,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 134-95-32 (State Line Road, Phase II), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by
their stated terms and become due and payable on July 9, 1996. The Notes shall
bear interest from their dated date, payable at maturity or upon redemption
prior thereto as herein provided, at a rate of interest of 3.90% per annum
(computed on the basis of actual days elapsed and a 360-day year composed of
twelve 30-day months). The Notes shall be subject to redemption at the option
of the City upon notice as hereinafter provided and shall be redeemed and cancelled
contemporaneously with the issuance of general obligation improvement bonds of the
City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money
of the United States of America by check or draft at the office of the City
Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part
(and if in part in denominations of $100,000 selected by the City in its sole
discretion), at any date prior to the stated maturity of said Notes by notice
thereof given in writing by first class mail to the original purchaser of the
Notes and to any known holder of the Notes or by the publication of such notice at
least one time in a newspaper published or of general circulation in the
metropolitan Kansas City area, and payment of said Notes, such publication of such
notice or mailing of written notification of redemption to the original purchaser
and the known holder to be at least ten days prior to the redemption date fixed in
such notice. Notice of such redemption having been given as aforesaid, interest
shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources
of the City of Leawood, Kansas, shall be and the same are hereby irrevocably
pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said
Notes by the issuance of renewal notes or general obligation bonds of the City to
provide permanent financing of the Project upon the completion thereof. If said
bonds shall not be so issued and the Notes shall not be so paid, the Governing
Body shall levy and collect special assessments on property benefitted by the
Project, and to the extent said special assessments shall not be so collected, the
Governing Body shall levy and collect a tax upon all taxable tangible property
within the territorial limits of the City in an amount sufficient to pay the
principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form
as provided by law, shall be signed by the Mayor and attested by the City Clerk of
the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City
are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.82% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an
aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

(S E A L) Marcia Rinehart, Mayor

ATTEST: Martha Heizer, City Clerk

APPROVED FOR FILING R. S. Wetzler, City Attorney

WII-tnr134
PROOF OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, SS:

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

That a notice was published in all editions of the regular and extra issue for the following subject matter (also identified by the following case number, if any) for consecutive week(s), as follows:

ORDINANCE NO. 1533--10/3/95

Subscribed and sworn to before me on this date:

[Signature]

[Date]

Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

Publication Fees: $89.94
ORDINANCE NO. 1593
First published in The Legal Record, Tuesday, October 3, 1995.
ORDINANCE NO. 1593

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 134-93-21 (STATE LINE ROAD, PHASE II), OF THE CITY OF LEAMOON, KANSAS, IN THE PRINCIPAL AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 112TH TERRACE TO APPROXIMATELY 123RD STREET, SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY, OF ASPHALTIC CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIAN, PROTECTED LEFT TURN LANES, CURB AND CURTOS, STREET SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTEANCES TO MAKE A COMPLETE FREEWAY ROAD SYSTEM, IN THE CITY OF LEAMOON.

WHEREAS, pursuant to K.S.A. 12-485, 12-486, and 12-4401, as amended, and Ordinance No. 1540, the Governing Body of the City of Leamoon, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: Improvement of State Line Road, Phase II, between approximately 112th Terasce to approximately 113rd Street, within the City of Leamoon (the "Project") at an estimated cost of $1,476,000; and

WHEREAS, the Project has been commenced and the City has hereetofore issued its Temporary Notes, Series 134-93-9 (State Line Road, Phase II), dated February 1, 1995, in the principal amount of $200,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-122, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leamoon, Kansas, Temporary Notes, Series 134-93-21 (State Line Road, Phase II), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000) (the "Notes"). The amount of the Notes together with other temporary notes hereetofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the Leamoon, Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leamoon, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes at the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City, and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.81% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1940;

2. Since January 1, 1985, the City, any related issuers on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 or an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or

CONTINUED ON PAGE 12
will such proceeds or the Project be in any manner used on a basis different from
the general public in the trade or business of any person, firm or corporation
other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified
tax-exempt obligations" within the meaning and for the purposes of Section 265 of
the Code.

Section Nine. Further Authority. The duly elected and appointed officers of
the City, including the Mayor, the City Clerk and the Finance Director, are hereby
further authorized and directed to execute all documents and take such actions as
they may deem necessary or advisable in order to carry out and perform the
purposes of this Ordinance and to make ministerial alterations, changes or
additions in the foregoing agreements, statements, instruments and other documents
herein approved, authorized and confirmed which they may approve, and the
execution or taking of such action shall be conclusive evidence of such necessity
or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be
in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

Marcia Rinehart, Mayor

ATTEST:

S. A. L.

Martha Weizer, City Clerk

R. S. Metsler, City Attorney

R. S. Metsler, City Attorney

WII-tmr134
ORDINANCE NO. 1532

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 131-95-31 (NALL AVENUE, 119TH-135TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF NALL AVENUE, 119TH-135TH STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDED CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1433, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of Nall Avenue beginning at a point on the west line of Section 28-13-25, 2651 feet north of the centerline of 135th Street said point being the common city limit lines of Leawood, Kansas, and Overland Park, Kansas; thence north 3985 feet along the west line of Section 28-13-25 and Section 21-13-25 to a point on the common city limit lines of Leawood, Kansas, and Overland Park, Kansas, said point being 3997 feet south of the centerline of 119th Street, within the City of Leawood (the "Project") at an estimated cost of $7,604,683; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 131-95-10 (Nall Avenue, 119th-135th Street), dated February 1, 1995, in the principal amount of $500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 131-95-31 (Nall
Avenue, 119th-135th Street), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.05% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and
interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.831% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City
and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

(SEAL)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzler, City Attorney

WII-trn131
Proof of Publication

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

That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for ___ consecutive week(s). as follows:

ORDINANCE NO. 1532--10/3/95

Publisher

Subscribed and sworn to before me on this date: 10/5/95

Notary Public

My appointment expires: August 21, 1999.

Publication Fees: $94.66
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 131-95-31 (NALL AVENUE, 119TH-120TH STREET), OF THE CITY OF LEOWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF NALL AVENUE, 119TH-120TH STREET, INCLUDING GRADING, RESURFACING, CURBING, CURTENSORING, RECURTENSORING, PAVING, REPAVING, BACKFILLING, REBACKFILLING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, SOUNDING CURBSES, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VARIOUS OVERPASSES, UNDERPASSES, CULVERTS, STONE DRAINAGE, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, CYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEOWOOD.

WHEREAS, pursuant to K.S.A. 12-403, 85-201, as amended, and Ordinance No. 1431, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of Nall Avenue beginning at a point on the west line of Section 28-13-25, 2661 feet north of the centerline of 135th Street said point being the common city limit line of Leawood, Kansas, and Overland Park, Kansas, thence north 3955 feet along the west line of Section 29-13-25 and Section 21-13-25 to a point on the common city limit line of Leawood, Kansas, and Overland Park, Kansas, said point being 3977 feet south of the centerline of 119th Street, within the City of Leawood (the "Project") at an estimated cost of $7,604,683; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 131-95-10 (Nall Avenue, 119th-120th Streets), dated February 1, 1999, in the principal amount of $500,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and the Prior Notes have become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODIES OF THE CITY OF LEOWOOD, KANSAS, AS FOLLOWS:

Section One. Authorization of Notes. That in order to provide funds to redeem the Prior Notes in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 131-95-31 (Nall Avenue, 119th-120th Street), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1999, shall mature by their stated terms and become due and payable on July 9, 1999. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.05% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Firm of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and the City shall have the seal of said City affixed thereto.

Section Five. Enforcement and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinafter described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.825% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original

CONTINUED ON PAGE 13
Section Five. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. The Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 101 and Sections 141 through 265 of the Code, and (2) any special assessment levied by the City in accordance with Article 150 of the Internal Revenue Code of 1943, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain, the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes; and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas, in existence since 1943.

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under section 265(b)(3)(D) of an aggregate amount in excess of $15,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as may, from time to time, be necessary, desirable or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the Mayor is hereby authorized, empowered and directed to execute and cause to be recorded any such documents as may be necessary or advisable in the performance of the purposes of this Ordinance. Any execution or taking of any such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

Passed by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

[Signature]
Marvin Rinkhart, Mayor

[Signature]
Martha Reiser, City Clerk

APPROVED FOR FILING

R. B. Watson, City Attorney

WII-17131
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 129-95-30 (143RD STREET, MISSION-1320 FEET EAST), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF 143RD STREET FROM MISSION ROAD TO 1320 FEET EAST, SAID IMPROVEMENTS TO BE A TWO-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-6a01, at seq., as amended, and Resolution No. 1108, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: construction of a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1,320 feet east (the "Project") at an estimated cost of $448,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 129-95-4 (143rd Street, Mission-1320 feet east), dated February 1, 1995, in the principal amount of $400,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 129-95-30 (143rd Street, Mission-1320 feet east), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 4 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum
(computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the
office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.82% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualifed Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from
the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

Martha Neizer, City Clerk

R. S. Wetzler, City Attorney

WII-tnr129
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication
STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and
says that he is Publisher of The Legal Record which is a
newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterruptedly 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:
ORDINANCE 1531--10/3/95

[Signature]
PUBLISHER

[Signature]
NOTARY PUBLIC

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas
Publication Fees: $87.76
Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leavenworth, Kansas, Temporary Notes, Series 129-95-30 (143rd Street, Mission-1320 feet east), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes together with other temporary notes hereafter issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Form of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 4, inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated term and become bearable and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior to their maturity, as herein provided, at a rate of interest of 3.92% per annum (computed on the basis of 360 days and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed on the terms and conditions hereinafter provided, contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part, in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by written notice of redemption in the form of a notice mailed to the holder of the Notes to be, at least, one (1) week prior to the redemption date fixed by such notice. Notice of such redemption having been given, an additional ten days shall elapse before such notice shall cease to be effective. The holder of such Notes, to be, at least, ten days prior to the redemption date fixed by such notice.

Section Three. Security for the Notes. The full faith, credit and resources

CONTINUED ON PAGE 14
The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect special assessments on property benefitted by the Project, and to the extent said special assessments shall not be so collected, the Governing Body shall levy and collect a tax upon all taxable property within the territorial limits of the City in an amount sufficient to pay the principal and interest on said Notes as the same become due and payable.

Section Four: Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereon.

Section Five: Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price thereof which shall not be, less than $9,812 of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six: Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven: Tax Covenant. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"); that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be made null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight: Delegation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1946;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(B) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(B) during calendar year 1995 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.
The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Five. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such actions shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

Passed by the Council the 2nd day of October, 1995

APPROVED by the Mayor the 2nd day of October, 1995

[Signature]

Narcisa Rinehart, Mayor

Martha Heissar, City Clerk

[Signature]

R. S. Metzler, City Attorney

W1-96A1
ORDINANCE NO. 1531
First published in The Legal Record, Tuesday, October 3, 1952.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 129-95-30 (143rd STREET, MISSION-1320 first east) OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF 143RD STREET FROM MISSION ROAD TO 1320 FEET EAST, SAID IMPROVEMENTS TO BE A TWO-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-5001, as amended, and Resolution No. 1108, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described Improvement project within the City to wit: construction of a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1320 feet east (the "Project") at an estimated cost of $400,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 129-95-4 (143rd Street, Mission-1320 feet east), dated February 1, 1992, in the principal amount of $400,000 (the "Prior Notes") to provide funds to pay the costs of the Project herefore incurred by the City and said Prior Notes have become due and payable in the immediate future; and

WHEREAS, the City is authorized by law in particular K.S.A. 10-1227 as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One—Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future heretofore issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 129-95-30 (143rd Street, Mission-1320 feet east), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000) (the "Notes"). The amount of the Notes, together with other temporary notes hereinafter issued to finance the Project, shall not exceed the total estimated costs of said Project.

Section Two—Terms of the Notes. Said issue of Notes shall be comprised of bearer-notes numbered 1 through 4 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1993, shall mature at their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their date of issue, at the rate of 3.00% per annum (computed on the basis of actual days elapsed and 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice, as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Section Three—Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, are hereby made and accepted as full and complete security for the Notes and all notes of similar character which may hereafter be issued by the City. The Notes shall be payable in lawful money of the United States of America, at such time or times, and in such manner as the City may determine.
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 126-95-29 (MISSION ROAD, 95TH STREET-103RD STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 95TH STREET-103RD STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, RENACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, Rounding Corners, Straightening, Relocating, construction or reconstruction of any necessary Bridges and approaches thereeto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways or other improvements and other incidental construction costs, in the city of Leawood.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1330, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of certain sections of Mission Road from 385 feet south of 95th Street to 385 feet south of 103rd Street within the City of Leawood (the "Project") at an estimated cost of $1,571,300; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 126-95-3 (Mission Road, 95th Street-103rd Street), dated February 1, 1995, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 126-95-29 (Mission Road, 95th Street-103rd Street), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of
bearer notes numbered 1 in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City
are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.82% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an
aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.
APPROVED by the Mayor the 2nd day of October, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR PRINT

R. S. Wetzler, City Attorney

WII-tnr126
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and
says that he is Publisher of The Legal Record which is a
newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterrupted in said County and State for a
period of more than five (5) years prior to the first publication
of the notice attached, and has been admitted at the post office
as second class matter.
That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:

ORDINANCE NO. 1530--10/3/95

[Signature]
Publisher

[Signature]
Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

Publication Fees: $89.94
ORDINANCE NO. 1530
First published in The Legal Record, Tuesday, October 3, 1995.

ORDINANCE NO. 1530

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 126-95-29 (MISSION ROAD, 95TH STREET-103RD STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 95TH STREET-103RD STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDOFF CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES; CULVERTS, STORM DRAINAGE; TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, as amended, and Ordinance No. 1310, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: improvement of certain sections of Mission Road from 385 feet south of 95th Street to 385 feet south of 103rd Street within the City of Leawood (the "Project") at an estimated cost of $1,571,300; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 126-95-3 (Mission Road, 95th Street-103rd Street), dated February 1, 1995, in the principal amount of $100,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City and said Prior Notes become due and payable in the immediate future; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes to become due in the immediate future there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 126-95-29 (Mission Road, 95th Street-103rd Street), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000) (the "Notes"). The amount of the Notes together with

CONTINUED ON PAGE 15
Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by its stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their date of issue, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 3.90% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Kaw Point, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be issued and the Notes shall not be paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance heretofore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to Kansas City Life Insurance Company, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 95% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer to be used to redeem and retire the Prior Notes.

Section Seven. Tax Covenant. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for Federal income tax purposes of the interest on the Notes, including but
ORDINANCE NO. 1529

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 124-95-28 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K-150], STATE LINE-NALL AVENUE, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDED CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES, APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR REIMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1203, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement and reimprovement of 135th Street (K-150) located within the City of Leawood (State Line-Nall Avenue) (the "Project") at an estimated cost of $3,146,400; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 124-95-1 (135th Street [K-150], State Line-Nall Avenue), dated February 1, 1995, in the principal amount of $1,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $400,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes,
Series 124-95-28 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of One Million Four Hundred Thousand Dollars ($1,400,000) (the "Notes"). The amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 14 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.10% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the
territorial limits of the City in an amount sufficient to pay the principal of and
interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form
as provided by law, shall be signed by the Mayor and attested by the City Clerk of
the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City
are hereby authorized and directed to prepare and execute the Notes herein
authorized in the form and substance hereinbefore described and as provided by law
and to procure the proper registration in the office of the City Clerk and in the
office of the Treasurer of the State of Kansas, and when so executed and
registered, said Notes shall be countersigned by the City Clerk and delivered to
United Missouri Bank, the original purchaser thereof, upon payment of the purchase
price therefor which shall not be less than 99.863% of the principal amount
thereof plus accrued interest to the date of delivery thereof to the original
purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes
shall be deposited with the City Treasurer. The sum of $1,000,000 of such
proceeds shall be used to redeem and retire the Prior Notes, and the balance of
such proceeds shall be deposited in a special fund created for the purpose of
paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it
will comply with each and every provision of Section 103 and Sections 141 through
150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may
become applicable to the Notes, necessary to maintain the exclusion from gross
income for federal income tax purposes of the interest on the Notes, including but
not limited to any provisions requiring the rebate of earnings on amounts held in
funds or accounts created with respect to the Notes and (2) it will not use or
permit the use of any of the proceeds of the Notes or other funds of the City nor
take or permit any other action, or fail to take any action, if any such action or
failure to act would adversely affect the exclusion from gross income for federal
income tax purposes of the interest on the Notes; provided, however, the foregoing
 provision in (1) above shall be and become null and void if and to the extent that
the City shall receive an opinion from nationally recognized bond counsel
which concludes that compliance with the foregoing covenant and the provisions of
the Code as provided in this section shall not be required to maintain and
continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations.
The Governing Body hereby finds, determines, represents and warrants, as follows:
1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney

WII-tnnum124
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Publisher of The Legal Record which is a newspaper printed in the State of Kansas, published in 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 was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for consecutive week(s), as follows:
ORDINANCE 1529--10/3/95

[Signature]
Publisher

Subscribed and sworn to before me on this date:

[Signature]
Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

Publication Fees: $95.75
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 12-95-28 (135TH STREET [E-150], STATE LINE-BALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $1,400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [E-150], STATE LINE-BALL AVENUE, INCLUDING GRADING, REGRADING, CURBING, RECURBING, DRAINAGE, DRAINAGE TRENCHING, NOZZLES, OVEREIGHTS, UNDEREIGHTS, COLUMNS, STREET LIGHTING, TRAFFIC CONTROL DEVICES, PEDESTRIAN SIGNALS, BICYCLE LANE, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS OR IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-645, as amended, and Ordinance No. 1993, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City to which the improvement and realignment of 135th Street (E-150) located within the City of Leawood (State Line-Ball Avenue) (the "Project") at an estimated cost of $3,146,400; and

WHEREAS, the Project has been constructed under the direction of the City, the City having previously issued temporary notes, Series 12-95-1 (135th Street [E-150], State Line-Ball Avenue), dated February 1, 1991, in the principal amount of $1,000,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City. On January 19, 1993, the City rediscounted the Prior Notes to become due and payable in the immediate future, and the City has been advised that, within the meaning of K.S.A. 12-645, as amended, nine months in the amount of $400,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes. The City hereby amends the Prior Notes and to pay the costs of the Project heretofore incurred by the City, including any incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 12-95-28 (135th Street [E-150], State Line-Ball Avenue), in the aggregate principal amount of One Million Four Hundred Thousand Dollars ($1,400,000) (the "Notes"). The amount of the Notes together with any accretions, premiums and any bonds, notes or other evidences of indebtedness issued to finance the Project which may become outstanding notes of the City, shall be paid as provided in the temporary notes and in the estimated costs of said Project.

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due and payable in the immediate future, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 12-95-28 (135th Street [E-150], State Line-Ball Avenue), in the aggregate principal amount of One Million Four Hundred Thousand Dollars ($1,400,000) (the "Notes"). The amount of the Notes together with any accretions, premiums and any bonds, notes or other evidences of indebtedness issued to finance the Project which may become outstanding notes of the City, shall be paid as provided in the temporary notes and in the estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 14 inclusive, each in the denomination of $100,000, each bearing interest from their date of issue, payable at maturity or upon redemption and at a rate of interest of 4.104% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice to and at the option of the City upon notice to and at the option of the City upon notice issued in lieu thereof to provide permanent financing of the Project.

Both principal and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any time prior to the stated maturity of said Notes by notice theretofore given in writing at first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes. Such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The governing body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.

Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law; shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration of the Notes in the office of the City Clerk and in the office of the Treasurer of the City, and when so executed and delivered, said Notes shall be countersigned by the City Clerk and delivered to the United Missouri bank, the original purchaser thereof; upon payment of the purchase-price therefor which shall not be less than 99.86% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $1,000,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Sections 103 and 104 through 150 of the Internal Revenue Code of 1966, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in escrow, (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor any provisions of the Notes or any other agreements for any tax avoidance purposes, (3) it will not use or permit any further or any other action, or fail to take any action, if any such action or no action would adversely affect the exclusion from gross income for federal income taxes purposes of the interest on the Notes; provided, however, the foregoing provisions in subsection (a) of this section shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The governing body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1993, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or
other tax-exempt obligations taken into account under Section 265(b)(3)(D) of
aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations
taken into account under Section 265(b)(3)(D) during calendar year 1995 in an
aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or
will such proceeds or the Project be in any manner used on a basis different from
the general public in the trade or business of any person, firm or corporation
other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified
tax-exempt obligations" within the meaning and for the purposes of Section 265 of
the Code.

Section Nine - Further Authority. The duly elected and appointed officers of
the City, including the Mayor, the City Clerk and the Finance Director, are hereby
further authorized and directed to execute all documents and take such actions as
they may deem necessary or advisable in order to carry out and perform the
purposes of this Ordinance and to make ministerial alterations, changes or
additions in the foregoing agreements, statements, instruments and other documents
herein approved, authorized and confirmed which they may approve, and the
execution or taking of such action shall be conclusive evidence of such necessity
or advisability.

Section Ten - Effective Date. That this Ordinance shall take effect and be
in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

(Signed)
Mayor

ATTEST:
Martha Weiser, City Clerk

APPROVED FOR PRINT:
/s/ R.S. Wetsler

R.S. Wetsler, City Attorney
WII-tamr124
ORDINANCE NO. 1528

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 115-95-27 (MISSION ROAD, COLLEGE BOULEVARD - I-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, COLLEGE BOULEVARD - I-435, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNGING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEAWOOD.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and Ordinance No. 1204, the Governing Body of the City of Leawood, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement or re improvement of Mission Road from College Boulevard to I-435 (the "Project") at an estimated cost of $2,000,000; and

WHEREAS, the Project has been commenced and the City has heretofore issued its Temporary Notes, Series 115-95-9 (Mission Road, College Boulevard - I-435), dated February 1, 1995, in the principal amount of $800,000 (the "Prior Notes") to provide funds to pay the costs of the Project heretofore incurred by the City, said Prior Notes to become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as amended, to issue temporary notes of the City to provide funds to redeem and pay the Prior Notes and to pay the costs of the Project as the same become due and payable.

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

Section One. Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leawood, Kansas, Temporary Notes, Series 115-95-27 (Mission Road, College Boulevard - I-435), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000) (the "Notes"). The
amount of the Notes together with other temporary notes heretofore issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two. Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 9 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 10, 1995, shall mature by their stated terms and become due and payable on July 9, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of interest of 4.10% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemed and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Both principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes.

The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes or by the publication of such notice at least one time in a newspaper published or of general circulation in the metropolitan Kansas City area, and payment of said Notes, such publication of such notice or mailing of written notification of redemption to the original purchaser and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three. Security for the Notes. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the Notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes as the same become due and payable.
Section Four. Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five. Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes herein authorized in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price thereof which shall not be less than 99.863% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

Section Six. Disposition of Proceeds. The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The sum of $800,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

Section Seven. Tax Covenants. The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the rebate of earnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

Section Eight. Designation of Notes as Qualified Tax-Exempt Obligations. The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;
2. Since January 1, 1995, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 265(b)(3)(D) of an aggregate amount in excess of $10,000,000.

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 265(b)(3)(D) during calendar year 1995 in an aggregate amount in excess of $10,000,000.

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Code.

Section Nine. Further Authority. The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section Ten. Effective Date. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 2nd day of October, 1995.

APPROVED by the Mayor the 2nd day of October, 1995.

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney

WII-tnnrmll5
Proof of Publication

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

That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for ___ consecutive week(s), as follows:

ORDINANCE NO. 1528—10/3/95

[Signature]
Publisher

[Signature]
Notary Public

My appointment expires: August 21, 1999.

[Debra Dziadura]
Notary Public - State of Kansas

Publication Fees: $95.75
ORDINANCE NO. 10596
First published in The Legal Record, Tuesday, October 2, 1984.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 115-95-27 (MISSION ROAD, COLLEGE BOULEVARD - 1-435), OF THE CITY OF LEOMO, KANSAS, IN THE PRINCIPAL AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, COLLEGE BOULEVARD - 1-435, INCLUDING CULVERTING, REGRADING, CURBING, RECURVING, CUTTING, ERODING, PATCHING, REPAVING, CRAWLING, RELOCATING, CONSTRUCTING, REENHANCEMENTS, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELACING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THEREOF, DIAMONDS, OVERSPREADS, UNDERSPREADS, CULVERTS, STORM DRAINAGE, TRAFFIC SIGNALS, TRAFFIC CONTROL DEVICES, SCHOOL PATIO, BICYCLE PATH, OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUCTION COSTS, IN THE CITY OF LEOMO.

WHEREAS, pursuant to K.S.A. 12-648, as amended, and Ordinance No. 1024, the Governing Body of the City of Leomax, Kansas (the "City") has heretofore authorized the following described improvement project within the City, to wit: the improvement or reinstallation of Mission Road from College Boulevard to I-435 (the "Project") at an estimated cost of $1,000,000; and

WHEREAS, the Project is now in progress and the City has heretofore issued its Temporary Notes, Series 115-95-9 (Mission Road, College Boulevard - 1-435), dated February 1, 1993, in the principal amount of $800,000 (the "Prior Notes") to provide funds to pay the cost of the Project heretofore incurred by the City; and

WHEREAS, the Prior Notes have become due and payable in the immediate future, and the City has incurred or expects to incur additional costs payable within the next nine months in the amount of $100,000; and

WHEREAS, the City is authorized by law and in particular K.S.A. 10-123, as

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODIES OF THE CITY OF LEOMO, KANSAS, AS FOLLOWS:

Section One: Authorization of Notes. That in order to provide funds to redeem and pay the Prior Notes and to pay costs of the Project now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and the City is hereby authorized to issue temporary notes of the City, designated City of Leomax, Kansas, Temporary Notes, Series 115-95-27 (Mission Road, College Boulevard - 1-435), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000) (the "Notes"). The amount of the Notes together with other temporary notes hereafter issued to finance the Project which remain outstanding does not exceed the total estimated costs of said Project.

Section Two: Terms of the Notes. Said issue of Notes shall consist of bearer notes numbered 1 through 9 inclusive, each in the denomination of $100,000. Each of said Notes shall be dated October 1, 1993, shall mature by its stated term and become due and payable on July 1, 1996. The Notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto as herein provided, at a rate of Interest of 4.10% per annum (computed on the basis of actual days elapsed and a 360-day year composed of twelve 30-day months). The Notes shall be subject to redemption at the option of the City upon notice as hereinafter provided and shall be redeemable and cancelled contemporaneously with the issuance of general obligation improvement bonds of the City issued in lieu thereof to provide permanent financing of the Project.

Such principal of and interest on said Notes shall be payable in lawful money of the United States of America by check or draft at the office of the City Treasurer of the City upon presentation and surrender of said Notes. The City reserves the right to redeem and pay said Notes, in whole or in part (and if in part in denominations of $100,000 selected by the City in its sole discretion), at any date prior to the stated maturity of said Notes by notice thereof given in writing by first class mail to the original purchaser of the Notes and to any known holder of the Notes, or by the publication of such notice at least once in a newspaper published or of general circulation in the metropolitan Kansas City area, and by publication of said Notes, such publication of such notice or mailing of written notice of redemption to the original purchasers and the known holder to be at least ten days prior to the redemption date fixed in such notice. Notice of such redemption having been given as aforesaid, interest shall cease to accrue on said Notes from and after the redemption date.

Section Three: Security for the Notes. The full faith, credit and resources of the City of Leomax, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes.

The Governing Body of the City shall make provisions for the payment of said Notes by the issuance of renewal notes or general obligation bonds of the City to provide permanent financing of the Project upon the completion thereof. If said bonds shall not be so issued and the notes shall not be so paid, the Governing Body shall levy and collect a tax upon all taxable tangible property within the territorial limits of the City in an amount sufficient to pay the principal of and interest on said Notes, as the same become due and payable.

Section Four: Form of Notes. Each of said Notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City and shall have the seal of said City affixed thereto.

Section Five: Execution and Delivery. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute the Notes hereinafter authorized in the form and substance hereabove described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and registered, said Notes shall be countersigned by the City Clerk and delivered
United Missouri Bank, the original purchaser thereof, upon payment of the purchase price thereof which shall not be less than 97.84% of the principal amount thereof plus accrued interest to the date of delivery thereof to the original purchaser thereof.

**Section 8.10. Disposition of Proceeds:** The proceeds of the sale of the Notes shall be deposited with the City Treasurer. The use of $800,000 of such proceeds shall be used to redeem and retire the Prior Notes, and the balance of such proceeds shall be deposited in a special fund created for the purpose of paying costs and expenses of the Project.

**Section 8.11. Tax Credit:** The City covenants and agrees that (1) it will comply with each and every provision of Section 103 and Sections 141 through 160 of the Internal Revenue Code of 1986, as amended (the "Code"), that is or may become applicable to the Notes, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes, including but not limited to any provisions requiring the issuing of warnings on amounts held in funds or accounts created with respect to the Notes and (2) it will not use or permit the use of any of the proceeds of the Notes or other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to act would adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Notes; provided, however, the foregoing provision in (1) above shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Code as provided in this section shall not be required to maintain and continue the tax-exempt status of the interest income on the Notes.

**Section 8.12. Designation of Notes as Qualified Tax-Exempt Obligations.** The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing municipal corporation of the State of Kansas in existence since 1948;

2. Since January 1, 1994, the City, any related issuer on behalf of the City and any subordinate issuing entity to the City have not issued bonds or notes or other tax-exempt obligations taken into account under Section 263(b)(3)(D) of an aggregate amount in excess of $10,000,000;

3. The City does not reasonably anticipate issuing tax-exempt obligations taken into account under Section 263(b)(3)(D) during calendar year 1996 in an aggregate amount in excess of $10,000,000;

4. No portion of the proceeds of the sale of the Notes will be loaned to or will such proceeds or the Project be in any manner used on a basis different from the general public in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the Notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 146 of the Code.

**Section 10. Further Authority.** The duly elected and appointed officers of the City, including the Mayor, the City Clerk and the Finance Director, are hereby further authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 11. Resolution.** That this Ordinance shall take effect and be in force after its publication as provided by law.

**APPROVED by the Mayor the 2nd day of October, 1995.**

*Martha Rimhart, Mayor*
ORDINANCE NO. 1527

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF THE MUNICIPAL POOL COMPLEX WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas (the "City") is authorized by K.S.A. Section 12-1736 et. seq. (the "Act") to alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings, and it has been proposed that the City make major improvements to the municipal pool complex located in the city park at 10601 Lee Boulevard, Leawood, Kansas, to include the reconstruction, remodeling, replacement and repair of the pool, bathhouse and related facilities, and the cost of the improvement has been estimated to be $1,196,516.00; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with the improvements to the municipal pool complex and provide for the issuance of general obligation bonds of the City in an amount not to exceed $1,300,000.00 for the purpose of financing the costs of the improvements and related financing costs and for the issuance of temporary notes of the City pending the issuance of said bonds;

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

Section 1. That the Governing Body hereby finds and determines that it is necessary and desirable to reconstruct, remodel, replace and repair the municipal pool, bathhouse and related facilities and hereby authorizes the improvement of municipal pool complex as aforesaid.

Section 2. That the Governing Body of the City hereby authorizes the issuance of general obligation bonds of the City pursuant to the Act in an amount not to exceed $1,300,000.00 to pay the costs of the aforesaid improvements.
Section 3. That pending issuance of the bonds of the City as hereinbefore provided and in order to pay the costs of the improvements to the municipal pool complex, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 4. That to the extent the City shall pay all or any portion of the costs of the aforesaid project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditures with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

Section 5. That this declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 6. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the project, other than pursuant to the issuance of temporary notes or the bonds. This ordinance, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 7. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of bonds.

Section 8. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amounts of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes.
or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 9. That this ordinance shall be in force and effect from and after its approval by the Governing Body and publication in the official City newspaper.

Passed by the Governing Body of the City of Leawood, Kansas this 2nd day of October 1995.

Approved by the Mayor this 2nd day of October, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

Approved for Form: J. S. Metzler
City Attorney
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

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

That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for ___ consecutive
week(s), as follows:

ORDINANCE NO. 1527--10/3/95

[Signature]
Publisher

Subscribed and sworn to before me on this date:

10/5/95

[Signature]
Notary Public

My appointment expires: August 21, 1999.

DEBRA DZIAUDURA
Notary Public - State of Kansas
Publication Fees: $44.31
ORDINANCE NO. 1527
First published in The Legal Record, Tuesday, October 3, 1995.

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF THE MUNICIPAL POOL COMPLEX WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, the City of Leawood, Kansas (the "City") is authorized by K.S.A. Section 12-1736 et. seq. (the "Act") to alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings, and it has been proposed that the City make major improvements to the municipal pool complex located in the city park at 10601 Lee Boulevard, Leawood, Kansas, to include the reconstruction, remodeling, replacement and repair of the pool, bathhouse and related facilities, and the cost of the improvement has been estimated to be $1,196,516.00; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with the improvements to the municipal pool complex and provide for the issuance of general obligation bonds of the City in an amount not to exceed $1,300,000.00 for the purpose of financing the costs of the improvements and related financing costs and for the issuance of temporary notes of the City pending the issuance of said bonds;

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

Section 1. That the Governing Body hereby finds and determines that it is necessary and desirable to reconstruct, remodel, replace and repair the municipal pool, bathhouse and related facilities and hereby authorizes the improvement of municipal pool complex as aforesaid.

Section 2. That the Governing Body of the City hereby authorizes the issuance of general obligation bonds of the City pursuant to the Act in an amount not to exceed $1,300,000.00 to pay the costs of the aforesaid improvements.

Section 3. That pending issuance of the bonds of the City as hereinbefore provided and in order to pay the costs of the improvements to the municipal pool complex, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 4. That to the extent the City shall pay all or any portion of the costs of the aforesaid project from available funds on hand prior to the issuance of
temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditures with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

Section 5. That this declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 6. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the project, other than pursuant to the issuance of temporary notes or the bonds. This ordinance, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 7. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of bonds.

Section 8. That the City’s Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amounts of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 9. That this ordinance shall be in force and effect from and after its approval by the Governing Body and publication in the official City newspaper.

Passed by the Governing Body of the City of Leawood, Kansas this 2nd day of October 1995.

Approved by the Mayor this 2nd day of October, 1995.

(S E A L)

Attest: 

Marcia Rinehart
Mayor

Martha Heizer 
City Clerk

Approved for Form: /s/ R.S. Wetzler

R.S. Wetzler 
City Attorney
AN ORDINANCE AMENDING SECTION 14-105 OF THE CODE OF THE CITY OF LEAWOOD; PROVIDING FOR SUBSTITUTE PROVISIONS TO THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 1995; PROVIDING FOR ADDITIONAL FINES AND PENALTIES WHEN VIOLATIONS OF TRAFFIC ORDINANCES OCCUR IN A ROAD CONSTRUCTION ZONE.

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

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

14-105. PENALTIES. Section 201 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

(a) It is unlawful for any person to violate any of the provisions of this ordinance.

(b) The judge of the municipal court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction by K.S.A. Supp. 8-2118 and amendments thereto. The amount of such fines shall be multiplied by two (2) in the event said violation occurs in a Road Construction Zone as that term is defined in the standard traffic ordinance, 1995. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.

(c) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court not exceeding $500.00.

(d) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction therefor by a fine of not more than $100 or by imprisonment for not more than 10 days or by both such fine and imprisonment; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than $200 or by imprisonment for not more than 20 days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than $500 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 2. Repeal of Existing Section. That existing Section 14-105 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1485C)
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 18th day of September, 1995.

Approved by the Mayor the 18th day of September, 1995.

(S E A L)  

Martha Heizer  
City Clerk  

APPROVED FOR FORM:  

R.S. Wetzler  
City Attorney
ORDINANCE NO. 1526 C
First published in The Legal Record, Tuesday, September 19, 1995.
ORDER NO. 1526 C
AN ORDINANCE AMENDING SECTION 14-105 OF THE CODE OF THE CITY OF LEAWOOD; PROVIDING FOR SUBSTITUTE PROVISIONS TO THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITY, 1995; PROVIDING FOR ADDITIONAL FEES AND PENALTIES WHEN VIOLATIONS OF TRAFFIC ORDINANCES OCCUR IN A ROAD CONSTRUCTION ZONE.
As is ordered by the Governing Body of the City of Leawood:
Section 1. Code Amended. That Section 14-105 of the Code of the City of Leawood is hereby amended to read as follows:

14-105 ... PENALTIES ... Section 105 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:
(a) It is unlawful for any person to violate any of the provisions of this ordinance.
(b) The judge of the municipal court shall in the manner prescribed by K.S.A. 12-3105 and amendments thereto establish a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction by K.S.A. Supp. 9-3113 and amendments thereto. The amount of such fines shall be multiplied by two (2) in the event said violation occurs in a Road Construction Zone as that term is defined in the standard traffic ordinance 1995. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.
(c) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court not exceeding $500.00.
(d) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than $100 or by imprisonment for not more than 10 days or by both such fine and imprisonment; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than $250 or by imprisonment for not more than 20 days or by both such fine and imprisonment upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than $500 or by imprisonment for not more than six months or by both such fine and imprisonment.

Section 2. Repeal of Existing Section. That existing Section 14-105 of the Code of the City of Leawood is hereby repealed.
(Prior law: Ord. No. 1485C)

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 18th day of September 1995.
Approved by the Mayor the 18th day of September 1995.

(S E A L)
Margaret Knaubl
Mayor

Attest:
Martha Heitzer
City Clerk

APPROVED FOR FORM: 2/6 Heitzer

Publication Fees: $22.73

$22.73
ORDINANCE NO. 1525

AN ORDINANCE GRANTING A UTILITY EASEMENT TO THE HALL FAMILY ACROSS LAND AT LEAWOOD CITY PARK.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a utility easement to the Hall Family, more particularly described as follows, to wit:

A tract of land 10 feet in width, the centerline of which is described as follows: Beginning at a point 534.94 feet west of the east line and 109.43 feet north of the south line of the northeast quarter (NE1/4) of the southeast quarter (SE1/4) of Section 10, Township 13, Range 25, City of Leawood, Johnson County, Kansas, thence northeasterly to a point which is 129.94 feet north of the south line and 431.12 feet west of the east line of said quarter quarter section and the point of terminus.

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 18th day of September, 1995.

Approved by the Mayor the 18th day of September, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication
STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes and
says that she is Legal Notices Administrator of The Legal
Record which is a newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterruptedly 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 was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for 1 consecutive
week(s), as follows:
ORDINANCE NO. 1525--9/19/95

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/20/95

Debra Dziadura
Notary Public
My appointment expires: August 21, 1999.

DEBRA DZIADURA
Notary Public - State of Kansas

ORDINANCE NO. 1525
First published in The Legal Record, Tuesday, September 19, 1995.

ORDINANCE NO. 1525
AN ORDINANCE GRANTING A UTILITY EASEMENT TO THE HALL FAMILY ACROSS LAND AT LEAWOOD CITY PARK.

As it is ordered by the Governing Body of the City of Leawood:

Section 1. That the City of Leawood, Kansas, does hereby grant a utility easement to the Hall Family, more particularly described as follows, to wit:

A tract of land 10 feet in width, the centerline of which is described as follows: Beginning at a point 234.94 feet west of the east line and 109.83 feet north of the south line of the northeast quarter (NE1/4) of the southeast quarter (SE1/4) of Section 10, Township 13, Range 25, City of Leawood, Johnson County, Kansas, thence northeasterly to a point which is 129.96 feet north of the south line and 431.12 feet east of the east line of said quarter quarter section and the point of terminus.

