RESOLUTION NO. 1001

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS the City of Leawood intends to make certain necessary improvements near the intersection of Lee Boulevard and Somerset Street in the City of Leawood, Kansas; and

WHEREAS all necessary right of way and easements have been obtained by the City with the exception of a tract of ground described as follows:

Lots 68, 69 and 70, Leawood, a subdivision of the City of Leawood, Kansas.

WHEREAS it appears that said necessary right of way and easements cannot be obtained other than through condemnation.

NOW THEREFORE, be it resolved by the City of Leawood, Kansas,

That the City does hereby declare it to be necessary to appropriate certain private property for the use of the city for purposes of making certain improvements near the intersection of Lee Boulevard and Somerset Street in the City of Leawood, Kansas.

That the Director of Public Works is hereby authorized and directed to obtain a survey and description of the land and interest to be condemned.

That said survey shall be made by some competent engineer and filed with the City Clerk.

That this Resolution shall be published once in the official city newspaper.

PASSED AND APPROVED THIS 16th DAY OF July 1990.

(S E A L) ____________________________
Marina Remillard
Mayor

ATTEST:

______________________________
City Clerk
RESOLUTION NO. 1002

The Leawood City Council has considered the request for final plat approval for Royse, 10th Plat and hereby finds the following:

WHEREAS, the plat contains 16 lots on 7.185 acres for a density of 2.2 units per acre, and

WHEREAS, the property is zoned R-1, and

WHEREAS, the property is located at the northwest corner of Royse, adjacent to Hunter's Ridge on the north and Leawood South on the west, and

WHEREAS, the staff has reviewed the application and recommends approval of the application with the following stipulations:

1. The plat is to be revised prior to submission for signatures to indicate that the City of Leawood will not maintain the islands.
2. The Public Works Elements are approved by the Director of Public Works, and

WHEREAS, the applicant agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Royse, 10th Plat with stipulations.

Adopted by the Governing Body this 6th day of August, 1990.

(Marcela Rinehart, Mayor)

(S E A L)

Martha Heizer, City Clerk
RESOLUTION OF APPRECIATION

WHEREAS, former Leawood Councilmember and Mayor Kent E. Crippin became a member of the Board of County Commissioners in January, 1985, representing Johnson County's Third Commission District, of which the City of Leawood is a part; and

WHEREAS, Mr. Crippin resigned his Commission seat on August 3, 1990; and

WHEREAS, the City of Leawood wishes to acknowledge Mr. Crippin's years of dedicated service and support, his moral leadership, and his invaluable contributions to County government and community welfare; and

WHEREAS, Mr. Crippin, throughout his political career, has demonstrated a deep commitment to fulfilling his responsibilities to his constituents, dealing with issues with integrity, honesty, and forthrightness, and contributing substantially to the quality of life in the County;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood, on behalf of the citizens of Leawood, has the privilege and pleasure of extending sincere gratitude to Mr. Crippin, and best wishes on his future endeavors; and

BE IT FURTHER RESOLVED, that this Resolution be presented to Mr. Crippin as evidence of the deep respect and high esteem in which he is held, and in recognition of fifteen years of outstanding service to the residents of Leawood.

Adopted by the Governing Body the 21st day of August, 1990.

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1003

The Leawood City Council has considered the request for approval of a revised preliminary plat and revised preliminary site plan for Leawood Commons located at approximately 113th and Nall and hereby finds the following:

WHEREAS, the property is currently zoned CP-O, Planned Office Building District (Ordinance 898, approved 1-20-86), and

WHEREAS, the applicant is requesting approval of a revised preliminary plat and revised preliminary site plan in order to allow construction of an office complex containing 143,000 sq.ft. in 14 buildings on a site containing 15 acres, and

WHEREAS, the drainage plans will be in accordance with APWA standards and will be reviewed and approved by the Public Works Department, and

WHEREAS, there will be two monument signs, one at Nall and one at the entrance from 115th Street with the buildings delineated with wall mounted signs, constructed of individual metal letters, and

WHEREAS, the buildings will be constructed of brick, cast stone, stucco or architectural concrete with the brick colors to be in the red/brown range and the other materials will be beige/grey, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the request with the following stipulations:

1. Stormwater plans will be reviewed and approved by the Director of Public Works prior to submission of the initial final site plan.
2. The owner/developer is required to place into escrow one-eighth of the cost of signalizing 115th and Nall up to $15,000. A letter of credit may also be issued with a 3 year maximum time limit. The Director of Public works will estimate the cost of signalization.
3. The development is limited to 143,000 sq.ft. as shown on the site plan.
4. The trees along Nall are to be installed according to "Street Tree" standards as to location, species, and quantity.
5. At the time of final site plan submission, exact colors and samples of materials will be required.
6. All perimeter plantings to be installed in the first phase of development.

** WHEREAS, the developer agrees to these stipulations.

** stipulation 7 added to read: Lots 25 & 26 of Leawood Country Manor will be used for detention and for that purpose only.
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for revised preliminary plat and revised preliminary site plan for Leawood Commons located at approximately 113th and Nall with stipulations.

Adopted by the Governing Body this 4\textsuperscript{th} day of September, 1990.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1004

A RESOLUTION AUTHORIZING THE SALE OF $1,848,653 GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS, TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS WITHIN SAID CITY; APPROVING THE FORM OF NOTICE OF BOND SALE AND PRELIMINARY OFFICIAL STATEMENT TO BE USED IN CONNECTION THERewith; AND AUTHORIZING AND DIRECTING THE CITY FINANCE DIRECTOR TO ADVERTISE SUCH SALE IN THE MANNER PRESCRIBED BY LAW.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and K.S.A. 12-687, et seq., as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has heretofore authorized the following improvements within the City (the "Improvements"):

(a) Construction of improvements to that portion of Roe Avenue extending from 112th Street to 121st Street including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by Resolution No. 757 (the "Roe Avenue Improvement");

(b) Replacement of the bridge on Roe Avenue over Tomahawk Creek including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Resolution No. 851;

(c) Construction of improvements to 95th Street extending from State Line Road to Wenonga including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1065;

and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements including construction financing and related expenses is $3,167,132 with $505,509 of the cost to be paid by the owners of the property within the City benefited by the Roe Avenue Improvement and $2,661,623 of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the Roe Avenue Improvement and there are $1,318,479 of other funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving $1,848,653 to be paid by the issuance and sale of the City's general obligation bonds; and

WHEREAS, it is necessary and desirable at this time that the City retire temporary notes previously issued and outstanding and
provide permanent financing for said Improvements by the issuance of general obligation bonds of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS:

Section One: That the Director of Finance on behalf of Leawood, Johnson County, Kansas, is hereby authorized and directed to advertise for public sale in the manner required by law, the general obligation bonds of the City in the aggregate principal amount of $1,848,653, for the purpose of financing the costs of the above-described Improvements pursuant to the statutes hereinbefore enumerated and amendments thereto, and further pursuant to the general obligation bond authority provided by the laws of the State of Kansas.