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 18th day of September, 1995.
Approved by the Mayor the 18th day of September, 1995.

(S. A. L)
Mayor

Attest:

MARTHA HEIZER
City Clerk

APPROVED FOR FILING:

R. S. WALTERS
City Attorney

Publication Fees: $15.45

$15.45
ORDINANCE NO. 1524

AN ORDINANCE GRANTING AN EASEMENT FOR UNDERGROUND FACILITIES TO SOUTHWESTERN BELL TELEPHONE COMPANY AT THE IRONHORSE GOLF COURSE.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a permanent easement for underground facilities to Southwestern Bell Telephone Company, more particularly described as follows, to wit:

A 12 foot wide utility easement lying 6 feet either side of the following described line: Commencing at the Northeast corner of Lot 13, of Iron Horse Estates, a subdivision in the City of Leawood, Johnson County, Kansas; thence North 87° 26' 16" East, a distance of 30.26 feet; thence Northeasterly along a curve to the right having an initial tangent bearing of North 14° 37' 35" East a radius of 230.00 feet, and an arc length of 48.16 feet; thence South 63° 22' 35" East, a distance of 6.00 feet to the true point of beginning; thence along a curve to the right having an initial tangent bearing of North 26° 37' 25" East, a radius of 224.00 feet, and an arc length of 25.83 feet to a point of reverse curvature, thence Northeasterly along a curve to the left having a radius of 194.00 feet, and an arc length of 112.26 feet to a point of reverse curvature; thence Northeasterly along a curve to the right having a radius of 468.00 feet and an arc length of 425.09 feet; thence North 41° 00' 13" East a distance of 45.63 feet; thence North 46° 58' 47" East a distance of 107.90 feet; and the point of terminous.

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 5th day of September, 1995.

Approved by the Mayor the 5th day of September, 1995.

(SEAL)

Marcia Rinehart
Mayor
Page 2
ORDINANCE NO. 1524

Attest:

Martha Helzer  City Clerk

APPROVED FOR FORM:

K.S. Wetzler  City Attorney
ORDINANCE NO. 1524

AN ORDINANCE GRANTING AN EASEMENT FOR UNDERGROUND FACILITIES TO SOUTHWESTERN BELL TELEPHONE COMPANY AT THE IRONHORSE GOLF COURSE.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a permanent easement for underground facilities to Southwestern Bell Telephone Company, more particularly described as follows, to wit:

A 10 foot wide utility easement lying 6 feet either side of the following described line: Commencing at the Northeast corner of Lot 11, of Iron Horse Estates, a subdivision in the City of Leawood, Johnson County, Kansas, thence North 87°26'15" East, a distance of 30.26 feet; thence Northeastly along a curve to the right having an initial tangent bearing of North 14°37'35" East a radius of 210.00 feet, and an arc length of 48.16 feet; thence South 23°22'35" East, a distance of 6.00 feet to the true point of beginning, thence along a curve to the right having an initial tangent bearing of North 26°37'25" East, a radius of 224.00 feet, and an arc length of 25.00 feet to a point of reverse curvature, thence Northwesterly along a curve to the left having a radius of 194.00 feet, and an arc length of 115.25 feet to a point of reverse curvature; thence Northwesterly along a curve to the right having a radius of 248.00 feet and an arc length of 425.09 feet; thence North 45°00'13" East a distance of 45.63 feet; thence North 16°58'47" East a distance of 107.90 feet; and the point of terminus.

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

Passed by the Council the 5th day of September 1995.
Approved by the Mayor the 5th day of September 1995.

(Signed)
Mayor

Attest:

City Clerk

APPROVED FOR FORM:

City Attorney

$22.73
ORDINANCE NO. 1523

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

WHEREAS, the Governing Body of the City of Leawood did by resolution approved on Tuesday, September 5, 1995, declare the necessity of appropriating certain private property for the use of the City for temporary construction easements, permanent sidewalk easements and right of ways; and

WHEREAS, the Governing Body has previously authorized a survey and description of the land and interest to be condemned to be made by some competent engineer and filed with the City Clerk; and

WHEREAS, a survey and description of the land and interest to be condemned has been made by a competent engineer and filed with the City Clerk.

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

Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to College Boulevard, Phase II, from El Monte to the East abutment of Tomahawk Creek Bridge, Leawood, Johnson County, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire
the permanent and temporary easements and right of ways as described in the attached Exhibit "A".

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 5th DAY OF SEPTEMBER, 1995.

Signed by the Mayor this 5th day of September, 1995.

Marcia Rinhart, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

BENNETT, LYTLLE, WETZLER, MARTIN & PISHNY, L.C.

By:

Richard S. Wetzler
Kansas Supreme Court No. 07407
5000 West 95th Street, Suite 300
Prairie Village, Kansas 66207
(913) 642-7300
CITY ATTORNEY
EXHIBIT "A"

TRACT # 5 PARCEL A

OWNER: HALLBROOK FARMS COMMERCIAL ASSOCIATES, L.P.

MORTGAGE HOLDER: HOME SAVINGS ASSOCIATION OF KANSAS CITY, F.A.

EASEMENT HOLDER: TOMAHAWK SEWER SUB DISTRICT NO. 4; DONALD J. HALL et al; KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Southeast 1/4 of the Southwest 1/4 of Section 10, all in Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southwest 1/4 of said Section 10; thence South 87 degrees 51 minutes 04 seconds West along the South line of said Southwest 1/4, platted bearing equals South 87 degrees 50 minutes 04 seconds West, a distance of 391.82 feet to a point on the Easterly line of Tract "A" of the "LEAWOOD GREENWAY AND PARKS", a subdivision of land, all in said City, County and State; thence North 16 degrees 36 minutes 17 seconds East, along the Easterly Line of said Tract "A", a distance of 256.53 feet; thence North 19 degrees 04 minutes 17 seconds East along the Easterly Line of said Tract "A" a distance of 143.14 feet to THE TRUE POINT OF BEGINNING; FIRST COURSE, thence North 19 degrees 04 minutes 18 seconds East, a distance of 6.86 feet; SECOND COURSE, thence North 14 degrees 32 minutes 17 seconds East a distance of 23.03 feet; THIRD COURSE, thence North 58 degrees 01 minutes 00 seconds East a distance of 33.13 feet; FOURTH COURSE, thence North 73 degrees 05 minutes 56 seconds East a distance of 51.63 feet; FIFTH COURSE, thence South 45 degrees 01 minutes 40 seconds West a distance of 65.88 feet; SIXTH COURSE, thence South 69 degrees 12 minutes 54 seconds West a distance of 41.63 feet to the Point of Beginning, containing 1,762 square feet.
TRACT # 5 PARCEL B

PERMANENT SIDEWALK EASEMENT

All that part of the Southeast 1/4 of the Southwest 1/4 of Section 10, Township 13 South, Range 25 East, Johnson County, Kansas, described as follows; Commencing at the Southeast corner of the Southwest 1/4 of said Section 10; thence South 87 degrees, 51 minutes 04 seconds West along the South line of said Southwest 1/4, platted bearing equals South 87 degrees 50 minutes 04 seconds West, a distance of 391.82 feet to a point on the Easterly line of Tract "A" of the "LEAWOOD GREENWAY AND PARKS", a subdivision of land, all in said City, County, and State; thence North 16 degrees 36 minutes 17 seconds East, along the Easterly line of said Tract "A", a distance of 167.13 feet to THE TRUE POINT OF BEGINNING; FIRST COURSE, thence North 45 degrees 22 minutes 13 seconds East a distance of 106.22 feet; SECOND COURSE, thence South 66 degrees 34 minutes 13 seconds West a distance of 52.35 feet; THIRD COURSE, thence South 48 degrees 03 minutes 35 seconds West a distance of 21.14 feet; FOURTH COURSE, thence South 16 degrees 36 minutes 17 seconds West a distance of 41.40 feet to the point of beginning. Containing 1,234 square feet.
TRACT # 21

OWNER: MARSHALL GORDON

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT; TOMAHAWK SEWER SUB DISTRICT NO. 4; BOARD OF COUNTY COMMISSIONERS TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 5 OF JOHNSON COUNTY, KANSAS; WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS; THE CITY OF LEAWOOD, KANSAS

DEED OF DEDICATION FOR RIGHT OF WAY

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; All of the South 10.00 feet of the North 50.00 feet described in Exhibit A, in Volume 4120, at Page 59, and the exception described in Volume 4120, at Page 60, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 4,372 square feet.

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; All of the South 5.00 feet of the North 55.00 feet of the East 187.10 feet described in Exhibit A in Volume 4120, at Page 59, and the exception described in Volume 4120, at Page 60, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 936 square feet.
TRACT # 22

OWNER: BARBARA S. SPACK

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; TOMAHAWK SEWER SUB DISTRICT NO. 4; BOARD OF COUNTY COMMISSIONERS TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 5 OF JOHNSON COUNTY, KANSAS; WATER DISTRICT NO. 1; THE CITY OF LEAWOOD, KANSAS

DEED OF DEDICATION FOR RIGHT OF WAY

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; All of the South 10.00 feet of the North 50.00 feet described in Exhibit A in Volume 4119, at Page 998, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 4,371 square feet.

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; All of the South 5.00 feet of the North 55.00 feet described in Exhibit A in Volume 4119, at Page 998, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 2,186 square feet.
TRACT # 24

OWNER: JULIUS D. SPEARS

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS; BOARD OF COUNTY COMMISSIONERS TOMAHAWK SUB SEWER DISTRICT NO. 5

DEED OF DEDICATION FOR RIGHT OF WAY

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, and the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; All of the North 50.00 feet of the North 1499.35 feet of the West 450 feet of the said Northwest 1/4 of Section 15, and all of the North 50.00 feet of the East 582.32 feet of the said Northeast 1/4 of Section 16, except that part in existing right-of-way. The above described tract contains 10,324 square feet.

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, and the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; All of the South 5.00 feet of the North 55.00 feet of the North 1,499.35 feet of the West 300.00 feet of the West 450 feet of the said Northwest Section 15, and the South 5.00 feet of the North 55.00 feet of the East 100.00 feet and of the West 302.93 feet of the East 582.32 feet of the said Northeast 1/4 of Section 16. The above described tract contains 3,515 square feet.
TRACT # 31

OWNER: ANTHONY V. KOSTUSIK, JR., AND JUDITH A. KOSTUSIK

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 2, Block 2, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows; the South 4.00 feet of said Lot 2. The above described tract contains 542 square feet.
TRACT # 32 PARCEL A

OWNER: SUE ANN EFFERTZ

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; LONGWOOD FOREST

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 1, Block 2, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows; commencing at the Southeast corner of said Lot 1, thence South 87 degrees 42 minutes 27 seconds West along the South line of said Lot 1 a distance of 111.00 feet; thence on a curve to the right along the southwesterly line of said Lot 1 and tangent to last described line; having a radius of 25.00 feet and a central angle of 53 degrees 40 minutes 45 seconds, and an arc length of 13.66 feet to the TRUE POINT OF BEGINNING; FIRST COURSE, thence continuing on the last described curve and the Westerly line of said Lot 1 an arc length of 23.42 feet; SECOND COURSE, thence on a curve to the left along said Westerly line of Lot 1, with an initial tangent bearing of North 07 degrees 53 minutes 42 seconds West, having a radius of 260.00 feet and a central angle of 09 degrees 51 minutes 18 seconds, and an arc length of 44.72 feet; THIRD COURSE, thence North 72 degrees 15 minutes 00 seconds East, a distance of 28.46 feet; FOURTH COURSE, thence South 01 degrees 18 minutes 29 seconds East, a distance of 17.04 feet; FIFTH COURSE, thence South 41 degrees 31 minutes 50 seconds East, a distance of 23.16 feet; SIXTH COURSE, thence South 29 degrees 00 minutes 34 seconds West, a distance of 41.78 feet to the point of beginning. The above described tract contains 1,645 square feet.
TRACT # 32 PARCEL B

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 1, Block 2, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows; FIRST COURSE, beginning at the Southeast corner of said Lot 1, thence Westerly along the South line of said Lot 1, a distance of 93.79 feet; SECOND COURSE, thence Northerly and perpendicular to the last described line a distance of 2.00 feet; THIRD COURSE, thence Easterly and parallel with the South line of said Lot 1, a distance of 93.24 feet to a point on the East line of said Lot 1; FOURTH COURSE, thence Southeasterly along the East line of said Lot 1, a distance of 2.07 feet to the point of beginning. The above described tract contains 187 square feet.
TRACT # 36

OWNER: KEITH I. LINAS AND MAURA A. LINAS

MORTGAGE HOLDER: SOURCE ONE MORTGAGE SERVICES CORPORATION

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; LONGWOOD FOREST

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 1, Block 1, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows; FIRST COURSE, beginning at the Southwest corner of said Lot, thence North 09 degrees 10 minutes 54 seconds West along the West line of said Lot 1; a distance of 4.03 feet; SECOND COURSE, thence North 87 degrees 42 minutes 27 seconds East and parallel with the South line of said Lot 1 a distance of 125.47 feet; THIRD COURSE, thence North 30 degrees 09 minutes 02 seconds East a distance of 18.96 feet; FOURTH COURSE, thence North 43 degrees 21 minutes 46 seconds West a distance of 18.63 feet; FIFTH COURSE, thence North 38 degrees 23 minutes 42 seconds East a distance of 38.13 feet to a point on the East line of said Lot 1; SIXTH COURSE, thence on a curve to the right along said East line of Lot 1 with an initial tangent bearing of South 07 degrees 06 minutes 19 seconds East, and having a radius of 750.00 feet and a central angle of 02 degrees 50 minutes 21 seconds, and an arc length of 37.17 feet; SEVENTH COURSE, thence on a curve to the right along said Southeasterly line of Lot 1, tangent to the last described line, having a radius of 25.00 feet and a central angle of 91 degrees 58 minutes 16 seconds, an arc length of 40.13 feet; EIGHTH COURSE, thence South 87 degrees 42 minutes 27 seconds West along the South line of said Lot 1 a distance of 125.00 feet to the point of beginning. The above described tract contains 1,460 square feet.
TRACT # 37

OWNER: SHARON Z. LEWIS

MORTGAGE HOLDER: DIRECTORS MORTGAGE LOAN CORPORATION

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 9, Block 1, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows; the South 4.00 feet of said Lot 9. The above tract contains 523 square feet.
TRACT # 38

OWNER: DOUGLAS M. WHITLEY AND FAITH C. WHITLEY

MORTGAGE HOLDER: METROPOLITAN LIFE INSURANCE COMPANY

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 10, Block 1, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows; FIRST COURSE, beginning at the Southeast corner of said Lot 10, thence Westerly along the south line of Lot 10 a distance of 84.90 feet; SECOND COURSE, thence Northerly and perpendicular to last described line a distance of 4.00 feet; THIRD COURSE, thence Easterly and parallel with the South line of Lot 10 a distance of 83.34 feet to a point on the East line of Lot 10; FOURTH COURSE, thence Southeasterly along the East line of Lot 10 a distance of 4.29 feet TO THE POINT OF BEGINNING. The above described tract contains 336 square feet.
TRACT # 44

OWNER: KAREN K. CARROLL

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: NONE

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 12, Leawood Village, a subdivision of land in the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follow; Beginning at the Southwest corner of said Lot 12, FIRST COURSE, thence North 87 degrees 42 minutes 27 seconds East along the South line of said Lot 12, a distance of 7.00 feet; SECOND COURSE, thence North 2 degrees 17 minutes 32 seconds West a distance of 21.35 feet; THIRD COURSE, thence South 87 degrees 42 minutes 27 seconds West a distance of 4.22 feet; FOURTH COURSE, thence North 3 degrees 15 minutes 16 seconds West a distance of 3.00 feet; FIFTH COURSE, thence South 87 degrees 42 minutes 27 seconds West a distance of 2.73 feet to a point on the West line of said Lot 12; SIXTH COURSE, thence South 2 degrees 17 minutes 32 seconds East a distance of 24.35 feet to a point of beginning. The above described tract contains 158 square feet.
TRACT # 54

OWNER: HUNTINGTON FARMS HOMES ASSOCIATION
c/o MATRIX REALTY, INC.

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: NONE

TEMPORARY CONSTRUCTION EASEMENT

All that part of the respective COMMON AREAS of Lots 2 and 3, HUNTINGTON FARMS, a subdivision of land in the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows; The North 5.00 feet of the East 115.62 feet of said Lot 2, and the North 5.00 feet of said Lot 3. The above described tract contains 1303 square feet.
TRACT # 69 PARCEL A

OWNER: KRAFT BUILDING CO., INC.

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS

TEMPORARY CONSTRUCTION EASEMENT

All that part of Tract A, Leawood Village, a subdivision of land in the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the Northeast corner of said Tract A, said point being on the East line of the said subdivision and 55.01 feet South of the North line of the Northeast 1/4 of said Section 16, FIRST COURSE, thence South 01 degree 26 minutes 57 seconds East along the East line of said subdivision a distance of 95.02 feet; SECOND COURSE, thence South 87 degrees 42 minutes 50 seconds West a distance of 59.91 feet; THIRD COURSE, thence North 2 degrees 17 minutes 11 seconds West a distance of 95.00 feet to a point on the South right-of-way of College Boulevard (111th Street) as now established; FOURTH COURSE, thence North 87 degrees 42 minutes 50 seconds East along the South right-of-way line of College Boulevard a distance of 61.30 feet to the point of beginning. The above described tract contains 5,757 square feet.
TRACT # 69 PARCEL B

TEMPORARY CONSTRUCTION EASEMENT

Commencing at the Northwest corner of said Tract A, said point being on the West line of said subdivision and 55.01 feet South of the North line of the Northeast 1/4 of said Section 16, thence North 87 degrees 42 minutes 50 seconds East along the South right-of-way line of College Boulevard (111th Street) as now established a distance of 39.44 feet, said point being the TRUE POINT OF BEGINNING; FIRST COURSE, thence South 2 degrees 17 minutes 12 seconds East a distance of 5.00 feet; SECOND COURSE, thence North 87 degrees 42 minutes 50 seconds East a distance of 93.48 feet; THIRD COURSE, thence South 2 degrees 17 minutes 32 seconds East a distance of 62.03 feet; FOURTH COURSE, thence South 39 degrees 25 minutes 25 seconds East a distance of 69.43 feet; FIFTH COURSE, thence South 77 degrees 15 minutes 16 seconds East a distance of 8.70 feet; SIXTH COURSE, thence North 24 degrees 31 minutes 11 seconds East a distance of 38.34 feet; SEVENTH COURSE, thence North 52 degrees 22 minutes 18 seconds West a distance of 17.75 feet; EIGHTH COURSE, thence North 2 degrees 17 minutes 32 seconds West a distance of 79.02 feet to a point on the South right-of-way line of College Boulevard; NINTH COURSE, thence South 87 degrees 42 minutes 50 seconds West along said South right-of-way line a distance of 147.48 feet to the point of beginning. The above described tract contains 6,180 square feet.
CITY OF LEAWOOD
ATTN: MARTHA HEIZER
4800 TOWN CENTER DR
LEAWOOD, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Tammy Schwien, of lawful age, being first duly sworn, deposes
and says that she is Legal Notices Administrator of The Legal
Record which is a newspaper printed in the State of Kansas,
published in and of general paid circulation on a weekly,
monthly or yearly basis in Johnson County, Kansas, is not a
trade, religious or fraternal publication, is published at least
weekly fifty (50) times a year, has been so published
continuously and uninterrupted in said County and State for a
period of more than five (5) years prior to the first publication
of the notice attached, and has been admitted at the post
office as second class matter.
That a notice was published in all editions of the regular and
entire issue for the following subject matter (also identified by
the following case number, if any) for 1 consecutive
week(s), as follows:
ORDINANCE NO. 1523--9/19/95

Tammy Schwien

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/20/95

Debra Dziadura

Notary Public
My appointment expires: August 21, 1999.

Publication Fees: $163.62
ORDINANCE NO. 1523

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

WHEREAS, the Governing Body of the City of Leawood did by resolution approved on Tuesday, September 5, 1995, declare the necessity of appropriating certain private property for the use of the City for temporary construction easements, permanent sidewalk easements and right of ways; 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 architect 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 architect with the City Clerk.

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

Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to College Boulevard, Phase II, from El Monte to the East abutting Tomahawk Creek Bridge, Leawood. Johnson County, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire the permanent and temporary easements and right of ways as described in the attached Exhibit "A".

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 3rd day of September, 1995.

(S & A)

ATTEST:

[Signature]

City Clerk

APPROVED AS TO FORM:

Bennett, Lytle, Wetzer,
Martin & Hohny, L.C.

[Signature]

Kansas Supreme Court No. 07407
5000 West 95th Street, Suite 200
Pleasant Village, Kansas 66207
01/30/95 7:00

CITY ATTORNEY

EXHIBIT: A

TRACT # 5 PARCEL A

OWNER: HALLBROOK FARMS COMMERCIAL ASSOCIATES, L.P.
MORTGAGE HOLDER: HOME SAVINGS ASSOCIATION OF KANSAS CITY, F.A.

EASEMENT HOLDER: TOMAHAWK SEWER SUB DISTRICT NO. 4,
DONALD J. HALL et al: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Southeast 1/4 of the Southwest 1/4 of Section 10, all in Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southwest 1/4 of said Section 10; thence South 87 degrees 51 minutes 04 seconds West along the South line of said Southwest 1/4, planned bearing equals South 87 degrees 50 minutes 04 seconds West, a distance of 391.82 feet to a point on the Easterly line of Tract "A" of the "LEAWOOD GREENWAY AND PARKS"; a subdivision of land, all in said City, County, and State; thence North 16 degrees 36 minutes 17 seconds East, along the Easterly line of said Tract "A"; a distance of 156.53 feet; thence North 19 degrees 04 minutes 17 seconds East along the Easterly Line of said Tract "A" a distance of 145.14 feet to THE TRUE POINT OF BEGINNING; FIRST COURSE, thence North 19 degrees 18 minutes 18 seconds East, a distance of 6.86 feet; SECOND COURSE, thence North 14 degrees 32 minutes 17 seconds East a distance of 23.03 feet; THIRD COURSE, thence North 58.01 degrees 01 minutes 00 seconds East a distance of 33.13 feet; FOURTH COURSE, thence North 73 degrees 05 minutes 56 seconds East a distance of 51.53 feet, FIFTH COURSE, thence South 45 degrees 06 minutes 40 seconds West a distance of 65.98 feet; SIXTH COURSE, thence South 69 degrees 12 minutes 54 seconds West a distance of 41.63 feet, to the Point of Beginning, containing 1.762 square feet.

TRACT # 5 PARCEL B

PERMANENT SIDEWALK EASEMENT

All that part of the Southeast 1/4 of the Southwest 1/4 of Section 10, Township 13 South, Range 25 East, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southwest 1/4 of said Section 10; thence South 87 degrees 51 minutes 04 seconds West along the South line of said Southwest 1/4, planned bearing equals South 87 degrees 50 minutes 04 seconds West, a distance of 391.82 feet to a point on the Easterly line of Tract "A" of the "LEAWOOD GREENWAY AND PARKS"; a subdivision of land, all in said City, County, and State; thence North 16 degrees 36 minutes 17 seconds East, along the Easterly line of said Tract "A"; a distance of 156.53 feet; thence North 19 degrees 04 minutes 17 seconds East along the Easterly Line of said Tract "A" a distance of 145.14 feet to THE TRUE POINT OF BEGINNING; FIRST COURSE, thence North 19 degrees 18 minutes 18 seconds East, a distance of 6.86 feet; SECOND COURSE, thence North 14 degrees 32 minutes 17 seconds East a distance of 23.03 feet; THIRD COURSE, thence North 58.01 degrees 01 minutes 00 seconds East a distance of 33.13 feet; FOURTH COURSE, thence North 73 degrees 05 minutes 56 seconds East a distance of 51.53 feet, FIFTH COURSE, thence South 45 degrees 06 minutes 40 seconds West a distance of 65.98 feet; SIXTH COURSE, thence South 69 degrees 12 minutes 54 seconds West a distance of 41.63 feet, to the Point of Beginning, containing 1.762 square feet.

TRACT # 21

OWNER: MARSHALL GORDON
MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT; TOMAHAWK SEWER SUB DISTRICT NO. 4; BOARD OF COUNTY COMMISSIONERS TOMAHAWK CREEK MAIN SEWER SUB DISTRICT NO. 5; JOHNSON COUNTY; KANSAS WATER DISTRICT NO. 1; JOHNSON COUNTY; KANSAS; THE CITY OF LEAWOOD, KANSAS

DEED OF DEDICATION FOR RIGHT OF WAY

All that part of the Northwest 1/4 of Section 15, Township 13 North, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: All of the South 10.00 feet of the North 50.00 feet described in Exhibit A in Volume 4120, at Page 99, and the exception described in Volume 4120, at Page 99, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 4.372 square feet.

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: All of the South 5.00 feet of the North 35.00 feet of the East 187.10 feet described in Exhibit A in Volume 4120, at Page 99, and the exception described in Volume 4120, at Page 99, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 936 square feet.

Continued on Page 14
CONTINUED FROM PAGE 13

TRACT #22

OWNER: BARBARA S. SPACK

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; TOMAHAWK SEWER SUB DISTRICT NO. 4; BOARD OF COUNTY COMMISSIONERS TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 5 OF JOHNSON COUNTY, KANSAS; WATER DISTRICT NO. 1; THE CITY OF LEAWOOD, KANSAS

DEED OF DEDICATION FOR RIGHT OF WAY

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: All of the South 100 feet of the North 50.00 feet described in Exhibit A in Volume 4119, page 998, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 4,371 square feet.

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: All of the South 5.00 feet of the North 55.06 feet described in Exhibit A in Volume 4119, page 998, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 2.186 square feet.

TRACT #24

OWNER: JULIUS D. SPEARS

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS; BOARD OF COUNTY COMMISSIONERS TOMAHAWK SUB SEWER DISTRICT NO. 5

DEED OF DEDICATION FOR RIGHT OF WAY

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, and the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: All of the North 30.00 feet of the North 1499.35 feet of the West 450 feet of the said Northwest 1/4 of Section 15, and all of the North 50.00 feet of the East 382.32 feet of the said Northeast 1/4 of Section 16, except that part in existing right-of-way. The above described tract contains 10,324 square feet.

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, and the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: All of the South 5.00 feet of the North 55.00 feet of the North 1499.35 feet of the West 350.00 feet of the West 450 feet of the said Northwest Section 15, and the South 5.00 feet of the North 55.00 feet of the East 100.00 feet and of the West 302.93 feet of the East 382.32 feet of the said Northeast 1/4 of Section 16. The above described tract contains 3,155 square feet.

TRACT #31

OWNER: ANTHONY V. KOSTUSIK, JR., AND JUDITH A. KOSTUSIK

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 2, Block 2, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: the South 4.00 feet of said Lot 2. The above described tract contains 542 square feet.

TRACT #32 PARCEL A

OWNER: SUE ANN EFFERTZ

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; LONGWOOD FOREST

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lot 1, Block 2, Longwood Forest, a subdivision of land in the City of Leawood-Johnson County, Kansas, described as follows: Containing in the Southeast corner of said Lot 1, hence South 87 degrees 42 minutes 27 seconds West along the South line of said Lot 1 a distance of 111.00 feet; thence on a curve to the right along the southwestwesterly line of said Lot 1 and tangent to last described line; having a radius of 24.00 feet and a central angle of 53 degrees 40 minutes 43 seconds, and an arc length of 13.66 feet to the TRUE POINT OF BEGINNING; FIRST COURSE, thence continuing on the last described curve and the Westerly line of said Lot 1 an arc length of 23.42 feet; SECOND COURSE, thence on a curve to the left along said Westerly line of Lot 1, with an initial tangent bearing of North 07 degrees 53 minutes 42 seconds West, having a radius of 260.00 feet and a central angle of 09 degrees 51 minutes 18
TRACT # 32
OWNER: BARBARA S. SPACK
MORTGAGE HOLDER: NONE
EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; TOMAHAWK SEWER SUB DISTRICT NO. 4, BOARD OF COUNTY COMMISSIONERS TOMAHAWK CREEK MAIN SEWER DISTRICT No. 5 OF JOHNSON COUNTY, KANSAS; WATER DISTRICT No. 1; THE CITY OF LEAWOOD, KANSAS

DEED OF DEDICATION FOR RIGHT OF WAY
All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, as described follows: All of the South 100.00 feet of the North 50.00 feet described in Exhibit A in Volume 4119, at Page 998, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 4,871 square feet.

TEMPORARY CONSTRUCTION EASEMENT
All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, as described follows: All of the South 50.00 feet of the North 55.00 feet described in Exhibit A in Volume 4119, at Page 998, in the Office of the Register of Deeds, Johnson County, Kansas. The above described tract contains 2,186 square feet.

TRACT # 24
OWNER: JULIUS D. SPEARS
MORTGAGE HOLDER: NONE
EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS; BOARD OF COUNTY COMMISSIONERS TOMAHAWK SUB SEWER DISTRICT NO. 5

DEED OF DEDICATION FOR RIGHT OF WAY
All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, and the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, as described follows: All of the North 50.00 feet of the West 100.00 feet of the South 499.35 feet of the West 450 feet of the said Northwest Section 15, and the South 5.00 feet of the North 55.00 feet of the East 100.00 feet of the West 302.93 feet of the East 882.32 feet of the said Northeast 1/4 of Section 16, except that part in existing right-of-way. The above described tract contains 10,324 square feet.

TEMPORARY CONSTRUCTION EASEMENT
All that part of the Northwest 1/4 of Section 15, Township 13 South, Range 25 East, and the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, as described follows: All of the South 50.00 feet of the North 50.00 feet of the West 450 feet of the said Northwest 1/4 of Section 15, and all of the North 50.00 feet of the East 882.32 feet of the said North 1/4 of Section 16, except that part in existing right-of-way. The above described tract contains 5,515 square feet.

TRACT # 31
OWNER: ANTHONY V. KOSTUSIK, JR., AND JUDITH A. KOSTUSIK
MORTGAGE HOLDER: NONE
EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 2, Block 2, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, as described follows: commencing at the Northeast corner of said Lot 1, thence South 87 degrees 42 minutes 27 seconds West along the South line of said Lot 1 a distance of 111.00 feet; thence on a curve to the right along the southwest line of said Lot 1 a tangent to last described line; having a radius of 57.60 feet and a central angle of 35 degrees 40 minutes 43 seconds, and an arc length of 13.66 feet to the TRUE POINT OF BEGINNING; FIRST COURSE, thence continuing on the last described curve and the Westerly line of said Lot 1 an arc length of 23.42 feet; SECOND COURSE, thence on a curve to the left along said Westerly line of Lot 1, with an initial tangent bearing of North 07 degrees 03 minutes 42 seconds West, having a radius of 260.00 feet and a central angle of 09 degrees 51 minutes 18 seconds, and an arc length of 44.72 feet; THIRD COURSE, thence North 72 degrees 15 minutes 00 seconds East, a distance of 28.46 feet; FOURTH COURSE, thence South 01 degrees 18 minutes 29 seconds East, a distance of 17.04 feet; FIFTH COURSE, thence South 41 degrees 31 minutes 50 seconds East, a distance of 33.16 feet; SIXTH COURSE, thence South 29 degrees 00 minutes 34 seconds West, a distance of 41.78 feet to the point of beginning. The above described tract contains 1,645 square feet.

TRACT # 32 PARCEL B
TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 1, Block 2, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, as described follows: FIRST COURSE, beginning at the Southeast corner of said Lot 1, thence Westerly along the South line of said Lot 1 a distance of 93.79 feet; SECOND COURSE, thence Northerly and perpendicular to the last described line a distance of 2.00 feet; THIRD COURSE, thence Easterly and parallel with the South line of said Lot 1, a distance of 93.24 feet to a point on the East line of said Lot 1; FOURTH COURSE, thence Southerly along the East line of said Lot 1, a distance of 2.07 feet to the point of beginning. The above described tract contains 187 square feet.

TRACT # 36
OWNER: KEITH I. LINAS AND MAURA A. LINAS
MORTGAGE HOLDER: SOURCE ONE MORTGAGE SERVICES CORPORATION
EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY; LONGWOOD FOREST

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 1, Block 1, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, as described follows: FIRST COURSE, beginning at the Southwest corner of said Lot, thence North 09 degrees 10 minutes 54 seconds West along the West line of said Lot 1 a distance of 4.03 feet; SECOND COURSE, thence North 87 degrees 42 minutes 27 seconds East and parallel with the South line of said Lot 1 a distance of 128.47 feet; THIRD COURSE, thence North 30 degrees 09 minutes 02 seconds East a distance of 18.94 feet; FOURTH COURSE, thence North 43 degrees 21 minutes 46 seconds West a distance of 18.63 feet; FIFTH COURSE, thence North 38 degrees 23 minutes 42 seconds East a distance of 38.13 feet to a point on the East line of said Lot 1; SIXTH COURSE, thence on a curve to the right along said East line of Lot 1 with an initial tangent bearing of South 07 degrees 06 minutes 19 seconds East, and having a radius of 750.00 feet and a central angle of 02 degrees 50 minutes 21 seconds, and an arc length of 37.17 feet; SEVENTH COURSE, thence on a curve to the right along said Southeast line of Lot 1 tangent to the last described line, having a radius of 750.00 feet and a central angle of 91 degrees 18 minutes 16 seconds, an arc length of 40.13 feet; EIGHTH COURSE, thence South 87 degrees 42 minutes 27 seconds West along the South line of said Lot 1 a distance of 125.00 feet to the point of beginning. The above described tract contains 1,460 square feet.

TRACT # 37
OWNER: SHARON Z. LEWIS
MORTGAGE HOLDER: DIRECTORS MORTGAGE LOAN CORPORATION
EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 9, Block 1, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, as described follows: The South 4.00 feet of said Lot 9. The above described tract contains 523 square feet.

TRACT # 38
OWNER: DOUGLAS M. WHITNEY AND FAITH C. WHITNEY
MORTGAGE HOLDER: METROPOLITAN LIFE INSURANCE COMPANY
EASEMENT HOLDER: KANSAS CITY POWER AND LIGHT COMPANY

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 10, Block 1, Longwood Forest, a subdivision of land in the City of Leawood, Johnson County, Kansas, as described follows: FIRST COURSE, beginning at the Northeast corner of said Lot 10, thence Westerly along the south line of said Lot 10 a distance of 84.90 feet; SECOND COURSE, thence Northerly and perpendicular to last described line a distance of 4.00 feet; THIRD COURSE, thence Easterly and parallel with the South line of Lot 10 a distance of 83.34 feet to a point on the East line of Lot 10; FOURTH COURSE, thence Southeast by the East line of Lot 10 a distance of 4.29 feet to the TRUE POINT OF BEGINNING. The above described tract contains 336 square feet.

TRACT # 44
OWNER: KAREN K. CARROLL
MORTGAGE HOLDER: NONE
EASEMENT HOLDER: NONE

TEMPORARY CONSTRUCTION EASEMENT

CONTINUED ON PAGE 15
All that part of Lot 12, Leawood Village, a subdivision of land in the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the Southwest corner of said Lot 12, FIRST COURSE, thence North 87 degrees 42 minutes 27 seconds East along the South line of said Lot 12, a distance of 7.00 feet; SECOND COURSE, thence North 2 degrees 17 minutes 32 seconds West a distance of 21.35 feet; THIRD COURSE, thence South 87 degrees 42 minutes 27 seconds West a distance of 4.22 feet; FOURTH COURSE, thence North 3 degrees 15 minutes 16 seconds West a distance of 3.00 feet; FIFTH COURSE, thence South 87 degrees 42 minutes 27 seconds West a distance of 2.73 feet to a point on the West line of said Lot 12; SIXTH COURSE, thence South 2 degrees 17 minutes 32 seconds East a distance of 24.35 feet to a point of beginning. The above described tract contains 158 square feet.

TRACT # 54

OWNER: HUNTINGTON FARMS HOMES ASSOCIATION  
c/o MATRIX REALTY, INC.

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: NONE

TEMPORARY CONSTRUCTION EASEMENT

All that part of the respective COMMON AREAS of Lots 2 and 3, HUNTINGTON FARMS, a subdivision of land in the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: The North 3.00 feet of the East 113.62 feet of said Lot 2, and the North 5.00 feet of said Lot 3. The above described tract contains 1303 square feet.

TRACT # 69 PARCEL A

OWNER: KRAFT BUILDING CO., INC.

MORTGAGE HOLDER: NONE

EASEMENT HOLDER: WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS

TEMPORARY CONSTRUCTION EASEMENT

All that part of Tract A, Leawood Village, a subdivision of land in the Northeast 1/4 of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the Northeast corner of said Tract A, said point being on the East line of the said subdivision and 55.01 feet South of the North line of the Northeast 1/4 of said Section 16. FIRST COURSE, thence South 1 degree 26 minutes 57 seconds East along the East line of said subdivision a distance of 95.02 feet; SECOND COURSE, thence South 87 degrees 42 minutes 50 seconds West a distance of 59.91 feet; THIRD COURSE, thence North 2 degrees 17 minutes 11 seconds West a distance of 95.00 feet to a point on the South right-of-way of College Boulevard (111th Street) as now established; FOURTH COURSE, thence North 87 degrees 42 minutes 50 seconds East along the South right-of-way line of College Boulevard a distance of 61.30 feet to the point of beginning. The above described tract contains 5,757 square feet.

TRACT # 69 PARCEL B

TEMPORARY CONSTRUCTION EASEMENT

Commencing at the Northwest corner of said Tract A, said point being on the West line of said subdivision and 55.01 feet South of the North line of the Northeast 1/4 of said Section 16, thence North 87 degrees 42 minutes 50 seconds East along the South right-of-way line of College Boulevard (111th Street) as now established a distance of 39.44 feet, said point being the TRUE POINT OF BEGINNING; FIRST COURSE, thence South 2 degrees 17 minutes 12 seconds East a distance of 5.00 feet; SECOND COURSE, thence North 87 degrees 42 minutes 50 seconds East a distance of 93.48 feet; THIRD COURSE, thence South 2 degrees 17 minutes 32 seconds East a distance of 62.05 feet; FOURTH COURSE, thence South 39 degrees 25 minutes 25 seconds East a distance of 69.43 feet; FIFTH COURSE, thence South 77 degrees 15 minutes 16 seconds East a distance of 8.70 feet; SIXTH COURSE, thence North 24 degrees 31 minutes 11 seconds East a distance of 38.34 feet; SEVENTH COURSE, thence North 52 degrees 22 minutes 18 seconds West a distance of 17.76 feet; EIGHTH COURSE, thence North 2 degrees 17 minutes 32 seconds West a distance of 79.02 feet to a point on the South right-of-way line of College Boulevard; NINTH COURSE, thence South 87 degrees 42 minutes 50 seconds West along said South right-of-way line a distance of 147.48 feet to the point of beginning. The above described tract contains 6,180 square feet.
ORDINANCE NO. 1522

AN ORDINANCE ESTABLISHING THE 1996 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

Section 1. 1996 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 1996 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.3150 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 = $74.35 per user per unit;

Replacement Cost = $136.41/account (for 1996);

Special Charge = $25.51/account; Debt Service, Public Works Facility; Sanitary Sewer Projects

Section 2. PUBLICATION. That this ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Council the 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S.E.A.L.)