Section Two: That the notice of sale shall be substantially in the following form:

NOTICE OF BOND SALE
$1,848,653
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1990-A
LEAWOOD, JOHNSON COUNTY, KANSAS

Sealed bids will be received by the undersigned City Finance Director of Leawood, Johnson County, Kansas, at City Hall, 9617 Lee Boulevard, Leawood, Johnson County, Kansas, until 2:00 p.m. local time on Tuesday, October 2, 1990, at which time such bids will be publicly opened, for the sale of the above-captioned general obligation bonds (the "Bonds") of the City of Leawood, Johnson County, Kansas, to finance the cost of construction of certain improvement projects within said City. Such bids will be considered by the Governing Body of the City at a meeting to be held at 7:30 p.m. local time on such date.

The Bonds will be issued as a single series designated General Obligation Improvement Bonds, Series 1990-A, in the aggregate principal amount of $1,848,653. The Bonds will consist of fully registered bonds without coupons in the denominations of $5,000 and any integral multiple thereof, except that one bond of the first maturity shall be issued in the denomination of $8,653, will be dated October 1, 1990, and will mature serially on September 1 of each year, as follows:

ppwbleares2

-2-
Series 1990-A Bonds

<table>
<thead>
<tr>
<th>Maturity</th>
<th>Amount</th>
<th>Maturity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>$143,653</td>
<td>1999</td>
<td>$140,000</td>
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<tr>
<td>1992</td>
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<td>1997</td>
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<tr>
<td>1998</td>
<td>$140,000</td>
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</tbody>
</table>

Interest on said Bonds from the date thereof at the rates determined when the Bonds are sold as herein provided will be payable semi-annually on March 1 and September 1 in each year through maturity, commencing on March 1, 1991.

The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names appear on the registration books maintained by the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas. The bonds will be issued in fully registered certificated form only.

At the option of the City, Bonds maturing on September 1, 1999, and thereafter will be subject to redemption and payment prior to maturity, on September 1, 1998, and on any interest payment date thereafter in whole or in part (in integral multiples of $5,000) in inverse order of maturity (and by lot within a single maturity) at the redemption price of 100 percent of the principal amount thereof, plus accrued interest to the date fixed for redemption.

If the City shall elect to call any of the Bonds for redemption and payment prior to the maturity thereof, the City shall give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the State Treasurer of Kansas and to the manager or managers of the underwriting account making the successful bid, said notice to be mailed at least 45 days prior to the redemption date. The State Treasurer of Kansas will send notice of redemption by ordinary mail to the registered owners of said Bonds, said notices to be mailed at least 30 days prior to the redemption date. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease.

All of said Bonds will be and constitute the general obligations of the City of Leawood and the full faith and credit of the City shall be pledged to the payment of the principal of and
interest on said Bonds. Such principal and interest shall be payable in part from special assessments levied upon property benefited by the construction of certain improvements and, if not so paid, from ad valorem taxes levied upon all taxable tangible property including land and improvements thereon located within the territorial limits of the City of Leawood, Johnson County, Kansas, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all such taxable tangible property, real and personal, within the territorial limits of said City.

The Bonds will be designated "qualified tax exempt obligations" by the City for the purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986.

No bids will be considered at a price of less than par and interest accrued on the Bonds to date of the payment thereof by the purchaser.

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders subject to the following conditions: Not more than five different rates shall be specified and the same rate will apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8th of 1% or 1/20th of 1%. No rate shall exceed the most recent 20 bond index, as published in MuniWeek (formerly Credit Markets), New York, New York, on the Monday next preceding the date of sale by more than 2%, and the difference between the highest rate specified and lowest rate specified in any bid shall not exceed 2%.

One bid shall be submitted for all Bonds hereinbefore described on an all or none basis. Bonds will be awarded to the highest and best bidder or bidders on an all or none basis. Determination of the best bid or bidders will be made by deducting the premium bid (if any) from the total interest costs and the Bonds will be awarded to the bidder bidding the lowest net interest cost to the City. The City will be entitled to rely on the stated net interest cost in awarding the Bonds. If there is any discrepancy between said lowest net interest cost and the rates specified in said bid or the average annual net interest cost specified in said bid, the net interest cost figure shall govern and the rates shall be adjusted accordingly.

The City reserves the right to waive minor irregularities and to reject any or all bids.

The City will pay the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.
The Bonds printed, executed and registered with the Office of the State Treasurer will be furnished by the City, and the Bonds will be delivered subject to the legal opinion of Linde Thomson Langworthy Kohn & Van Dyke, P.C., Kansas City, Missouri, Bond Counsel, whose services will be paid for by the City. The opinion of Bond Counsel will state that under existing laws and regulations and, assuming continued compliance with the covenants contained in the bond ordinance, the interest on the Bonds is exempt from federal income taxation, except with respect to certain taxpayers as more specifically described in the Official Statement of the City.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City and bond registrar at least two weeks prior to the closing date. In the absence of such information, the City will deliver Bonds in the denomination of each maturity registered in the name of the successful bidder.

The initial reoffering price to the public shall be furnished to the City by the successful bidder at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished by the successful bidder at closing.