Marilia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzel
City Attorney
DATE: August 21, 1995

TO: Martha Heizer, City Clerk

FROM: Ron Brandt, P.E., Director of Public Works

RE: 1996 Leawood Sanitary Sewer System
Sewer User Charges

The following is the cost allocation in accordance with Chapter XV of the CITY CODE of the City of Leawood, Kansas.

<table>
<thead>
<tr>
<th>Treatment Cost Allocations:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Treatment Cost (K.C. Mo. Contract) $570,000</td>
<td>$570,000</td>
</tr>
<tr>
<td>Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Wages @ 90%</td>
<td>249,355</td>
</tr>
<tr>
<td>Overtime Wages</td>
<td>5,000</td>
</tr>
<tr>
<td>Workman's Compensation @ 90%</td>
<td>10,800</td>
</tr>
<tr>
<td>Indirect Labor Cost @ 90%</td>
<td>19,552</td>
</tr>
<tr>
<td>Social Security</td>
<td></td>
</tr>
<tr>
<td>Unemployment Compensation</td>
<td></td>
</tr>
<tr>
<td>KPERS Insurance</td>
<td></td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$284,707.00</td>
</tr>
<tr>
<td>Legal Services @ 25%</td>
<td></td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$000.00</td>
</tr>
</tbody>
</table>

Vehicle Cost

| Insurance Expense                                      | $13,552 |
| Vehicle Maintenance/Operation                          | 11,100  |
| Fuel, Oil, and Lubricants                              |   7,500 |
| TOTAL:                                                  | $32,152.00 |

Equipment Cost

| Rental                                                  | $ 550  |
| Equipment Insurance                                     | 1,000  |
| Equipment Parts                                         | 2,200  |
| Equipment Maintenance/Operations                         | 3,550  |
| Equipment Purchases/Lease                               | 33,596 |
| TOTAL:                                                  | $40,896 |

TOTAL TREATMENT COST ALLOCATION $927,755
Customer Service Cost Allocation

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages @ 10%</td>
<td>$27,706</td>
</tr>
<tr>
<td>Indirect Labor Costs @ 10%</td>
<td>2,172</td>
</tr>
<tr>
<td>Workman's Compensation @10%</td>
<td>1,200</td>
</tr>
<tr>
<td>Uniform Rental and Accessories</td>
<td>3,000</td>
</tr>
<tr>
<td>Printing, Notices and Recording Fees</td>
<td>1,000</td>
</tr>
<tr>
<td>Administrative Expenses</td>
<td>83,695</td>
</tr>
<tr>
<td>Legal Services @ 75%</td>
<td>0.000</td>
</tr>
<tr>
<td>Engineering Services</td>
<td>15,000</td>
</tr>
<tr>
<td>Medical Examinations</td>
<td>750</td>
</tr>
<tr>
<td>Training, Seminars &amp; Prof. Organize.</td>
<td>2,200</td>
</tr>
<tr>
<td>Water Usage Data</td>
<td>800</td>
</tr>
<tr>
<td>Billing Cost (Jo.Co.)</td>
<td>450</td>
</tr>
<tr>
<td>Utility Allocation</td>
<td>7,500</td>
</tr>
<tr>
<td>Insurance (self insured)</td>
<td>3,000</td>
</tr>
<tr>
<td>Building/Grounds Maintenance</td>
<td>1,430</td>
</tr>
<tr>
<td>Materials and Supplies</td>
<td>9,000</td>
</tr>
</tbody>
</table>

**TOTAL CUSTOMER SERVICE COST** $158,903

**Usage Data:**
- Contributed flow: 416,600,000 Gallons
- Infiltration/Inflow: 208,300,000 Gallons
- Total Flow: 624,900,000 Gallons
- Number of Connections: 5,498
- Treatment Cost Allocation: $927,755.00
- Customer Service Cost: $158,903.00
- Repair/Replacement Cost: $750,000.00
- Debt Repayment: $140,263.00
The following calculations are used to determine the Annual User Cost to users of the Leawood Sanitary Sewer System.

**Volume Charge (VC):**

VC = Treatment Cost / Total Flow in 1,000 Gallons  
VC = $927,755 / 624,900 (1,000 gal.)  
VC = $1.4846 / 1,000 Gallons

**Customer Service Charge (CS):**

CS = Service Cost + (I/I)x(VC) / Number of Connections  
CS = (158,903 + (208,300 x $1.4846))/5,498  
CS = $85.15 per connection

**Replacement and Repair Costs (RC):**

RC = Replacement and Repair Cost / No. of Connections  
RC = 750,000.00 / 5,498  
RC = $136.41 per connection

### 1996 Calculated Sanitary Sewer User Costs

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Volume Charge</strong></td>
<td>$1.4846</td>
<td>per 1000 gallons</td>
</tr>
<tr>
<td><strong>Customer Service Charge</strong></td>
<td>$85.15</td>
<td>per connection</td>
</tr>
<tr>
<td><strong>Replacement/Repair</strong></td>
<td>$136.41</td>
<td>per connection</td>
</tr>
</tbody>
</table>

#### 1995 Rate Comparison

<table>
<thead>
<tr>
<th></th>
<th>Year 1995</th>
<th>Year 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum user 33,000 gallon per year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volume Charge</td>
<td>$1.3895</td>
<td>$1.4846</td>
</tr>
<tr>
<td>Customer Service Charge</td>
<td>78.87</td>
<td>85.15</td>
</tr>
<tr>
<td>Replacement/Repair</td>
<td>$136.39</td>
<td>$136.41</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>261.63</td>
<td>270.55</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Average user 80,000 gallons per year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volume Charge</td>
<td>$1.38.95</td>
<td>$1.4846</td>
</tr>
<tr>
<td>Customer Service Charge</td>
<td>78.87</td>
<td>85.15</td>
</tr>
<tr>
<td>Replacement/Repair</td>
<td>136.39</td>
<td>136.41</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>326.42</td>
<td>340.33</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum User Increase</strong></td>
<td>3.41%</td>
<td></td>
</tr>
<tr>
<td><strong>Average User Increase</strong></td>
<td>4.26%</td>
<td></td>
</tr>
<tr>
<td><strong>User Revenue Generated</strong></td>
<td>$1,836,620.00</td>
<td></td>
</tr>
<tr>
<td><strong>Revenue Required</strong></td>
<td>$1,696,357.00</td>
<td><strong>EXCESS</strong> $140,263.00</td>
</tr>
</tbody>
</table>
### Recommended 1996 Sanitary Sewer User Fee

<table>
<thead>
<tr>
<th>Charge Type</th>
<th>Price 1</th>
<th>Price 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume Charge</td>
<td>$1,3150</td>
<td>per 1000 gallons</td>
</tr>
<tr>
<td>Customer Service Charge</td>
<td>$74.35</td>
<td>per connection</td>
</tr>
<tr>
<td>Replacement/Repair Charge</td>
<td>$136.41</td>
<td>per connection</td>
</tr>
</tbody>
</table>

#### Minimum User Costs (33,000 gallons per year)

<table>
<thead>
<tr>
<th>Charge Type</th>
<th>Price 1</th>
<th>Price 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume Charge</td>
<td>$1,3150</td>
<td>$43.40</td>
</tr>
<tr>
<td>Customer Service Charge</td>
<td>$74.35</td>
<td>$74.35</td>
</tr>
<tr>
<td>Replacement/Repair Charge</td>
<td>$136.41</td>
<td>$136.41</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$254.16</td>
<td></td>
</tr>
</tbody>
</table>

#### Average User Cost (80,000 Gallons per Year)

<table>
<thead>
<tr>
<th>Charge Type</th>
<th>Price 1</th>
<th>Price 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume Charge</td>
<td>$1,3150</td>
<td>$105.20</td>
</tr>
<tr>
<td>Customer Service Charge</td>
<td>$74.35</td>
<td>$74.35</td>
</tr>
<tr>
<td>Replacement/Repair Charge</td>
<td>$136.41</td>
<td>$136.41</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$315.96</td>
<td></td>
</tr>
</tbody>
</table>

### Comparison with Adopted 1995 Sanitary Sewer User Charge

- **Minimum User Decrease**: -2.85%
- **Average User Decrease**: -3.32%
- **User revenue generated**: $1,706,587
- **Revenue required**: $1,706,374
  - **Surplus**: $213.00
1996 SPECIAL BILLING

Special Billing for Debt Repayment for the Public Works Maintenance Facility, Somerset & Lee Sanitary Sewer Reconstruction, and the 83rd Street Sanitary Sewer Relief System. The following debt remains outstanding with final payouts shown in parenthesis.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Facility</td>
<td>$117,500.00</td>
<td>(1999)</td>
</tr>
<tr>
<td>Public Works Salt Storage</td>
<td>2,717.00</td>
<td>(1997)</td>
</tr>
<tr>
<td>Sanitary Sewer Projects</td>
<td>$270,000.00</td>
<td>(1997)</td>
</tr>
<tr>
<td>Refunding</td>
<td>$124,260.00</td>
<td>(1999)</td>
</tr>
</tbody>
</table>

The 1996 debt repayment of $140,263.00 including principal and interest is simply divided by the number of connections to the sanitary sewer system. This tabulation is shown below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Principal Repayment</td>
<td>$112,156.00</td>
</tr>
<tr>
<td>Bond Interest Payment</td>
<td>$28,107.00</td>
</tr>
<tr>
<td>Number of Connections</td>
<td>5,498</td>
</tr>
</tbody>
</table>

Special Bill (SB)

\[
SB = \frac{\text{Principal} + \text{Interest}}{\text{number of connections}}
\]

\[
SB = \frac{$112,156.00 + $28,107.00}{5,498}
\]

\[
SB = \frac{$140,263}{5,498}
\]

\[
SB = $25.51 \text{ per connection}
\]
ORDINANCE NO. 1522
First published in The Legal Record, Tuesday, August 22, 1995.
ORDINANCE NO. 1522
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Be it ordained by the Governing Body of the City of Leawood:

Section 1. 1996 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 1996 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge; or

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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 21st day of August 1995.

Approved by the Mayor the 21st day of August 1995.

(S & A L)

Sharon L. Young
Notary Public

Martha Heizer
City Clerk

APPROVED FOR FORM:

W.H. Keefer
City Attorney

My appointment expires: October 11, 1998
Publication Fees: $36.36

$36.36
ORDINANCE NO. 1521 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", 1995 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. 1432C)

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 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S E A L) 

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

F.S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

ORDINANCE NO. 1521 C
First published in The Legal Record, Tuesday, August 22, 1995.

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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 21st day of August, 1995.
Approved by the Mayor the 21st day of August, 1995.

SRLA
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:
W.J. Weidler
City Attorney

$15.45
ORDINANCE NO. 1520 C

AN ORDINANCE AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR LOCAL PUBLIC OFFENSE VIOLATIONS.

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", 1995 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. 1431C)

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 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S E A L)

Mayor

Attest:

City Clerk

APPROVED AS TO FORM:

City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

ORDINANCE NO. 1520 C
First published in The Legal Record, Tuesday, August 22, 1995.

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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 21st day of August 1995.
Approved by the Mayor the 21st day of August 1995.

(S E A L)
Martha Heizer, Mayor

Attest:

Martha Heizer, Clerk

APPROVED AS TO FORM:
R. A. Stiglitz, City Attorney

My appointment expires:
October 11, 1998

Publication Fees: $16.00
ORDINANCE NO. 1519 C

AN ORDINANCE ADOPTING THE 1995 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 II ("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", 1995 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 6.16 of the Uniform Code incorporated in Section 11-101 above is hereby amended to read as follows:

6.16. GIVING A WORTHLESS CHECK.

(a) Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check, order or draft on any bank, credit union, savings and loan association or depository for the payment of money or its equivalent with intent to defraud and knowing, at the time of the making, drawing, issuing or delivering of such check, order or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order or draft in full upon its presentation.

(b) In any prosecution against the maker or drawer of a check, order or draft payment, of which has been refused by the drawee on account of insufficient funds, the making, drawing, issuing or delivering of such check shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, the drawee: (1) unless the maker or drawer pays the holder thereof the amount due thereon and a service charge as established and in effect
by the adoption of the annual City fee resolution, within
seven days after notice has been given to the maker or drawer
that such check, draft or order has not been paid by the
drawee. As used in this section, notice includes oral or
written notice to the person entitled thereto. Written no-
tice shall be presumed to have been given when deposited as
restricted matter in the United States mail, addressed to the
person to be given notice at such person's address as it ap-
ppears on such check, draft or order; or (2) if a postdated
date is placed on the check, order or draft without the
knowledge or consent of the payee.

(c) It shall not be a defense to a prosecution under
this section that the check, draft or order upon which such
prosecution is based:

(1) Was postdated, unless such check, draft or or-
der was presented for payment prior to the postdated date; or

(2) Was given to a payee who had knowledge or had
been informed, when the payee accepted such check, draft or
order, that the maker did not have sufficient funds in the
hands of the drawee to pay such check, draft or order upon
presentation, unless such check, draft or order was presented
for payment prior to the date the maker informed the payee
there would be sufficient funds. (K.S.A. Supp. 21-3707, as
amended)

Giving a worthless check is a Class A violation if the
check, draft or order is drawn for less than $500 except when
the person has, within five years immediately preceding com-
mision of the offense, been convicted of giving a worthless
check two or more times, in which case it is a felony under
state statute.

11-103. SAME. 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 throw-
ing 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 possess-
ing with intent to use the same unlawfully against another, a
dagger, dirk, billy, blackjack, slingshot, dangerous knife,
straight-edged razor, stiletto or any other dangerous or
deadly weapon or instrument of like character, except that an
ordinary pocket knife with no blade more than four inches in
length shall not be construed to be a dangerous knife, or a
dangerous or deadly weapon or instrument;
(3) Carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) Carrying any pistol, revolver or other firearm:

(i) concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(ii) openly or visibly on the person at any place open to public view;

(iii) within the passenger compartment of any vehicle in transport unless the weapon is unloaded and in a case;

(5) Setting a spring gun;

(6) Possessing or transporting any incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device, commonly known as a molotov cocktail or a pipe bomb.

(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.

11-104. 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.

11-105. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 above shall be amended to read as follows:

10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT OR BB GUN.

(a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except within the confines
of a building or other structure from which the projectiles cannot escape.

Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

(b) The unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is the possession of an air gun, air rifle, bow and arrow, slingshot or BB gun with the intent to shoot, discharge, or operate the air gun, air rifle, bow and arrow, slingshot or BB gun within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

Unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 11 (Sections 11-101:105) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1430C)

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 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S E A L)

Marcia Rinehart

Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

R.J. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziaduk, of lawful age, being first duly sworn, deposes and
says that she is Editor 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 uninterruptedly 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 hereof attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

8/22/95

[Signature]
Editor

Subscribed and sworn to before me on this date:
8/22/95

[Signature]
Notary Public

[Notary L. Young]
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $70.90

Ord. #1519C

$70.90
ORDINANCE NO. 1519 C
First published in The Legal Record, Tuesday, August 22, 1965.

ORDINANCE NO. 1519 C
AN ORDINANCE ADOPTING THE 1995 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES".

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

Section I - 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," 1995 Edition, prepared and published by the Leawood Kansas Municipal Code Publishing. All articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being author-
ized by K.S.A. 12-327 through 12-336, as hereafter amended. No fewer than three copies of said uniform ordi-
nance shall be marked or stamped "Official Copy," with all such copies therein portions or sections or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and fully visible the City Clerk shall make available
able to the public at all reasonable hours.

11-102. SAME; AMENDMENT. Section 6.16 of the Uniform code incorporated in Section 11-101 above is hereby amended to read as follows:

6.16. GIVING A WORTHLESS CHECK.
(a) Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check, draft or order on a bank, credit union, savings and loan association or any other depository for the payment of money or its equivalent with intent to defraud and knowing at the time of the making, drawing, issuing or delivering of such check, draft or order, that the maker or drawer has no deposit in or credits with the drawer or has not sufficient funds in, or credit with, the maker, to cover the payment of such check, draft or order in full upon its presentation.
(b) In any prosecution against the maker or drawer of a check, draft or order for a violation of this section which has been
branched on account of insufficient funds in, or on deposit with, the drawer; (1) unless the maker or drawer pays the holder thereof the amount due on the check, draft or order, service fees or interest charged by the adoption of the annual city fee resolution, within seven days after notice has been given to the maker or drawer of such check, draft or order, the holder of such check, draft or order shall be entitled to recover the amount due on the check, draft or order in full upon presentation to the court or other payer the holder informed the payer there would be sufficient funds. (K.S.A. Supp. 21-3707, as amended.

Giving a worthless check is a Class A violation if the check, draft or order is drawn for less than $500 except when the person has, within five years immediately preceding the
mission of the offense, a conviction of any offense under this section; or has committed a Class two or more times, in which case it is a felony under state statute.

11-103. SAME. 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 handgun, revolver or other firearm, throwing star, or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by operation of some mechanical or spring, or by the handle of the knife, or any knife having a blade that does not fall or is ejected into position by the force of gravity or any other outward, downward, forward or movement;
(2) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous deadly weapon or instrument, 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
(3) Carrying on one's person or in any land, water or air vehicle, with the same, a gas, tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance; or
(4) Carrying any pistol, revolver, or other firearm:
(1) concealed on one's person except when on the person's land or in the person's abode or fixed place of business;
(2) openly or visibly on the person at any time, in public view;
(3) within the passenger compartment of any vehicle in transport unless the weapon is unloaded and in a case;
(5) Setting a spring gun;
(6) Possessing or transporting any incendiary or explosive material, I ered liquid, incendiary device, incendiary mixt
fuse, wick or any other detonating device, commonly known as a molotov cocktail or a pipe bomb;
(b) Subsections (a) (1), (2), and (3) shall not apply or affect any of the following:
(1) Law enforcement officers, or any person autho-
nized by law to carry a firearm;
(2) Warden, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes, while acting within the scope of their authority;
(3) Members of the armed services or reserve forces of the United States, when acting as a guard while in the performance of their official duty;
(4) Manufacturer of, or sale of weapons to persons authorized to transport, sell, or display weapons.
(c) Subsection (a) (4) does not apply to or affect the following:
(1) Watchmen, while actually engaged in the perform-
ance of the duties of their employment;
(2) Licensed hunters while engaged in hunting;
(3) Licensee or any person in an attempt to carry the firearm involved, while actually engaged in the duties of their employment;
(4) Authorized or special agents employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the performance of their official duties;
(5) The state fire marshal, the state fire marshal's deputies or member of a fire department authorized to inspect or investigate stations, or persons acting under the direction of the state fire marshal, while acting in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm.
(d) Subsections (a) (1) and (6) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or ammunition licensed by the State Department of Labor, Industrial Affairs, within the State of Kansas, or who possesses or carries a firearm, device or ammunition licensed by the United States, or who possesses or carries a firearm, device or ammunition licensed by the Federation of American States.
(e) Subsection (a) (2) shall be construed to mean no registered in the transfer of the name by the transferee.
(f) It shall be a defense that the defendant is within an exemption:

Violation of this section is a Class B violation.

11-104. 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, 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 or in the course of a Range of firearms in any licensed shooting gallery;
(b) Tainting of firearms for ceremonial, or (d) To a legitimate pursuit in the pursuit of his or her trade;
(c) To an established trap or skeet range upon the premises of a licensed trap, skeet or flyer, gun club, club, which club is 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 or service, or with the consent of the duly licensed by the State Department of Labor, Industrial Affairs, or any other firearm, or at an established trap or skeet range related to the types of weapons and loads will be first submitted to the Chief of Police for approval; provided further that no firearm shall be fired in a manner that will likely cause damage to property or injury to persons.

Unlawful discharge of firearms is a Class C violation.

11-105. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 above shall be amended to read as follows:

10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT OR BB GUN;
(a) The unlawful operation of an air gun, rifle, bow and arrow; slingshot or BB gun is the shooting, discharge, discharge, or operation of any air gun, rifle, bow and arrow, slingshot or BB gun, within the city, except within the confines

CONTINUED ON PAGE 15
of a building or other structure from which the projectiles cannot escape.

Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

(b) The unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is the possession of an air gun, air rifle, bow and arrow, slingshot or BB gun with the intent to shoot, discharge, or operate the air gun, air rifle, bow and arrow, slingshot or BB gun within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

Unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 11 (Sections 11-101:105) of the Code of the City of Leawood is hereby repealed. (Prior Law: Ord. No. 1430C)

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 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

R.J. Reel
City Attorney
ORDINANCE NO. 1518 C

AN ORDINANCE AMENDING SECTION 14-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR VIOLATIONS OF LOCAL TRAFFIC REGULATIONS.

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

Section 1. Code Amended. That Section 14-201 of the Code of the City of Leawood is hereby amended to read as follows:

14-201. PENALTIES. Unless otherwise specified, the penalties for violation of any provision of this article will be the same as set out in Section 201(d) of the "Standard Traffic Ordinance for Kansas Cities", 1995 Edition, as incorporated by reference by Section 14-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 14-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1429C)

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 21st day of August, 1995.
Approved by the Mayor the 21st day of August, 1995.

(S E A L) 

Marcia Rinehart 
Mayor

Attest:

Martha Heizer 
City Clerk

APPROVED AS TO FORM:

R.S. Metzler 
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Ozdiadura, of lawful age, being first duly sworn, deposes and
says that she is Editor 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 uninterruptedly 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 hereeto attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:
8/22/95

Editor

Subscribed and sworn to before me on this date:
8/22/95

Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $16.00

ORDINANCE NO. 1518 C
First published in The Legal Record, Tuesday, August 22, 1995.

ORDINANCE NO. 1518 C
AN ORDINANCE AMENDING SECTION 14-201 OF THE CODE OF THE CITY
OF LEAWOOD RELATING TO PENALTIES FOR VIOLATIONS OF LOCAL
TRAFFIC REGULATIONS.

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

Section 1. Code Amended. That Section 14-201 of the Code of
the City of Leawood is hereby amended to read as follows:

14-201. PENALTIES. Unless otherwise specified, the
penalties for violation of any provision of this article will
be the same as set out in Section 201(d) of the "Standard
Traffic Ordinance for Kansas Cities", 1993 Edition, as incor-
porated by reference by Section 14-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing
Section 14-201 of the Code of the City of Leawood is hereby
repealed. (Prior law: Ord. No. 1429C)

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 21st day of August, 1995.
Approved by the Mayor the 21st day of August, 1995.

(S E A-L) Marsha Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

$16.00
AN ORDINANCE ADOPTING THE 1995 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 1995, 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 park under the jurisdiction of this city.

(2) 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.

(3) 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.

14-103. SAME. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 68. Pedestrians on Highways. (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk, jog or run along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.

(d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all
vehicles upon the roadway.

14-104. SAME. Section 136 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted. (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall:

1. go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.
2. operate such a device on any public tennis court.
3. operate such a device on any private parking area or lot where signs are posted giving notice of such prohibition. This prohibition shall not be applicable unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

NOTICE

Pursuant to Section 14-104 of the Code of the City of Leawood, Kansas, no roller skates, coaster, rollerblades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction will result in a $25.00 fine.

(b) Whenever any person is operating such a device upon a useable path or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(c) Any person found guilty of a violation of this section shall be fined $25.00.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 14 (Sections 14-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1428C)

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 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(SEAL)

Marsha Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

R.S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Driadura, of lawful age, being first duly sworn, deposes and
does that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, published in and of general paid
publication 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 hereeto attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

8/22/95

[Signature]

Editor

Subscribed and sworn to before me on this date:
8/22/95

[Signature]

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $62.72

$62.72
AN ORDINANCE ADOPTING THE 1995 EDITION OF THE "STANDARD TRAFFIC
ORDINANCE".

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

Section 1. Code Amended. That Article I 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 1995, prepared and published in book form by the
League of Kansas Municipalities. The entire ordinance,
articles, sections or portions as are hereafter omitted,
deleted, modified or changed, such incorporation being au-
thorized by K.S.A. 12-3008 through 12-3012, inclusive, as
amended. No fewer than three copies of said standard ordi-
inance 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. Copies of the ordinance shall be in-
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. 3. Maximum Speed Limit. (a) Except when a spe-
cific hazard exists that requires lower speed for compli-
ance with Section 32, the limits specified in this Section or estab-
lished as hereinafter authorized, shall be maximum lawful
speeds, and no person shall drive a vehicle at a speed in ex-
cess of such maximum limits:

(1) In all public streets 20 miles per hour in any park un-
der the jurisdiction of the City.
(2) All vehicles 20 miles per hour during those
hours when students are going to and from school
on any street or part of street abutting school
property and adjacent to school crosswalks
designated as school zones; provided that appro-
priate signs are erected giving notice thereof. The
said limits are in force, said times to be determined by
the Chief of Police with the consent of the City Council.
(3) All vehicles 15 miles per hour in any resid-
torial district and on other streets within the City ex-
cept where modified by engineering and traffic investiga-
tion as provided hereafter in subsection (b) of this Section.
(4) 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 notwith-
standing any sign giving notice of maximum speed limits in ex-
cess 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 exceptions:

(b) The Chief of Police is hereby authorized and empow-
ered to designate maximum speed zones where 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 in accordance with any other parts 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
vehicles upon the roadway.

14-103. SAME. Section 69 of the standard traffic ordinance
incorporated in Section 14-101 of this article shall be
amended to read as follows:

Sec. 69. Pedestrians on Highways. (a) Where a sidewalk
is provided and it is safe, it is unlawful for any pedestrian to
walk, jog or run along and upon an ad-
Jacent 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 prac-
ticable from the edge of the roadway.
(c) Where neither a sidewalk nor a shoulder is avail-
able, 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
vehicle shall yield the right-of-way to all
vehicles upon the roadway.

14-104. SAME. Section 136 of the standard traffic ordinance
incorporated in Section 14-101 of this article shall be
amended to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar
Devices Restricted. (a) No person upon roller skates, or
riding in or by means of any coaster, toy vehicle, or similar
device, shall:

(1) go upon any roadway except while crossing a
street at a crosswalk and except upon streets set aside as
play streets.
(2) operate such a device on any public tennis
court.
(3) operate such a device on any public parking
area or lot where signs are posted giving notice of such pro-
hibition. This prohibition shall not be applicable unless
the following signage is clearly and properly posted at all
entrances to said public parking lot or area, to wit:

NOTICE
Pursuant to Section 14-104 of the Code of the City of
Leawood, Kansas, no roller skates, coaster, rollerblades, skateboard, toy vehicle
or similar device may be operated in this parking
lot or area. Conviction will result in a $25.00
fine.

(b) Whenever any person is operating such a device upon
a usable path or sidewalk, such person shall yield the right of
way to any pedestrian and shall give an audible signal before
overtaking and passing such pedestrian.

(c) Any person found guilty of a violation of this section
shall be fined $25.00.
ORDINANCE NO. 1516

AN ORDINANCE GRANTING A PERMANENT SEWER EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR SANITARY SEWER PURPOSES.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a permanent sewer easement to Johnson County Wastewater District, hereinafter more particularly designated and described, to wit:

A strip of land 15.00 feet wide through part of Tract "A", "Leawood Greenway and Parks", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing at the Northeast corner of the Northwest Quarter Section 15, Township 13 South, Range 25 East, thence South 87 degrees 51 minutes 04 seconds West along the North line of said Quarter Section, platted bearing equals South 87 degrees 42 minutes 10 seconds West, a distance of 537.82 feet; thence South 02 degrees 08 minutes 56 seconds East, a distance of 35 feet, thence South 87 degrees 51 minutes 04 seconds West, parallel with said North line, a distance of 385.98 feet, to the TRUE POINT OF BEGINNING of the centerline herein described, thence South 85 degrees 28 minutes 35 seconds West, a distance of 53.64 feet to a point hereinafter referred to as Point "A", continuing South 85 degrees 28 minutes 35 seconds West, a distance of 14.12 feet to the point of termination. Also a strip of land 30.00 feet wide in said Tract "A", lying 15.00 feet on each side of the following described centerline. Beginning at Point "A" thence North 12 degrees 11 minutes 31 seconds West, a distance of 111.00 feet to the point of termination. Except that part in existing permanent sewer easement in Book 2698, Page 358. The above described tract contains 3,197 square feet.

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

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

Passed by the Council the 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S E A L)  
Marcia Rinehart  
Mayor
ORDINANCE NO. 1516

First published in The Legal Record, Tuesday, August 22, 1995.

ORDINANCE NO. 1516

AN ORDINANCE GRANTING A PERMANENT SEWER EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR SANITARY SEWER PURPOSES.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a permanent sewer easement to Johnson County Wastewater District, hereinafter more particularly designated and described, to wit:

A strip of land 15.00 feet wide through part of Tract "A", "Leawood Greenway and Patches", a subdivision in the City of Leawood, Johnson County, Kansas, lying 7.5 feet on each side of the following described centerline: Commencing at the Northeast corner of the Northwest Quarter Section 15, Township 13 South, Range 25 East, thence South 87 degrees 51 minutes 04 seconds West along the North line of said Quarter Section, platted bearing equals South 87 degrees 42 minutes 10 seconds West, a distance of 537.82 feet; thence South 02 degrees 08 minutes 56 seconds East, a distance of 35 feet; thence South 87 degrees 51 minutes 04 seconds West, parallel with said North line, a distance of 383.98 feet, to the TRUE POINT OF BEGINNING of the centerline herein described, thence South 85 degrees 28 minutes 35 seconds West, a distance of 53.64 feet to a point hereinafter referred to as Point "A", continuing South 85 degrees 28 minutes 35 seconds West, a distance of 14.12 feet to the point of termination. Also a strip of land 30.00 feet wide in said Tract "A", lying 15.00 feet on each side of the following described centerline. Beginning at Point "A" thence North 12 degrees 11 minutes 31 seconds West, a distance of 111.00 feet to the point of termination. Except that part in existing permanent sewer easement in Book 2698, Page 590. The above described tract contains 3,127 square feet.

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

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

Passed by the Council the 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S E A L)

Marcia Rickard
Mayor

Attest:

Marcha Heizer
City Clerk

APPROVED FOR FIRM: R.S. Weiss
City Attorney
ORDINANCE NO. 1515

AN ORDINANCE ACCEPTING A ROADWAY EASEMENT AND PERMANENT DRAINAGE EASEMENT FROM JULIUS D. SPEARS FOR THE CONSTRUCTION OF 115TH STREET BETWEEN ROE AVENUE AND TOMAHAWK CREEK PARKWAY.

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

Section 1. That the City of Leawood hereby accepts a roadway easement, along with the restrictions and reservations set forth therein, over and across the following described property, to wit:

Part of the Northeast One-Quarter of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Southwest corner of the Northeast One-Quarter of said Section 16; thence North along the West line of the said Northeast One-Quarter a distance of 30.03 feet to a point; thence North 87°48′28″ East along a line parallel to and 30.00 feet North of the South line of the said Northeast One-Quarter a distance of 1751.02 feet to a point on a curve; thence on said curve to the right in a Southeast-erly direction having a central angle of 22° 55′09″, a radius of 380.00 feet and a length of 152.01 feet to a point in the South line of the said Northeast One-Quarter; thence South 87°48′28″ West along the South line of the said Northeast One-Quarter a distance of 1900.15 feet to the Point of Beginning; excepting any portion hereof that has previously been granted or dedicated as a public street or road right-of-way.

Section 2. That the City of Leawood hereby accepts a permanent drainage easement hereinafter more particularly designated and described, to wit:

Part of the Northeast One-Quarter of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, said tract being more particularly described as follows: Commencing at the Southwest corner of the Northeast One-Quarter of said Section 16; thence North 87°48′28″ East along the South line of said Northeast One-Quarter a distance of 720.38 feet; thence North 02°11′32″ West a distance of 20.00 feet to the True Point of Beginning; thence continuing North 02°11′32″ West a distance of 40.00 feet; thence North 87°48′28″ East and parallel with and 60.00 feet North of said South line a distance of 15.00 feet; thence South 02°11′32″ East a distance of 40.00 feet; thence South 87°48′28″ West parallel with and 20.00 feet North of said South line a distance of 15.00 feet to the Point of Beginning and containing 600.00 square feet, more or less.
ORDINANCE NO. 1515

Section 3. That copies of said easements are attached hereto and thereby incorporated by reference.

Section 4. 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 August, 1995.
Approved by the Mayor the 21st day of August, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney
AN ORDINANCE ACCEPTING A ROADWAY EASEMENT AND PERMANENT DRAINAGE EASEMENT FROM JULIUS D. SPEARS FOR THE CONSTRUCTION OF 115TH STREET BETWEEN ROE AVENUE AND TOMAHAWK CREEK PARKWAY.

As it is ordered by the Governing Body of the City of Leawood:

Section 1. That the City of Leawood hereby accepts a roadway easement, along with the restrictions and reservations set forth therein, over and across the following described property, to wit:

Part of the Northeast One-Quarter of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Southwest corner of the Northeast One-Quarter of said Section 16; thence North along the West line of the said Northeast One-Quarter a distance of 20.03 feet to a point; thence North 87°48'28" East along a line parallel to and 30.00 feet North of the South line of the said Northeast One-Quarter; thence South 87°48'28" West along the South line of the said Northeast One-Quarter; thence South 02°11'12" West a distance of 20.00 feet to the True Point of Beginning, excepting any portion hereof that has previously been granted or dedicated as a public street or road right-of-way.

Section 2. That the City of Leawood hereby accepts a permanent drainage easement hereafter more particularly designated and described, to wit:

Part of the Northeast One-Quarter of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, said tract being more particularly described as follows: Commencing at the Southwest corner of the Northeast One-Quarter of said Section 16; thence North 87°48'28" East along the South line of said Northeast One-Quarter a distance of 720.38 feet; thence North 02°11'12" West a distance of 20.00 feet to the True Point of Beginning; thence continuing North 02°11'12" West a distance of 40.00 feet; thence North 87°48'28" East and parallel with and 60.00 feet North of said South line a distance of 15.00 feet; thence South 02°11'12" East a distance of 40.00 feet; thence South 87°48'28" West parallel with and 20.00 feet North of said South line a distance of 15.00 feet to the Point of Beginning and containing 600.00 square feet, more or less.

Section 3. That copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(9 S A L)

Marvin Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

City Attorney

$27.27
ORDINANCE NO. 1514

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

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on Monday, August 21, 1995, declare the necessity of appropriating certain private property for the use of the City for temporary construction easements, permanent drainage easements and permanent utility easements; and

WHEREAS, the Governing Body has previously authorized a survey and description of the land and interest to be condemned to be made by some competent engineer and filed with the City Clerk; and

WHEREAS, a survey and description of the land and interest to be condemned has been made by a competent engineer and filed with the City Clerk.

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

Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to 83rd Street, Leawood, Johnson County, Kansas. Specifically, the
City Attorney is authorized and directed to institute eminent domain proceedings to acquire the permanent and temporary easements as described in the attached Exhibit "A".

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 21st DAY OF AUGUST, 1995.

Signed by the Mayor this 21st day of August, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

BENNETT, LyttLE) WETZLER,
MARTIN & PISHERY, L.C.

By:

Richard S. Wetzler
Kansas Supreme Court No. 07407
5000 West 95th Street, Suite 300
Prairie Village, Kansas 66207
(913) 642-7300
CITY ATTORNEY
EXHIBIT "A"

LOT 1045, 3200 W. 83rd, Leawood, Kansas

OWNER: Wayne E. Lasley & Annabelle D. Lasley

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 1045, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1045; thence South 89°59'47" East along the South line of said Lot 1045, 100.00 feet to the Southeast corner of said Lot 1045; thence North 00°20'41" West along the East line of said Lot 1045, 19.20 feet; thence North 89°59'47" West, 44.25 feet; thence North 72°58'48" West, 41.83 feet; thence South 30°33'20" West, 19.67 feet; thence North 89°59'47" West, 5.71 feet to a point on the West line of said Lot 1045; thence South 00°20'41" East along the West line of said Lot 1045, 14.50 feet to the Point of Beginning. Containing 2,172 square feet, more or less.

LOT 1491, 8201 Cherokee Circle, Leawood, Kansas

OWNER: Charles J. and Ellene T. Hoffman

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 1491, except the North 3.00 feet of said Lot 1491, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1491; thence South 89°57'50" East along the South line of said Lot 1491, 130.00 feet to the Southeast corner of said Lot 1491; thence North 00°01'31" East along the East line of said Lot 1491, 9.85 feet; thence North 85°55'59" West, 51.17 feet; thence North 79°45'36" West, 48.97 feet, thence North 08°52'49" West, 106.57 feet to a point 3.00 feet South of the North line of said Lot 1491; thence North 89°59'29" West, 14.25 feet to a point on the West line of said Lot 1491; thence South 00°01'31" West along the West line of said Lot 1491, 127.00 feet to the Point of Beginning. Containing 4,498 square feet, more or less.
LOT 771, 8301 Cherokee Lane, Leawood, Kansas

OWNER: Bruce Howard and Jackie M. Howard

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 771, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Lot 771; thence South 89°57′50″ East along the North line of said Lot 771, 120.00 feet to the Northeast corner of said Lot 771; thence South 00°01′31″ West along the East line of said Lot 771, 14.38 feet; thence North 61°21′29″ West, 12.28 feet; thence North 89°57′50″ West, 50.00 feet; thence South 70°15′12″ West 63.52 feet to a point on the West line of said Lot 771; thence North 00°01′31″ East along the West line of said Lot 771, 30.00 feet to the Point of Beginning. Containing 1,694 square feet, more or less.

LOT 858, 8229 Belinder, Leawood, Kansas

OWNER: Isobel C. Bennett

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 858, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Lot 858; thence South 89°57′50″ East along the South line of said Lot 858, 76.57 feet; thence North 48°02′10″ East, 37.59 feet; thence North 19°05′14″ East, 21.15 feet; thence South 63°38′52″ West 80.19 feet; thence North 89°57′50″ West, 39.59 feet to a point on the West line of said Lot 858; thence South 00°13′07″ East along the West line of said Lot 858, 9.50 feet to the Point of Beginning.

and

Beginning at the Southeast corner of said Lot 858; thence North 00°13′07″ West along the West line of said Lot 858, 15.03 feet; thence South 48°02′10″ West, 22.46 feet to a point on the South line of said Lot 858; thence South 89°57′50″ East along the South line of said Lot 858, 16.70 feet to the Point of Beginning.

Containing 1,871 square feet, more or less.
PERMANENT DRAINAGE EASEMENT
All that part of Lot 858, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 858, thence South 89°57'50" East along the South line of said Lot 858, 76.57 to the Point of Beginning; thence continuing South 89°57'50" East along the South line of said Lot 858, 56.60 feet; thence North 48°02'10" East, 22.46 feet to a point on the East line of said Lot 858, said point being 15.03 feet north of the Southeast corner of said Lot 858; thence North 00°13'07" West along the East line of said Lot 858, 24.19 feet; thence North 52°21'40" West, 33.93 feet; thence South 37°34'28" West, 18.64 feet; thence South 19°05'14" West, 21.15 feet; thence South 48°02'10" West, 37.59 feet to the Point of Beginning. Containing 2,403 square feet, more or less.

PERMANENT UTILITY EASEMENT
The South 5 feet of Lot 858, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas.

LOT 45, 8132 High Drive, Leawood, Kansas

OWNER: Cecilia J. Zimmerman

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 45, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Lot 45; thence South 89°57'50" East along the South line of said Lot 45, 118.00 feet to the point of curvature, thence along a curve to the left having a radius of 50.00 feet, a central angle of 90°12'06", an arc distance of 78.72 feet; thence North 00°09'56" West along the East line of said Lot 45, 9.76 feet; thence South 80°10'57" West, 29.82 feet; thence South 00°00'00" East, 40.17 feet; thence South 84°22'00" West, 61.63 feet; thence North 89°56'50" West 77.07 feet to a point on the West line of said Lot 45; thence South 00°10'50" East along the West line of said Lot 45, 8.60 feet to the Point of Beginning. Containing 2,525 square feet, more or less.
PERMANENT UTILITY EASEMENT
The South 5 feet of Lot 45, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas.

LOT 58, 8133 High Drive, Leawood, Kansas

OWNER: Chris W. Bennett and Julie M. Bennett

TEMPORARY CONSTRUCTION EASEMENT
All that part of Lot 58 and the South 10 feet of Lot 57, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of said Lot 58; thence North 00°09'56" West along the East line of said Lot 58, 8.50 feet; thence North 89°57'50" West, 49.16 feet; thence North 78°39'14" West, 80.20 feet; thence North 48°48'38" West, 54.97 feet to a point on the West line of said Lot 58; thence South 00°09'56" East along the West line of said Lot 58, 10.58 feet to the point of curvature; thence along a curve to the left with a radius of 50.00 feet and a central angle of 89°57'54", an arc distance of 78.36 feet; thence South 89°57'50" East along the South line of Lot 58, 119.00 feet to the Point of Beginning. Containing 2,918 square feet, more or less.

PERMANENT UTILITY EASEMENT
The South 5 feet of Lot 58, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas.

LOT 148, 8300 High Drive, Leawood, Kansas

OWNER: Thomas V. and Stacey P. Carpenter

TEMPORARY CONSTRUCTION EASEMENT
All the part of Lot 148, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 148, thence South 89°57'50" East along the North line of said Lot 148, 118.85 feet (Deed 118.00 feet) to the point of curvature; thence along a curve to the right having a radius of 50.00 feet, a central angle of 35°46'01", an arc distance of 31.21 feet; thence North 90°00'00" West, 54.00 feet; thence South 00°02'10" West, 25.52 feet; thence North 89°57'50" West, 27.00 feet; thence North
21°22′01″ West, 27.40 feet; thence South 89°11′15″ West, 58.31 feet to a point on the West line of said Lot 148; thence North 04°03′24″ East along the West line of said Lot 148, 10.37 feet to the Point of Beginning. Containing 2,159 square feet, more or less.

LOT L 1, B 5, 8300 Overbrook, Leawood, Kansas

OWNER: William B. Nelson III and Sara L. Lawrentiew

TEMPORARY CONSTRUCTION EASEMENT

All that part Lot 1, Block 5, Brightwater Addition, 5th Plat, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 1; thence North 89°42′13″ East along the North line of said Lot 1, 15.09 feet to the Point of Beginning; thence continuing North 89°42′13″ East along the North line of said Lot 1, 142.67 feet to the Northeast corner of said Lot 1; thence South 00°39′21″ West, 49.65 feet; thence North 76°10′58″ West, 40.46 feet; thence North 00°39′21″ East, 31.56 feet; thence South 84°34′40″ West, 103.50 feet; thence North 00°17′47″ West, 17.40 feet to the Point of Beginning. Containing 3,085 square feet, more or less.

PERMANENT DRAINAGE EASEMENT

All that part of Lot 1, Block 5, Brightwater Addition, 5th Plat, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence North 89°42′13″ East along the North line of said Lot 1, 15.09 feet; thence South 00°17′47″ East, 57.10 feet; thence South 89°42′13″ West, 15.19 feet to a point on the West line of said Lot 1; thence North 00°06′09″ East along the West line of said Lot 1, 57.10 feet to the point of Beginning. Containing 865 square feet, more or less.

LOT 111 and 112, 8124 Lee Boulevard, Leawood, Kansas

OWNER: Thomas R. Fields & Elizabeth Fields

TEMPORARY CONSTRUCTION EASEMENT

All the part of Lot 111 and Lot 112, except the South 80 feet of said Lot 112, Leawood, a subdivision in the City
Beginning at the Northeast corner of said Lot 111; thence South 89°49'10" West along the North line of said Lot 111, 1.11 feet; thence South 01°24'40" West, 86.38 feet; thence South 61°25'08" West, 21.02 feet; thence South 00°10'50" East, 8.95 feet to a point on the North line of the South 80 feet of said Lot 112; thence North 89°49'10" East along said North line, 21.96 feet to a point on the East line of said Lot 112; thence North 00°10'50" West along the East lines of said Lots 111 and 112, 105.39 feet (Deed 105.00 feet) to the Point of Beginning. Containing 524 square feet, more or less.

LOT 113, 8132 Lee Boulevard, Leawood, Kansas

OWNER: Basharat Jazbi

PERMANENT UTILITY EASEMENT
The South 5 feet of Lot 113, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas.

LOT 1416, 8133 Sagamore, Leawood, Kansas

OWNER: Michael W. and Sarah L. Thomasson

PERMANENT UTILITY EASEMENT
The South 5 feet of Lot 1416, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas.
STATE OF KANSAS, JOHN SON COUNTY, ss: Georgiann Thacker being first Duly sworn, Deposes and says: That she is legal publications manager of THE JOHN SON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHN SON 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 ___ day of September 19__, with subsequent publication being made on the following dates:

________________, 19   ______________, 19
________________, 19   __________________

Subscribed and sworn to before me this ___ day of September 19__.

__________________________
Georgiann Thacker

My Commission Expires  ___/___/___
Printer's Fees ________
Additional Copies $

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS
AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF REAL ESTATE FOR USE OF THE CITY AND ADDITIONAL SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONVEYED.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on Monday, August 21, 1995, declare the necessity of appropriating certain private property for the use of the City for temporary construction easements, permanent drainage easements and permanent utility easements; 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 filled 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 filled with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to 3rd Street and Johnson County. Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire the permanent and temporary easements as described in the attached exhibit "A".

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

APPROVED AND ADOPTED THIS 15TH DAY OF AUGUST, 1995. (Signed by the Mayor this 15th day of August, 1995.)

ATTACH

City Attorney

APPROVED AS TAKEN

BENNETT, LITTEL, UHLE, 

HOLDSWORTH & WLY

By: Richard S. Waiters

5000 W. 95th St., Suite 300

Lawrence, Kansas 66047

418-7300

City Attorney

EXHIBIT "A"

LOT 1043, 3200 W. 3rd, Leawood, Kansas

OWNER: Wayne E. Leazier & Mamelle Leazier

TEMPORARY EASEMENT

All that certain lot of land, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1043; thence South 89°25'48" East along the South line of said Lot 1043, 100.00 feet to the Southeast corner of said Lot 1043; thence North 00°00'00" West, 100.00 feet to the Northeast corner of said Lot 1043; thence North 89°25'48" East, 100.00 feet; thence North 42°49'58" East, 90.00 feet; thence North 20°33'21" West, 13.97 feet; thence North 83°49'47" East, 64.25 feet; thence South 29°38'53" West, 142.37 feet; thence South 33°07'41" East along the West line of said Lot 771, 18.16 feet; thence South 00°00'00" East, 144.99 feet; thence South 29°38'53" West, 13.97 feet to the point of beginning.

Containing 2,172 square feet or more.

LOT 1458, 8201 Cherokee Circle, Leawood, Kansas

OWNER: Charles J. and Elaine T. Hoffman

TEMPORARY EASEMENT

All that certain lot of land, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1458; thence South 89°25'48" East along the South line of said Lot 1458, 100.00 feet to the Southeast corner of said Lot 1458; thence North 00°00'00" West, 100.00 feet to the Northeast corner of said Lot 1458; thence North 89°25'48" East, 100.00 feet; thence North 33°07'41" West, 18.16 feet; thence North 29°38'53" East, 18.16 feet; thence North 33°07'41" West, 18.16 feet; thence North 00°00'00" East, 144.99 feet; thence North 29°38'53" West, 13.97 feet; thence North 00°00'00" East from a point on the West line of said Lot 1458, 18.16 feet; thence North 33°07'41" West, 18.16 feet; thence North 33°07'41" West, 144.99 feet; thence North 00°00'00" East, 100.00 feet to the point of beginning.

Containing 4,164 square feet or more.

LOT 771, 8201 Cherokee Lane, Leawood, Kansas

OWNER: Bruce Edward and Jackie M. Howard

TEMPORARY EASEMENT

All that certain lot of land, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Lot 771; thence South 89°18'57" East along the North line of said Lot 771, 100.00 feet to the Southeast corner of said Lot 771; thence South 30°52'31" West along the East line of said Lot 771, 100.00 feet to the Southwest corner of said Lot 771; thence South 89°18'57" West, 100.00 feet to a point on the West line of said Lot 771; thence South 30°52'31" East, 100.00 feet to the South line of said Lot 771; thence South 89°18'57" West, 13.71 feet to a point on the West line of said Lot 771; thence South 30°52'31" East, 13.71 feet; thence South 89°18'57" West, 100.00 feet; thence South 30°52'31" East, 100.00 feet to the point of beginning.

Containing 1,350 square feet or more.
ORDINANCE NO. 1513

AN ORDINANCE CONVEYING TRACTS OF LAND TO THE CITY OF OVERLAND PARK, KANSAS, BY QUIT-CLAIM DEED, IN ACCORDANCE WITH AN EXCLUSION/ANNEXATION AGREEMENT BETWEEN THE CITY OF LEAWOOD AND THE CITY OF OVERLAND PARK DATED AUGUST 7, 1995.

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

Section 1. That the City of Leawood hereby conveys the following described tracts of land, to wit:

To the City of Overland Park, Kansas: Commencing at the northwest corner of the northwest quarter of Section 10, Township 14 South, Range 25 East, Johnson County, Kansas; thence S 00°09’53” W, along the west line of said northwest quarter, a distance of 1461.55 feet to the TRUE POINT OF BEGINNING; thence continuing S 00°09’53” W a distance of 88.00 feet; thence N 89°53’15” E, parallel with the north line of the south 110 acres of said northwest quarter, a distance of 40.00 feet to a point on the east right of way line of Mission Road as now established; thence N 00°09’53” E a distance of 87.81 feet; thence N 89°50’07” W a distance of 40.00 feet to the TRUE POINT OF BEGINNING, containing .08083 acres, more or less.

Section 2. That a copy of said quit-claim 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 21st day of August, 1995.

Approved by the Mayor the 21st day of August, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Welzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

ORDINANCE NO. 1513
First published in The Legal Record, Tuesday, August 22, 1995.

ORDINANCE NO. 1513
AN ORDINANCE CONVEYING TRACTS OF LAND TO THE CITY OF OVERLAND PARK, KANSAS, BY QUIT-CLAIM DEED, IN ACCORDANCE WITH AN EXCLUSION/ANNEXATION AGREEMENT BETWEEN THE CITY OF LEAWOOD AND THE CITY OF OVERLAND PARK DATED AUGUST 7, 1995.

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

Section 1. That the City of Leawood hereby conveys the following described tracts of land, to wit:

To the City of Overland Park, Kansas: Commencing at the northwest corner of the northwest quarter of Section 10, Township 14 South, Range 25 East, Johnson County, Kansas; thence S 00°09'53" W, along the west line of said northwest quarter, a distance of 1461.85 feet to the TRUE POINT OF BEGINNING; thence continuing S 00°09'53" W a distance of 88.29 feet; thence N 89°53'15" E, parallel with the north line of the south 110 acres of said northwest quarter, a distance of 40.00 feet to a point on the east right of way line of Mission Road as now established; thence N 00°09'53" E a distance of 87.81 feet; thence N 89°50'07" W a distance of 40.00 feet to the TRUE POINT OF BEGINNING, containing .08083 acres, more or less.

Section 2. That a copy of said quit-claim 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 21st day of August 1995. Approved by the Mayor the 21st day of August 1995.

(S E A L)

Marcia Rinehart
Mayor

Sharon Heizer
City Clerk

APPROVED FOR FORM:

City Attorney

$17.82
ORDINANCE NO. 1512

AN ORDINANCE INCLUDING, ANNEXING AND INCORPORATING CERTAIN LAND IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 25 EAST, LOCATED EAST OF THE CENTERLINE OF MISSION ROAD, SOUTH OF 151ST STREET, AND NORTH OF THE HALF-SECTION LINE, INTO THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, an Exclusion/Annexation Agreement dated August 7, 1995, (hereinafter the "Agreement") was entered by the City of Overland Park, Kansas (hereinafter "Overland Park") and the City of Leawood, Kansas (hereinafter "Leawood"); and

WHEREAS, said Agreement concerns the possible exclusion of land in the northwest quarter of Section 10, Township 14 South, Range 25 East, located east of the centerline of Mission Road, south of 151st Street, and north of the half-section line, from the boundaries of Overland Park and the annexation of the same land into Leawood; and

WHEREAS, on August 2, 1995, Leawood filed with the City Clerk of Overland Park the original Petition to Overland Park to Exclude land from the City of Overland Park pursuant to K.S.A. 12-504 et seq. spoken of in paragraph 1 of said Agreement; and

WHEREAS, said Petition to Overland Park to Exclude was executed by all of the owners of land which is legally described in SECTION 1 of this ordinance, below; and

WHEREAS, on August 8, 1995, Leawood filed with the City Clerk of Overland Park a copy of the Consent to Annexation of said land by Leawood spoken of in paragraph 2 of said Agreement, the original of which Consent had been filed with the City Clerk of Leawood on August 4, 1995; and

WHEREAS, on August 7, 1995, Leawood delivered to the City Clerk of Overland Park the check in the amount of $201.42 spoken of in paragraph 3 of said Agreement; and

WHEREAS, thereupon on August 9, 1995, the City Clerk of Overland Park caused to be published for the first time and on August 16, 1995, caused to be published for the second time in The Overland Park Sun, the Notice of Public Hearing spoken of in paragraph 4 of said Agreement giving the date, day, place and time of the public hearing on the proposed exclusion of land; and

WHEREAS, on August 21, 1995, at 7:30 p.m. in the Council Chambers, Overland Park City Hall, 8500 Santa Fe, the Governing Body of the City of Overland Park held a public hearing on the
Petition to Exclude of the owners of the said land during which comments from all interested persons were heard; and

WHEREAS, no written objection to the proposed exclusion was filed with the City Clerk of Overland Park at or before the hearing held on August 21, 1995, by any owner of any tract proposed to be excluded, nor by any owner of any adjoining tract who would have been a proper party to the petition but who was not a party to it; and

WHEREAS, the Governing Body of Overland Park found and determined that proper notice of the public hearing on the proposed exclusion of land held on August 21, 1995, was given by publication in The Overland Park Sun; and

WHEREAS, the Governing Body of the Overland Park found and determined that no private rights would be injured or endangered by the exclusion of said land from the boundaries of Overland Park, that the public would suffer no loss or inconvenience thereby, and that justice required the granting of the Petition; and

WHEREAS, the Governing Body of Overland Park found and determined that it would be in the best interests of the City of Overland Park, the public, and the owners of said land to exclude the said land from Overland Park and for Leawood to annex it.

WHEREAS, the Governing Body of Overland Park on August 21, 1995, passed Ordinance. No. A-DE-1941, Section 1 of which excluded said land from the boundaries of Overland Park, and Section 3 of which made said ordinance effective and placed it in force from and after 12:01 a.m. on August 31, 1995, and after its publication; and

WHEREAS, said land is composed of two tracts, each of which is contiguous to and adjoins Leawood; and

WHEREAS, all of the owners of said land have consented to its annexation into Leawood.

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

SECTION 1. That the land, consisting of the following legally described tracts, is hereby included, incorporated, annexed and brought within the corporate limits of the City of Leawood, Kansas, pursuant to K.S.A. 12-520(a)(7), to wit:

Tract 1

Beginning at the Northwest corner of the NW¼ of Section 10, T14S, R25E, Johnson County, Kansas; thence S
00°09’53" W, along the West line of said NW¼, a
distance of 1,549.55 feet; thence N 89°53’15” E a
distance of 454.33 feet to the TRUE POINT OF BEGINNING;
then continuing N 89°53’15” E, parallel with the
North line of the South 110 acres of said NW¼, a
distance of 489.47 feet; thence S 00°09’53” W,
parallel with said West line, a distance of 375.23
feet; thence Southwesterly, on a curve to the right
having an initial tangent bearing of S 58°05’14” W and
a radius of 275 feet, for a distance of 168.05 feet;
then N 00°54’18” E a distance of 137.61 feet; thence
N 15°30’00” W a distance of 113.00 feet; thence N
44°12’00” W a distance of 105.00 feet; thence N
73°30’00” W a distance of 116.00 feet; thence S
65°00’00” W a distance of 115.00 feet; thence
N 08°00’00” W a distance of 83.00 feet; thence
N 00°09’53” E, parallel with said West line, a distance
of 27.13 feet to the TRUE POINT OF BEGINNING,
containing 2.27177 acres, more or less.

Tract 2

Beginning at the Northwest corner of the NW¼ of Section
10, T14S, R25E, Johnson County, Kansas; thence S
00°09’53” W, along the West line of said NW¼, a
distance of 1,549.55 feet; thence N 89°53’15” E,
parallel with the North line of the South 110 acres of
said NW¼, a distance of 943.80 feet; thence
S 00°09’53” W, parallel with said West line, a distance
of 432.55 feet to the TRUE POINT OF BEGINNING; thence
continuing S 00°09’53” W, parallel with said West line,
a distance of 42.59 feet; thence N 23°31’14” W a
distance of 38.55 feet; thence Northeasterly, on a
curve to the left having an initial tangent bearing of
N 66°28’46” E and a radius of 325 feet, for a distance
of 17.12 feet to the TRUE POINT OF BEGINNING,
containing 0.00754 acres, more or less.

SECTION 2. This ordinance shall take effect and be in force from
and after 12:01 a.m. on August 31, 1995, and after its
publication in The Legal Record, the official City newspaper.

SECTION 3. The City Clerk of Leawood shall certify a copy of
this ordinance to the City Clerk of Overland Park, Kansas; the
Johnson County Clerk; the Johnson County Election Commissioner;
the Board of County Commissioners of Johnson County; the
Register of Deeds of Johnson County, the latter of whom is
requested to file it and to record it in the deed records of
Johnson County at the expense of the Petitioners, and to write on
the margin of such township or addition, if any, the words
"cancelled by order" or "cancelled in part by order," as the case
may be, giving reference thereon to the page and book of records.
where such order is recorded in the Office of the Register of Deeds of Johnson County; the Kansas Department of Revenue, Sales Tax Division; the Kansas Department of Transportation; the Kansas City Power and Light Company; the KPL Gas Service Company; the Southwestern Bell Telephone Company; and Telecable of Overland Park, Inc.

PASSED by the City Council this 21st day of August, 1995.

APPROVED by the Mayor this 21st day of August, 1995.

(S E A L)

MARCIA RINEHART
Mayor

ATTEST:

MARTHA HEIZER
City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:

Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Editor 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 uninterruptedly 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:

8/29/95

Editor

Subscribed and sworn to before me on this date:
8/29/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires: October 11, 1998

Publication Fees: $66.36
ORDINANCE NO. 1512
First published in The Legal Record, Tuesday, August 29, 1995.

AN ORDINANCE INCLUDING, ANNEXING AND INCORPORATING CERTAIN LAND IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 14 SOUTH, RANGE 25 EAST, MORE OR LESS OF THE PANE OF THE MISSION ROAD, SOUTH OF 1515 STREET, AND NORTH OF THE HALF-SECTION LINE, TO THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS:

WHEREAS, an Exclusion/Annexation Agreement dated August 7, 1995, (hereinafter the "Agreement") was entered by the City of Overland Park, Kansas and the City of Leawood, Kansas (hereinafter "Leawood"); and

WHEREAS, said Agreement concerns the possible exclusion of land in the northwest quarter of Section 10, Township 14 South, Range 25 East, located west of the centerline of Mission Road, south of 1515 Street, and north of the half-section line, from the boundaries of Overland Park and the annexation of the same land into Leawood; and

WHEREAS, on August 1, 1995, Leawood filed with the City Clerk of Overland Park the original Petition to Overland Park to Exclude land from the City of Overland Park pursuant to K.S.A. 12-504 et seq. spoken of in paragraph 1 of said Agreement; and

WHEREAS, said Petition to Overland Park to Exclude was executed by all of the owners of the land which is legally described in SECTION 1 of this ordinance, below; and

WHEREAS, on August 3, 1995, Leawood filed with the City Clerk of Overland Park a copy of the Consent to Annexation of said land by Leawood spoken of in paragraph 2 of said Agreement, the original of which Consent had been filed with the City Clerk of Leawood on August 1, 1995; and

WHEREAS, on August 5, 1995, Leawood delivered to the City Clerk of Overland Park the Check in the amount of $201.42 spoken of in paragraph 3 of said Agreement; and

WHEREAS, thereupon on August 9, 1995, the City Clerk of Overland Park caused to be published for the first time and on August 16, 1995, caused to be published for the second time in the Overland Park Sun, the Notice of Public Hearing spoken of in paragraph 4 of said Agreement giving the date, day, place and time of the public hearing on the proposed exclusion of land; and

WHEREAS, no written objection to the proposed exclusion was filed with the City Clerk of Overland Park at or before the public hearing held on August 21, 1995, by any owner of any adjoining tract proposed to be excluded, nor by any owner of any adjoining tract who would have been a proper party to the petition but who was not a party to it; and

WHEREAS, the Governing Body of Overland Park found and determined that proper notice of the public hearing on the proposed exclusion of land held on August 21, 1995, was given by publication in The Overland Park Sun; and

WHEREAS, the Governing Body of Overland Park found and determined that no private rights would be injured or endangered by the exclusion of said land from the boundaries of Overland Park, that the public would suffer no injury thereby, and that justice required the granting of the Petition; and

WHEREAS, the Governing Body of Overland Park found and determined that it would be in the best interests of the City of Overland Park and the public in the interest of any tract to exclude the said land from Overland Park and for Leawood to annex it.

WHEREAS, the Governing Body of Overland Park on August 21, 1995, passed Ordinance No. A-95-41, Section 1 of which excluded said land from the boundaries of Overland Park, and Section 3 of which made said ordinance effective and placed it in force from and after 12:01 a.m. on August 31, 1995, and after its publication; and

WHEREAS, said land is composed of two tracts, each of which is contiguous to and adjoins Leawood; and

WHEREAS, all of the owners of said land have consented to its annexation into Leawood.

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

SECTION 1. That the land, consisting of the following legally described tracts, is hereby included, incorporated, annexed and brought within the corporate limits of the City of Leawood, Kansas, pursuant to K.S.A. 12-520(a)(7), to wit:

TRACT 1

Beginning at the Northwest corner of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'53" W, along the West Line of said NWK, a distance of 1,545.55 feet; thence N 89°53'15" E a distance of 454.33 feet to the TRUE POINT OF BEGINNING; thence continuing S 00°09'53" W, parallel with said West line, a distance of 375.23 feet; thence Southwesterly, on a curve to the right having an initial tangent bearing of S 58°09'14" W and a radius of 275 feet, for a distance of 166.05 feet; thence N 00°42'19" E a distance of 119.11 feet; thence S 73°30'00" W a distance of 113.00 feet; thence S 65°00'00" W a distance of 115.00 feet; thence S 08°00'00" W a distance of 83.00 feet; thence S 00°09'53" E a distance of 27.13 feet to the TRUE POINT OF BEGINNING, containing 2.27177 acres, more or less.

TRACT 2

Beginning at the Northwest corner of the NWK of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'53" W, along the West line of said NWK, a distance of 1,549.85 feet; thence N 89°53'15" E, parallel with the North line of the South 110 acres of said NWK, a distance of 493.80 feet; thence S 00°09'53" W, parallel with said West line, a distance of 412.55 feet to the TRUE POINT OF BEGINNING; thence continuing S 00°09'53" W, parallel with said West line, a distance of 42.59 feet; thence N 23°31'14" W a distance of 38.55 feet; thence Northwesterly, on a curve to the left having an initial tangent bearing of N 28°46'46" E and a radius of 325 feet, for a distance of 17.12 feet to the TRUE POINT OF BEGINNING, containing 0.00754 acres, more or less.

SECTION 2. This ordinance shall take effect and be in force from and after 12:01 a.m. on August 31, 1995, and after its publication in The Legal Record, the official City newspaper.

SECTION 3. The City Clerk of Leawood shall certify a copy of this ordinance to the City Clerk of Overland Park, Kansas; the Register of Deeds of Johnson County; the Johnson County Election Commissioner; the Board of County Commissioners of Johnson County; the Register of Deeds of Johnson County, the latter of whom is requested to file it and to record it in the deed records of Johnson County at the expense of the Petitioners, and to write on the margin of such township or addition, if any, the words "canceled by order" or "canceled in part by order," as the case may be, giving reference thereon to the page and book of records where such order is recorded in the Office of the Register of Deeds of Johnson County; the Kansas Department of Revenue, Sales Tax Division; the Kansas Department of Transportation; the Kansas City Power and Light Company; the KPL Gas Service Company; the Southwestern Bell Telephone Company; and Telecable of Overland Park, Inc.

PASSED by the City Council this 21st day of August, 1995.

APPROVED by the Mayor this 21st day of August, 1995.

(S I A L)

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney
ORDINANCE NO. 1511

AN ORDINANCE EXCLUDING CERTAIN LAND IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 25 EAST LOCATED EAST OF THE CENTERLINE OF MISSION ROAD, SOUTH OF 151ST STREET, AND NORTH OF THE HALF-SECTION LINE, FROM THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, an Exclusion/Annexation Agreement dated August 7, 1995, (hereinafter the "Agreement") was entered by the City of Overland Park, Kansas (hereinafter "Overland Park") and the City of Leawood, Kansas (hereinafter "Leawood"); and

WHEREAS, said Agreement concerns the possible exclusion of land in the northwest quarter of Section 10, Township 14 South, Range 25 East, located east of the centerline of Mission Road, south of 151st Street, and north of the half-section line, from the boundaries of Leawood and the annexation of the same land into Overland Park; and

WHEREAS, on August 4, 1995, Overland Park filed with the City Clerk of Leawood the original Petition to Leawood to Exclude land from the City of Leawood pursuant to K.S.A. 12-504 et seq. spoken of in paragraph 13 of said Agreement; and

WHEREAS, said Petition to Leawood to Exclude was executed by all of the owners of land which is legally described in SECTION 1 of this ordinance, below; and

WHEREAS, on August 8, 1995, Overland Park filed with the City Clerk of Leawood a copy of the Consent to Annexation of said land by Overland Park spoken of in paragraph 14 of said Agreement, the original of which Consent had been filed with the City Clerk of Overland Park on August 8, 1995; and

WHEREAS, on August 7, 1995, Overland Park delivered to the City Clerk of Leawood the check in the amount of $627.52 spoken of in paragraph 15 of said Agreement; and

WHEREAS, on August 7, 1995, Overland Park delivered to the City Clerk of Leawood the check in the amount of $10.00 spoken of in paragraph 16 of the said Agreement; and

WHEREAS, thereupon on August 8, 1995, the City Clerk of Leawood caused to be published for the first time and on August 15, 1995, caused to be published for the second time in The Legal Record, the Notice of Public Hearing spoken of in paragraph 17 of said Agreement giving the date, day, place and time of the public hearing on the proposed exclusion of land; and
WHEREAS, on August 21, 1995, at 7:30 p.m. in the Council Chambers, Leawood City Hall, 4800 Town Center Drive, the Governing Body of the City of Leawood held a public hearing on the Petition to Exclude of the owners of the said land during which comments from all interested persons were heard; and

WHEREAS, no written objection to the proposed exclusion has been filed with the City Clerk of Leawood at or before the hearing held on August 21, 1995, by any owner of any tract proposed to be excluded, nor by any owner of any adjoining tract who would have been a proper party to the petition but who was not a party to it; and

WHEREAS, the Governing Body of Leawood finds and determines that proper notice of the public hearing on the proposed exclusion of land held on August 21, 1995, was given by publication in The Legal Record; and

WHEREAS, the Governing Body of the City of Leawood finds and determines that no private rights will be injured or endangered by the exclusion of said land from the boundaries of Leawood, that the public will suffer no loss or inconvenience thereby, and that justice requires the granting of the Petition; and

WHEREAS, the Governing Body of the City of Leawood finds and determines that it would be in the best interests of the City of Leawood, the public, and the owners of said land to exclude the said land from Leawood and for Overland Park to annex it.

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

SECTION 1. Pursuant to K.S.A. 12-505 the following described land is hereby ordered excluded from the boundaries of the City of Leawood, to wit:

**Tract 1**

Beginning at the Northwest corner of the NW¼ of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'53" W, along the West line of said NW¼, a distance of 1,549.55 feet; thence N 89°53'15" E, parallel with the North line of the South 110 acres of said NW¼, a distance of 40.00 feet to a point on the East right-of-way line of Mission Road, as it now exists, said point also being the TRUE POINT OF BEGINNING; thence N 00°09'53" E, parallel with said West line and along said East right-of-way line, a distance of 87.81 feet; thence S 89°50'07" E a distance of 70.00 feet to a point of curvature; thence Northeasterly, on a curve to the left having a radius of 200 feet, for a distance of 56.76 feet; thence
Northeasterly, on a curve to the right having an initial tangent bearing of N 73°54'16" E and a radius of 225 feet, for a distance of 63.85 feet; thence S 89°50'07" E a distance of 225.32 feet; thence S 00°09'53" W, parallel with said West line, a distance of 102.80 feet; thence S 89°53'15" W a distance of 414.33 feet to the TRUE POINT OF BEGINNING, containing 0.93726 acres, more or less.

Tract 2

Beginning at the Northwest corner of the NW¼ of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'53" W, along the West line of said NW¼, a distance of 1,549.55 feet; thence N 89°53'15" E, parallel with the North line of the South 110 acres of said NW¼, a distance of 943.80 feet; thence S 00°09'53" W, parallel with said West line, a distance of 375.23 feet to the TRUE POINT OF BEGINNING; thence Northeasterly, on a curve to the left having an initial tangent bearing of N 58°05'14" E and a radius of 275 feet, for a distance of 35.89 feet; thence Southeasterly, on a curve to the left having an initial tangent bearing of S 34°54'12" E and a radius of 225 feet, for a distance of 50.13 feet; thence Southwesterly, on a curve to the right having an initial tangent bearing of S 50°19'02" W and a radius of 325 feet for a distance of 74.56 feet; thence N 00°09'53" E, parallel with said West line, a distance of 57.32 feet to the TRUE POINT OF BEGINNING, containing 0.06246 acres, more or less.

Tract 3

Beginning at the Northwest corner of the NW¼ of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'53" W, along the West line of said NW¼, a distance of 1,549.55 feet; thence N 89°53'15" E, parallel with the North line of the South 110 acres of said NW¼, a distance of 943.80 feet; thence S 00°09'53" W, parallel with said West line, a distance of 475.14 feet to the TRUE POINT OF BEGINNING; thence S 23°31'14" E a distance of 136.06 feet; thence S 89°53'15" W, parallel with the North line of the South 110 acres of said NW¼, a distance of 54.66 feet; thence N 00°09'53" E, parallel with said West line, a distance of 124.86 feet to the TRUE POINT OF BEGINNING, containing 0.07833 acres more or less.

Tract 4
Commencing at the northwest corner of the northwest quarter of Section 10, Township 14 South, Range 25 East, Johnson County, Kansas; thence S 00° 09' 53" W, along the west line of said northwest quarter, a distance of 1461.55 feet to the TRUE POINT OF BEGINNING; thence continuing S 00° 09' 53" W a distance of 88.00 feet; thence N 89° 53' 15" E, parallel with the north line of the south 110 acres of said northwest quarter, a distance of 40.00 feet to a point on the east right of way line of Mission Road as now established; thence N 00° 09' 53" E a distance of 87.81 feet; thence N 89° 50' 07" W a distance of 40.00 feet to the TRUE POINT OF BEGINNING, containing .08083 acres, more or less.

SECTION 2. The mayor and City Clerk are hereby authorized and directed to execute the quit-claim deed to the right-of-way of Mission Road in which Leawood holds an interest located east of the centerline of Mission Road at approximately the southeast corner of the future 153rd Street and Mission Road spoken of in paragraph 20(b) of said Agreement and the City Clerk is directed to deliver it to the City Clerk of Overland Park.

SECTION 3. The City Clerk is hereby directed to deposit the lump sum general obligation bond and temporary note debt service check spoken of in paragraph 20(c) of said Agreement into the bond and interest fund of the city and the City manager is directed to use it solely and only for the purpose of making payments of principal and interest on outstanding general obligation bonded indebtedness or temporary note indebtedness of Leawood.

SECTION 4. The City Clerk is directed to deposit the $10.00 check spoken of in paragraph 20(d) of said Agreement into an appropriate fund of the city.

SECTION 5. This ordinance shall take effect and be in force from and after 12:01 a.m. on August 31, 1995, and after its publication in The Legal Record, the official City newspaper.

SECTION 6. The City Clerk of Leawood shall certify a copy of this ordinance to the City Clerk of Overland Park, Kansas; the Johnson County Clerk; the Johnson County Election Commissioner; the Board of County Commissioners of Johnson County; the Register of Deeds of Johnson County, the latter of whom is requested to file it and to record it in the deed records of Johnson County at the expense of the Petitioners, and to write on the margin of such township or addition, if any, the words "cancelled by order" or "cancelled in part by order," as the case may be, giving reference thereon to the page and book of records where such order is recorded in the Office of the Register of Deeds of Johnson County; the Kansas Department of Revenue, Sales Tax Division; the Kansas Department of Transportation; the
Kansas City Power and Light Company; the KPL Gas Service
Company; the Southwestern Bell Telephone Company; and Telecable
of Overland Park, Inc.

PASSED by the City Council this 21st day of August, 1995.
APPROVED by the Mayor this 21st day of August, 1995.

(SEAL)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, published in and of general paid
subscription 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:

8/29/95

Editor

Subscribed and sworn to before me on this date:
8/29/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $81.81

$81.81
ORDINANCE NO. 1511

First published in The Legal Record, Tuesday, August 29, 1995.

ORDINANCE NO. 1211

AN ORDINANCE EXCLUDING CERTAIN LAND IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 15 EAST OF THE CENTERLINE OF MISSION ROAD, SOUTH OF 151ST STREET, AND NORTH OF THE HALF-SECTION LINE, FROM THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, an Exclusion/Annexation Agreement dated August 7, 1995, (hereinafter the “Agreement”) was entered by the City of Leawood (hereinafter “Leawood”); and

WHEREAS, said Agreement concerns the possible exclusion of land in the northwest quarter of Section 10, Township 14 South, Range 15 East, located east of the centerline of Mission Road, south of 151st Street, and north of the half-section line, from the boundaries of Leawood and the annexation of the same land into Overland Park; and

WHEREAS, on August 6, 1995, Overland Park filled with the City Clerk of Leawood the original Petition to Exclude land from the boundaries of the City of Leawood pursuant to K.S.A. 12-504 et seq. spoken of in paragraph 13 of said Agreement; and

WHEREAS, said Petition to Exclude was executed by all the owners of land which is legally described in SECTION 1 of this ordinance, below; and

WHEREAS, on August 8, 1995, Overland Park filled with the City Clerk of Leawood a copy of the Consent to Annexation of said land by Overland Park spoken of in paragraph 14 of said Agreement, the original of which Consent had been filled with the City Clerk of Overland Park on August 8, 1995; and

WHEREAS, on August 7, 1995, Overland Park delivered to the City Clerk of Leawood the Certificate of Disposal of $275.72 spoken of in paragraph 15 of said Agreement; and

WHEREAS, on August 7, 1995, Overland Park delivered to the City Clerk of Leawood the check in the amount of $15.00 spoken of in paragraph 16 of the said Agreement; and

WHEREAS, the coupon on August 8, 1995, the City Clerk of Leawood caused to be published for the first time and on August 15, 1995, caused to be published for the second time in The Legal Record, the Notice of Public Hearing on the proposed exclusion of land; and

WHEREAS, on August 21, 1995, at 7:30 p.m. in the Council Chambers, Leawood City Hall, 4800 Town Center Drive, the Governing Body of the City of Leawood held a public hearing on the petition to exclude of the owners of the said land during which comments from all interested persons were heard; and

WHEREAS, no written objection to the proposed exclusion has been filed with the City Clerk of Leawood at or before the hearing held on August 21, 1995, by any owner of any tract proposed to be excluded, nor by any owner of any adjoining tract that would have been a proper party to the petition but who was not a party to it; and

WHEREAS, the Governing Body of the City of Leawood finds and determines that proper notice of the public hearing on the proposed exclusion of land held on August 21, 1995, was given by publication in The Legal Record; and

WHEREAS, the Governing Body of the City of Leawood finds and determines that no private right will be injured or endangered by the exclusion of said land from said group? of Leawood, that the public will suffer no loss or inconvenience thereby, and that justice requires the granting of the Petition; and

WHEREAS, the Governing Body of the City of Leawood finds and determines that it would be in the best interests of the City of Leawood, the public, and the owners of said land for the said land to be excluded from and for Overland Park to annex it.

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

SECTION 1. Pursuant to K.S.A. 12-505 the following described land is hereby ordered excluded from the boundaries of the City of Leawood, to wit:

TRACT 1:

Beginning at the Northwest corner of the NW of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'52" W, along the West line of said NW, a distance of 1,545.55 feet; thence N 89°53'15" E, parallel with the North line of said NW, a distance of 40.00 feet to a point on the East right-of-way line of Mission Road, at as many feet from said line of Mission Road as a distance of 97.81 feet; thence S 00°09'52" E, parallel with said West line and along said West line of said NW, a distance of 97.81 feet; thence S 00°10'04" E, parallel with said West line a distance of 275 feet; thence N 89°53'15" W, parallel with said West line, a distance of 1,549.55 feet; thence N 89°53'15" E, parallel with the North line of the South 110 acres of said NW, a distance of 725 feet; thence S 00°09'52" W, parallel with said West line, a distance of 725 feet, for a distance of 35.89 feet; thence southeasterly, on a curve to the right having an initial tangent bearing of N 85°05'14" E and a radius of 102.80 feet; thence S 89°53'15" W a distance of 80.32 feet to the TRUE POINT OF BEGINNING, containing 0.3732 acres, more or less.

TRACT 2:

Beginning at the Northwest corner of the NW of Section 10, T14S, R25E, Johnson County, Kansas; thence S 00°09'52" W, along the West line of said NW, a distance of 1,549.55 feet; thence N 89°53'15" E, parallel with the North line of the South 110 acres of said NW, a distance of 725 feet; thence S 00°09'52" W, parallel with said West line, a distance of 725 feet, for a distance of 50.13 feet; thence southerly, on a curve to the right having an initial tangent bearing of W 9°13'02" N and a radius of 325 feet for a distance of 74.56 feet; thence N 89°09'53" E, parallel with said West line, a distance of 74.56 feet, for a distance of 124.86 feet; thence N 89°53'15" E, parallel with said West line, a distance of 124.86 feet to the TRUE POINT OF BEGINNING, containing 0.0783 acres more or less.