The Bonds will be delivered to the purchaser on or about October 23, 1990, at any such bank or trust company in the State of Kansas, Kansas City, Missouri, Chicago, Illinois, or New York, New York, as specified by the purchaser, or elsewhere at the expense of the purchaser. CUSIP identification numbers will be printed on said Bonds, but neither the failure to print such numbers on any Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of the CUSIP numbers on said Bonds, including the CUSIP Service Bureau’s charge for assignment of said numbers, will be paid for by the City.

The population of the City is approximately 20,574. The 1989 assessed valuation of all taxable tangible property within Leawood, Kansas is $214,907,364, including motor vehicle valuation of $30,062,921. The total general obligation bonded indebtedness of Leawood, Kansas, at the date hereof, including the issue of bonds herein offered for sale, is $11,513,653. The City of Leawood has temporary notes outstanding in the total amount of $7,325,000, of which $1,730,000 will be redeemed and cancelled from the proceeds of the Bonds herein offered for sale and pre-payments of tax assessments.

A good faith deposit by cashier’s or certified check in the amount of 2% of the total amount of the bid for the Bonds shall accompany each bid.
Additional copies of this Notice of Bond Sale, copies of the City's Official Statement relating to the Bonds and further information may be obtained from the undersigned City Finance Director or George K. Baum & Company, 12 Wyandotte Plaza, 120 West 12th Street, Kansas City, Missouri 64105, (816) 474-1100, the City's financial advisor.

Mailed bids should be addressed to Harry Malnicof, City Finance Director, City of Leawood, Kansas, 9617 Lee Boulevard, Leawood, Kansas 66206, and marked "Bid for purchase of $1,848,653 General Obligation Improvement Bonds, Series 1990-A, Leawood, Johnson County, Kansas." Bids may also be delivered to the said officer at City Hall, Leawood, Kansas, at or immediately prior to 2:00 o'clock p.m. on the sale date.

DATED at Leawood, Kansas, this 18th day of September, 1990.

HARRY MALNICOF,
City Finance Director

Section Three: That proposals for the purchase of said bonds shall be submitted in the form of the proposal attached hereto as Exhibit A which form is hereby approved for use by bidders or prospective purchasers of said bonds.

Section Four: That the Preliminary Official Statement in substantially the form attached hereto as Exhibit B 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 by Rule 15c2-12(b)(1) of the Securities and Exchange Commission. The Director of Finance is authorized and directed to cause such official statement, together with the proposal and notice of bond sale, to be printed and/or published as required by law and mailed or otherwise distributed to known interested prospective bidders and purchasers.

Section Five: That the Governing Body hereby finds and determines as follows:

(a) None of the gross proceeds of the bonds will be used (on a basis different from use by the general public of the improvements to be financed with the bonds), directly or indirectly, in any trade or business carried on by any person (including exempt persons) other than the City, any political subdivision of the State of Kansas or any governmental unit of the State of Kansas, or to make loans to any such person;

(b) The amount of tax-exempt obligations (other than private activity bonds) which the City reasonably anticipates will be issued during the calendar year 1990 does not
exceed $10,000,000 and the City shall not issue more than $10,000,000 of any such obligations.

The Governing Body hereby designates the bonds as "qualified tax exempt obligations" for purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986.

Section Six: This Resolution shall take effect and be in force from and after its passage and approval by the Governing Body of the City.

PASSED by the Governing Body this 17th day of September, 1990.

SIGNED by the Mayor this 17th day of September, 1990.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk
EXHIBIT A

PROPOSAL FOR THE PURCHASE OF BONDS

OF

THE CITY OF LEAWOOD, KANSAS

TO THE CITY OF LEAWOOD, KANSAS:

For $1,848,653 principal amount of General Obligation Improvement Bonds, Series 1990-A, of the City of Leawood, Kansas, described in your Notice of Bond Sale, dated September 18, 1990, said bonds to bear interest as follows:

SERIES 1990-A BONDS

<table>
<thead>
<tr>
<th>Maturity</th>
<th>Amount</th>
<th>Interest Rate Per Annum</th>
<th>Maturity</th>
<th>Amount</th>
<th>Interest Rate Per Annum</th>
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<tbody>
<tr>
<td>1991</td>
<td>143,653</td>
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<td>1998</td>
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The undersigned will pay 100% of the principal amount of said Bonds plus accrued interest to date of delivery, plus a total premium of $__________________.

Total interest cost to the City on entire bond issue calculated to maturity on the rates specified above.................. $________

Total premium on entire bond issue on basis of this Bid.......................... $________

Net interest cost to the City on entire bond issue on basis of this Bid........ $________

Average annual net interest rate to the City on basis of this Bid.................. ________%

This proposal is subject to all of the terms and conditions contained in said Notice of Bond Sale, and if the undersigned is the successful bidder, the undersigned will comply with all of said provisions.
A cashier’s or certified check, in the amount of $36,973.06 payable to the order of the City of Leawood, Kansas, accompanies this proposal as an evidence of good faith. Said check shall be returned to the undersigned if the bid of the undersigned is not accepted. If the bid of the undersigned is accepted but said City shall fail to deliver its bonds to the undersigned in accordance with the terms of this proposal, said check or the proceeds thereof shall be delivered to the undersigned. If the bid herein contained is accepted, then the check delivered to the City on account of such bid, or the proceeds thereof, shall be held by the City until the undersigned shall have complied with all of the terms of said notice and such bid, at which time the amount of said check shall be paid to or upon the order of the undersigned. If the bid herein contained is accepted and if the undersigned shall default in the performance of any of the terms and condition of such bid, the amount of such check shall be retained by the City as and for liquidated damages.

Submitted by: ____________________________
(Name of Firm)

By: ____________________________
(Name) (Office)

Account Members:

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

The City hereby agrees to deliver or cause to be delivered to you, within seven business days of the date of this Agreement, a reasonable number of copies of the final Official Statement of the City setting forth, among other matters, information concerning the City and the Bonds that is complete and accurate as of the date of the delivery to you of the final Official Statement.
Pursuant to action duly taken by the Governing Body of the City of Leawood, Kansas, the above proposal is hereby accepted this ___ day of _____________, 19__.