TRACT 3:

Commencing at the northwest corner of the northwest quarter of Section 10, Township 14 South, Range 15 East, Johnson County, Kansas; thence S 00° 09' 52" W, along the west line of said northwest quarter, a distance of 1445.55 feet to the TRUE POINT OF BEGINNING; thence continuing S 00° 09' 52" W a distance of 89.00 feet; thence N 89° 53' 15" E, parallel with the north line of the south 110 acres of said northwest quarter, a distance of 40.00 feet to a point on the east right of way line of Mission Road at now established; thence N 00° 09' 53" E a distance of 878.81 feet; thence N 89° 53' 15" E a distance of 40.00 feet to the TRUE POINT OF BEGINNING, containing 0.0803 acres, more or less.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to execute the quit-claim deed to the right-of-way of Mission Road located in an intersection of the centerline of Mission Road at approximately the southeast corner of the future 153rd Street and Mission Road standpoint of in personam action upon agreement of Leawood and the City Clerk is directed to deliver it to the City Clerk of Overland Park.

SECTION 3. The City Clerk is hereby directed to deposit the lump sum general obligation fund and Appraisal Note debt service check spoken of in paragraph 20(c) of said Agreement into the bond and interest fund of the city and the City manager is directed to use it in accordance with the terms of said bond and the principal interest on outstanding general obligation bonds and the temporary note indebtedness of Leawood.

SECTION 4. The City Clerk is directed to deposit the $10.00 check spoken of in paragraph 20(d) of said Agreement into an appropriate fund of the city.

SECTION 5. This ordinance shall take effect and be in force from and after 12:01 a.m. on August 29, 1995, and after its publication in The Legal Record, the official City newspaper.

SECTION 6. The City Clerk of Leawood shall certify a copy of this ordinance to the City Clerk of Overland Park, Johnson County Clerk; the Johnson County Election Commissioner; the Board of County Commissioners of Johnson County; the Register of Deeds of Johnson County; the Kansas Department of Revenue, Sales Tax Division; the Kansas Department of Transportation; the
Kansas City Power and Light Company; the KPL Gas Service Company; the Southwestern Bell Telephone Company; and Telecable of Overland Park, Inc.

PASSED by the City Council this 21st day of August, 1995.

APPROVED by the Mayor this 21st day of August, 1995.

(SEAL)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
City Attorney
AN ORDINANCE AMENDING SECTION 4-701 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PROPERTY MAINTENANCE REGULATIONS; ADOPTING REGULATIONS KNOWN AS THE "1995 PROPERTY MAINTENANCE CODE, MINIMUM HOUSING CODE AND RENTAL INSPECTION PROGRAM OF THE CITY OF LEAWOOD, KANSAS"; AND REPEALING EXISTING SECTION 4-701 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 Section 4-701 of the Code of the City of Leawood is hereby amended to read as follows:

"4-701. PROPERTY MAINTENANCE CODE INCORPORATED BY REFERENCE. That there is hereby incorporated by reference as fully as if set forth herein, for the purpose of insuring public health, safety and welfare in the City of Leawood insofar as they are affected by the maintenance of structures and premises, that certain document known as the "1995 Property Maintenance Code, Minimum Housing Code and Rental Inspection Program of the City of Leawood, Kansas", dated August 7, 1995, prepared and published in book form by the City of Leawood, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three (3) copies of said document shall be marked or stamped "Official Copy" and to which shall be attached a copy of the ordinance, and filed in the Office of the City Clerk to be open to inspection and available to the public during regular office hours."

SECTION 2. REPEAL OF EXISTING SECTION. That existing Section 4-701 of the Code of the City of Leawood is hereby repealed. (Prior law: Section 4-701 previously amended by Ordinance No. 1306C).

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

Passed by the Council the 7th day of August, 1995.

Approved by the Mayor the 7th day of August, 1995.

Marsha Rinehart, Mayor

(SEAL)

Martha Heiber, City Clerk

R.S. Wetzler, City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

ORDINANCE NO. 1510 C
First published in The Legal Record, Tuesday, August 8, 1995.

ORDINANCE NO. 1510 C


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

SECTION 1. CODE AMENDED. That Section 4-701 of the Code of the City of Leawood is hereby amended to read as follows:

"4-701. PROPERTY MAINTENANCE CODE INCORPORATED BY REFERENCE. That there is hereby incorporated by reference as fully as if set forth herein, for the purpose of insuring public health, safety and welfare in the City of Leawood and that they are affected by the maintenance of structures and premises, that certain document known as the "1995 Property Maintenance Code, Minimum Housing Code and Rental Inspection Program of the City of Leawood, Kansas", dated August 7, 1995, prepared and published in book form by the City of Leawood, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three (3) copies of said document shall be marked or stamped "Official Copy" and to which shall be attached a copy of the ordinance, and filed in the Office of the City Clerk to be open to inspection and available to the public during regular office hours."

SECTION 2. REPEAL OF EXISTING SECTION. That existing Section 4-701 of the Code of the City of Leawood is hereby repealed. (Prior law. Section 4-701 previously amended by Ordinance No.1306C).

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

Passed by the Council the 7th day of August, 1995.
Approved by the Mayor the 7th day of August, 1995.

Maria Renhardt
Mayor

My appointment expires:
October 11, 1998
Publication Fees: $18.18

(SIGNATURE)

Martha Heizer, City Clerk
Approved for form:
R.S. Weisz, City Attorney
This Ordinance was filed with the State Corporation Commission on the ___ day of ______________, 19__.

ORDINANCE NO. 1509 C

AN ORDINANCE, granting to Western Resources, Inc., its successors and assigns, a natural gas franchise, prescribing the terms thereof, providing for a monthly franchise payment to be made to the City of Leawood, Kansas, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms thereof.

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

SECTION 1. Franchise Granted.

That in consideration of the benefits to be derived by the City of Leawood, Kansas, and its inhabitants, there is hereby granted to Western Resources, Inc., hereinafter sometimes designated as "Company," said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the right, privilege, and authority for a period of five (5) years, commencing August 5, 1995, with five (5) three (3) year automatic extensions thereafter not to exceed twenty (20) years (provided however that either party may terminate this Ordinance after the initial five (5) year period or an extension thereafter by giving at least one (1) year prior written notice to the other party) to occupy and use the several streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Leawood, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available; and to do all things necessary or proper to carry on said business in the City of Leawood, Kansas.

SECTION 2. Consideration of Franchise.

As further consideration for the granting of this franchise, and in lieu of any city occupation, license or revenue taxes, excluding special assessments, the Company shall pay to the City during the term of this franchise five percent (5%) of its gross receipts from the sale of natural gas during the term of this franchise to all consumers within the present and future corporate limits of the said City and within the service area of the Company.

Gross receipts shall mean all cash and credit extended, other than that pursuant to the Cold...
Weather Rule or substitute rule of the Kansas Corporation Commission, or other consideration derived directly or indirectly by the Company from natural gas sold within the present or future corporate limits of the City. Gross receipts shall also include all fees and charges received by the Company for transportation and delivery within its distribution system of natural gas purchased by non-residential consumers within the City from sources and suppliers other than the Company. Gross receipts shall also include all fees and charges received by the Company from any person or entity receiving natural gas from the Company for the sale of natural gas for resale to consumers within the City.

Such payment as described heretofore shall be made monthly for the preceding monthly period.

The City or its authorized representative shall have access to and the right to examine, at reasonable times and with reasonable notice, all books, receipts, files, records and documents of the Company necessary to verify that payments have been correctly computed and paid. If errors in the calculation of gross receipts are discovered then repayment shall be made upon such corrected calculations, including interest as authorized by K.S.A. 16-201.

SECTION 3. Placement, Relocation and Excavation of Facilities.

That all mains, services, pipes and other equipment necessary to carry on the business of selling and distributing natural gas which shall be laid or installed under this franchise shall be located and laid so as not to unreasonably obstruct or interfere with any public or private drains, sewers, water pipe or other public improvements already installed. In addition, Company shall, in doing work in connection with its said gas mains, services, pipes or other equipment, avoid, so far as may be practicable, obstructing or interfering with the use of any highways, streets, avenues, alleys, roads, easements, or other public places of said City. Company shall, at its own expense and in a manner satisfactory to the duly authorized representatives of the City, replace disturbed paving or surface in as good condition as before said work was commenced. No new mains, services, pipes or other equipment shall be placed in any park of the City without the express written approval of the Governing Body of the City.

All gas mains, service pipes, fixtures, facilities and other appurtenances laid, constructed and maintained by the Company shall be laid, constructed and maintained:

1. in accordance with acceptable engineering practice and in full accord with any and all applicable engineering codes adopted or approved by the natural gas industry; and,
2. in accordance with applicable design criteria and technical specifications as maintained by the Office of the City Engineer; and
3. in accordance with applicable statutes of the State of Kansas and the rules and regulations of the Kansas Corporation Commission or any other state or federal agency having jurisdiction over the Company.
The facilities of the Company located in the highways, streets, avenues, alleys, roads, easements, or other public places shall be relocated by the Company without expense to the City when such relocation is determined to be necessary by official action of the City Council. It is the intent of this section for both the City and Company to cooperate so that the need for facility relocation is minimized.

For the purpose of carrying into effect the privileges granted hereunder, the Company is authorized to make necessary excavations in the highways, streets, avenues, alleys, roads, easements, or other public places with the City. Prior to all excavations of public property, other than excavations necessary for emergency repairs, the Company or its agents shall first obtain the necessary permit from the City Engineer’s office pursuant to the Code of the City of Leawood. Permits for emergency excavations may be obtained upon completion of repairs. Permits shall be issued without charge.

The Company:
1. shall limit all such excavations to the necessities of efficient operation; and
2. shall not at any one time excavate more of any highway or public place than shall be reasonably necessary; and
3. shall not permit such an excavation to remain open longer than necessary for the purpose for which it was opened.

At all times, Company shall perform work on public rights of way at such times that will allow for the least interference with the normal flow of traffic.

All excavation work shall be completed in accordance with the City’s technical specifications and design criteria. The Company shall:
1. be responsible for providing adequate traffic control;
2. refill all excavations and leave in a mowable condition;
3. replace all excavated pavement with like material and leave same in as good condition as before said work was commenced;
4. perform all work on highways, streets, avenues, alleys, roads, easements, or other public rights of way under the inspection of a representative of the City if so requested and desired by the City;
5. repay the City for all expenses, incurred in the repair or replacement of highways, streets, avenues, alleys, roads, easements, or other public rights of way in the event such work is done by the City after the failure of the Company to perform same in a reasonable manner after reasonable notice.

SECTION 4. Service Practices.

During the term of this franchise, the Company shall furnish natural gas to the City and its inhabitants in accordance with the terms of this franchise, the rates, charges, rules and regulations on file with the Kansas Corporation Commission, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance
with the laws of the State of Kansas and the Federal Government.

Company shall, in accordance with various federal and state civil rights legislation, at all times during the term of the franchise furnish gas service to all persons without discrimination on the basis of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the Company sources and pipelines are reasonably capable of supplying.

SECTION 5. Indemnification.

That Company, its successors and assigns, in the construction, maintenance and operation of its natural gas system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Leawood, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.


That within twenty (20) days from and after the passage and approval of this ordinance, Company shall file the same with the State Corporation Commission for the Commission's approval.

Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude Western Resources, Inc. from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the State Corporation Commission's ruling.

SECTION 7. Acceptance by the Company.

After the approval of this ordinance by the State Corporation Commission, Company shall file with the City Clerk of the City of Leawood, Kansas, its unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after the expiration of 60 days from its final passage, approval and publication as required by law, and acceptance by said Company.

That this ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject.
matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 8. Prior Ordinance Repealed.

That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 9. Effective Date.

That this franchise is granted pursuant to the provisions of K.S.A. 12-2001 and shall take effect and be in full force as therein provided.

First Reading: July 3, 1995 Second Reading: July 17, 1995 Third Reading: August 7, 1995

PASSED AND APPROVED this 7th day of August, 1995.

Attest:

City Clerk

Approved for Record:

City Attorney
First Meeting

MINUTES OF THE MEETING OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS

The Mayor and City Council members of the City of Leawood, Kansas, met at the city building in the City of Leawood, Kansas, at 7:30 o'clock, P.M. on the 3rd day of July, 1995, the same being a public meeting of the City Council.

The Mayor presided. The following Council members were present:

Ronald LaHue
Graham G. Giblin, Sr.
Louis Rasmussen

John R. Campbell, Jr.
Gregory J. Peppes
Doug Patterson

Marnie S. Clawson
Peggy J. Dunn

Council member None was absent.

Thereupon Council member Campbell introduced an ordinance providing for the granting of a natural gas franchise to Western Resources, Inc., and moved that the same be placed on first reading. Said motion was seconded by Council member Clawson and, upon vote, carried. The proposed ordinance was given the number -- and placed on first reading, and was read in full and considered by sections.

Thereupon, the Mayor stated to meeting that pursuant to the provisions of K.S.A. 12-2001, the ordinance must be read at three regular meetings of the Council.
MINUTES OF THE MEETING OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS

The Mayor and City Council of the City of Leawood, Kansas, met at the city building in the City of Leawood, Kansas, at 7:30 o'lock, ___ .M., on the 17th day of July, 1995, the same being a regular meeting of the Council.

The Mayor presided. The following Council members were present:

Ronald LaHue
Graham G. Giblin, Sr.
Louis Rasmussen
John R. Campbell, Jr.
Gregory J. Peppes
Doug Patterson
Marnie S. Clawson
Peggy J. Dunn

Thereupon Council member Rasmussen referred to proposed ordinance number ____ which was first introduced at the Council meeting of July 3, 1995, and moved that same be placed on second reading. Said motion was seconded by Council member Dunn and, upon vote, carried. The said proposed ordinance number ____ was placed on second reading, and read in full and considered by sections.

There being no further business to come before the meeting, upon motion duly made, seconded and carried, the meeting was adjourned.
Third Meeting

MINUTES OF THE MEETING OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS

The Mayor and City Council of the City of Leawood, Kansas, met at the city building in the City of Leawood, Kansas, at 7:35 o'clock, P.M., on the 7th day of August, 1995, the same being a regular meeting of the Council.

The Mayor presided. The following Council members were present:

Ronald LaHue                             Peggy J. Dunn
Marnie S. Clawson                        Doug Patterson
Graham G. Giblin, Sr.

Council member(s) Gregory J. Peppes was (were) absent.
Louis Rasmussen

Thereupon Council member LaHue referred to proposed ordinance number _____ which was first introduced at the Council meeting of July 3, 1995, and moved that same be placed on third reading. Said motion was seconded by Council member Clawson, and upon vote, carried. The said proposed ordinance number _____ was placed on third reading, and read in full and considered by sections.

Thereupon, the Mayor asked: Shall the proposed ordinance number _____ be passed?

Roll Call

Ronald LaHue
Marnie S. Clawson
Graham G. Giblin, Sr.
Peggy J. Dunn
Doug Patterson

Thereupon, a majority of the Council members having voted in favor of proposed ordinance number _____, the Mayor declared said ordinance number 1509C regularly passed and directed the City Clerk to have it published once a week for two consecutive weeks in The Legal Record, the official city paper in the City of Leawood, as required by law.

M3/12-2001/G/CN
CERTIFICATE

STATE OF KANSAS

COUNTY OF JOHNSON

CITY OF LEAWOOD

I, the undersigned Martha Heizer, duly appointed and acting City Clerk of the City of Leawood, Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the minutes of the meetings of July 3, 1995, July 17, 1995, and August 7, 1995 of the Mayor and Council of said City held therein, insofar as the same pertain to the passage of Ordinance No. 1509C, as the same appears on the records of said City.

Witnesseth my hand and seal of said City this 8th day of August, 1995.

[Signature]
City Clerk

(Seal)
ACCEPTANCE OF FRANCHISE ORDINANCE

To the Governing Body of the City of Leawood, Johnson County, Kansas.

Western Resources, Inc., for itself, its successors and assigns, hereby accepts in writing the Ordinance and all rights and privileges therein granted, passed by the Governing Body of the City of Leawood, Kansas, on the 7th day of August, 1995, designated as Ordinance No. 1509C, and entitled:

AN ORDINANCE, granting to Western Resources, Inc., a Kansas Corporation, its successors and assigns, an natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

This acceptance is executed and filed as provided in Section 12 of said Ordinance, and said Company hereby agrees to all the terms and conditions of said Ordinance.

Dated at Topeka, Kansas, this 20th day of September, 1995.

WESTERN RESOURCES, INC.

BY ____________________________
President

Attest: __________________________
Assistant Secretary

State of Kansas
County of Johnson
City of Leawood

I, ____________ Martha Heizer ____________, City Clerk of the City of Leawood, Kansas, do hereby certify that the foregoing is a true and correct copy of acceptance of Ordinance No. 1509C, of the City of Leawood as therein described, the original of which acceptance was filed in the office of the Clerk of said City on the 27 day of September, 1995, and is now recorded among the original records thereof, and that I am the keeper of the same.

Witness my hand and the official seal of said City, this 27 day of September, 1995.

______________________________
City Clerk
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:

Laura Driadua, of lawf ul age, being first duly sworn, deposes and
states that she is Editor 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 2
consecutive week(s) as follows:

8/8/95 8/15/95

Sharon Unger
Editor

Subscribed and sworn to before me on this date:
8/15/95

Sharon L. Young
Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $163.62

$163.62
AN ORDINANCE, granting to Western Resources, Inc., its successors and assigns, a natural gas franchise, prescribing the terms thereof, providing for a monthly franchise payment to be made to the City of Leawood, Kansas, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms thereof.

BE IT ORDAINED by the GOVERNING BODY of the CITY OF LEAWOOD, KANSAS:

SECTION 1. Franchise Granted.

That in consideration of the benefits to be derived by the City of Leawood, Kansas, and its inhabitants, there is hereby granted to Western Resources, Inc., hereinafter sometimes designated as "Company," said Company bearing a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the right, privilege, and authority for a period of five (5) years, commencing August 5, 1995, with five (5) three (3) year automatic extensions thereafter not to exceed twenty (20) years (provided however that either party may terminate this Ordinance after the initial five (5) year period or an extension thereafter by giving at least one (1) year prior written notice to the other party) to occupy and use the streets, avenues, bridges, parks, parking, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Leawood, Kansas, and its inhabitants, and through said City and beyond the limits thereof, to obtain said natural gas from any source available; and to do all things necessary or proper to carry on said business in the City of Leawood, Kansas.

SECTION 2. Consideration of Franchise.

As further consideration for the granting of this franchise, and in lieu of any city occupation, license or revenue taxes, excluding special assessments, the Company shall pay to the City during the term of this franchise five percent (5%) of its gross receipts from the sale of natural gas during the term of this franchise to all consumers within the present and future corporate limits of the said City and within the service area of the Company.

Gross receipts shall mean all cash and credit extended, other than that pursuant to the Cold Weather Rule or substitute rule of the Kansas Corporation Commission, or other consideration derived directly or indirectly by the Company from natural gas sold within the present or future corporate limits of the City. Gross receipts shall also include all fees and charges received by the Company for transportation and delivery within its distribution system of natural gas purchased by non-residential consumers within the City from sources and suppliers other than the Company. Gross receipts shall also include all fees and charges received by the Company from any person or entity receiving natural gas from the Company for the sale of natural gas for resale to consumers within the City.

Such payment as described heretofore shall be made monthly for the preceding monthly period.

The City or its authorized representative shall have access to and the right to examine, at reasonable times and with reasonable notice, all books, records, files and documents of the Company necessary to verify that payments have been correctly computed and paid. If errors in the calculation of gross receipts are discovered then repayment shall be made upon such corrected calculations, including interest as authorized by K.S.A. 16-201.

SECTION 3. Placement, Relocation and Excavation of Facilities.

That all mains, services, pipes and other equipment necessary to carry on the business of selling and distributing natural gas which shall be laid or installed under this franchise shall be located and laid so as not to unreasonable obstruct of interfere with any public or private drains, sewers, water pipe or other public improvements already installed. In addition, Company shall, in doing work in connection with its said gas mains, services, pipes or other equipment, avoid, so far as may be practicable, obstructing or interfering with the use of any highways, streets, avenues, alleys, roads, easements, or other public places of said City. Company shall, at its own expense and in a manner satisfactory to the duly authorized representatives of the City, replace disturbed paving or surface in as good conditions as before said work was commenced. No new mains, services, pipes or other equipment shall be placed in any part of the City without the written approval of the Governing Body of the City.

All gas mains, service pipes, fixtures, facilities and other appurtenances laid, constructed and maintained by the Company shall be laid, constructed and maintained:
1. in accordance with acceptable engineering practice and in full accord with any and all applicable engineering codes adopted or approved by the natural gas industry and;
2. in accordance with applicable design criteria and technical specifications as maintained by the Office of the City Engineer and;
3. in accordance with applicable statutes of the State of Kansas and the rules and regulations of the Kansas Corporation Commission or any other state or federal agency having jurisdiction over the Company.

The facilities of the Company located in the highways, streets, avenues, alley ro
easements, or other public places shall be relocated by the Company without expense to the City when such relocation is determined to be necessary by official action of the City Council. It is the intent of this section for both the City and Company to cooperate so that the need for facility relocation is minimized.

For the purpose of carrying into effect the privileges granted hereunder, the Company is authorized to make necessary excavations in the highways, streets, avenues, alleys, roads, easements, or other public places with the City. Prior to all excavations of public property, other than excavations necessary for emergency repairs, the Company or its agents shall first obtain the necessary permit from the City Engineer's office pursuant to the Code of the City of Leawood. Permits for emergency excavations may be obtained upon completion of repairs. Permits shall be issued without charge.

The Company:
1. shall limit all such excavations to the necessities of efficient operation; and
2. shall not at any one time excavate more of any highway or public place than shall be reasonably necessary; and
3. shall not permit such an excavation to remain open longer than necessary for the purpose for which it was opened.

At all times, Company shall perform work on public rights of way at such times that will allow for the least interference with the normal flow of traffic.

All excavation work shall be completed in accordance with the City's technical specifications and design criteria. The Company shall:
1. be responsible for providing adequate traffic control;
2. refill all excavations and leave in a moveable condition;
3. replace all excavated pavement with like material and leave same in as good condition as before said work was commenced;
4. perform all work on highways, streets, avenues, alleys, roads, easements, or other public rights of way under the inspection of a representative of the City if so requested and desired by the City;
5. repair the City for all expenses, incurred in the repair or replacement of highways, streets, avenues, alleys, roads, easements, or other public rights of way in the event such work is done by the City after the failure of the Company to perform same in a reasonable manner after reasonable notice.

SECTION 4. Service Practices.

During the term of this franchise, the Company shall furnish natural gas to the City and its inhabitants in accordance with the terms of this franchise, the rates, charges, rules and regulations of the Kansas Corporation Commission, or such revised rates, charges, rules and regulations as may be lawfully established from time to time in accordance with the laws of the State of Kansas and the Federal Government.

The Company shall, in accordance with various federal and state civil rights legislation, at all times during the term of the franchise furnish gas service to all persons without discrimination, on the basis of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply, and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the Company sources and pipelines are reasonably capable of supplying.

SECTION 5. Indemnification.

That Company, its successors and assigns, in the construction, maintenance and operation of its natural gas system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Leawood, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.


That within twenty (20) days from and after the passage and approval of this ordinance, Company shall file the same with the State Corporation Commission for the Commission's approval.

Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude Western Resources, Inc. from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the State Corporation Commission's ruling.

SECTION 7. Acceptance by the Company.

After the approval of this ordinance by the State Corporation Commission, Company shall file with the City Clerk of the City of Leawood, Kansas, its unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after the expiration of 60 days from its final passage, approval and publication as required by law, and acceptance by said Company.

CONTINUED ON PAGE 33
That this ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 8. Prior Ordinance Repealed.

That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 9. Effective Date.

That this franchise is granted pursuant to the provisions of K.S.A. 12-2001 and shall take effect and be in full force as therein provided.

First Reading: July 3, 1995  Second Reading: July 17, 1995  Third Reading: August 7, 1995

PASSED AND APPROVED this 7th day of August, 1995.

AND SIGNED BY THE MAYOR

(S E A L)

MARCIA RICHARD
Mayor

Attest:

City Clerk

Approved for form:

/s/ R.S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

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Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS.
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
printed in the State of Kansas, published in and of general paid
publication 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 hereinto attached, was
published in all editions of the regular and entire issue for 2
consecutive week(s) as follows:

8/8/95 8/15/95

[Signature]
Editor

Subscribed and sworn to before me on this date:
8/15/95

[Signature]
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $163.62

$163.62
AN ORDINANCE, granting to Western Resources, Inc., its successors and assigns, a natural gas franchise, prescribing the terms thereof, for providing a monthly franchise charge for the privilege and permission of the City of Leawood, Kansas, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms thereof.

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

SECTION 1. Franchise Granted.

That in consideration of the benefits to be derived by the City of Leawood, Kansas, and its inhabitants, there is hereby granted to Western Resources, Inc., hereinafter sometimes designated as "Company," said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the right, privilege, and authority for a period of five (5) years, commencing August 15, 1995, with five (5) three (3) year automatic extensions thereafter not to exceed twenty (20) years (provided however that either party may terminate this Ordinance after the initial five (5) year period or an extension thereafter by giving at least one (1) year prior written notice to the other party) to occupy and use the several streets, avenues, alleys, bridges, parks, parking, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Leawood, Kansas, its inhabitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available; and to do all things necessary or proper to carry on said business in the City of Leawood, Kansas.

SECTION 2. Consideration of Franchise.

As further consideration for the granting of this franchise, and in lieu of any city occupation, license or revenue taxes, excluding special assessments, the Company shall pay to the City during the term of this franchise five percent (5%) of its gross receipts from the sale of natural gas during the term of this franchise to all consumers within the present and future corporate limits of the said City and within the service area of the Company.

Gross receipts shall mean all cash and credit extended, other than that pursuant to the Cold Weather Rule or substitute rule of the Kansas Corporation Commission, or other consideration derived directly or indirectly by the Company from natural gas sold within the present or future corporate limits of the City. Gross receipts shall also include all fees and charges received by the Company for transportation and delivery within its distribution system of natural gas purchased by non-residential consumers within the City from sources and suppliers other than the Company. Gross receipts shall also include all fees and charges received by the Company from any person or entity receiving natural gas from the Company for the sale of natural gas for resale to consumers within the City.

Such payment as described heretofore shall be made monthly for the preceding monthly period.

The City or its authorized representative shall have access to and the right to examine, at reasonable times and with reasonable notice, all books, records, and documents of the Company necessary to verify that payments have been correctly computed and paid.

If errors in the calculation of gross receipts are discovered then repayment shall be made upon such corrected calculations, including interest as authorized by K.S.A. 16-201.

SECTION 3. Placement, Relocation and Excavation of Facilities.

That all mains, services, pipes and other equipment necessary to carry on the business of selling and distributing natural gas which shall be laid or installed under this franchise shall be located and laid so as not to unreasonably obstruct the use of any public or private streets, alleys, sidewalks, parks, public or private property and standards located thereon; which it shall be the duty of the Company, at its own expense and in a manner satisfactory to the duly authorized representatives of the City, to relocate disturbed paving or surface in good condition as before said work was commenced. No new mains, services, pipes or other equipment shall be placed in any park of the City without the express written approval of the Governing Body of the City.

All gas mains, service pipes, fixtures, facilities and other appurtenances laid, constructed and maintained by the Company shall be laid, constructed and maintained:
1. in accordance with acceptable engineering practice and in full accord with any and all applicable engineering codes adopted or approved by the National Gas Industry, and;
2. in accordance with applicable design criteria and technical specifications as maintained by the Office of the City Engineer; and
3. in accordance with applicable statutes of the State of Kansas and the rules and regulations of the Kansas Corporation Commission or any other state or federal agency having jurisdiction over the Company.

The facilities of the Company located in the highways, streets, avenues, alleys, roads, easements, or other public places shall be relocated by the Company without expense to the City when such relocation is determined to be necessary by official action of the City Council. It is the intent of this section for both the City and Company to cooperate so that the need for facility relocation is minimized.

For the purpose of carrying into effect the privileges granted hereunder, the Company is authorized to make necessary excavations in the highways, streets, avenues, alleys, roads, easements, or other public places with the City. Prior to all excavations of public property, the Company shall give written notice to the City. The City shall, at its own expense, make excavations necessary for emergency repairs. The Company or its agents shall first obtain the necessary permit from the City Engineer's office pursuant to the Code of the City of Leawood. Permits for emergency excavations may be obtained upon completion of repairs. Permits shall be issued without charge.

The Company:
1. shall limit all such excavations to the necessities of efficient operation, and
2. shall not at any one time excavate more of any highway or public place than shall be reasonably necessary; and
3. shall not permit such an excavation to remain open longer than necessary for the purpose for which it was opened.

At all times, Company shall perform work on public rights of way at such times that will allow for the least interference with the normal flow of traffic.

All excavation work shall be completed in accordance with the City's technical specifications and design criteria. The Company shall:
1. be responsible for providing adequate traffic control;
2. refill all excavations and leave in a moveable condition;
3. replace all excavated pavement with like material and leave same in as good condition as before said work was commenced;
4. perform all work on highways, streets, avenues, alleys, roads, easements, or other public rights of way under the inspection of a representative of the City if so requested and desired by the City;
5. repay the City for all expenses, incurred in the repair or replacement of highways, streets, avenues, alleys, roads, easements, or other public rights of way in the event such work is done by the City after the failure of the Company to perform same in a reasonable manner after reasonable notice.

SECTION 4. Service Practices.

During the term of this franchise, the Company shall furnish natural gas to the City and its inhabitants in accordance with the terms of this franchise, the rates, charges, rules and regulations of the Kansas Corporation Commission, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance with the laws of the State of Kansas and the Federal Government.

Company shall, in accordance with various federal and state civil rights legislation, at all times during the term of the franchise furnish natural gas service to all persons without discrimination on the basis of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the Company sources and pipelines are reasonably capable of supplying.

SECTION 5. Indemnification.

That Company, its successors and assigns, in the construction, maintenance and operation of its natural gas system, shall use all reasonable and proper precaution to avoid damage to persons or property, and shall hold and save harmless the City of Leawood, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.


That within twenty (20) days from and after the passage and approval of this ordinance, Company shall file the same with the State Corporation Commission for the Commission's approval.

Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude Western Resources, Inc. from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the State Corporation Commission's ruling.

SECTION 7. Acceptance by the Company.

After the approval of this ordinance by the State Corporation Commission, Company shall file with the City Clerk of the City of Leawood, Kansas, its unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and become binding contracts between the parties hereto, their successors and assigns, from and after the expiration of 60 days from its final passage, approval and publication as required by law, and acceptance by said Company.

CONTINUED ON PAGE 53
That this ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 8. Prior Ordinance Repealed.

That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 9. Effective Date.

That this franchise is granted pursuant to the provisions of K.S.A. 12-2001 and shall take effect and be in full force as therein provided.

First Reading: July 3, 1995  Second Reading: July 17, 1995  Third Reading: August 7, 1995

PASSED AND APPROVED this 7th day of August, 1995

AND SIGNED BY THE MAYOR

MARCIA RICHARD

Mayor

Attest:

M. D. NEYER
City Clerk

Approved for form:

/s/ R.S. WETZLER
City Attorney
ORDINANCE NO. 1508

AN ORDINANCE REZONING PROPERTY (VILLAS OF IRON-HORSE, SECOND PLAT) LOCATED AT APPROXIMATELY 151ST STREET AND LINDEN FROM AG (AGRICULTURAL) TO RP-4 (PLANNED CLUSTER RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

Commencing at the Northeast corner of the Northwest 1/4 of Section 9-T14S-R25E, City of Leawood, Johnson County, Kansas; thence South 87°18'10" West along the North line of said Northwest 1/4, 715.47 feet; to the true point of beginning; thence South 21°25'35" East, 57.41 feet; thence South 01°19'44" East, 51.31 feet; thence South 22°55'29" East, 405.37 feet; thence South 25°59'33" East, 125.95 feet; thence South 19°54'49" East, 63.58 feet; thence South 23°42'43" East, 301.79 feet; thence South 22°01'28" East, 94.96 feet; thence South 25°31'54" East, 103.04 feet; thence South 26°31'00" West, 53.55 feet; thence North 68°57'58" West, 226.02 feet; thence South 51°48'44" West, 131.40 feet; thence North 28°33'12" West, 785.21 feet; thence North 02°29'26" West, 454.19 feet to the North line of said Northwest 1/4; thence North 87°18'10" East along the North line of said Northwest 1/4, 275.21 feet to the true point of beginning. The above described tract contains 9.63 acres, more or less.

now zoned AG, is hereby rezoned to RP-4.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.
ORDINANCE NO. 1508

Passed by the Council the 17th day of July, 1995.
Approved by the Mayor the 17th day of July, 1995.

(S. E A L)

Margia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

F.S. Wetzler City Attorney
Ordinance No. 1508

First published in The Legal Record, Tuesday, July 18, 1995.

Ordinance No. 1508

An ordinance rezoning property (Villas of Ironhorse, second plat) located at approximately 151st Street and Linden from AG (agricultural) to R-2 (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 hereinbefore described, to wit:

Commencing at the northeast corner of the Northwest 1/4 of Section 9-7145-3SB, City of Leawood, Johnson County, Kansas; thence South 89°18'10" West along the North line of said Northwest 1/4, 715.47 feet; to the true point of beginning; thence South 21°25'35" East, 57.41 feet; thence South 22°55'29" East, 405.37 feet; thence South 29°39'13" East, 125.96 feet; thence South 19°54'49" East, 63.56 feet; thence South 23°42'43" East, 301.97 feet; thence South 22°01'28" East, 94.96 feet; thence South 26°11'64" East, 103.04 feet; thence South 26°31'00" West, 53.95 feet; thence North 68°57'58" West, 226.02 feet; thence South 51°48'40" West, 134.40 feet; thence North 28°33'12" West, 705.21 feet; thence North 07°29'26" West, 454.15 feet to the North line of said Northwest 1/4; thence North 87°51'10" East along the North line of said Northwest 1/4, 270.25 feet to the true point of beginning. The above described tract contains 9.63 acres, more or less.

Now zoned AG, is hereby rezoned to R-2.

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 on the 11th day of June, 1995.
Approved by the Mayor on the 17th day of July, 1995.

(S.B.A.L.)
Margaret Rinehart Mayor

Attest:
Marche Heizer City Clerk

APPROVED FOR FORM:
A.J. Wetzel City Attorney

$24.72
ORDINANCE NO. 150

AN ORDINANCE REZONING PROPERTY (IRONHORSE ESTATES, SECOND PLAT) LOCATED AT APPROXIMATELY 151ST STREET AND LINDEN FROM AG (AGRICULTURAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

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

Beginning at the Northeast corner of the Northwest 1/4 of Section 9-T14S-R25E, City of Leawood, Johnson County, Kansas; thence South 02°01'46" East along the East line of said Northwest 1/4 and the West line of Leawood Mission Valley, a subdivision in the City of Leawood, 1107.81 feet; thence North 85°43'42" West, 268.93 feet; thence South 26°31'00" West, 61.44 feet; thence North 25°31'54" West, 103.04 feet; thence North 22°01'28" West 94.96 feet; thence North 23°42'43" West, 301.79 feet; thence North 19°54'49" West, 63.58 feet; thence North 25°59'33" West, 125.95 feet; thence North 22°55'29" West, 405.37 feet; thence North 01°19'44" West, to the North line of said Northwest 1/4, thence North 87°18'10" East, along the North line of said Northwest 1/4, 715.47 feet to the point of beginning. The above described tract contains 13.14 acres, more or less.

now zoned AG, is hereby rezoned to RP-1.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 17th day of July, 1995.
ORDINANCE NO. 1507

Approved by the Mayor the 17th day of July, 1995.

(S.E.A.L)

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Metzler
City Attorney
ORDINANCE NO. 1507

First published in The Legal Record, Tuesday, July 18, 1995.

ORDINANCE NO. 1507

AN ORDINANCE REZONING PROPERTY (IRONHorse ESTATES, SECOND PLAT) LOCATED AT APPROXIMATELY 151ST STREET AND LINDEN FROM AG (AGRICULTURAL) TO R1 (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:

Beginning at the Northeast corner of the Northwest 1/4 of Section 9-T145-R15E, City of Leawood, Johnson County, Kansas, thence South 02° 01' 46" East along the East line of said Northwest 1/4 and the West line of Leawood Mission Valley, a subdivision in the City of Leawood, 1107.81 feet; thence North 89° 43' 42" West, 268.93 feet; thence South 29° 31' 00" West, 61.44 feet; thence North 25° 31' 54" West, 102.04 feet; thence North 22° 01' 28" West 94.96 feet; thence North 23° 42' 43" West, 301.79 feet; thence North 19° 54' 49" West, 63.58 feet; thence North 25° 59' 33" West, 125.98 feet; thence North 22° 55' 29" West, 405.15 feet; thence North 01° 19' 44" West, to the North line of said Northwest 1/4, thence North 8° 18' 10" East, along the North line of said Northwest 1/4, 715.47 feet to the point of beginning. The above described tract contains 19.14 acres, more or less.

now zoned AG, is hereby rezoned to RP-1.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

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

Passed by the Council the 17th day of July, 1995.

Approved by the Mayor the 17th day of July, 1995.

(\SZAU)\n
Maria Rinehart
Mayor

Acted:

Martha Heizer
City Clerk

APPROVED FOR FORM:

(S:\W:\\)

City Attorney

$24.72
ORDINANCE NO. 1506

AN ORDINANCE ADOPTING AN AMENDMENT TO THE LEAWOOD, KANSAS, 1993 MASTER DEVELOPMENT PLAN MAP.

WHEREAS, the Plan Commission of the City of Leawood has previously adopted the Master Development Plan Map for the City pursuant to the authority granted by Kansas Statutes; and

WHEREAS, a certified copy of the Master Development Plan Map, adopted by the Plan Commission, was adopted by the Governing Body December 21, 1992; and

WHEREAS, pursuant to K.S.A. 12-747, the Master Development Plan Map adopted by the Plan Commission and any current amendments must be adopted by the Governing Body prior to its becoming effective; and

WHEREAS, a certified copy of the Amendment to the 1993 Master Development Plan Map as adopted by the Plan Commission on June 27, 1995, together with written summary of the Public Hearing thereon, have been submitted to the Governing Body;

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

Section 1. That the Governing Body of the City of Leawood, Kansas, hereby adopts Amendment to the 1993 Master Development Plan Map. The adopted amendment to the 1993 Master Development Plan Map modifies the Plan Map by redesignating a tract, approximately 22.77 acres in size, located at 151st and Linden, commonly referred to as Ironhorse Estates and Villas, Second Plat, from Office to Medium Density Residential-Single Family Detached.

Section 2. That there is hereby incorporated by reference the above-described amendment to the 1993 Master Development Plan Map, adopted by the Plan Commission of the City of Leawood on June 27, 1995, and adopted by the Governing Body on July 17, 1995, as set forth in Section 1 of this ordinance, such incorporation by reference being authorized by K.S.A. 12-3009 to and including 12-3012. Not less than three (3) copies of this Ordinance, to each of which shall be attached a copy of the Master Development Plan Map, 1993 Amendment, as adopted July 17, 1995, marked as or stamped "Official Copy", shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

Section 3. That this ordinance shall take effect and be in force from and after its publication in the official City
ORDINANCE NO. 1506

newspaper.

Passed by the Council the 17th day of July, 1995.
Approved by the Mayor the 17th day of July, 1995.