THE CITY OF LEAWOOD, KANSAS

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

(Note: No additions or alterations in the above proposal shall be made and any erasures may cause a rejection of any bid. Bids must be filed with the City Finance Director of the City of Leawood, Kansas, at the City Hall, 9617 Lee Boulevard, Leawood, Johnson County, Kansas, sealed at or prior to 2:00 P.M. local time, on October 2, 1990, or delivered to said officer at City Hall in Leawood, Kansas at or immediately prior to that time on said date.)
EXHIBIT B

THIS PRELIMINARY OFFICIAL STATEMENT DATED SEPTEMBER 18, 1990
RESOLUTION

WHEREAS, Mr. Herbert Heyde, a resident of the City of Leawood for many years, passed away on September 26, 1990; and

WHEREAS, Mr. Heyde served as President of the Leawood Homes Association for over ten years, and was President at the time of his death; and

WHEREAS, Mr. Heyde dealt with many community issues with integrity, honesty, and forthrightness; and

WHEREAS, in all city, governmental, and community functions, Mr. Heyde displayed a constant concern for the betterment of Leawood and the protection of residential homeowners' interests; and

WHEREAS, the City of Leawood wishes to acknowledge the quality of Mr. Heyde's years of faithful and dedicated service, and his invaluable contribution to community welfare;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood extend its sincere sympathy to the Heyde family, and that this Resolution be sent to his widow, Ethel Heyde, of 9221 Wenonga, Leawood.

Adopted by the Governing Body this 2nd day of October 1990.

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
WHEREAS, the Shawnee Mission Public Schools have proudly announced the creation of the Shawnee Mission Center for International Studies dedicated to the opening of windows of global understanding; and

WHEREAS, the Shawnee Mission Public Schools believe that one must learn to speak the language of others, know world geography, be knowledgeable about international issues, understand the challenges of the new global economy, and remove the mystery of people "beyond our borders"; and

WHEREAS, the Shawnee Mission Center for International Studies is an extension of that philosophy and is designed to facilitate communication, promote academic and personal success through cultural understanding, excite intellectual curiosity, and inspire a world view;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, supports and endorses the efforts of the Shawnee Mission Public Schools to create a vital and successful Center for International Studies dedicated to equipping students for the next century.

Adopted by the Governing Body this 2nd day of October, 1990.

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1006

The Leawood City Council wishes to express its support of the Johnson County Museum’s application for an Historic Resources Survey Grant, and

WHEREAS, the Johnson County Museum System has applied to the Kansas State Historical Society for a grant to do a Johnson County Master Plan and Historic Resources Survey, and

WHEREAS, the City of Leawood includes ground that is traversed by the Oregon Trail, and

WHEREAS, this project is the first step in developing a preservation plan for historic resources in Johnson County, and

WHEREAS, areas that may be historically significant within the City of Leawood are under development pressure, and

WHEREAS, increasing the public’s awareness of their past will give them a sense of place for the future,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby express its support for the application for a grant to do a Johnson County Master Plan and Historic Resources Survey.

Adopted by the Governing Body this 2nd day of October, 1990.

(S E A L) 

Marnicia Rinehart Mayor

Attest:

Martha Helizer City Clerk
RESOLUTION NO. 1007

A RESOLUTION CERTIFYING AVAILABILITY OF LOCAL MATCH FUNDS FOR CONSTRUCTION OF K-150 CORRIDOR PROJECT IN THE CITY OF LEAWOOD.

WHEREAS, the City of Leawood has for several years had under study plans for the improvement and reconstruction of K-150 Highway as it passes through the City of Leawood; and

WHEREAS, the K-150 Corridor project will include improvement and reconstruction of Highway K-150 (which is also known as 135th Street) as well as construction and improvement of connecting streets and frontage roads; and

WHEREAS, the City of Leawood has for a number of years planned for financing of the improvement and construction of K-150 Highway as a part of its capital improvements plan; and

WHEREAS, the City has previously adopted a K-150 impact fee ordinance for the purposes of accumulating funds to be used by the City in connection with improvements proposed for the K-150 Corridor; and

WHEREAS, the City has previously adopted as a part of its zoning and land use regulations, provisions which require developers to pay for a portion of costs of construction of roadways adjoining development; and

WHEREAS, it is the intent of the City to pass the cost of development of the K-150 Corridor to those individuals and businesses that will benefit most from the construction of this project so as to minimize the cost to the City at large; and

WHEREAS, the City recognizes that in addition to the benefit to be derived by properties adjoining or adjacent to the K-150 Corridor, that the City at large will benefit significantly from the construction of the K-150 Corridor project; and

WHEREAS, K-150 Highway has previously been designated by the City as a main trafficway within the City of Leawood pursuant to the provisions of K.S.A. 12-685 et seq.; and

WHEREAS, it is the City's intent that the costs of construction and improvement of the K-150 Corridor be paid from a variety of funding sources available to the City, including, but not limited to, funding as a main trafficway, county funding, impact fees, developer fees and improvement district funding; and
WHEREAS, costs of construction of the initial improvement of K-150 which are not paid from other sources of funding identified herein will be financed as a main trafficway by the City under the authorization of K.S.A. 12-685 et seq.; and

WHEREAS, a portion of the K-150 Corridor project has been approved for financing as a part of the Kansas Comprehensive Highway Program; and

WHEREAS, the State of Kansas has requested as a part of project development that the City provide a resolution certifying that the local match funds are in place for the System Enhancement Project and identifying the source of funds;

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

Section 1. Pursuant to request of the Kansas Department of Transportation, the City of Leawood does certify that funds will be available to match funds provided by the State of Kansas as a part of the System Enhancement Project for the improvement of K-150 Leawood Corridor. Funds which are not otherwise available for matching funds will be funded pursuant to the provisions of K.S.A. 12-685 et seq. as said roadway has previously been designated as a main trafficway within the City of Leawood.

Adopted by the Governing Body this 15th day of October, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1008

The Leawood City Council has considered the request for final plat approval of Leawood Commons, located at approximately 113th and Nall and hereby finds the following:

WHEREAS, the Plan Commission has considered the request for final plat approval, and

WHEREAS, the proposed plat contains 16.4 acres divided into 14 lots and 5 tracts to allow development of an office park, and

WHEREAS, the property is currently zoned CP-O, Planned Office Building District (Ordinance 898, approved by Council 1-20-86), and

WHEREAS, a revised preliminary site plan was approved by the Council September 4, 1990, Resolution No. 1003, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Prior to recording the plat, the owner/developer is required to place into escrow one-eighth of the cost of signalizing 115th and Nall up to $15,000. A letter of credit may also be issued with a 3 year maximum time limit. The Director of Public Works will estimate the cost of signalization.

2. Prior to recording the plat, the developer is to submit Homes Association Declarations and Declaration of Restrictions to Leawood Commons to the staff for review and comment.

3. Prior to recording the plat, the developer is to submit application for vacation of Rosewood to Council. This may involve the replat of Lot 19, Block 9, Leawood Country Manor, 8th Plat. If a replat is required, the developer of Leawood Commons is to do this, and

WHEREAS, the staff recommends changing stipulation #3 to read, 3. Prior to recording the plat, the vacation of Rosewood is to be complete.

WHEREAS, the developer and owner agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for final plat approval of Leawood Commons with stipulations.

Adopted by the Governing Body this 5th day of November, 1990.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1009

WHEREAS, in order to foster and promote friendly relations and mutual understanding between citizens of the City of Leawood, Kansas, and citizens of friendly nations outside of the United States of America, the Governing Body of the City of Leawood declared its intent by adoption of Resolution No. 884 on December 21, 1987, to enter into a Sister Cities relationship with the City of I-Lan, Taiwan, Republic of China; and

WHEREAS, the City of Leawood and the City of I-Lan entered into a reciprocal relationship of enduring friendship and international peaceful cooperation at Chi-Ching Hall in I-Lan on October 7, 1988; and

WHEREAS, J.H. Ouyang has admirably served the Republic of China as Director General of the Kansas City Office of the Coordination Council for North American Affairs for the past four years; and

WHEREAS, Mr. Ouyang will very shortly assume the duties of Director General of the Houston Office; and

WHEREAS, the City of Leawood is most appreciative of Mr. Ouyang's contribution to mutual understanding between our people;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, express its gratitude to Mr. Ouyang for his dedicated service in the Kansas City metropolitan area, and wish him well in his new appointment.

Adopted by the Governing Body this 5th day of November, 1990.

Marcia Rinehart        Mayor

Attest:

Martha Heizer        City Clerk
RESOLUTION NO. 1010

The Leawood City Council has considered the request for approval of a replat to be known as Hallbrook Farms, Plat 1-A located at 11700 Norwood, 2805 West 117th St. and 2809 West 117th Street and hereby finds the following:

WHEREAS, the proposed replat will subdivide 3 lots into 2 lots in Hallbrook Farms, First Plat in order to allow a larger home to be constructed on the resulting 2 lots, and

WHEREAS, the resulting lots exceed the lot standards for RP-1, and

WHEREAS, a home is already constructed on Lot 15, to be replatted as lot 1, and the yard will be made larger, and

WHEREAS, the plat submitted has no technical deficiencies, and

WHEREAS, this replat is necessary in order to make a lot large enough to build a home comparable to the surrounding homes in Hallbrook.

NOW, THEREFORE BE IT RESOLVED that the Plan Commission does hereby recommend approval of the final plat of Hallbrook Farms, Plat 1-A with no stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Hallbrook Farms, Plat 1-A with no stipulations.

Adopted by the Governing Body this 3rd day of December, 1990.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1011


WHEREAS, Section 11.2(a) of the "Personnel Rules and Regulations" dated January 3, 1984, and as amended October 3, 1988, requires that holidays for all regular employees of the City of Leawood be confirmed by resolution of the City Council each year; and

WHEREAS, after review of the holiday dates in 1991, staff recommends that the following schedule be adopted;

NOW, THEREFORE, BE IT RESOLVED that the City Hall of Leawood, Kansas, shall be closed on the following holiday dates in 1991:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>January 1</td>
</tr>
<tr>
<td>President's Day</td>
<td>February 18</td>
</tr>
<tr>
<td>(3rd Monday-February)</td>
<td></td>
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<tr>
<td>Memorial Day</td>
<td>May 27</td>
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<tr>
<td>(last Monday-May)</td>
<td></td>
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<tr>
<td>Independence Day</td>
<td>July 4</td>
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<tr>
<td>Labor Day</td>
<td>September 2</td>
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<tr>
<td>(1st Monday-September)</td>
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<tr>
<td>Thanksgiving</td>
<td>November 28/29</td>
</tr>
<tr>
<td>(4th Thurs. &amp; Fri.-November)</td>
<td></td>
</tr>
<tr>
<td>Christmas</td>
<td>December 25</td>
</tr>
</tbody>
</table>

Adopted by the Governing Body this 3rd day of December, 1990.

(S E A L)

Mayor

Attest:

City Clerk
RESOLUTION NO. 1012


WHEREAS the Governing Body of the City of Leawood has determined after due deliberation that it is advisable and in the best interest of the City of Leawood to combine the operations of the park department and the Recreation Commission;

WHEREAS K.S.A. 12-1929 authorizes the City to combine the operations of its parks system and public recreation system;

WHEREAS the aforesaid statutes require the City, prior to adopting an ordinance combining its park system and recreation system, to publish notice of its intention to combine the two systems and to establish a single department; and

WHEREAS the governing body has determined that the City Clerk should be directed to publish notice as required by K.S.A. 12-1929.

NOW THEREFORE be it resolved by the governing body of the City of Leawood.

The City Clerk is hereby directed to publish notice stating that the City of Leawood intends to combine its parks system and its recreation commission and to establish a single department to be known as the Parks and Recreation Department. The Clerk is further directed to publish such notice once each week for two consecutive weeks in the official city newspaper. If within thirty (30) days after the last publication of the notice a petition is filed, signed by at least five percent (5%) of the qualified electors of the City of Leawood requesting an election upon such question, an election shall be called thereon as prescribed by law. If no protest or not sufficient protest is filed, or if an election is held and the proposition carries by a majority of those voting thereon, the Governing Body may by ordinance provide for the establishment of a combined parks and recreation department.

PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 7th day of January, 1991.

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk

Richard S. Wetzler, City Attorney
NOTICE OF INTENTION OF THE CITY OF LEAWOOD, KANSAS TO COMBINE ITS PARK SYSTEM AND RECREATION COMMISSION IN THE MANNER AUTHORIZED BY § 12-1929, KANSAS STATUTES ANNOTATED.

Notice is hereby given pursuant to the provisions of K.S.A. 12-1929 that the City of Leawood, Kansas intends to combine its park system and Recreation Commission. If within thirty (30) days of the last publication of this notice a petition is filed, signed by at least 5% of the qualified voters of the City of Leawood requesting an election upon such question, an election shall be called and held thereon. If no protest petition or insufficient petition is filed or if an election is held and the proposition carries by a majority of those voting thereon, the Governing Body, by ordinance, may provide for the combining of its park system and its recreation system and the establishment of a combined park and recreation department.

CITY OF LEAWOOD, KANSAS

Martha Heizer
City Clerk
RESOLUTION NO. 1013

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD.

WHEREAS, the Code of the City of Leawood omits certain fee schedules for reasons of economy and expediency; and

WHEREAS, the City Administrator is, by Section 1-701 of the Code of the City of Leawood, authorized to make fee adjustments necessary from time to time, and annually report to the Council amounts at which such fees are established;

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

Section 1. That the following fee schedule for 1991 is hereby ratified:

FEE SCHEDULE: CONSTRUCTION, ALTERATIONS AND REMODELING.

New Building Construction Permits

1. Permit fees

2. Subcontractor fees (mechanical, electrical, and plumbing) $50.00 each

Existing Building Construction Permits

Residential:
1. Building alterations, remodeling, additions, decks (fees are calculated on the area being added or improved) $30.00 min.+.07/SF
2. Mechanical, electrical, and plumbing $25.00 each

Commercial, Office, Industrial:
1. Interior finish for new construction; building alterations, remodeling .10/SF
2. Mechanical, electrical, plumbing 50.00 each

Miscellaneous
1. Swimming pools, whirlpool, hydropool, etc.
   a. Residential-single family 75.00 each
   b. Other than residential s.f. 150.00 each
2. Reroofing $30.00 + 1.50/square over 20 squares

3. Lawn sprinkler systems
   a. Residential (s.f.-single lot) 50.00 each
   b. Residential (multi units-single lot) 50.00/s.f. unit or 50.00/multi unit bldg.
   c. Commercial Based on valuation determined by bldg. official and figured in accordance with UBC Table No. 3A

4. Towers, satellite dish equipment, solar equipment
   a. Single family 25.00 each
   b. Commercial 100.00 each

5. Demolition, each unit or building 60.00 each

6. Structure moving 150.00 each

7. Street curb cut 15.00 each

8. Fences, walls, patio covers
   a. Privacy fences exceeding 4 feet in height encompassing patios 20.00 each
   b. Lot perimeter fences exceeding 4 feet in height on lots to 22,000 s.f. 20.00 each
   c. Lot perimeter fences exceeding 4 feet in height on lots greater than 22,000 s.f. up to 1 acre 50.00 each
   d. Subdivision perimeter fences and lot perimeter fences exceeding 4 feet in height on lots greater than 1 acre Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A
   e. Fence replacement sections exceeding 4 feet in height and 10 feet in length 20.00 each
   f. Pool fences 6 feet in height around perimeter of pool only 20.00 each
g. Walls

1. Privacy walls over 4 feet in height encompassing patios $ 50.00 each

2. Lot and subdivision perimeter walls over 4 feet in height Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A

3. Retaining walls over 4 feet in height (other than as part of home) Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A

h. Patio covers 20.00 each

9. Major foundation repair 25.00 each

10. Reissuance of building permit (duplicate of original) 60.00 each

Occupancy of Space or Building

Application fee 20.00 each
Inspection fee 30.00 each

Reinspection Fees

Residential 30.00 each
Office/commercial 30.00 each
Occupancy 20.00 each

4-803(b)(3). FEES FOR OIL AND GAS DRILLING AND PRODUCTION.

Special Use Permit 400.00
Permit for one well 100.00
Blanket permit - multi wells 300.00
11-306. FALSE ALARMS.
    Seven (7) through ten (10) false alarms $25.00 each
    Eleven (11) through fourteen (14) false alarms 50.00 each
    Fifteen (15) through eighteen (18) false alarms 75.00 each
    Nineteen (19) and each subsequent alarm 100.00 each

13-1A03. PERMIT FEES; SIDEWALKS.
    For any permit issued under the provisions of this article 10.00 each

13-207. PERMIT FEES; STREETS.
    For any permit issued under the provisions of this article 10.00 each
    Maintenance bond 100% of construction cost for 2 years

13-225. BACK CHARGE RECOVERY COST FEES; "MUD ORD."
    For men and/or equipment. This is not a service. Back charged work will be done only with the approval of the Director or Asst. Director of Public Works. There will be a one hour minimum charge. Transportation to the job site will be charged at the same rate.
    Men with hand tool only 16.00/hr.
    Pick-up truck with driver 26.00/hr.
    Dump truck with driver 41.00/hr.
    Sweeper with operator 86.00/hr.
    Jet rodder with operator 86.00/hr.
    Back hoe with operator 56.00/hr.
    Mowing tractor with operator 56.00/hr.
    Bobcat, pick-up, trailer, and hand tools with operator 66.00/hr.
    Grader with operator 66.00/hr.
    Loader with operator 66.00/hr.
    Outside contractors 65.00/hr. with a 3 hr. min.