(S E A L)  

Martha Heizer  
City Clerk

APPROVED FOR FORM:  
R.S. Wetzler  
City Attorney
151ST AND LINDEN (PROPOSED)

Original Land Use
Office (CP-O)

Modified Land Use
Medium Density
Single Family Detached (RP-1)

Acreage
22.77 acres
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Editor of The Legal Record which is a newspaper published 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(6) as follows:

7/18/95
Editor

Subscribed and sworn to before me on this date:
7/18/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires: October 11, 1998

Publication Fees: $25.45

$25.45
ORDINANCE NO. 1505 C

AN ORDINANCE AMENDING SECTIONS 3-113 AND 3-207 RELATING TO CONSUMPTION AND POSSESSION OF CEREAL MALT BEVERAGES ON PUBLIC PROPERTY AND TO DRINKING ALCOHOLIC LIQUOR ON STREETS OR IN PUBLIC PLACES, RESPECTIVELY.

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

Section 1. Code Amended. That Section 3-113 of the Code of the City of Leawood is hereby amended to read as follows:

3-113. CONSUMPTION, POSSESSION ON PUBLIC PROPERTY. (a) Except as provided in subsection (b), it shall be unlawful for any person to possess an open container or to consume any cereal malt beverage upon any sidewalk, public street, alley or any other public place within the City.

(b) The provisions of subsection (a) of this section shall not apply to the consumption of cereal malt beverage upon property owned by the City and operated as the Ironhorse Golf Club, including the clubhouse and eighteen-hole golf course; provided further, that no person shall possess or consume any cereal malt beverage at the Ironhorse Golf Club without the approval of the manager or person in charge of said Ironhorse Golf Club. The manager or person in charge of said Ironhorse Golf Club may, with the approval of the City Administrator, issue rules and regulations not inconsistent with the ordinances of the City and the laws of the State of Kansas further restricting, regulating, or prohibiting the possession and consumption of cereal malt beverages at Ironhorse Golf Club.

Section 2. Code Amended. That Section 3-207 of the Code of the City of Leawood is hereby amended to read as follows:

3-207. DRINKING ON STREETS OR IN PUBLIC PLACES. (a) Except as provided in subsection (b), it shall be unlawful for any person to drink or consume alcoholic liquor upon any public street or highway or thoroughfare; in beer parlors, taverns, pool halls, or places to which the general public has access, whether or not an admission or other fee is charged or collected; upon property owned by the state or any governmental subdivision thereof; or inside vehicles while upon a street, highway or other public thoroughfare.

(b) The provisions of subsection (a) shall not apply to the consumption of alcoholic liquor upon property owned by the City and operated as the Ironhorse Golf Club, including the clubhouse and eighteen-hole golf course; provided further, that no person shall possess or consume any alcoholic liquor at the Ironhorse Golf Club without the approval of the manager or person in charge of said Ironhorse Golf Club. The manager or person in charge of said Ironhorse Golf Club may, with the approval of the City Administrator, issue rules and regulations not inconsistent with the ordinances of the City.
and the laws of the State of Kansas further restricting, regulating, or prohibiting the possession and consumption of alcoholic liquor at Ironhorse Golf Club.

Section 3. Repeal of Existing Sections. That existing Sections 3-113 and 3-207 of the Code of the City of Leawood are 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 5th day of June, 1995.

Approved by the Mayor the 5th day of June, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM: R.S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published 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 uninterruptedly 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 hereon attached, was published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

6/13/95

[Signature]

Editor

Subscribed and sworn to before me on this date:
6/13/95

[Signature]

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $34.09

1050C

ORDINANCE NO. 1505 C

First published in The Legal Record, Tuesday, June 13, 1995.

ORDINANCE NO. 1505 C

AN ORDINANCE AMENDING SECTIONS 3-113 AND 3-207 RELATING TO
CONSUMPTION AND POSSESSION OF CEREAL MALT BEVERAGES ON PUBLIC
PROPERTY AND TO DRINKING ALCOHOLIC LIQUOR ON STREETS OR IN
PUBLIC PLACES, RESPECTIVELY.

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

Section 1. Code Amended. That Section 3-113 of the Code of
the City of Leawood is hereby amended to read as follows:

3-113. CONSUMPTION, POSSESSION ON PUBLIC PROPERTY. (a) Ex-
cept as provided in subsection (b), it shall be unlawful for
any person to possess an open container or to consume any ce-
real malt beverage upon any sidewalk, public street, alley or
any other public place within the City.

(b) The provisions of subsection (a) of this section
shall not apply to the consumption of cereal malt beverage
upon property owned by the City and operated by the Ironhorse
Golf Club, including the clubhouse and eighteen-hole golf
course; provided further, that no person shall possess or
consume any cereal malt beverage at the Ironhorse Golf Club
without the approval of the manager or person in charge of
said Ironhorse Golf Club. The manager or person in charge of
said Ironhorse Golf Club may, with the approval of the City
Administrator, issue rules and regulations not inconsistent
with the ordinances of the City and the laws of the State of
Kansas further restricting, regulating, or prohibiting the
possession and consumption of cereal malt beverages at
Ironhorse Golf Club.

Section 2. Code Amended. That Section 3-207 of the Code of
the City of Leawood is hereby amended to read as follows:

3-207. DRINKING ON STREETS OR IN PUBLIC PLACES. (a) Ex-
cept as provided in subsection (b), it shall be unlawful for
any person to drink or consume alcoholic liquor upon any public
street or highway or thoroughfare; in beer parlors, taverns,
pool halls, or places to which the general public has access,
whether or not an admission fee is charged or col-
lected; upon property owned by the State or any governmental
subdivision thereof; or inside vehicles while upon a street,
highway or other public thoroughfare.

(b) The provisions of subsection (a) shall not apply to
the consumption of alcoholic liquor upon property owned
by the City and operated by the Ironhorse Golf Club, including
the clubhouse and eighteen-hole golf course; provided fur-
ther, that no person shall possess or consume any alcoholic
liquor at the Ironhorse Golf Club without the approval of
the manager or person in charge of said Ironhorse Golf Club.
The manager or person in charge of said Ironhorse Golf Club may,
with the approval of the City Administrator, issue rules and
regulations not inconsistent with the ordinances of the City
and the laws of the State of Kansas further restricting,
regulating, or prohibiting the possession and consumption of
alcoholic liquor at Ironhorse Golf Club.

Section 3. Repeal of Existing Sections. That existing Sec-
tions 3-113 and 3-207 of the Code of the City of Leawood are
hereby repealed.

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

Passed by the Council the 5th day of June
1995.

Approved by the Mayor the 5th day of June
1995.

(SEAL)

[Signature]

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.L. Wetzel
City Attorney

(Seal)
ORDINANCE NO. 1504

AN ORDINANCE ADOPTING THE 1994 JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE; AND PROVIDING FOR THE ADMINISTRATION THEREOF.

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

Section 1. Code Amended. That Article 1 of Chapter 8 of the Code of the City of Leawood is hereby amended to read as follows:

Article 1. ENVIRONMENTAL SANITARY REGULATIONS

8-101. INCORPORATION OF JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE. There is hereby incorporated by reference, for the purpose of prescribing rules and regulations for controlling practices to minimize health and safety hazards, that certain sanitary code known as the "Johnson County Environmental Sanitary Code of October 27, 1994" prepared and published by the Johnson County Environmental Department, and as amended from time to time.

No fewer than three copies of such "Johnson County Environmental Sanitary Code", marked or stamped "Official Copy", as adopted by the Governing Body, shall be on file with the City Clerk to be open for inspection and available to the public during regular office hours.

8-102. ADMINISTRATION AND PROSECUTION.
   (a) The Director of the Johnson County, Kansas, Environmental Department, and/or his/her designees, shall have the primary authority and responsibility for the administration of this Code.
   (b) The Johnson County, Kansas, County Counselor shall have the authority to prosecute all violations of this Code. Prosecution shall be in accordance with the Johnson County, Kansas, Code for Prosecution and Enforcement, Resolution No. 116-88, or any amendments or subsequent enactments, and shall be commenced in the County Codes Section of the District Court of Johnson County, Kansas.
Section 2. Repeal of Existing Articles. That Article 1 (Sanitary Regulations) of Chapter 8 (Health and Welfare) and Article 2 (Private Sewage Disposal System) of Chapter 15 (Utilities) of the Code of Leawood are hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its passage and publication as required by law.

Passed by the Council the 5th day of June, 1995

Approved by the Mayor the 5th day of June, 1995

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dzikadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, published in and of general paid
publication 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:
6/6/95
[Signature]
Editor

Subscribed and sworn to before me on this date:
6/6/95
[Signature]
Notary Public

/SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998
Publication Fees: $30.27

$30.27
ORDINANCE NO. 1504 C
First published in The Legal Record, Tuesday, June 6, 1995.

ORDINANCE NO. 1504 C
AN ORDINANCE ADOPTING THE 1994 JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE; AND PROVIDING FOR THE ADMINISTRATION THEREOF.

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

Section 1. Code Amended. That Article 1 of Chapter 8 of the Code of the City of Leawood is hereby amended to read as follows:

Article 1. ENVIRONMENTAL SANITARY REGULATIONS

8-101. INCORPORATION OF JOHNSON COUNTY ENVIRONMENTAL SANITARY CODE. There is hereby incorporated by reference, for the purpose of prescribing rules and regulations for controlling practices to minimize health and safety hazards, that certain sanitary code known as the "Johnson County Environmental Sanitary Code of October 27, 1994" prepared and published by the Johnson County Environmental Department, and as amended from time to time.

No fewer than three copies of such "Johnson County Environmental Sanitary Code", marked or stamped "Official Copy", as adopted by the Governing Body, shall be on file with the City Clerk to be open for inspection and available to the public during regular office hours.

8-102. ADMINISTRATION AND PROSECUTION.
(a) The Director of the Johnson County, Kansas, Environmental Department, and/or his/her designees, shall have the primary authority and responsibility for the administration of this Code.

(b) The Court of Johnson County, Kansas, may grant enforcement, Resolution No. 116-88, or any amendments or subsequent enactments, and shall be commenced in the County Codes Section of the District Court of Johnson County, Kansas.

Section 2. Repeal of Existing Articles. That Article 1 (Sanitary Regulations) of Chapter 8 (Health and Welfare) and Article 2 (Private Sewage Disposal System) of Chapter 15 (Utilities) of the Code of Leawood are hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its passage and publication as required by law.

Passed by the Council the 5th day of June 1995

Approved by the Mayor the 5th day of June 1995

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:
R.S. Mettler
City Attorney
ORDINANCE NO. 1503

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEM-
PORARY NOTES, SERIES 150-95-26 (STORMWATER), OF THE CITY OF LEAWOOD, KANSAS, IN
THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION
OF STORMWATER SEWERS AND/OR DRAINS IN THE VICINITY OF 8435 CHEROKEE LANE, AND ON
LEE BOULEVARD BETWEEN 97TH STREET AND 98TH STREET, IN THE CITY OF LEAWOOD.

WHEREAS, the Governing Body authorized the construction on Lee Boulevard
between 97th Street and 98th Street by passage of Ordinance No. 1469 on March 6,
1995, and authorized the construction in the vicinity of 8435 Cherokee Lane by
passage of Ordinance No. 1470 on March 6, 1995; and

WHEREAS, the total cost of construction on Lee Boulevard is estimated to be
$84,000, and the total cost of construction in the vicinity of 8435 Cherokee Lane
is estimated to be $126,000; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole
or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as
provided by K.S.A. 10-123, K.S.A. 14-523 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 ex-
penses of the aforesaid construction now due or to become due in the immediate fu-
ture, including necessary engineering, legal and incidental costs, there shall be
issued and there is hereby authorized and directed to be issued an issue of tempo-
rary notes of the City of Leawood, Kansas, designated Temporary Notes, Series
150-95-26 (Stormwater), 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 150-95-26, shall
consist of bearer notes numbered 1 through 3 inclusive, each in the denomination
of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the
stated maturity date of March 13, 1996. 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, K.S.A. 14-523 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 sur-
render 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:
<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>135th Street (K-150), State Line-Nall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Temporary Notes 132-95-2</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>State Line Road, Phase I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Temporary Notes 126-95-3</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mission Road, 95th-103rd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Temporary Notes 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>143rd Street, Mission-1320' East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Temporary Notes 142-95-5</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>Bell Drive &amp; Ironhorse Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Temporary Notes 137-95-6</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>State Line Road, Phase IV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7) Temporary Notes 134-95-7</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>State Line Road, Phase II</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8) Temporary Notes 136-95-8</td>
<td>February 1, 1995</td>
<td>$700,000</td>
</tr>
<tr>
<td>State Line Road, Phase III</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9) Temporary Notes 115-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
</tr>
<tr>
<td>Mission Road, College - I-435</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Temporary Notes 131-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>Nall Ave., 119th-135th</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11) Temporary Notes 140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>83rd Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney

APPROVED FOR FORM:
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:

Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, published in and of general paid
publication on a weekly, pithily 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 uninterruptedly 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 here to attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

6/13/95

Editor

Subscribed and sworn to before me on this date:
6/13/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $82.35

$82.35
RESOLUTION NO. 728

RESOLUTION NO. 728


WHEREAS, a petition has been filed with the City Clerk of the City of Leawood, Kansas, by the owners of a majority of the area sought to be included in the special project District described in said petition, proposing the construction of 117th Street from its intersection with Town Center Drive east to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Nall Avenue, and 119th and Nall Avenue, Town Center Drive and Nall Avenue, and 119th and Nall Avenue, certain utility main improvements, installation of overhead power lines, the widening and utility relocations of Nall Avenue, 119th Street and Hawthorne, Town Center Drive and Nall Avenue, 119th and Nall Avenue, and the signalization of 119th Street from Nall Avenue to 119th Street, certain utility main improvements, installation of overhead power lines, the widening and utility relocations of Nall Avenue, 119th Street and Hawthorne, Town Center Drive and Nall Avenue, 119th and Nall Avenue, and the signalization of 119th Street from Nall Avenue to 119th Street, within the City of Leawood, Kansas, as more specifically described hereinafter.

NOW THEREFORE, be it resolved by the Governing Body of the City of Leawood, Kansas, that the following findings as to the advisability of constructing said improvements, as more specifically described hereinafter, are hereby made, to wit:

Section 1. That it is necessary and in the public interest to make improvements consisting of the following:

a. The construction of 117th Street from its intersection with Town Center Drive east to Nall Avenue to three lane collector standards as such standards are defined by the City of Leawood. 117th Street will be constructed with concrete curb and gutter. The project will include planting trees, street lighting and such other features as are required pursuant to the final plan approved by the City of Leawood [hereinafter, "117th Street Improvements"].

b. The erection of traffic signals at 117th and Nall, 119th and Hawthorne, Town Center Drive and Nall Avenue, and 117th Street at Rosedale, all as generally described in Exhibit A [hereinafter, "Signalization Improvements"]. The construction of signals at Town Center Drive and Nall Avenue is contingent upon the preparation of an engineering study establishing that this light is warranted and upon agreement with other entities necessary for funding.

c. Utility main improvements, including storm sewers, sanitary sewers and water main extensions [hereinafter, "Utility Main Improvements"].

d. Burial of overhead utility lines, as well as related and necessary site grading, on 119th Street between Nall and Rosedale Avenue and Rosedale Avenue between Town Center Drive and 119th Street. Specifically the project shall include placing underground the electric power lines running along Rosedale Avenue over 119th Street and the lines running generally parallel to 119th Street between Rosedale Avenue and Nall Avenue (hereinafter, "the Power Line Improvements").

e. The widening and utility relocations of Nall Avenue, 119th Street, and Town Center Drive from 117th Street east to 117th Street, the widening of Town Center Drive from 117th Street to Nall Avenue adjacent to the improvement described herein and the necessary site grading and 117th Street improvements, all as described in Exhibit A and 117th Street improvements, hereinafter, "the Widening Improvements").

Section 2. The estimated or probable cost of the improvements, including administrative costs, is Four Million One Hundred Thousand Dollars ($4,100,000.00).

Section 3. The Governing Body hereby further finds and finally determines that the proposed improvement district boundaries against which a portion of the costs of said improvement shall be assessed are hereby established and fixed as the following described property within Johnson County, Kansas:

Tract 1, Tract 2 and Tract 3 and property owned by the City of Leawood and abutting the proposed improvement as described in the attached Exhibit A which is incorporated into this Resolution.

Section 4. The extent of the proposed improvement district to be assessed upon the property within the improvement District, as described in Exhibit A, subject to specific allocation as requested by the Petitioners and approved by the City, is

Section 5. The method of assessment of the share of costs apportioned to the improvement district shall be as follows:

The proposed method of assessment is to assess all costs of the improvements within the district. The assessment shall be made on a square foot basis against all land within the improvement District, in the proportion of costs of improvements assessed. The assessment shall be divided among the property owners in the Improvement District in the proportion of the percentage assessment apportionment to each property owner's land.

Section 6. The costs of the improvements specifically described herein shall be apportioned according to the following percentages:

A. The 117th Street Improvements: Twenty-Eight Percent (28%) of the cost of these improvements shall be assessed to the property described as Tract 1 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. Fifty percent (50%) of the cost of these improvements shall be assessed to the property described as Tract 2 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. Twenty-Seven Percent (27%) of the cost of these improvements shall be assessed to the property described as Tract 3 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B.

B. The Signalization Improvements:

1. 117th and Nall: Twenty-Five Percent (25%) of the cost of these improvements shall be assessed to the property described as Tract 1 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. Twenty-Five Percent (25%) of the cost of these improvements shall be assessed to the property described as Tract 2 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. The remaining Fifty Percent (50%) of the cost of these improvements shall be assessed to the City at large or paid from funding sources arranged by the City of Leawood and not assessed to the improvement district.

2. 119th and Hawthorne: Fifty Percent (50%) of the cost of these improvements shall be assessed to the property described as Tract 1 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. Fifty Percent (50%) of the cost of these improvements shall be assessed to the property described as Tract 2 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. The remaining Fifty Percent (50%) of the cost of these improvements shall be assessed to the City at large or paid from funding sources arranged by the City of Leawood and not assessed to the improvement district.

3. Town Center Drive and Nall Avenue: Twenty-Five Percent (25%) of the cost of these improvements shall be assessed to the property described as Tract 1 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. Twenty-Five Percent (25%) of the cost of these improvements shall be assessed to the City at large or paid from funding sources arranged by the City of Leawood and not assessed to the improvement district.

4. Town Center Drive and Nall Avenue: Twenty-Five Percent (25%) of the cost of these improvements shall be assessed to the property described as Tract 1 in the Exhibit attached hereto and incorporated herein by reference as Exhibit B. Seventy-Five Percent (75%) of the cost of these improvements shall be assessed to the City at large or paid from funding sources arranged by the City of Leawood and not assessed to the improvement district.

CONTINUED ON PAGE 17
costs of said improvements.

Section One: Said issue of Temporary Notes, Series 150-95-26, shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 15, 1999. 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 payable 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. 10-121, K.S.A. 14-522 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 Two: 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 hereinafter 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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 hereinafter 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, 1995, the City has not issued any bonds or temporary than the following-described obligations:

<table>
<thead>
<tr>
<th>Date</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
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<td>01-02-95</td>
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</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 be used to pay or repay the City of Leawood, Kansas, any portion thereof, or with or to construct or improve any real or personal property.

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 Council the 5th day of June, 1995.
APPROVED by the Mayor the 5th day of June, 1995.

MARCIAS RHINEHART
Mayor

ATTORNEY:

K. S. Wetzel, City Attorney

APPROVED FOR FORMAL:

K. S. Wetzel, City Attorney

IN WITNESS WHEREOF, the Mayor and City Clerk have hereunto set their hands and affixed their official seals.

February 1, 1995

$1,000,000
ORDINANCE NO. 1503

First published in The Legal Record, Tuesday, June 13, 1995.

ORDINANCE NO. 1503

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 150-95-26 (STORMWATER), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF CONSTRUCTION OF STORMWATER SEWERS AND/OR DRAINS IN THE VICINITY OF 8435 CHEROKEE LANE, AND ON LEE BOULEVARD BETWEEN 97TH STREET AND 98TH STREET, IN THE CITY OF LEAWOOD.

WHEREAS, the Governing Body authorized the construction on Lee Boulevard between 97th Street and 98th Street by passage of Ordinance No. 1469 on March 6, 1995, and authorized the construction in the vicinity of 8435 Cherokee Lane by passage of Ordinance No. 1470 on March 6, 1995; and

WHEREAS, the total cost of construction on Lee Boulevard is estimated to be $84,000, and the total cost of construction in the vicinity of 8435 Cherokee Lane is estimated to be $126,000; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 14-523 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 construction 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 150-95-26 (Stormwater), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000.00), which amount does not exceed the total estimated

CONTINUED ON PAGE 15
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S E A L)

Marcia Rinehart
Mayor

ATTEST:

Martha Heizer, City Clerk
ORDINANCE NO. 1502

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 149-95-25 (PUBLIC WORKS LAND), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUIRING LAND IN THE VICINITY OF 143RD STREET AND OVERBROOK AS A SITE FOR A FUTURE PUBLIC WORKS FACILITY.

WHEREAS, the Governing Body authorized the acquisition of land for a future public works facility by passage of Ordinance No. 1483 on April 17, 1995; and

WHEREAS, the total estimated cost of acquisition of the land is estimated to be $326,700.00; and

WHEREAS, the cost of said acquisition is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 12-1302.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid land acquisition now due or to become due in the immediate future, 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 149-95-25 (Public Works Land), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000.00), which amount does not exceed the total estimated costs of said acquisition.

Section Two: Said issue of Temporary Notes, Series 149-95-25, shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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. 12-1302.
Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be for less than 99.856% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the project hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as
provided in this section shall not be required to retain and continue
the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and
warrants as follows:

1. The City is a duly-created and validly-existing political
subdivision in existence since 1948;

2. Since January 1, 1995, the City has not issued any bonds
or temporary notes other than the following-described obligations:

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<td>(11)</td>
<td>February 1, 1995</td>
<td>$500,000</td>
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The City does not reasonably anticipate issuing qualified
tax-exempt obligations during calendar year 1995 in an aggregate
amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued
and does not expect to issue any other notes or obligations the
proceeds of which have been or will be used to provide financing for
the project, other than temporary notes to be retired with the
proceeds of said temporary notes and bonds to retire said temporary
notes;

4. No portion of the proceeds of the sale of the notes will
be loaned to nor will such proceeds or project be in any manner used
in the trade or business of any person, firm or corporation other than
a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AND FILED:

R. S. Wetzler, City Attorney

tn-pwln}

4
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor 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-five (55) 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:

6/13/93

Editor

Subscribed and sworn to before me on this date:

6/13/95

Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $85.81

SHARON L. YOUNG
Notary Public - State of Kansas

$85.81
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 149-95-25 (PUBLIC WORKS LAND), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUIRING LAND IN THE VICINITY OF 143RD STREET AND OVERLAND AS A SITE FOR A FUTURE PUBLIC WORKS FACILITY.

WHEREAS, the Governing Body authorized the acquisition of land for a future public works facility by passage of Ordinance No. 1483 on April 17, 1995; and

WHEREAS, the total estimated cost of acquisition of the land is estimated to be $326,700.00; and

WHEREAS, the cost of said acquisition 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. 12-1736.

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 land acquisition now due or to become due in the immediate future, 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 149-95-25 (Public Works Land), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000.00), which amount does not exceed the total estimated costs of said acquisition.

Section Two: Said issue of Temporary Notes, Series 149-95-25, shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 canceled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 12-1736.

Both principal 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

CONTINUED ON PAGE 14
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 heretofore 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be for less than 99.55% of the principal amount thereof.

Section Five. The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the project heretofore 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 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>February 1, 1995</td>
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</tr>
<tr>
<td>(11)</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six. The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven. That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 9th day of June, 1995.

APPROVED by the Mayor the 9th day of June, 1995.

[Signature]

Marian Binkhart, Mayor

ATTEST:

[Signature]

Martha Hays, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzel

R. S. Wetzel, City Attorney

ty-paind
ORDINANCE NO. 1501


WHEREAS, an improvement district has been established pursuant to Resolution No. 1238 under K.S.A. 12-6a01 et seq and adopted by the Governing Body of the City of Leawood on May 15, 1995; 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 $4,100,000.00; 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, 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 146-95-24 (Town Center Plaza), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000.00), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 146-95-24, 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 June 15, 1995, and shall
have the stated maturity date of March 13, 1996. 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 and interest on said notes shall be payable at the office
of the City Treasurer of the City of Leawood, Kansas, upon presentation and sur-
render 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 pro-
vided 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 here-
by authorized and directed to prepare and execute said temporary notes herein au-
thorized to be issued in the form and substance hereinbefore described and as pro-
vided 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 ex-
cuted and when registered, said notes shall be countersigned by the City Clerk
and delivered to Bank IV, the original purchaser thereof, upon payment of the
purchase price therefor which shall not be less than 99.856% of the principal
amount thereof.

Section Five: The proceeds of said temporary notes shall be depos-
ited with the City Treasurer in a special fund created for the purpose of paying
said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every
provision of the Tax Reform Act of 1986 that is or may become applicable to the
notes, including but not limited to any provisions requiring the rebate of excess
earnings on funds or accounts created with respect to the notes; provided, how-
ever, the foregoing provision shall be and become null and void if and to the ex-
tent that the City shall receive an opinion from nationally recognized bond
counsel which concludes that compliance with the foregoing covenant and the provi-
sions of the Tax Reform Act of 1986 as provided in this section shall not be
required to retain and continue the tax exempt status of the interest income on
the notes.

The Governing Body hereby finds, determines, represents and warrants, as fol-

1. The City is a duly-created and validly-existing political subdivision in
existence since 1948;

2. Since January 1, 1995, the City has not issued any bonds or temporary
notes other than the following-described obligations:

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<thead>
<tr>
<th>ISSUE</th>
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<tr>
<td>(1) Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>135th Street (K-150), State Line-Nall</td>
<td></td>
<td></td>
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<tr>
<td>(2) Temporary Notes 132-95-2</td>
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<td>February 1, 1995</td>
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<tr>
<td>Mission Road, 95th-103rd</td>
<td></td>
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</tr>
<tr>
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<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>143rd Street, Mission-1320' East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Temporary Notes 142-95-5</td>
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<td>$300,000</td>
</tr>
<tr>
<td>Bell Drive &amp; Ironhorse Drive</td>
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</tr>
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<td></td>
</tr>
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<td>State Line Road, Phase II</td>
<td></td>
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</tr>
<tr>
<td>(8) Temporary Notes 136-95-8</td>
<td>February 1, 1995</td>
<td>$700,000</td>
</tr>
<tr>
<td>State Line Road, Phase III</td>
<td></td>
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</tr>
<tr>
<td>(9) Temporary Notes 115-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
</tr>
<tr>
<td>Mission Road, College - I-435</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Temporary Notes 131-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>Nall Ave., 119th-135th</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11) Temporary Notes 140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>83rd Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obliga-
tions during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not ex-
pect 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 busi-
ness 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S.E.A.L.)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney

WI:tn-tcplz
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor 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:

6/13/95
Editor

Subscribed and sworn to before me on this date:
6/13/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $85.81

Ord. 1501

$85.81
WHEREAS, the total estimated cost of construction is estimated to be $4,100,000.00; 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, 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 146-95-24 (Town Center Plaza), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000.00), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 146-95-24, 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 June 15, 1995, and shall have the stated maturity date of March 15, 1996. 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, at any time 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 to prepare and execute said temporary notes herein authorized to be issued in the form and substance heretofore 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 said Clerk and delivered to Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.55% 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, how-
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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
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<tr>
<td>(1) Temporary Notes 114-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>13th Street (K-150), State Line-Wall</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>$1,000,000</td>
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<td>Mission Road, 95th-103rd</td>
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<td>(9) Temporary Notes 115-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
</tr>
<tr>
<td>Mission Road, College - I-475</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Temporary Notes 131-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>Bell Ave., 119th-132nd East</td>
<td></td>
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</tr>
<tr>
<td>(11) Temporary Notes 140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>63rd Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 purpose of Section 265 of the Tax Reform Act of 1986.

SECTION 6 - 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 7 - That this Ordinance shall take effect and be in force after its publication as provided by law.

PAID by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S A L) [Signature]
Maraia Rinhardt, Mayor

ATTEST:

[Signature]
Martha Helser, City Clerk
ORDINANCE NO. 1500

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF
TEMPORARY NOTES, SERIES 144-95-23 (MISSION ROAD, 103RD - I-435), OF THE
CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FI-
NANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD
- I-435, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, RE-
GUTTERING, PAVING, REPAVING, MACADAMIIZING, REMACADAMIIZING, CONSTRUCT-
ING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDED CORNERS,
STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY
BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CUL-
VERTS, 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 Mis-
sion Road, 103rd - I-435, which is located within this City as a main traf-
ficway 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 - I-435, is
estimated to be $2,000,000; 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 amenda-
tory 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 144-95-23 (Mission Road, 103rd - I-435), 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 144-95-23 (Mission Road, 103rd - I-435), shall consist of bearer notes numbered 1 through 2 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

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<td>(4) Temporary Notes, 129-95-4 143rd Street, Mission-1320' East</td>
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(7) Temporary Notes, 134-95-7
State Line Road, Phase II
February 1, 1995 $ 300,000

(8) Temporary Notes, 136-95-8
State Line Road, Phase III
February 1, 1995 $ 700,000

(9) Temporary Notes, 115-95-9
Mission Road, College - I-435
February 1, 1995 $ 800,000

(10) Temporary Notes, 131-95-10
Nall Ave., 119th-135th
February 1, 1995 $ 500,000

(11) Temporary Notes, 140-95-11
83rd Street
February 1, 1995 $ 500,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.
APPROVED by the Mayor the 5th day of June, 1995.

(Marcia Rinehart, Mayor)

ATTEST:

(Martha Heizer, City Clerk)

APPROVED FOR PRINT:

(R. S. Wetzler, City Attorney)

WII:tn-144
TO:

Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:

Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, published in and of general paid
publication 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 continuous 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:

6/6/95

[Signature]

Editor

Subscribed and sworn to before me on this date:
6/6/95

[Signature]

Notary Public

My appointment expires:
Sharon L. Young - Notary Public - State of Kansas
October 11, 1998

Publication Fees: $95.35

$95.35
ORDINANCE NO. 1500
First published in The Legal Record, Tuesday, June 6, 1955.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF
TEMPORARY NOTES, SERIES 144-95-23 (MISSION ROAD, 103RD - I-435), OF THE
CITY OF LAWSON, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FI-
NANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD
- I-435, INCLUDING GRAADING, GROADING, CURBING, RECURBING, GUTTERING, RE-
GUTTERING, PAVING, REPAVING, RACADAMIZING, RENACADAMIZING, CONSTRUC-
TING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS,
STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY
BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CUL-
VERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES,
PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL
CONSTRUCTION COSTS.

WHEREAS, the City of Lawson has previously by Section 12-204 of the
"Code of the City of Lawson, Kansas, 1984" designated that portion of Mission
Road, 103rd - I-435, which is located within this City as a main traffi-
cyway pursuant to the provisions of K.S.A. 12-425; 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- I-435, is
estimated to be $2,000,000; 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 Lawson is authorized by law to issue temporary
notes as provided by K.S.A. 10-123, and K.S.A. 12-429 and all acts amendatory
thereto.

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

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 Lawson, Kansas
designated Temporary Notes, Series 144-95-23 (Mission Road, 103rd - I-435),
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 144-95-23
(Mission Road, 103rd - I-435), shall consist of bearer notes numbered 1
through 2 inclusive, each in the denomination of $100,000. Said notes shall
be dated June 15, 1995, and shall have the stated maturity date of March
19, 1999. The notes shall bear interest from the date of issue, 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 12-429 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 Lawson, Kansas, upon present-
ance and surrender of said notes at maturity.

The City of Lawson, 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 time prior to the stated ma-
turity date of said notes by written notice to known holder or the publi-
cation of notice at least one time and payment of said notes, the last pub-
llication 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 Lawson, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Lawson, Kansas, are
hereby authorized and directed to prepare and execute said temporary notes
herein authorized to be issued in the form and substance heretofore de-
scribed 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 Bank IV, 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 de-
scribed.

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
retention 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 con-
tinue 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 sub-
division in existence since 1968;

2. Since January 1, 1985, the City has not issued any bonds or
temporary notes other than the following described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(2)</td>
<td>1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(3)</td>
<td>1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(4)</td>
<td>1995</td>
<td>$400,000</td>
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<tr>
<td>(5)</td>
<td>1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(6)</td>
<td>1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(7)</td>
<td>1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(8)</td>
<td>1995</td>
<td>$700,000</td>
</tr>
<tr>
<td>(9)</td>
<td>1995</td>
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</tr>
<tr>
<td>(10)</td>
<td>1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>(11)</td>
<td>1995</td>
<td>$500,000</td>
</tr>
</tbody>
</table>
tions during calendar year 1995 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

R. S. Wetzel, City Attorney

WII:tn-144
ORDINANCE NO. 1499

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 142-95-22 (BELL DRIVE AND IRON HORSE DRIVE), OF THE CITY OF LEAWood, KANSAS, IN THE AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY’S SHARE OF THE COST OF CONSTRUCTION OF BELL DRIVE, SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1153 under K.S.A. 12-6a01 et seq and adopted by the Governing Body of the City of Leawood on February 7, 1994; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, the total estimated cost of construction is estimated to be $1,642,000; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 142-95-22 (Bell Drive and Iron Horse Drive), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000.00), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 142-95-22, shall consist of bearer notes numbered from 1 through 5 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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 covensants 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE DESCRIPTION</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes 124-95-1 135th Street (K-150), State Line-Nall</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(2) Temporary Notes 132-95-2 State Line Road, Phase I</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(3) Temporary Notes 126-95-3 Mission Road, 95th-103rd</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(4) Temporary Notes 129-95-4 143rd Street, Mission-1320’ East</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>(5) Temporary Notes 142-95-5 Bell Drive &amp; Ironhorse Drive</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(6) Temporary Notes 137-95-6 State Line Road, Phase IV</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(7) Temporary Notes 134-95-7 State Line Road, Phase II</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(8) Temporary Notes 136-95-8 State Line Road, Phase III</td>
<td>February 1, 1995</td>
<td>$700,000</td>
</tr>
<tr>
<td>(9) Temporary Notes 115-95-9 Mission Road, College - I-435</td>
<td>February 1, 1995</td>
<td>$800,000</td>
</tr>
<tr>
<td>(10) Temporary Notes 131-95-10 Wall Ave., 119th-135th</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>(11) Temporary Notes 140-95-11 83rd Street</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.
APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

ATTEST:
Martha Heizer, City Clerk

R. S. Wetzler, City Attorney

WIL:tn-beldr
TO:
Martha Heizer
City of Leawood
4600 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziedzina, of lawful age, being first duly sworn, deposes and
says that she is Editor 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 uninterruptedly 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 hereeto attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

My appointment expired
October 11, 1998

Publication Fees: $95.35
ORDINANCE NO. 1499
First published in The Legal Record, Tuesday, June 6, 1995.
ORDINANCE NO. 1499

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 142-95-22 (BELL DRIVE AND IRON HORSE DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF BELL DRIVE, SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 3153 under K.S.A. 12-601 at sec. 4 and adopted by the Governing Body of the City of Leawood on February 7, 1994; and

WHEREAS, the necessary permanent right-of-way for construction have been acquired by the City; and

WHEREAS, the total estimated cost of construction is estimated to be $5,642,000; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-614 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 142-95-22 (Bell Drive and Iron Horse Drive), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000.00), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of temporary notes, Series 142-95-22, shall consist of bearer notes numbered from 1 through 5 inclusive, each in the denomination of $100,000.00. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. The notes shall bear interest from their date of issue, 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, 12-614 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 no 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 holders 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 holders 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 hereinafore 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.95% 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 hereinafore 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

   ISSUE                              DATE          PRINCIPAL AMOUNT
   (1) Temporary Notes 124-95-1       February 1, 1995 $1,000,000
       125th Street (K-150), State Line-Wall
   (2) Temporary Notes 125-95-2       February 1, 1995 $1,000,000
       State Line Road, Phase I
   (3) Temporary Notes 126-95-3       February 1, 1995  $100,000
       Mission Road, 9th-10th

CONTINUED ON PAGE 9
Temporary Notes 259-95-4
143rd Street, Mission-1220' East
$400,000
February 1, 1995

Temporary Notes 142-95-5
Bell Drive & Ironhorse Drive
$300,000
February 1, 1995

Temporary Notes 337-95-6
State Line Road, Phase IV
$100,000
February 1, 1995

Temporary Notes 134-95-7
State Line Road, Phase II
$300,000
February 1, 1995

Temporary Notes 136-95-8
State Line Road, Phase III
$700,000
February 1, 1995

Temporary Notes 115-95-9
Mission Road, College - I-435
$800,000
February 1, 1995

Temporary Notes 131-95-10
Nall Ave., 119th-115th
$500,000
February 1, 1995

Temporary Notes 140-95-11
33rd Street
$500,000
February 1, 1995

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.
APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinhardt, Mayor

ATTEST:
Martha Heizer, City Clerk

R. H. Wetzel, City Attorney
ORDINANCE NO. 1498

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY
OF TEMPORARY NOTES, SERIES 140-95-21 (83RD STREET), OF THE CITY OF LEAWOOD,
KANSAS, IN THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF
THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 83RD STREET, INCLUDING GRADING,
REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, RE-
PAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTION, RECONSTRUCTION,
OPENING, WIDENING, EXTENDING, Rounding CORNERS, STRAIGHTENING, RELOCAT-
ING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND AP-
PROACHES THERETO, VIADUCTS, OVERPASSES, UNDERPASSES, CULVERTS, STORM
DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN
WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTHER INCIDENTAL CONSTRUC-
TION 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
83rd Street which is located within this City as a main trafficway pursuant
3 ant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprove-
ment of certain sections of said main trafficway by the approval of Ordin-
ance No. 1424 on August 15, 1994; and

WHEREAS, total cost of improvements to 83rd Street is estimated to be
$2,070,000; 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 140-95-21 (83rd Street), 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 140-95-21 (83rd Street), shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
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<tr>
<td>(1) Temporary Notes 124-95-1</td>
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<td>$1,000,000</td>
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(6) Temporary Notes 137-95-6  
State Line Road, Phase IV  
February 1, 1995  
§ 100,000

(7) Temporary Notes 134-95-7  
State Line Road, Phase II  
February 1, 1995  
§ 300,000

(8) Temporary Notes 136-95-8  
State Line Road, Phase III  
February 1, 1995  
§ 700,000

(9) Temporary Notes 115-95-9  
Mission Road, College - I-435  
February 1, 1995  
§ 800,000

(10) Temporary Notes 131-95-10  
Nall Ave., 119th-135th  
February 1, 1995  
§ 500,000

(11) Temporary Notes 140-95-11  
83rd Street  
February 1, 1995  
§ 500,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED FOR FORM:

Marcia Rinehart, Mayor

K. S. Helier, City Attorney

W/14n-83
TO:
Martha Heizer
City of Leawood
4600 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Delra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, 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 uninterruptedly 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 hereeto attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $95.35

$95.35
ORDINANCE NO. 1498
First published in The Legal Record, Tuesday, June 6, 1995.
ORDINANCE NO. 1498

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 140-95-21 (63RD STREET), OF THE CITY OF LAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF 63RD STREET, INCLUDING GRADING, REGRADING, CURBING, RECURLING, GUTTERING, REEXITING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTION, RECONSTRUCTION, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NEEDED 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 Lawood has previously by Section 14-206 of the "Code of the City of Lawood, Kansas, 1984" designated that portion of 63rd 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. 1424 on August 15, 1994; and

WHEREAS, total cost of improvements to 63rd Street is estimated to be $2,070,000; 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 Lawood 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 Lawood:

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 Lawood, Kansas designated Temporary Notes, Series 140-95-21 (63rd Street), 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 140-95-21 (63rd Street), shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 14, 1996. 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 payable 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 and interest on said notes shall be payable at the office of the City Treasurer of the City of Lawood, Kansas, upon presentation and surrender of said notes at maturity.