15-110. SEWER CONNECTION CHARGE.
    800.00 + 17.50 inspection fee
### Fees for Zoning Procedures

<table>
<thead>
<tr>
<th>Rezoning</th>
<th>Tract Size</th>
<th>Rezoning Fee</th>
<th>Preliminary Plan</th>
<th>Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td>(RP-A to RP-4)</td>
<td>5+ - 40</td>
<td>$400</td>
<td>$400</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>40+ - up</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td>Office (CP-0)</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>5+ - 10</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>10+ - 25</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>25+ - 50</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>50+ - up</td>
<td>$400</td>
<td>$400</td>
<td>$250</td>
</tr>
<tr>
<td>Commercial (CP-1 to CP-2)</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>5+ - 10</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>10+ - 25</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>25+ - 50</td>
<td>$400</td>
<td>$400</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>50+ - up</td>
<td>$300</td>
<td>$300</td>
<td>$250</td>
</tr>
<tr>
<td>Recreation (REC)</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>5+ - 25</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>25+ - up</td>
<td>$300</td>
<td>$300</td>
<td>$200</td>
</tr>
<tr>
<td>Industrial (PI)</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
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<td></td>
<td>5+ - 10</td>
<td>$300</td>
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<td>$150</td>
</tr>
<tr>
<td></td>
<td>10+ - up</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td>Business Park (BP)</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
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<td></td>
<td>5+ - 10</td>
<td>$300</td>
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<td>$150</td>
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<td></td>
<td>10+ - 25</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
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<tr>
<td></td>
<td>25+ - 50</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>50+ - up</td>
<td>$300</td>
<td>$300</td>
<td>$250</td>
</tr>
<tr>
<td>Special Development (SD)</td>
<td>0 - 5 acres</td>
<td>$300</td>
<td>$300</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>5+ - 10</td>
<td>$400</td>
<td>$400</td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>10+ - 25</td>
<td>$400</td>
<td>$400</td>
<td>$300</td>
</tr>
<tr>
<td></td>
<td>25+ - up</td>
<td>$400</td>
<td>$400</td>
<td>$300</td>
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<tr>
<td>Mixed Zoning (Combination of any two or more districts)</td>
<td>0 - 10 acres</td>
<td>$400</td>
<td>$400</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>10+ - 25</td>
<td>$400</td>
<td>$400</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>25+ - 50</td>
<td>$400</td>
<td>$400</td>
<td>$300</td>
</tr>
<tr>
<td></td>
<td>50+ - 75</td>
<td>$600</td>
<td>$600</td>
<td>$300</td>
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<td></td>
<td>75+ - up</td>
<td>$700</td>
<td>$700</td>
<td>$350</td>
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<tr>
<td>Special Use Permits</td>
<td>0 - 5 acres</td>
<td>$400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>except oil and gas</td>
<td>5+ - 10</td>
<td>$500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10+ - up</td>
<td>$600</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Special Use Permit—
temporary short term,
not longer than 10 days
as defined in Sec. 4-3.1(31)
of the Leawood Development
Ordinance

Text amendment to Leawood
Development Ordinance 300

Other Plan Approvals
Revision of final plan 150.00
Landscape Plan 200.00
Sign Plan Approval 150.00
(commercial)
Flood Plain Development 200.00

Streets, Utility Vacation 200.00

Board of Zoning Appeals
1. Hearing 75.00
2. Request for fence
   height exception 75.00

Applicant is responsible for the cost of publishing rezoning,
preliminary plat or special use permit Notice of Hearing.

Applicant is responsible for the cost of publishing rezoning,
special use permit, or vacation ordinance following City Council
approval, and cost of recording plats. (See fees for Final
Plat Submission.)

Applicant shall be responsible for paying a late fee in the
amount of $500.00 if an application for site development plan is
submitted to the City after the deadline for submissions has expired.

Sign permit fees
1. Temporary sign up to 5 s.f 5.00 each
2. Developer temporary sign
   a. Small (0/SF to 32/SF) 20.00 each
   b. Large (Over 32/SF) 50.00 each
3. Monument signs/structures
   (additional elec. permit required) 50.00 each
4. Permanent sign-wall signs 2.00/SF—minimum
   25.00

16-402. FEES FOR SUBDIVISION REGULATION PROCEDURES.

Preliminary Plat Submission:
Applicant to pay $400.00 minimum plus $2.00 per lot.
Final Plat Submission:
Applicant to pay $200.00 minimum plus $2.00 per lot

PLANNING AND DEVELOPMENT DEPARTMENT DOCUMENT FEES.

<table>
<thead>
<tr>
<th>Document</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Book</td>
<td>$25.00 each</td>
</tr>
<tr>
<td>Leawood Development Ordinance</td>
<td>$10.00 each</td>
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<tr>
<td>Subdivision Regulations</td>
<td>$5.00 each</td>
</tr>
<tr>
<td>Zoning Map</td>
<td>$3.00 each</td>
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<tr>
<td>Subdivision Map</td>
<td>$3.00 each</td>
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<tr>
<td>Comprehensive Plan Map</td>
<td>$5.00 each</td>
</tr>
<tr>
<td>K-150 Plan Map</td>
<td>$3.00 each</td>
</tr>
<tr>
<td>Leawood Street Plan Map</td>
<td>$5.00 each</td>
</tr>
</tbody>
</table>

Other Department Publications/Report Fees (to be individually determined based upon printing costs)

- Fees According to Open Records Act
  - Record Search (Ordinance No. 801) $10.00 minimum
  - Copying fee per page $.50

Adopted by the Governing Body this 7th day of January, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION

WHEREAS, Mr. James R. Cope, a resident of the City of Leawood, passed away January 12, 1991; and

WHEREAS, Mr. Cope served on the Leawood City Council from May 1, 1967 to May 5, 1969, at which time he was presented a Key to the City; and

WHEREAS, Mr. Cope was elected Municipal Court Judge in April 1971 to serve a 2-year term, and was reelected in 1973 and 1975, and served until May 2, 1977. He was presented a Certificate of Appreciation on July 18, 1977 for his 6 years as Judge; and

WHEREAS, the City of Leawood wishes to reacknowledge Mr. Cope’s years of faithful and dedicated service and support, and his invaluable contribution to City government and community welfare;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood that a tree be planted in memory of Mr. Cope; and

BE IT FURTHER RESOLVED that the Governing Body extend its sincere sympathy to his family, and that this Resolution be sent to his widow, Nancy Cope.

Adopted by the Governing Body this 21st day of January, 1991.

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1014

RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, CONSENTING TO THE ENLARGEMENT OF AREA INTO CERTAIN SEWER DISTRICTS GOVERNED BY JOHNSON COUNTY, KANSAS

On 21st day of January, 1991, the Governing Body of the City of Leawood, Kansas, met in regular session with the Mayor and a majority of the Council being present.

There comes before the Council for consideration the matter of the enlargement of Tomahawk Creek Sewer Sub-District No. 1. The tracts to be enlarged into sewer districts governed by the county are described on Exhibit A attached and made a part of this resolution. The provisions of Charter Resolution 18-84 Johnson County, Kansas, provide that when any such sewer districts extend into the city limits of any incorporated city, the Board of County Commissioners shall not have the power to create or extend such sewer district within the city limits without the consent of the governing body of the city.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that the City does hereby consent that the property shown and described on Exhibit A be included within sewer districts as described and which are governed by Johnson County, Kansas.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk
LEGAL DESCRIPTION FOR THE ENLARGEMENT OF
TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 1
AND ENLARGEMENT OF TOMAHAWK CREEK SEWER SUB-DISTRICT NO. 1
AND ENLARGEMENT OF LATERAL SEWER DISTRICT NO. 1
(PART OF S½, SE¼, SECTION 22-13-25)
CITY OF LEAWOOD
JOHNSON COUNTY, KANSAS

All that part of the S½ of the SE¼ of Section 22, Township 13, Range 25, now in the
City of Leawood, Johnson County, Kansas, more particularly described as follows;

Commencing at the Southeast corner of the SE¼ of said Section 22; thence
N 89° 58' 22" W, along the South line of the SE¼ of said Section 22, and along the
North line and its extension of Block 1, LEAWOOD SOUTH, FIRST PLAT, a subdivision of
land now in the City of Leawood, Johnson County, Kansas, and along the South line and
its extension of Block 1, ROYCE, a subdivision of land now in the City of Leawood,
Johnson County, Kansas, and along the South line and its extension of Block 1, ROYCE,
SECOND PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas,
a distance of 1563.97 feet, to the Southwest corner of Lot 27, Block 1, of said ROYSE,
SECOND PLAT, said point also being the true point of beginning of subject tract;
thence N 0° 01' 38" E, along the Westerly line of said Lot 27, a distance of 110 feet;
thence N 27° 35' 51" E, along the Northwesterly line of said Lot 27, a distance of
167.94 feet, to the most Northerly corner thereof; thence Northwesterly, along the
Southerly right-of-way line of 127th Street, as now established, said line being on a
curve to the left having a radius of 320 feet, a central angle of 8° 44' 04" and whose
initial tangent bearing is N 62° 24' 09" W, a distance of 48.78 feet, to a point on
the Southerly extension of the Westerly line of Lot 11, Block 5, of said ROYSE, SECOND
PLAT; thence N 18° 51' 47" E, along the Westerly line and its extension of said Lot
11, a distance of 193.14 feet, to the most Northerly corner thereof; thence N 34° W,
along the Southwesterly line of Lot 10, of said Block 5, a distance of 23.80 feet, to
the Southwesterly corner thereof; thence N 35° E, along the Northwestern line of said
Lot 10, and along the Northwestern line of Lot 17, Block 5, ROYSE 6th PLAT - A REPLAT
OF PART OF 2ND PLAT, LOTS 7, 8 AND 9, BLOCK 5, a subdivision of land now in the City
LEGAL DESCRIPTION FOR THE ENLARGEMENT OF
TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 1
AND ENLARGEMENT OF TOMAHAWK CREEK SUB-DISTRICT NO. 1
AND ENLARGEMENT OF LATERAL SEWER DISTRICT NO. 1
OF TOMAHAWK CREEK SEWER SUB-DISTRICT NO. 1
(PART OF S½, SE1, SECTION 22-13-25)
CITY OF LEAWOOD
JOHNSON COUNTY, KANSAS
December 13, 1990
Revised December 27, 1990
Page 2

of Leawood, Johnson County, Kansas, a distance of 304.66 feet, to the most Northerly
corner of said Lot 17, said point also being the most Southerly corner of Lot 14,
Block 5, ROYSE, FOURTH PLAT, a subdivision of land now in the City of Leawood, Johnson
County, Kansas; thence N 19° 48' W, along the Westerly line of Lots 14 and 15, of said
Block 5, and along the Easterly line and its extension of Lot 18, Block 5, ROYSE,
NINTH PLAT, a subdivision of land now in the City of Leawood, Johnson county, Kansas,
a distance of 288.13 feet, to the Northwesterly corner of said Lot 15; thence
Southwesterly, along the Southerly right-of-way line of 125th Street, as now
established, and along the Northerly line of said Lot 18, said line being on a curve
to the right having a radius of 650 feet, a central angle of 5° 44' 36" and whose
initial tangent bearing is S 73° 33' 24" W, a distance of 65.16 feet, to a point on
the Southerly extension of the Westerly line of Lot 2, Block 6, of said ROYSE, FOURTH
PLAT; thence N 10° 42' W, along the Westerly line and its extension of said Lot 2, and
along the Easterly line and its extension of Lot 3, Block 6 of said ROYSE, NINTH PLAT,
a distance of 175.08 feet; thence N 0° 28' W, along the Westerly line and its extension
of Lot 2, Block 6 of said ROYSE, NINTH PLAT, and along the East line of Lots 3 and 4, Block 6
of said ROYSE, NINTH PLAT, a distance of 169.75 feet, to the Northwest corner of said
Lot 1, said point also being on the North line of the S½ of the SE1 of said Section
22, said point also being the Southeast corner of Lot 2, Block 8, HUNTER'S RIDGE,
SIXTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas;
thence S 89° 59' 45" W, along the North line of the S½ of the SE1 of said Section 22,
along the North line and its extension of said ROYSE, NINTH PLAT, along the North line
and its extension of ROYSE, TENTH PLAT, a subdivision of land now in the City of
Leawood, Johnson county, Kansas, along the South line and its extension of said Block
8 and along the South line and its extension of Lot 1, Block 11, of said HUNTER'S
RIDGE, SIXTH PLAT, a distance of 1132.65 feet, to the