The City of Lawood, 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 Lawood, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Lawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinafore described and as provided by law and to procure the proper registr...
tion 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 Bank IV,
the original purchaser thereof, upon payment of the purchase price
thereof which shall not be less than 99.856% 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 pur-
pose 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 re-
quiring 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 recognised bond counsel which concludes that
compliance with the foregoing covenant and the provisions of the Tax Re-
form Act of 1986 as provided in this section shall not be required to re-
tain 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, 1995, the City has not issued any bonds or
temporary notes other than the following-described obligations:

<table>
<thead>
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<td>February 1, 1995</td>
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<td></td>
</tr>
<tr>
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<td>February 1, 1995</td>
<td>$100,000</td>
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<tr>
<td>Mission Road, 95th-103rd</td>
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<tr>
<td>(4) Temporary Notes 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
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<tr>
<td>143rd Street, Mission-1220' East</td>
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<tr>
<td>(5) Temporary Notes 142-95-5</td>
<td>February 1, 1995</td>
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<td>(6) Temporary Notes 137-95-6</td>
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<td>State Line Road, Phase IV</td>
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<td>(7) Temporary Notes 125-95-7</td>
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<td>$300,000</td>
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<tr>
<td>(8) Temporary Notes 124-95-8</td>
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<td>$700,000</td>
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<td>State Line Road, Phase III</td>
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<tr>
<td>(9) Temporary Notes 115-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
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<td>Mission Road, College - I-435</td>
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<tr>
<td>(10) Temporary Notes 111-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
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<td>11th Ave., 119th-135th</td>
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<tr>
<td>(11) Temporary Notes 160-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
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<tr>
<td>3rd Street</td>
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<td></td>
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</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt
obligations during calendar year 1995 in an aggregate amount in excess of
$10,000,000;

3. Other than the temporary notes, the City has not issued and
does not expect to issue any other notes or obligations the proceeds of
which have been or will be used to provide financing for the project,
other than temporary notes to be retired with the proceeds of said tempo-
rary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be
loaned to nor will such proceeds or project be in any manner used in the
trade or business of any person, firm or corporation other than a govern-
mental entity,
ORDINANCE NO. 1497

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 138-95-20 (MISSION ROAD, 151ST - 155TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,700,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 151ST - 155TH STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDED 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 Mission Road, 151st - 155th 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. 1347 on May 17, 1993; and

WHEREAS, total cost of improvements to Mission Road, 151st - 155th Street, is estimated to be $2,000,000; 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 138-95-20 (Mission Road, 151st - 155th Street), in the aggregate principal amount of One Million Seven Hundred Thousand Dollars ($1,700,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 138-95-20 (Mission Road, 151st - 155th Street), shall consist of bearer notes numbered 1 through 17 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 de-
scribed 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

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</table>

3
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

R S Wetzler, City Attorney

WII:tn-138
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

proof of publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
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:

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $95.35

$95.35
ORDINANCE NO. 1497
First published in The Legal Record, Tuesday, June 6, 1995.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 138-95-20 (MISSION ROAD, 151ST - 155TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,700,000 TO PROVIDE TEMPO-
RARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 151ST - 155TH STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZ-
ING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS, OVERPASSES, UNDER-
PASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CON-
TROL DEVICES, PEDESTRIANWAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS AND OTH-
ER 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, 151st - 155th 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. 1347 on May 17, 1993; and

WHEREAS, total cost of improvements to Mission Road, 151st - 155th Street, is estimated to be $2,000,000; 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 138-95-20 (Mission Road, 151st - 155th Street), in the aggregate principal amount of One Million Seven Hundred Thousand Dollars ($1,700,000.00) which amount does not exceed the total es-

CONTINUED ON PAGE 11
Section Two: Said notes shall consist of bearer notes numbered 1 through 17 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 11, 1996. The notes shall bear interest from the date paid at maturity or upon redemption prior thereto at the 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 canceled 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 12-669 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 hereinafter 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 95.95% 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 hereinafter 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 conclued 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

   (1) Temporary Notes, 124-65-1  
       124th Street (E-150), State Line-Railway 
       $1,000,000 
       February 1, 1995 

   (2) Temporary Notes, 124-65-2  
       State Line Road, Phase I 
       $1,000,000 
       February 1, 1995 

   (3) Temporary Notes, 124-65-3  
       Mission Road, 93rd-103rd 
       $100,000 
       February 1, 1995 

   (4) Temporary Notes, 124-65-4  
       143rd Street, Mission-123rd East 
       $400,000 
       February 1, 1995 

   (5) Temporary Notes, 124-65-5  
       Bell Drive & Ironhorse Drive 
       $300,000 
       February 1, 1995 

   (6) Temporary Notes, 124-65-6  
       State Line Road, Phase IV 
       $100,000 
       February 1, 1995 

   (7) Temporary Notes, 124-65-7  
       State Line Road, Phase III 
       $200,000 
       February 1, 1995 

   (8) Temporary Notes, 124-65-8  
       State Line Road, Phase II 
       $700,000 
       February 1, 1995 

   (9) Temporary Notes, 124-65-9  
       Mission Road, College-143rd 
       $800,000 
       February 1, 1995 

   (10) Temporary Notes, 124-65-10  
        Mall Ave., 139th-138th 
        $500,000 
        February 1, 1995 

   (11) Temporary Notes, 124-65-11  
        63rd Street 
        $500,000 
        February 1, 1995 

       The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $1,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to retire 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 help such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt and 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 Council the 9th day of June, 1995.
APPROVED by the Mayor the 9th day of June, 1995.

(Seal)

Oscar Reichard
Mayor

Martha Helen, City Clerk

A. M. Wateler, City Attorney

Wilton-128
ORDINANCE NO. 1496

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY
OF TEMPORARY NOTES, SERIES 136-95-19 (STATE LINE ROAD, PHASE III), OF THE
CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY
FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION
OF STATE LINE ROAD BETWEEN APPROXIMATELY 123RD STREET AND APPROXIMATELY 135TH STREET; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of State Line Road, approximately 123rd Street to approximately 135th 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 re improvement of certain sections of said main trafficway by the approval of Ordinance No. 1399 on May 2, 1994; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, the total estimated cost of the improvement is estimated to be $3,300,000.00; 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, 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 136-95-19 (State Line Road, Phase III), 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 136-95-19 (State Line Road, Phase III), shall consist of bearer notes numbered 1 through 7 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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, 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 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 Bank IV, the
original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Temporary Notes 124-95-1 February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(2)</td>
<td>Temporary Notes 132-95-2 February 1, 1995</td>
<td>$1,000,000</td>
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<tr>
<td>(3)</td>
<td>Temporary Notes 126-95-3 February 1, 1995</td>
<td>$100,000</td>
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<td>(4)</td>
<td>Temporary Notes 129-95-4 February 1, 1995</td>
<td>$400,000</td>
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<td>(5)</td>
<td>Temporary Notes 142-95-5 February 1, 1995</td>
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<td>(6)</td>
<td>Temporary Notes 137-95-6 February 1, 1995</td>
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<td>(7)</td>
<td>Temporary Notes 134-95-7 February 1, 1995</td>
<td>$300,000</td>
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<td>(8)</td>
<td>Temporary Notes 136-95-8 February 1, 1995</td>
<td>$700,000</td>
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<tr>
<td>(9)</td>
<td>Temporary Notes 115-95-9 February 1, 1995</td>
<td>$800,000</td>
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131-95-10

February 1, 1995

$500,000

Nal Ave., 119th-135th

(11) Temporary Notes 140-95-11

February 1, 1995

$500,000

83rd Street

The City does not reasonably anticipate issuing qualified tax-exempt
obligations during calendar year 1995 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

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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

Martha Helzer, City Clerk

R. S. Wetzler, City Attorney

APPROVED FOR FORM:

WII: ssiiii
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
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 to the post office as
second class matter.

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

6/5/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $95.35

$95.35
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 136-95-19 (STATE LINE ROAD, PHASE III), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 123RD STREET AND APPROXIMATELY 137TH STREET; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALT/CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANs, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPOINTMENTS TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1964" designated that portion of State Line Road, approximately 123rd Street to approximately 137th Street, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-660; and

WHEREAS, the Governing Body authorized the improvement or improvement of certain sections of said main trafficway by the approval of Ordinance No. 1399 on May 2, 1994; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, the total estimated cost of the improvement is estimated to be $3,900,000.00; 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, K.S.A. 12-660, 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 136-95-19 (State Line Road, Phase III), 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 136-95-19 (State Line Road, Phase III), shall consist of bearer notes numbered 1 through 7 inclusive, each in the denomination of $100,000.00. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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, K.S.A. 12-669, 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 time prior to the stated maturity date of said notes by written notice to the known holder or by the publication of notice 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 Bank IV, the original purchasers 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 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

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<td>(11) Temporary Notes 136-95-11</td>
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<td>$300,000</td>
</tr>
</tbody>
</table>
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S E A L)

MARCIA RINEHART
Marcia Rinehart, Mayor

ATTEST:

MARILYN NEFFER
Martha Neffar, City Clerk

APPROVED FOR PORN:

R.M. WATZLER, City Attorney
ORDINANCE NO. 1495

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 134-95-18 (STATE LINE ROAD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 112TH TERRACE TO APPROXIMATELY 123RD STREET; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANs, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTs, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1106 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on May 3, 1993; and

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 State Line Road, approximately 112th Terrace to approximately 123rd 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 re improvement of certain sections of said main trafficway by the approval of Ordinance No. 1348 on May 17, 1993; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, the total estimated cost of the improvement is estimated to be $1,476,000.00; 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, K.S.A. 12-689, 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 134-95-18 (State Line Road, Phase II), in the aggregate principal amount of One Million Dollars ($1,000,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 134-95-18 (State Line Road, Phase II), shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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, K.S.A. 12-689, 12-614 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
</tr>
<tr>
<td></td>
<td>135th Street (K-150), State Line-Nall</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Temporary Notes 132-95-2</td>
<td>February 1, 1995</td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Temporary Notes 126-95-3</td>
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</tr>
<tr>
<td></td>
<td>Mission Road, 95th-103rd</td>
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<tr>
<td>(4)</td>
<td>Temporary Notes 129-95-4</td>
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</tr>
<tr>
<td></td>
<td>143rd Street, Mission-1320 East</td>
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</tr>
<tr>
<td>(5)</td>
<td>Temporary Notes 142-95-5</td>
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</tr>
<tr>
<td></td>
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<td></td>
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<tr>
<td>(7)</td>
<td>Temporary Notes 134-95-7</td>
<td>February 1, 1995</td>
</tr>
<tr>
<td></td>
<td>State Line Road, Phase II</td>
<td></td>
</tr>
</tbody>
</table>
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

Martha Heiser, City Clerk

R. E. Wetter, City Attorney
TO:
Martha Heizer
City of Leawood
4600 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY: SS:

Debra Dziadura, of lawful age, being first duly sworn, states and
says that she is Editor of The Legal Record which is a newspaper
published in and of the City of Leawood, Kansas, is not a trade, religious or fraternal publication, is
published on a weekly, monthly or yearly basis in Johnson
County, Kansas, is a newspaper published at least once a year, has been so published continuously and uninterruptedly 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:

6/6/95

[Signature]

Editor

Subscribed and sworn to before me on this date:

6/6/95

[Signature]

Notary Public

SHARON L. YOUNG

Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $95.35

23/1495

$95.35
ORDINANCE NO. 1495

First published in The Legal Record, Tuesday, June 6, 1995.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 134-95-10 (STATE LINE ROAD, PHASE II), OF THE CITY OF LEWWOOD, KANSAS, IN THE AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY’S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY 112TH TERRACE TO APPROXIMATELY 133RD STREET; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEwers, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1106 under K.S.A. 12-6401 et seq. and adopted by the Governing Body of the City of Leawood on May 3, 1993; and

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 State Line Road, approximately 112th Terrace to approximately 133rd Street, which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-605; and

WHEREAS, the Governing Body authorized the improvement or reallocation of certain sections of said main trafficway by the approval of Ordinance No. 1348 on May 17, 1993; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City and

WHEREAS, the total estimated cost of the improvement is estimated to be $1,476,000.00; 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, K.S.A. 12-689, K.S.A. 12-614 and all acts amendatory thereto.

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

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 134-95-10 (State Line Road, Phase II), in the aggregate principal amount of One Million Dollars ($1,000,000), which amount does not exceed the total estimated costs of said improvements.

SECTION TWO: Said issue of Temporary Notes, Series 134-95-10 (State Line Road, Phase II), shall consist of bearer notes numbered 1 through 10 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 12, 1996. 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 canceled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, K.S.A. 12-689, 12-614 and all acts amendatory thereto.

Both principal 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 publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to be made 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 heretofore 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 Bank IV, the original purchaser therefor, upon payment of the purchase price therefor which shall not be less than 99.856% 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
The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 and any or all 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, that 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
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<tr>
<th>ISSUE</th>
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<tbody>
<tr>
<td>Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>135th Street (E-150), State Line-Hall</td>
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<tr>
<td>Temporary Notes 132-95-2</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
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<tr>
<td>State Line Road, Phase I</td>
<td></td>
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<tr>
<td>Temporary Notes 126-95-3</td>
<td>February 1, 1995</td>
<td>$100,000</td>
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<tr>
<td>Mission Road, 95th-103rd</td>
<td></td>
<td></td>
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<tr>
<td>Temporary Notes 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
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<tr>
<td>143rd Street, Mission-1320 West</td>
<td></td>
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<tr>
<td>Temporary Notes 142-95-6</td>
<td>February 1, 1995</td>
<td>$300,000</td>
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<td>Bell Drive &amp; Ironhorse Drive</td>
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<tr>
<td>Temporary Notes 137-95-8</td>
<td>February 1, 1995</td>
<td>$100,000</td>
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<td>State Line Road, Phase IV</td>
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<td>Temporary Notes 134-95-7</td>
<td>February 1, 1995</td>
<td>$300,000</td>
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<td>State Line Road, Phase II</td>
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<tr>
<td>Temporary Notes 134-95-8</td>
<td>February 1, 1995</td>
<td>$700,000</td>
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<tr>
<td>State Line Road, Phase III</td>
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<td>Temporary Notes 118-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
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<td>Mission Road, College - 1-436</td>
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<tr>
<td>Temporary Notes 131-95-10</td>
<td>February 1, 1995</td>
<td>$600,000</td>
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<td>Hall Ave., 119th-131st</td>
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<tr>
<td>Temporary Notes 140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>3rd Street</td>
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<td></td>
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</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year, 1995, in an aggregate amount in excess of $10,000,000.

1. 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 used 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 246 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.
ORDINANCE NO. 1494

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY

OF TEMPORARY NOTES, SERIES 131-95-17 (NALL AVENUE, 119TH-135TH STREET),

OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPO-

RARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF NALL AVENUE,

119TH-135TH STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING,

GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING,

REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTEND-

ING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECON-

STRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS,

OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINA-

TION, 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

Nall Avenue, 119th-135th 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 reimprove-

ment of certain sections of said main trafficway by the approval of Ordin-

ance No. 1433 on October 3, 1994; and

WHEREAS, total cost of improvements to Nall Avenue, 119th-135th Street

is estimated to be $7,040,195; 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 131-95-17 (Nall Avenue, 119th-135th Street), 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 131-95-17 (Nall Avenue, 119th-135th Street), shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

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</tr>
<tr>
<td>(6) Temporary Notes 137-95-6 State Line Road, Phase IV</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(7) Temporary Notes 134-95-7 State Line Road, Phase II</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
</tbody>
</table>
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

[Signature]
Marcia Rinehart, Mayor

[Signature]
Martha Heizer, City Clerk

[Signature]
R. S. Wetzler, City Attorney

WI:tn-nall
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Editor 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 hereunto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $95.35

$95.35
ORDINANCE NO. 1494
First published in The Legal Record, Tuesday, June 6, 1995.

ORDINANCE NO. 1494

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF "TEMPORARY NOTES," SERIES 131-95-17 (NALL AVENUE, 119TH-1135TH STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF NALL AVENUE, 119TH-1135TH STREET, INCLUDING GRADING, REGRADING, CURBING, RECURRING, GUTTERING, REGUTTERING, PAYING, REPAVING, MACADAMIZING, RENACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNding CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPREHn> APHERETO, 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 Nall Avenue, 119th-1135th 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 re-improvement of certain sections of said main trafficway by the approval of Ordinance No. 1433 on October 3, 1994; and

WHEREAS, total cost of improvements to Nall Avenue, 119th-1135th Street is estimated to be $7,040,195; 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 thereeto.

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 131-95-17 (Nall Avenue, 119th-1135th Street), 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 131-95-17 (Nall Avenue, 119th-1135th Street), shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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.

CONTINUED ON PAGE 15
The notes shall be callable upon 10 days notice or 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. 10-121, and 12-689 and all acts amendatory thereto.

Both principal and interest on said notes shall be payable at the office of the City Treasurer of the City of Leavenworth, Kansas, upon presentation and surrender of said notes at maturity.

The City of Leavenworth, 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 each 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 Leavenworth, Kansas, and shall have the seal of said City affixed thereto.

Section Four: The Mayor and City Clerk of Leavenworth, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance heretofore described and as provided by law and to procure the proper signature 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 Bank IV, the original purchaser thereof, upon payment of the purchase price thereof which shall not be less than 99.856% 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 heretofore 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>135th Street (6-100), State Line-Nall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Temporary Notes 125-95-2</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>State Line Road, Phase I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Temporary Notes 126-95-3</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mission Road, 95th-107th</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Temporary Notes 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

143rd Street, Mission-1320 West
(5) Temporary Notes 142-95-5
Bell Drive & Tronhorse Drive
February 1, 1995 | $200,000 |

6. The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000.

7. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes.

8. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be be in any manner used in the trade of 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 Leavenworth, 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.

APPROVED by the Mayor the 5th day of June, 1995.

[Signatures]

Martha Nielson, City Clerk
R. S. Wiltse, City Attorney

[Stamp]: 143rd Street, Mission-1320 West

[Signature]: Mayor
ORDINANCE NO. 1493

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 128-95-16 (OLD KENNETH ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF OLD KENNETH ROAD BETWEEN K-150 AND KENNETH PARKWAY; SAID IMPROVEMENTS TO CONSIST OF A 2-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, AND ALSO INCLUDING ALL NECESSARY STORM DRAINAGE FACILITIES, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1101 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on March 15, 1993; 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 $635,834.00 or approximately $288 per abutting front foot; 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 128-95-16 (Old Kenneth Road), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 128-95-16 (Old Kenneth Road), shall consist of bearer notes numbered 1 through 3 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13,
1996. 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% of the principal amount thereof.

Section Five: The proceeds of said temporary notes shall be deposed 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, 1995, the City has not issued any bonds or tem-
porary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes, 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>135th Street (K-150), State Line-Nall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Temporary Notes, 132-95-2</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>State Line Road, Phase I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Temporary Notes, 126-95-3</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mission Road, 95th-103rd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Temporary Notes, 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>143rd Street, Mission-1320’ East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Temporary Notes, 142-95-5</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>Bell Drive &amp; Ironhorse Drive</td>
<td></td>
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<tr>
<td>(6) Temporary Notes, 137-95-6</td>
<td>February 1, 1995</td>
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<tr>
<td>State Line Road, Phase IV</td>
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<td></td>
</tr>
<tr>
<td>(7) Temporary Notes, 134-95-7</td>
<td>February 1, 1995</td>
<td>$300,000</td>
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<tr>
<td>State Line Road, Phase II</td>
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</tr>
<tr>
<td>(8) Temporary Notes, 136-95-8</td>
<td>February 1, 1995</td>
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<tr>
<td>State Line Road, Phase III</td>
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<tr>
<td>(9) Temporary Notes, 115-95-9</td>
<td>February 1, 1995</td>
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<tr>
<td>Mission Road, College - I-435</td>
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<td></td>
</tr>
<tr>
<td>(10) Temporary Notes, 131-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>Nall Ave., 119th-135th</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11) Temporary Notes, 140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>83rd Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt
obligations during calendar year 1995 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 Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

(S.E.A.L)  
ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R.J. Wetzel, City Attorney

WII:tn-kenn
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
printed in the State of Kansas, published in and of general paid
publication 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 uninterruptedly 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:

6/6/95

[Signature]

Editor

Subscribed and sworn to before me on this date:
6/6/95

[Signature]

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $95.35

$95.35
The notes shall be callable upon 30 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. 10-122, and 12-349 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 publication of such notice or written notification of redemption to be given holder to be at least, ten days, prior to the redemption date fixed in such notice.

Section Four: 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 Five: 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 hereinafore 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 95% of the principal amount thereof.

Section Six: 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 hereinafore 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 ratable disbursement of 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-creaed and validly-existing political subdivision in existence since 1948.

2. Since January 1, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(2) Temporary Notes 124-95-2</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(3) Temporary Notes 143-95-1</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
</tbody>
</table>

The notes are hereby designated as "qualified tax-exempt obligations" within the meaning and for the purposes of section 265 of the Tax Reform Act of 1986.

AGD-1453

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.

APPROVED by the Mayor the 6th day of June, 1995.

S A L

Attorney

Marita Reimer, City Clerk

H.W. Wetliery, City Attorney

ORDINANCE NO. 1453

First published in The Legal Record, Tuesday, June 6, 1995. 

AN ORDINANCE APPROPRIATING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 124-95-16 (OLD KENNETH ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF OLD KENNETH ROAD BETWEEN K-10 AND KENNETH PARKWAY, SAID IMPROVEMENTS TO CONSIST OF A 2-LANE UNDIVIDED ROADWAY WITH CURB AND GUTTERS, AND ALSO INCLUDING ALL NECESSARY SIGNAGE, DRAINAGE FACILITIES, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1101 under K.S.A. 12-690 et seq. and adopted by the Governing Body of the City of Leawood on March 15, 1993; and

WHEREAS, the necessary permanent rights-of-way for construction have been recorded and such right-of-way has been acquired by the City; and

WHEREAS, the total estimated cost of construction is estimated to be $635,834.00 or approximately $288 per building foot; 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. 10-121, K.S.A 12-451 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 128-95-16 (Old Kenneth Road), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 128-95-16 (Old Kenneth Road), shall consist of bearer notes, numbered 1 through 3, inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 to bearer, 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. 10-121, 12-451 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 in 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 time prior to the stated maturity date of said notes by written notice to the holder or by 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, hereinafore described and as provided by law and to cause 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 Bank IV, the original purchased thereof, upon payment of the purchase price therefor which shall not be less than 99.80% 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 hereinafore 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. Moreover, the foregoing provision shall become null and void if and to the extent that the City shall receive any opinion from a nationally recognized bond counsel which complies with the foregoing documents 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, 1995, the City has not issued any bonds or temporary notes other than the following described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATES</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
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<tr>
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<td>February 1, 1995</td>
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<td>$1,000,000</td>
</tr>
<tr>
<td>(3) Temporary Notes, 128-95-3</td>
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<td>$100,000</td>
</tr>
<tr>
<td>(4) Temporary Notes, 128-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>(5) Temporary Notes, 128-95-5</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(6) Temporary Notes, 128-95-6</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(7) Temporary Notes, 128-95-7</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>(8) Temporary Notes, 128-95-8</td>
<td>February 1, 1995</td>
<td>$700,000</td>
</tr>
<tr>
<td>(9) Temporary Notes, 128-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
</tr>
<tr>
<td>(10) Temporary Notes, 128-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>(11) Temporary Notes, 128-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 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 Council the 5th day of June, 1995.
APPROVED by the Mayor the 5th day of June, 1995.

(S. E. A.)
ATTEST:

[Signature]

Martha Halpern, City Clerk

[Signature]

Martha Halpern, City Attorney

[Signature]

[Signature]
ORDINANCE NO. 1493

First published in The Legal Record, Tuesday, June 6, 1995.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF
TEMPORARY NOTES, SERIES 126-95-16 (OLD KENNETH ROAD), OF THE CITY OF LEAWOOD,
KANSAS, IN THE AMOUNT OF $300,000 TO PROVIDE TEMPORARY FINANCING OF THE
CITY'S SHARE OF THE COST OF CONSTRUCTION OF OLD KENNETH ROAD BETWEEN K-150
AND KENNETH PARKWAY; SAID IMPROVEMENTS TO CONSIST OF A 2-LANE UNDIVIDED
ROADWAY WITH CONCRETE CURB AND GUTTER, AND ALSO INCLUDING ALL NECESSARY STORM
DRAINAGE FACILITIES, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to
Resolution No. 1101 under K.S.A. 12-6a01 et seq. and adopted by the Governing
Body of the City of Leawood on March 15, 1993; 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
$635,834.00 or approximately $288 per abutting front foot; and

CONTINUED ON PAGE 16
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 126-95-15 (MISSION ROAD, 95TH STREET-103RD STREET), 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, 95TH STREET-103RD STREET, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDED 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 Mission Road, 95th Street-103rd 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. 1330 on January 18, 1993; and

WHEREAS, total cost of improvements to Mission Road, 95th Street-103rd Street, is estimated to be $1,571,300; 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 126-95-15 (Mission Road, 95th
Street-103rd Street), in the aggregate principal amount of Two Hundred
Thousand Dollars ($200,000.00) which amount does not exceed the total es-
timated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 126-95-15
(Mission Road, 95th Street-103rd Street), shall consist of bearer note
numbers 1 and 2 in the denomination of $100,000. Said notes shall be dated
June 15, 1996, and shall have the stated maturity date of March 13, 1996.
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 pre-
sentation 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 publi-
cation of notice at least one time and payment of said notes, the last pub-
lication 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>135th Street (K-150), State Line-Nall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Temporary Notes 132-95-2</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>State Line Road, Phase I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Temporary Notes 126-95-3</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mission Road, 95th-103rd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Temporary Notes 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>143rd Street, Mission-1320' East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Temporary Notes 142-95-5</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>Bell Drive &amp; Ironhorse Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Temporary Notes 137-95-6</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>State Line Road, Phase IV</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Temporary Notes 134-95-7 February 1, 1995 $ 300,000
State Line Road, Phase II

Temporary Notes 136-95-8 February 1, 1995 $ 700,000
State Line Road, Phase III

Temporary Notes 115-95-9 February 1, 1995 $ 800,000
Mission Road, College - I-435

Temporary Notes 131-95-10 February 1, 1995 $ 500,000
Nall Ave., 119th-135th

Temporary Notes 140-95-11 February 1, 1995 $ 500,000
83rd Street

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

K. J. Wetzler, City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziedura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas, published in and of general paid
publication 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 uninterruptedly 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 hereof attached, was
published in all editions of the regular and entire issue for 1
consecutive week(s) as follows:

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1998

Publication Fees: $95.35

$95.35
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 126-95-15 (MISSION ROAD, 95TH STREET-103RD STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMBURSEMENT OF MISSION ROAD, 95TH STREET-103RD STREET, INCLUDING GRAADING, REGRADING, CURVING, RECURVING, GUTTERING, REGUTTERING, PAVING, REPAVING, RACOMODIZING, REMACHINIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXPANDING, ROUNING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIGIQUOITS, OVERPASSES, UNDERPASSES, CULVERTS, STORM DRAINAGE, TRAFFIC SIGNALS, 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 Mission Road, 95th Street-103rd 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 reimbursement of certain sections of said main trafficway by the approval of Ordinance No. 1330 on January 18, 1993; and

WHEREAS, total cost of improvements to Mission Road, 95th Street-103rd Street, is estimated to be $1,571,300; 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. 12-685 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 126-95-15 (Mission Road, 95th Street-103rd Street), 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 126-95-15 (Mission Road, 95th Street-103rd Street), shall consist of bearer note numbers 1 and 2 in the denomination of $100,000. Said notes shall be dated June 18, 1995, and shall have the stated maturity date of March 13, 1996. 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 30 days notice as hereinafter provided and shall be redeemable 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 12-685 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 heretofore 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 Bank IV, the original purchaser thereof, upon payment of the purchase price thereof which shall not be less than 99.8666% 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-organized and validly-existing political subdivision in existence since 1948;
2. Since January 1, 1985, the City has not issued any bonds or temporary notes other than the following described obligations:

<table>
<thead>
<tr>
<th>ISSUE DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>126-95-1</td>
<td>135th Street (3-150), State Line-Rail</td>
</tr>
<tr>
<td>126-95-2</td>
<td>State Line Road, Phase I</td>
</tr>
<tr>
<td>126-95-3</td>
<td>Mission Road, 95th-103rd</td>
</tr>
<tr>
<td>126-95-4</td>
<td>143rd Street, Mission-130th East</td>
</tr>
<tr>
<td>126-95-5</td>
<td>Bell Drive &amp; Ironhorse Drive</td>
</tr>
<tr>
<td>126-95-6</td>
<td>State Line Road, Phase IV</td>
</tr>
<tr>
<td>126-95-7</td>
<td>State Line Road, Phase II</td>
</tr>
<tr>
<td>126-95-8</td>
<td>State Line Road, Phase III</td>
</tr>
<tr>
<td>126-95-9</td>
<td>Mission Road, Collins - 1-235</td>
</tr>
<tr>
<td>126-95-10</td>
<td>Hall Ave., 319th-135th</td>
</tr>
<tr>
<td>126-95-11</td>
<td>83rd Street</td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt

CONTINUED ON PAGE 11
obligations during calendar year 1993 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 263 of the Tax Reform Act of 1966.

Section Five: The full faith, credit and resources of the City of Lenwood, 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 Council the 8th day of June, 1993.

APPROVED by the Mayor the 8th day of June, 1993.

(S K A L)

Marcia Rinehart, Mayor

ATTEND:

Martha Heizer, City Clerk

APPROVED FOR PRINT:

H. E. Wetzel, City Attorney
ORDINANCE NO. 1491

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 124-95-14 (135TH STREET [K-150], STATE LINE-NALL AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K-150], STATE LINE-NALL AVENUE, INCLUDING GRADING, REGRADING, CURBING, CURCUBING, GUTTERING, REGUTTERING, PAYING, 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 (K-150), 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 (K-150), State Line-Nall, is estimated to be $3,146,400.00; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123 and K.S.A. 12-689 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:
Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal, acquisition of right-of-way, and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 124-95-14 (135th Street [K-150], State Line-Nall Avenue), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 124-95-14 (135th Street [K-150], State Line-Nall Avenue), shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 hereunder 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 redemption) 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 Bank IV, the original
purchaser thereof, upon payment of the purchase price therefor which shall
not be less than 99.856% 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; and

2. Since January 1, 1995, the City has not issued any bonds or
temporary notes other than the following-described obligations:

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<tr>
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<td>State Line Road, Phase IV</td>
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<td></td>
</tr>
</tbody>
</table>
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000; and

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

R. J. Wetzler, City Attorney

WII:tn-K150
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS.
Debra Diladuro, of lawful age, being first duly sworn, deposes and says that she is Editor 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 published continuously and uninterruptedly 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:

6/6/95

Editor

Subscribed and sworn to before me on this date: 6/6/95

[Signature]
Notary Public

[Signature]
Notary Public - State of Kansas

My appointment expires: October 11, 1998

Publication Fees: $95.35

Ord. 1491

$95.35
WHEREAS, the cost of said improvements is authorized to be paid 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. 10-133 and K.S.A. 12-689 and all acts amendatory thereto.

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

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal acquisition of right-of-way, and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 126-95-14 (115th Street [K-150], State Line-Ball Avenues), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000.00) which amount does not exceed the total estimated costs of such improvements.

Section Two: Said issue of Temporary Notes, Series 126-95-14 (115th Street [K-150], State Line-Ball Avenues), shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 15, 1996. 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 hereunder 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 redemption) 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 notice of redemption to be known holder to be at least ten (10) 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 heretofore 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 Bank IV, 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 hereinafore described.

The City further covnents 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 1949; and

2. Since January 1, 1995, the City has not issued any bonds or
   temporary notes other than the following-described obligations:

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<tr>
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   The City does not reasonably anticipate issuing qualified tax-exempt ob-
   ligations during calendar year 1998 in an aggregate amount in excess of
   $10,000,000; and

3. Other than the temporary notes, the City has not issued and does
   not expect to issue any other notes or obligations the proceeds of which have
   been or will be used to provide financing for the project other than temporary
   notes to be retired with the proceeds of said temporary notes and bonds to
   retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned
to nor will such proceeds or project be in any manner used in the trade or
business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be
"qualified tax-exempt obligations" within the meaning and for the purposes of

Section 4: 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 5: That this Ordinance shall take effect and be in
force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1998.
APPROVED by the Mayor the 5th day of June, 1998.

[Signature]
Mayor

[Signature]
Martha Heiser, City Clerk

ATTORNEY:
ORDINANCE NO. 1490

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 115-95-13 (MISSION ROAD, COLLEGE BOULEVARD - I-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, COLLEGE BOULEVARD - I-435, INCLUDING GRADING, REGRADING, CURSING, 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 Mission Road, College Boulevard - I-435, 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, College Boulevard - I-435, is estimated to be $2,000,000; 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 115-95-13 (Mission Road, College Boule-
vard - I-435), 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 115-95-13
(Mission Road, College Boulevard - I-435), shall consist of bearer notes
numbered 1 through 4 inclusive, each in the denomination of $100,000. Said
notes shall be dated June 15, 1995, and shall have the stated maturity date
of March 13, 1996. The notes shall bear interest from the dated date, pay-
able 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 here-
inafter 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 pre-
sentation 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 publi-
cation of notice at least one time and payment of said notes, the last pub-
lication 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

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Temporary Notes 136-95-8 February 1, 1995 $ 700,000
State Line Road, Phase III

Temporary Notes 115-95-9 February 1, 1995 $ 800,000
Mission Road, College - I-435

Temporary Notes 131-95-10 February 1, 1995 $ 500,000
Nall Ave., 119th-135th

Temporary Notes 140-95-11 February 1, 1995 $ 500,000
83rd Street

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

ATTEST:

Martha Heizer, City Clerk

R. S. Wetzler, City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dizarda, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
published in the State of Kansas; published in and of general paid
publication 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 uninterruptedly 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:

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

My appointment expires:
October 11, 1998
Publication Fees: $95.35

$95.35
ORDINANCE NO. 1490
First published in The Legal Record, Tuesday, June 6, 1995.
ORDINANCE NO. 1490
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF
TEMPORARY NOTES, SERIES 115-95-13 (MISION ROAD-COLLEGE BOULEVARD -
1-435), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO
PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT
OF MISSION ROAD, COLLEGE BOULEVARD - 1-435, INCLUDING GRADING, REGRADING,
CURVING, RECURVING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZ-
ING, RE-MACADAMIZING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING,
EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CONSTRUCTION OR
RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, VIADUCTS,
OVERPASSES, UNDERPASSES, STORM DRAINAGE, TRAFFIC SIGNALS, 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 Mission
Road, College Boulevard - 1-435, which is located within this City as a
main trafficway pursuant to the provisions of K.S.A. 12-648; and

WHEREAS, the Governing Body authorized the improvement or re-improvement
of certain sections of said main trafficways by the approval of Ordinance
No. 1204 on February 4, 1991; and

WHEREAS, total cost of improvements to Mission Road, College Boulevard
- 1-435, is estimated to be $2,000,000; and

WHEREAS, the necessary permanent right-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. 12-648 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 115-95-13 (Mission Road, College Boulevard -
1-435), 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 115-95-13
(Mission Road, College Boulevard - 1-435), shall consist of bearer notes
numbered 1 through 4 inclusive, each in the denomination of $100,000. Said
notes shall be dated June 15, 1995, and shall have the stated maturity date of
March 13, 1996. 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 here-
infter 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 12-648 and all acts amendatory thereto.

Each principal of and interest on said notes shall be payable at the
office of the City Treasurer of the City of Leawood, Kansas, upon presen-
tation and surrender of said notes at maturitiy.

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 publi-
cation of notice at least once and at least thirty days prior to the date of
redemption set forth 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 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 Bank IV, 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 notes, including but not limited to any provisions
requiring the repeal 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 1940;

2. Since January 1, 1995, the City has not issued any bonds or tempo-
rary notes other than the following-described obligations:

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</table>
The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

\[S \& A L\]
ATTEST:

\[\]
Martha Haizer, City Clerk

\[\]
R. S. Metzler, City Attorney

\[\]
Marcia Rinehart, Mayor
ORDINANCE NO. 1489

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY
OF TEMPORARY NOTES, SERIES 108-95-12 (COLLEGE BOULEVARD, PHASE I), OF THE
CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $2,300,000 TO PROVIDE TEMPORARY
FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF COLLEGE
BOULEVARD, PHASE I, INCLUDING GRADING, REGRAING, CURBING, RECURBING,
GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REMACADAMIZING,
CONSTRUCTION, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, Rounding CORNERS, Straightening, Relocating, CONSTRUCTION OR
RECONSTRUCTION OF ANY NECESSARY BRIDGES AND APPROACHES THERETO, V IA DUCTS,
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
College Boulevard, Phase I, 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 reimprou-
ment of certain sections of said main trafficway by the approval of Ordi-
nance No. 1488 on June 5, 1995; and

WHEREAS, total cost of improvements to College Boulevard, Phase I, is
estimated to be $13,795,873.00; 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 108-95-12 (College Boulevard, Phase I), in the aggregate principal amount of Two Million Three Hundred Thousand Dollars ($2,300,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 108-95-12 (College Boulevard, Phase I), shall consist of bearer notes numbered 1 through 23 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. 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 Bank IV, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.856% 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, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DATE</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Temporary Notes 124-95-1 135th Street (K-150), State Line-Nall</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(2) Temporary Notes 132-95-2 State Line Road, Phase I</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>(3) Temporary Notes 126-95-3 Mission Road, 95th-103rd</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>(4) Temporary Notes 129-95-4 143rd Street, Mission-1320' East</td>
<td>February 1, 1995</td>
<td>$400,000</td>
</tr>
<tr>
<td>(5) Temporary Notes 142-95-5 Bell Drive &amp; Ironhorse Drive</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>Temporary Notes</td>
<td>Date</td>
<td>Amount</td>
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</tr>
<tr>
<td>137-95-6</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>State Line Road, Phase IV</td>
<td></td>
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</tr>
<tr>
<td>134-95-7</td>
<td>February 1, 1995</td>
<td>$300,000</td>
</tr>
<tr>
<td>State Line Road, Phase II</td>
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</tr>
<tr>
<td>136-95-8</td>
<td>February 1, 1995</td>
<td>$700,000</td>
</tr>
<tr>
<td>State Line Road, Phase III</td>
<td></td>
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</tr>
<tr>
<td>115-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
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<tr>
<td>Mission Road, College - I-435</td>
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<tr>
<td>131-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>Wall Ave., 119th-135th</td>
<td></td>
<td></td>
</tr>
<tr>
<td>140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>83rd Street</td>
<td></td>
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</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

ATTEST: 

Martha Bower, City Clerk

APPROVED BY: 

J. W. Metzler, City Attorney

Wiltin-clph1
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

Debra Dziedura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
printed in the State of Kansas, published in and of general paid
publication 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 uninterruptedly 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 hereeto attached, was
published in all sections of the regular and entire/issue for 1
consecutive week(s) as follows:

6/13/95

Editor

Subscribed and sworn to before me on this date:
6/13/95

Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $97.35

$97.35
ORDINANCE NO. 1489
First published in The Legal Record, Tuesday, June 13, 1995.

ORDINANCE NO. 1489

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 108-95-12 (COLLEGE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $2,300,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF COLLEGE BOULEVARD, PHASE I, INCLUDING GRADING, REGRADING, CURBING, RECURBING, GUTTERING, REGUTTERING, PAVING, REPAVING, MACADAMIZING, REHOTASING, CONSTRUCTING, RECONSTRUCTING, OPENING, WIDENING, EXTENDING, BOUNDING 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 14-106 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of College Boulevard, Phase I, 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 re-improvement of certain sections of said main trafficway by the approval of Ordinance No. 1488 on June 5, 1995; and

WHEREAS, total cost of improvements to College Boulevard, Phase I, is estimated to be $12,795,973.00; and

WHEREAS, the necessary permanent right-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. 12-489 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 108-95-12 (College Boulevard, Phase I). in the aggregate principal amount of Two Million Three hundred Thousand Dollars ($2,300,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 108-95-12 (College Boulevard, Phase I), shall consist of bearer notes numbered 1 through 23 inclusive, each in the denomination of $100,000. Said notes shall be dated June 15, 1995, and shall have the stated maturity date of March 13, 1996. The notes shall bear interest from the dated date, payable of 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. 10-113, and 12-589 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 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 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 Bank IV, 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 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 1949;
2. Since January 1, 1995, the City has not issued any bonds or temporary notes other than the following-described obligations:

<table>
<thead>
<tr>
<th>ISSUE</th>
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<td>(1) Temporary Notes 124-95-1</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
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<tr>
<td>135th Street (K-150), State Line-Hall</td>
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<tr>
<td>(2) Temporary Notes 132-95-2</td>
<td>February 1, 1995</td>
<td>$1,000,000</td>
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<tr>
<td>State Line Road, Phase I</td>
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<tr>
<td>(3) Temporary Notes 126-95-3</td>
<td>February 1, 1995</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mission Road, 95th-103rd</td>
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<tr>
<td>(4) Temporary Notes 129-95-4</td>
<td>February 1, 1995</td>
<td>$400,000</td>
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<tr>
<td>143rd Street, Mission-1320: East</td>
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<tr>
<td>(5) Temporary Notes 142-95-5</td>
<td>February 1, 1995</td>
<td>$300,000</td>
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<tr>
<td>Ball Drive &amp; Ironhorse Drive</td>
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<td>(6) Temporary Notes 137-95-6</td>
<td>February 1, 1995</td>
<td>$100,000</td>
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<td>State Line Road, Phase IV</td>
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<tr>
<td>(7) Temporary Notes 134-95-7</td>
<td>February 1, 1995</td>
<td>$300,000</td>
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<td>State Line Road, Phase II</td>
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<thead>
<tr>
<th>Temporary Notes</th>
<th>Date</th>
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<tr>
<td>136-95-8</td>
<td>February 1, 1995</td>
<td>$700,000</td>
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<tr>
<td>115-95-9</td>
<td>February 1, 1995</td>
<td>$800,000</td>
</tr>
<tr>
<td>131-95-10</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
<tr>
<td>140-95-11</td>
<td>February 1, 1995</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1995 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide financing for the project, other than temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to nor will such proceeds or project be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

PASSED by the Council the 5th day of June, 1995.

APPROVED by the Mayor the 5th day of June, 1995.

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

/s/ R.S. Wetzler
R. S. Wetzler, City Attorney

CONTINUED FROM PAGE 11
AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTION OF COLLEGE BOULEVARD, A MAIN TRAFFICWAY, BEGINNING AT A POINT ON THE KANSAS MISSOURI STATE LINE, THENCE WEST APPROXIMATELY 4,342 FEET ALONG THE CENTER LINE OF THE PROPOSED ALIGNMENT AS ESTABLISHED BY JBM CONSULTING ENGINEERS OF KANSAS CITY, MO. TO THE EAST BANK OF TOMAHAWK CREEK, WITHIN THE CITY OF LEAWOOD, AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas," designated that portion of College Boulevard 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, recurfing, 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, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project.

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of College Boulevard, beginning at a point on the Kansas Missouri state line, thence west approximately 4,342 feet along the
center line of the proposed alignment as established by JBM consulting engineers of Kansas City, Missouri to the east bank of Tomahawk Creek, within the city of Leawood, as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

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 College Boulevard, beginning at a point on the Kansas Missouri state line, thence west approximately 4,342 along the center line of the proposed alignment as established by JBM Consulting Engineers of Kansas City, Mo. to the east bank of Tomahawk Creek, 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, and contingencies, is $13,795,873.00 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. That the costs incurred in connection with the Project shall be paid from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation bonds of the City in an amount not to exceed $13,795,873.00

Section 4. That to the extent the City shall pay all or any portion of the costs of the Project from available funds on hand prior to the issuance of temporary notes or bonds, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such temporary notes and such general obligation bonds. All such expenditures so reimbursed shall be capital expenditures with the meaning of Section 1.150-1(h) of the Income Tax Regulations (the "Regulations").

This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes
or the bonds. This Ordinance, therefore is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Section 6. That this Ordinance shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Ordinance shall be available for inspection at the office of the City Clerk at City Hall during normal business hours of the City on every business day until the date of issuance of the bonds.

Section 7. That the City's Director of Finance shall be responsible for making any "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the notes or the bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the notes or the bonds, shall specifically identify the actual reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passed by the Council the 5th day of June_______, x1995. 1995.

Approved by the Mayor this 5th day of June_______, x1995 1995.

Martia Rinehart Mayor

ATTEST:

Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Wetzler City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Uzziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor 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 (52) times a year, has been so
published continuously and uninterruptedly 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:

6/6/95

[Signature]

Editor

Subscribed and sworn to before me on this date:
6/6/95

[Signature]

Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $57.54
AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTION OF COLLEGE BOULEVARD, A MAJOR TRAFFIC ARTERY, BEGINNING AT A POINT ON THE SOUTH SIDE OF COLLEGE BOULEVARD, 100 FEET WEST OF THE INTERSECTION WITH THE KANSAS CITY RAILROAD TRACKS, AND ENDING AT A POINT ON THE WEST SIDE OF COLLEGE BOULEVARD, 500 FEET EAST OF THE INTERSECTION WITH THE KANSAS CITY RAILROAD TRACKS, AND PROVIDING FOR THE PAYMENT OF COSTS THERETO EXPRESSED TO BE INCURRED IN CONDUCTING THE FORCED WORK PROJECT SO ORDERED TO REIMBURSE FROM PROCEEDS OF GENERAL OBLIGATION BONDS.

WHEREAS, the City of Leawood has previously by Section 14-1 of the Code of the City of Leawood, adopted on July 28, 1970, provided for the establishment of the 100-foot-wide Boulevard which is located within this City as a main traffic artery.

WHEREAS, K.S.A. 13-697 provides that the Governing Body of any city shall have power to improve or improve or cause to be improved the thoroughfares of the city, including connecting streets and streets necessary thereto, designated and established under the provisions of K.S.A. 13-696, and, as provided by K.S.A. 13-697, is authorized to pay the costs of such improvements by the levy of a tax on the taxable property within the City and to describe the improvements in its ordinance.

WHEREAS, the Ordinance of the City of Leawood, Kansas, approved by the City Council and under the authority of K.S.A. 13-697, as hereinafter defined, is described in an ordinance of the City of Leawood, Kansas, approved by the City Council on May 5, 1982, and as amended.

WHEREAS, K.S.A. 13-699 provides that all costs of improving any public street or improvements hereinafter authorized under the provisions of K.S.A. 13-697, including acquisition of right-of-way, engineering fees, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded from tax levies in the manner provided by and under the authority of K.S.A. 13-697.

NOW, THEREFORE, the Council of the City of Leawood, Kansas, do ordain and enact as follows:

SECTION 1. The Ordinance 1019-18 of the Income Tax Regulations in effect on the date hereof, as amended, is declared to be a description of official intent adopted pursuant to Section 1.109-18 of the regulations.

SECTION 2. That as of the date hereof, there are not City funds available on a long-term basis for the payment of all of the costs of the improvements herein described that may be incurred in the conduct of said projects.

SECTION 3. That the City Council hereby authorizes the Mayor to issue and sell bonds of the City of Leawood, Kansas, in such amount as the City Council may determine.

SECTION 4. That the proceeds of the sale of said bonds shall be used by the City for the payment of the costs of the work herein described.

SECTION 5. That this Ordinance shall be filed within 30 days of its adoption in the public records of the City of Leawood, Kansas, and shall be available for inspection by the public at any time during the normal business hours of the City on every business day until the City Council shall rescind this Ordinance.

SECTION 6. That the Mayor of the City of Leawood, Kansas, shall be the Director of Finance and shall be responsible for making any "reimbursement" required by this Ordinance. The City shall be responsible for the payment of the costs of the work herein described. The City shall provide for the payment of any charges or fees required by law as a condition of the issuance of such bonds and shall provide for the issuance of such bonds. The City shall provide for the payment of such charges or fees and shall provide for the issuance of such bonds.

SECTION 7. That the City Council shall hereby authorize the Mayor to issue and sell bonds of the City of Leawood, Kansas, in such amount as the City Council may determine.

SECTION 8. That the proceeds of the sale of said bonds shall be used by the City for the payment of the costs of the work herein described.

SECTION 9. That this Ordinance shall be filed within 30 days of its adoption in the public records of the City of Leawood, Kansas, and shall be available for inspection by the public at any time during the normal business hours of the City on every business day until the City Council shall rescind this Ordinance.

Passed by the Council the 20th Day of June 1995.
Approved by the Mayor this 20th Day of June 1995.

(M.S.L.C.)

Mayor

(Handwritten Signature)

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

Section 1. That the City of Leawood hereby accepts a permanent right-of-way grant, along with the restrictions and reservations set forth therein, to wit:

From Thomas S. Morgan, an individual and as Trustee of The Morgan Family Foundation: Part of the Southeast One-Quarter of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northwest corner of the Southeast One-Quarter of said Section 16; thence North 87°48'28'' East along the North line of the said Southeast One-Quarter a distance of 705.35 feet to a point; thence South 01°25'45'' East a distance of 40.00 feet to a point; thence South 87°48'28'' West along a line parallel to and 40.00 feet South of the North line of Southeast One-Quarter a distance of 705.35 feet to a point in the West line of the said Southeast One-Quarter; thence North 01°25'45'' West along the West line of the said Southeast One-Quarter a distance of 40.00 feet to the Point of Beginning and containing 28,214.34 square feet, more or less.

Section 2. That a copy of said right-of-way grant is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 5th day of June, 1995.

Approved by the Mayor the 5th day of June, 1995.

(S.E.A.L.)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

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ORDINANCE NO. 1487
First published in The Legal Record, Tuesday, June 6, 1995.

ORDINANCE NO. 1487
AN ORDINANCE ACCEPTING A RIGHT-OF-WAY GRANT FROM THOMAS S. MORGAN FOR THE CONSTRUCTION OF 115TH STREET BETWEEN ROE AVENUE AND TOMAHAWK CREEK PARKWAY.

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

Section 1. That the City of Leawood hereby accepts a permanent right-of-way grant, along with the restrictions and reservations set forth therein, to wit:

From Thomas S. Morgan, an individual and as Trustee of The Morgan Family Foundation, Part of the Southeast One-Quarter of Section 16, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northwest corner of the Southeast One-Quarter of said Section 16; thence North 87°48'/28" East along the North line of the said Southeast One-Quarter a distance of 705.35 feet to a point; thence South 01°25'/45" East a distance of 40.00 feet to a point; thence South 87°48'/28" West along a line parallel to and 40.00 feet South of the North line of Southeast One-Quarter a distance of 705.25 feet to a point in the West line of the said Southeast One-Quarter; thence North 01°25'/45" West along the West line of the said Southeast One-Quarter a distance of 40.00 feet to the Point of Beginning and containing 28,214.34 square feet, more or less.

Section 2. That a copy of said right-of-way grant is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 5th day of June, 1995.
Approved by the Mayor the 5th day of June, 1995.

(S E A L)
Muriel Reinhart
Mayor

Attest:
Martha Heizer
City Clerk

APPROVED FOR FORM:
R.C. Welsh
City Attorney

My appointment expires October 11, 1998

Publication Fees: $21.18

$21.18
ORDINANCE NO. 1486 C

AN ORDINANCE ADOPTING THE 1994 EDITION OF THE UNIFORM FIRE CODE.

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. In addition to other standards set forth in this chapter, there is hereby incorporated by reference that certain Fire Code known as the "Uniform Fire Code," edition of 1994, prepared and published by the International Fire Code Institute, including Appendix chapters II-B, II-F, II-H, VI-B, VI-C, VI-E, VI-F and Appendix Standard V-A, save and except such portions as are hereinafter deleted, modified or amended by Article 2 of Chapter 7 of the Code of the City of Leawood as amended. Not less than three (3) copies of said Fire Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1486 C." A copy of this ordinance shall be attached to each Code copy and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours. The police department, municipal judges, concerned public officials and all administrative departments of the City charged with the enforcement of such codes shall be supplied, at the cost of the City, with such numbers of official copies similarly marked as deemed expedient.

7-202. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION. (a) The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the City of Leawood, Kansas which hereby established and which shall be operated under the supervision of the chief of the fire department.

(b) The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department on the basis of examination to determine his or her qualifications.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the City of Leawood, Kansas the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be
open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

7-203. DEFINITIONS. (a) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it is the City of Leawood, Kansas.

(b) Wherever the words "chief 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 7902.2.2.1 (a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: No use of liquefied petroleum gas, requiring storage, exceeding a water capacity of 100 gallons will be allowed in residential areas consisting of building sites of one acre or less.

7-205. AMENDMENT TO THE UNIFORM FIRE CODE. PERMIT FEES. Section 105.2.1.1 is hereby added and shall read as follows: A fee shall be charged to persons receiving permits under section 105.2 of the Uniform Fire Code. Fees for permits shall be established by the fee resolution.

7-206. SAME; PERMITS REQUIRED: TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES. Section 105.8.t.1 is changed and shall read as follows: To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 400 square feet or a canopy in excess of 800 square feet, except for structure used exclusively for camping (See Article 32).

7-207. SAME; PERMITS REQUIRED: USE OF FIRE HYDRANTS. Section 901.2.1 Permits is hereby deleted.

7-208. SAME; SEC. 903. WATER SUPPLIES AND FIRE HYDRANTS; Sec. 903 is deleted. (For hydrant requirements see City of Leawood Building Code)

7-209. SAME; SEC. 1001.5.1 (a) GENERAL. Sec. 1001.5.1 (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-protection or extinguishing systems coverage, spacing and specifications and fire alarm systems shall be maintained in accordance with nationally recognized standards and shall be tested annually to insure the same. Such testing and any costs or damages associated with it shall be the responsibility of the property owner and
not of the City of Leawood. Proof of such testing shall be furnished to the fire marshal upon request.

7-210. SAME; Sec. 1003 FIRE EXTINGUISHING SYSTEMS. Sec. 1003 is hereby deleted. (For fire extinguishing systems requirements see Leawood Building Code.)

7-211. SAME; SEC. 1102.3 OPEN BURNING. Sec. 1102.3 Open Burning is changed to read as follows:

Sec. 1102.3.1 General. A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without a permit.

Exemption 1: Wood may be burned for the heating of construction materials so long as it is in a noncombustible container, is located at least 20 feet from any combustible vegetation or other construction material, the fuel load does not exceed 40 cubic feet, and the location is attended.

Exception 2: Wood may be burned for cooking purposes provided it is burned in a noncombustible container and no single piece of wood exceeds 24 inches in length.

Sec. 1102.3.2 Permit. A permit to undertake open burning may be issued to a person upon making proper application as described herein to the fire prevention bureau.

Sec. 1102.3.3 Burn Permit Application Procedure. Any person wishing to undertake open burning may apply for permission by providing such information as the prevention bureau shall require with regard to location, reason for burning, fuel type and amount, dates and time of burning, personnel to be involved and provisions for extinguishment.

Sec. 1102.3.4 Permit conditions. Permits for open burning shall only be issued when the fire prevention bureau is satisfied that the following conditions can and will be met:

(a) Location is 1000 feet from nearest occupied dwelling or public roadway.
(b) Proposed fuel is only vegetation from land clearing or agricultural operations.
(c) Weather conditions are suitable.
(d) Fuel load does not exceed specified amount.
(e) Fuels will not be ignited before sunrise nor added to the fire after two hours before sunset.
(f) Such burning shall be attended by personnel equipped to control the fire.
(g) No unusual or distinct hazard is presented to the public by the proposed burning.
Sec. 1102.3.5 Permit suspension, revocation. The chief may suspend, revoke or modify the conditions of the permit for cause after it has been issued.

7-212. SAME; ARTICLE 77, EXPLOSIVE MATERIALS. Article 77, Explosive Materials, is hereby enacted in its entirety with the following changes and additions:

Sec. 7705 CONSTRUCTION BLASTING Section 7705 CONSTRUCTION BLASTING is hereby adopted and shall read as follows:

Sec. 7705.1 BLASTING PERMIT, DEFINED - "Permit" whenever used hereafter in this section shall refer to the written authorization of the Director of Public Works and the Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to store, possess, and use explosive materials and blasting agents for construction blasting operations only. Permits for other type of operations involving explosive shall be in accordance with the preceding sections of Article 77.

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

Sec. 7705.2 RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this Section as the "Director", shall be responsible for the administration and enforcement of this Section as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 7705.3 APPLICATION PROCESS - The following shall be the process for applying for a permit to store or use explosives in the City of Leawood for the purpose of blasting as part of construction operations. Permits for other types of operations involving explosives shall be according to the applicable sections of the UFC as amended by the Governing body.

Sec. 7705.3.1 PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief.
The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 7705.3.2 SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (UFC Appendix VI-E). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other application submittals.

Sec. 7705.3.3 INSURANCE REQUIRED. The applicant shall provide proof of insurance coverages meeting the following minimum requirements:

1. Workers Compensation, Statutory Coverage
   
2. Employers Liability:
   - Bodily Injury by Accident $1,000,000 each accident
   - Bodily Injury by Disease $1,000,000 policy limit
   - Bodily Injury by Disease $1,000,000 each employee

3. Commercial General Liability:
   - Bodily Injury and Property Damage
     $2,000,000 Combined Single Limit
     $4,000,000 Aggregate

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

Sec. 7705.3.4 BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the applicant's expense;
7. the names of all responsible on-site personnel and copies of their blaster's licenses.

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

Sec. 7705.3.5 NOTIFICATION OF ADJACENT PROPERTY OWNERS. The Applicant shall provide written notification of property or utility owners within 500 feet of a blast site. Evidence of delivery of such notification shall be retained by the applicant. Failure to provide such evidence of such notification to the Director of Public Works on demand shall be construed to mean that such notification has not occurred. Notice shall be approved by the Director and shall include the following:

1. notice of intent to blast;
2. name of blasting contractor;
3. agency making the pre-blast inspection;
4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
5. notice to property owner to contact the Director of Public Works within three (3) days of notification to request a copy of the pre-blast inspection of structures on their property;
6. notification shall include a complete copy of Section 7705 Construction Blasting;
7. contractor shall meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.

Sec. 7705.3.6 PRE-BLAST INSPECTIONS shall be performed by the Applicant on all structures within 500 feet of a blast site unless permission for the inspection is denied by the occupant or owner. Applicant shall provide a copy of the pre-blast inspection to all property owners requesting same at applicant's expense.
Sec. 7705.3.7 FEE. Prior to providing an intent to issue a permit letter, the applicant shall pay to the City, a non-refundable application fee as determined by the fee resolution adopted annually by the Governing Body.

Sec. 7705.3.8 NOTICE OF INTENT TO ISSUE PERMIT. The applicant, if he or she has fulfilled all application requirements and has not given cause for denial by previous permit violations, will be notified of the City’s intent to issue the permit. The applicant shall then provide copies of such notification to all property owners within 500 feet of a proposed blast site. The notice required by this section shall be mailed by certified mail not less than ten days prior to issuance of a blasting permit. The applicant shall retain evidence that such notification has occurred. Failure to provide such evidence to the Director shall be construed to mean that such notification has not occurred.

Sec. 7705.3.9 GRACE PERIOD FOR REQUESTING APPEAL. A grace period of ten working days from the date that the written notice of intent to blast is mailed (as provided by Section 7705.3.8) will allow owners of adjacent property an opportunity to file an appeal of the decision to issue a permit.

Sec. 7705.3.10 APPEALS. The owner, lessee, agent, operator, or occupant of property located within five hundred feet of a blast site who is aggrieved by any decision, order or permit issued pursuant to this section may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works including name and address of appellant and the location of blast site. Any such appeals must be filed within ten working days of the date that the written notice of intent of the City to issue a blasting permit is mailed as provided by Section 7705.3.8 of this ordinance. Any appeal or appeals filed within the time established by this ordinance shall be heard at the next available City Council meeting. However, there shall be only one hearing for each blasting permit issued or intended to be issued. Such appeal shall stay the execution of any decision, order or permit issued pursuant to this section until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this section shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to appeal such decision to a court of competent jurisdiction.

Sec. 7705.3.11 GRACE PERIOD FOR PRIVATE INSPECTION. Af-
ter the ten days appeal period or after an appeal is heard by the City Council, and the outcome of that appeal is confirmation of the issuance of the permit, there shall be a five (5) working day grace period for property owners to obtain an independent pre-blast inspection at their own expense prior to issuance of a permit.

Sec. 7705.4 ISSUANCE OF PERMIT. When all requirements specified in this ordinance have been fulfilled, including the expiration of any grace periods and the completion of any appeals, the applicant will be issued a permit. After the permit is issued, the permittee shall have the explosive storage site inspected by the Fire Marshal or his designee. After the approval of such site, the permittee must inform the Public Works Department and Fire Department of their intent to commence operations and must inform them each day that such operations are to take place. Blasting operations may then commence.

Sec. 7705.4.1 DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified by the Director of Public Works, but not to exceed one (1) year, or until revoked, whichever shall first occur. At the cessation of operations, it shall be the responsibility of the permittee to inform the Public Works Director that the permit is no longer needed and it shall then be terminated.

Sec. 7705.4.2 REISSUING OF PERMITS. Permits may be re-issued if they have expired or been terminated, subject to such provisions of inspection, reporting, notification, and amendments contained in this ordinance as the Director of Public Works and the Fire Chief deem necessary. The fee for reissuance of a permit shall be in accordance with the fee resolution adopted annually by the Governing Body.

Sec. 7705.4.3 PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 7705.4.4 SEPARATE PERMITS REQUIRED FOR EACH OPERATIONS. Separate and distinct permits shall be required for each operation listed.

Sec. 7705.4.5 INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or Fire Chief or their designees so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the require-
ments of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 7705.4.6 BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 7705.4.7 BLASTING RECORDS. The Director of Public Works shall maintain records pertaining to all blasting permits issued by the City for a period of five years. In addition to the records required by the ordinance, the Director shall include records regarding compliance with this ordinance by all persons and entities that have received blasting permits from the City.

Sec. 7705.4.8 PERMITS NOT ISSUED TO ENTITIES VIOLATING ORDINANCE. In addition to the penalties provided by this ordinance, it is the policy of the City that the Director of Public Works, in reviewing applications for blasting permits, shall consider the applicants' prior history of compliance with the requirements of this ordinance. The Director of Public Works may refuse to issue a blasting permit to any person or entity that has violated the ordinance within the preceding five years.

Sec. 7705.4.9 REVOCATION OF PERMITS. Permits issued in accordance with this section, whether confirmed by City Council appeal or not, may be revoked by the Director of Public Works for any violation of this ordinance. Appeal of such revocations shall be in accordance with Section 103.1.4 of the UFC as amended by the governing body.

Sec. 7705.4.10 COURT APPEALS. No decision, order or permit issued pursuant to this section shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

7-213. APPEALS. Whenever the chief disapproves any type of application or refuses to grant any type of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant
may appeal from the decision of the chief to the building code appeal committee within 30 days from the date of the decision appealed.

7-214. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The city administrator, the chief, and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

7-215. PENALTIES. (a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the appeals board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than one (1) dollar nor more than five hundred (500) dollars or by imprisonment for not less than one (1) day nor more than thirty (30) days, or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or otherwise remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

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

Section 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 7-201:7-217, Ord. 1275C; Section 7-218, Ord. 1449C; Sections 7-219:7-227, Ord. 1275C)

Section 3. Validity of Ordinance. That if any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder shall not be thereby affected.
Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 15th day of May, 1995.

Approved by the Mayor the 30th day of May, 1995.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney
TO:
Martha Heizer
City of Leawood
4800 Town Center Dr.
Leawood, KS 66211

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:
Debra Dziadura, of lawful age, being first duly sworn, deposes and
says that she is Editor of The Legal Record which is a newspaper
printed in the State of Kansas, published in and of general paid
publication 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, has been admitted at the post office as
second class matter

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

6/6/95

Editor

Subscribed and sworn to before me on this date:
6/6/95

Notary Public

My appointment expires:
October 11, 1998

Publication Fees: $193.89

$193.89
AN ORDINANCE ADOPTING THE 1994 EDITION OF THE UNIFORM FIRE CODE.

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. In addition to other standards set forth in this chapter, there is hereby incorporated by reference that certain Fire Code known as the "Uniform Fire Code," edition of 1944, prepared and published by the International Fire Code Institute, including Appendix chapters II-B, II-F, II-M, VI-B, VI-C, VI-E, VI-F and Appendix chapter VA. Section 3.2.1.1 reprinted in this Ordinance is deleted. Amended or replaced by Article 2 of Chapter 7 of the Code of the City of Leawood as amended. Not less than thirty (30) days after such adoption or amendment or replacement, written notice shall have been sent to the owners of such property by stamped "Official Copy as Adopted by Ordinance No. 1486.

A copy of this ordinance shall be attached to each Code copy and shall be filed with the City Clerk to remain open for inspection and available to the public at all reasonable business hours. The police department, municipal judges, concerned public officials and all administrative personnel shall be informed of this Code and shall be responsible for the enforcement of such Code shall be supplied, at the cost of the City, with such numbers of official copies similarly marked as desired expeditiously.

7-202. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION. (a) The Uniform Fire Code shall be enforced by the Building Official in the Fire Department of the City of Leawood, Kansas which hereby establishes 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) There shall be established for each member of the fire department as inspectors as shall from time to time be recommended by the Fire Chief.

(d) Such inspectors shall recommend to the City of Leawood, Kansas the employment of technical inspectors, who, when such authorization is made, shall be selected through examination and training and his or her 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 GAS IS TO BE RESTRICTED. The limits recommended by the Fire Chief in 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 maximum of six (6) tanks or cylinders, shall be permitted in any building, or in any areas, consisting of building sites of one acre or less.

7-205. AMENDMENT TO THE UNIFORM FIRE CODE. PERMIT FEES. Section 105.2.1.1 is hereby added and shall read as follows:

A fee shall be charged to persons receiving permits under Section 105.2.1.1. Fees for permits shall be established by the fee resolution.

7-206. SAME; PERMITS REQUIRED; TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES. Section 105.6.1.1 is changed and shall read as follows:

To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 400 square feet, subject to permits for structure used exclusively for camping (See Article 32).

7-207. SAME; PERMITS REQUIRED; USE OF FIRE HYDRANTS. Section 105.2.1.1, Permits is hereby deleted.

7-208. SAME; SEC. 903. WATER SUPPLIES AND FIRE HYDRANTS. Sec. 903 is deleted. (For hydrant requirements see City of Leawood Building Code).

7-209. SAME; SEC. 1001.5.1 (a) GENERAL. Sec. 1001.5.1 (a) General is hereby changed to read as follows:

Sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, fire alarms and smoke detectors, fire ventilation or smoke removal systems and other fire protective or extinguishing systems or appliances shall be maintained in an operable condition at all times and shall be repaired or replaced where defective. Fire-protection or extinguishing systems coverage, spacing and specifications and fire alarm
systems shall be maintained in accordance with nationally recognized standards and shall be tested annually to insure the continued safety. Such testing shall be associated with it shall be the responsibility of the property owner and not of the City of Leawood. Proof of such testing shall be furnished to the fire marshal upon request.

7-210. SAME. Sec. 1003 FIRE EXTINGUISHING SYSTEMS. In the case of extinguishing systems requirements see Leawood Building Code.)

7-211. SAME. Sec. 1102.3 OPEN BURNING. Sec. 1102.3 Open Burning is changed to read as follows:

Sec. 1102.3.1 General. A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without a permit.

Exemption: 1. Wood may be burned for the heating of construction materials so long as it is in a noncombustible container, is located at least 100 feet from combustible materials, and no other construction materials in the fuel load or does not exceed 40 cubic feet, and the location is attended.

Exemption: 2. Wood may be burned for cooking purposes provided it is burned in a noncombustible container and no single piece of wood exceeds 12 inches in length.

Sec. 1102.3.2 Permit. A permit to undertake open burning may be issued to a person upon making proper application as described herein to the fire prevention bureau.

Sec. 1102.3.3 Permit Application Procedure. Any person wishing to undertake open burning may apply for permission by providing such information as the fire prevention bureau shall require with regard to location, reason for burning, type and amount of burning, personnel to be involved and provisions for extinguishment.

Sec. 1102.3.4 Permit conditions. Permits for open burning shall only be issued when the fire prevention bureau is satisfied that the following conditions can and will be met:

(a) Location is 1000 feet from nearest occupied dwelling or public roadway.
(b) Proposed fuel is only vegetation from land clearing or agricultural operations.
(c) Weather conditions are suitable.
(d) Fuel load does not exceed permitted amount.
(e) Fires will not be ignited before sunrise or noon added to the fire after two hours before sunset.
(f) Open burning shall be attended by a person equipped to control the fire.
(g) No unusual or distinct hazard is presented to the public by the proposed burning.

Sec. 1102.3.5 Permit suspension, revocation. The chief may suspend, revoke or modify the conditions of the permit for cause after it has been issued.

7-212. SAME; ARTICLE 77, EXPLOSIVE MATERIALS. Article 77, Explosive Materials, is hereby enacted in its entirety with the following changes and additions:

Sec.7005 CONSTRUCTION BLASTING Section 7005 CONSTRUCTION BLASTING is hereby adopted and shall read as follows:

Sec. 7005.1 BLASTING PERMIT. DEFINED - "Permit" whenever used in this chapter shall mean the written authorization of the Director of Public Works and the Fire Chief or their designee(s) authorizing any person, firm, corporation, partnership, or any other association to store, possess, and use explosive materials and blasting agents for construction blasting operations only. Permits shall be issued for the number of operations involving explosive shall be in accordance with the procedures and specifications of Article 77. (a) A permit as required by this Article will not be required to transport explosives or blasting agents where the explosives or blasting agents are being transported in accordance with Federal, State, or Local regulations or for delivery to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in compliance with all applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

Sec. 7005.2 RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this Section as the "Director", shall be responsible for the administration and enforcement of this Section as provided herein. In addition, the Fire Police Department has 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 Department.

Sec. 7005.3 APPLICATION PROCESS - The following shall be the procedures for applying for the use of explosives in the City of Leawood for the purpose of blasting as part of construction operations. Permits for other types of explosives shall be in accordance with applicable sections of the UFC as amended by the Governing body.

Sec. 7005.3.1 PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works Director 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. 7005.3 SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing showing the existing land and all improvements thereon, all dimensions and locations of all existing buildings, all other structures within 500 feet of the blasting or demolishing area, and a scale drawing accompanying the application for a permit to store explosives or blasting agents must show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition area, the scale drawing must be so constructed that it can be referred to in the event of a fire or accident. The scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional standards for the submission of scaled drawings or other application submittals.

Sec. 7005.3.3 INSURANCE REQUIRED. The applicant shall provide proof of insurance coverage meeting the following minimum requirements:

1. Workers Compensation, Statutory Coverage
2. Employers Liability:
   - Bodily Injury by Accident $1,000,000 each accident
   - Bodily Injury by Disease $1,000,000 each accident
3. Commercial General Liability:
   - Bodily Injury and Property Damage $1,000,000 per Accident
   - $1,000,000 per Accident
4. Business Automobile Policy:
   - Bodily Injury and Property Damage $1,000,000 Combined Single Limit
5. $1,000,000 Aggregate

Sec. 7005.3.4 BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation and the Blasting Plan shall include specific information on the operation as follows:

1. charge weights
2. delays
3. depths
4. blasting method
5. protective mats or coverings required
6. seismographic monitoring shall be provided by an independent firm approved by the Director of Public Works, reporting directly to the City at the applicant's expense
7. the names of all responsible on-site personnel and copies of their blaster's licenses.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fire, loss damage from air blast, overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any point on record shall 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. 7005.3.5 NOTIFICATION OF ADJACENT PROPERTY OWNERS. The Applicant shall provide notification to any person, firm, corporation, partnership, or any other association having property or utility owners within 500 feet of a blasting site. Evidence of delivery of such notification shall be retained by the Applicant. Peak values of all notches of notification to the Director of Public Works on demand shall be construed to mean that such notification has not occurred. Notification shall be approved by the Director and shall include the following:

1. notice of intent to blast
2. name of blasting contractor
3. agency making the pre-blast inspection
4. agency 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 with a copy of notification to request a copy of the pre-blast inspection of structures on their property
6. notification shall include a complete copy of Section 7005 Construction Blasting
7. contractor shall meet with affected property owners in advance of blasting operations to explain blasting operations when requested within five (5) working days of notification.

Sec. 7005.3.6 PRE-BLAST INSPECTIONS shall be performed by the Applicant on all structures within 500 feet of a blast site unless permission for the inspection is denied by the occupant or owner. Applicant shall provide a copy of the pre-blast inspection to all property owners requesting same at applicant's expense.

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Sec. 7705.3.9 NOTICE OF INTENT TO ISSUE PERMIT. The applicant shall schedule the inspection of the property so the permit may be issued in accordance with this Ordinance. The applicant shall be notified of the intent to issue the permit. The applicant shall be notified of the intended time of the inspection and of the location of the property. The notice required by this section shall be mailed to the applicant not less than ten days prior to the issuance of a blasting permit. The applicant shall retain evidence that such notification has occurred. Failure to provide such evidence to the Director shall render the permit invalid.

Sec. 7705.3.9 GRACE PERIOD FOR REQUESTING APPEAL. A grace period of ten working days from the date that the written notice of intent to blast is mailed shall be provided by this section. This grace period will allow owners to reconsider whether or not to file an appeal of the decision to issue a permit.

Sec. 7705.3.10 APPEALS. The owner, lessee, agent, operator, or occupant of property located within five hundred feet of a blasting site who objects to any decision, appeal, or permit issued pursuant to this section, may appeal that decision, appeal, or permit to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works within five working days of the date the written notice of intent to issue a blasting permit is mailed as provided by Section 7705.3.9. The appeal shall be heard by the City Council. No appeal to the City Council may be filed in the same case on the same issue after the decision of the Director of Public Works has been made final.

Sec. 7705.3.11 GRACE PERIOD FOR PRIVATE INSPECTION. After the ten day appeal period or after an appeal is heard by the City Council, and in the event that the Director of Public Works and other entities have determined that the application meets all requirements for issuance of the permit, there shall be a five (5) working day grace period for property owners to obtain an independent pre-blast inspection at their own expense prior to issuance of a permit.

Sec. 7705.4 ISSUANCE OF PERMIT. When all requirements specified in this ordinance have been fulfilled, including the expiration of any grace periods and the completion of any appeals, the applicant for a pre-blast inspection permit is issued, the permittee shall have the explosive storage site inspected by the Fire Marshal or his designee. After obtaining approval of such site, the permittee shall inform the Public Works Department and Fire Department of their intent to commence operations and must inform them each day that they are taking place. Blasting operations may then commence.

Sec. 7705.4.1 DURATION OF PERMIT. Each permit granted by the city shall be valid for such period of time as may be specified by the Director of Public Works, but not to exceed thirty (30) days after the date which the permit is issued. The permittee shall have the explosive storage site inspected by the Fire Marshal or his designee. At the cessation of any blasting permitted by the permit, the responsibility of the permittee to inform the Public Works Department and Fire Department of their intent to commence operations and must inform them each day that they are taking place. Blasting operations may then commence.

Sec. 7705.4.2 REISSUING OF PERMITS. Permits may be re-issued if they have expired or if either the permittee or the permit holder is unable to comply with such provisions of inspection, reporting, notification, and amendments contained in this ordinance as the Director of Public Works and the Fire Department may from time to time require. The reissuance of a permit shall be in accordance with the fee resolution adopted annually by the Governing Body.

Sec. 7705.4.3 PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 7705.4.4 SEPARATE PERMITS REQUIRED FOR EACH OPERATIONS. Separate and distinct permits shall be required for each operation listed.

Sec. 7705.4.5 INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in which explosives are stored shall be subject to inspection by the Director of Public Works or his designee. The applicant shall at all times keep his records and equipment in such condition as to make it possible for the Director of Public Works or his designee to determine that the applicant is complying with the requirements of this ordinance and any conditions for issuance of the permit. If violation of this Article is found to exist during any such inspection, the Director or designee shall issue a written order to the operator with the operator for the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 7705.4.6 BLASTING OPERATIONS. All blasting operations shall be carried out by skilled and experienced personnel who are currently licensed to conduct blasting operations. A daily blasting log and summary, duly signed, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 7705.4.7 BLASTING RECORDS. The Director of Public Works shall maintain records pertaining to all blasting permits issued by the City for a period of five years. In addition to the records required by this ordinance, the Director shall include records regarding compliance with this ordinance by all persons and entities that have received blasting permits from the City.

Sec. 7705.4.8 PERMITS NOT ISSUED TO ENTITIES VIOLATING ORDINANCE. In addition to the records required by Section 103.4 of the UFC as amended by the governing body.

Sec. 7705.4.9 COURT APPEALS. No decision by the Director of Public Works may be made final. No appeal to the court may be taken until sixty (60) days after the decision has been made final.

Sec. 7705.4.10 COURT APPEALS. No decision by the Director of Public Works may be made final. No appeal to the court may be taken until sixty (60) days after the decision has been made final.

Sec. 7705.4.11 COURT APPEALS. No decision by the Director of Public Works may be made final. No appeal to the court may be taken until sixty (60) days after the decision has been made final.

Sec. 7705.4.12 COURT APPEALS. No decision by the Director of Public Works may be made final. No appeal to the court may be taken until sixty (60) days after the decision has been made final.

Sec. 7705.5 NEW MATERIALS, PROCESSES OR OCCUPATIONS WHICH MAY REQUIRE PERMITS. The Director of the city, and the chief of the fire department, or his designee, shall be notified of any new materials, processes or occupations which may require permits under this 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 15th day of May, 1995.

Approved by the Mayor the 30th day of May, 1995.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney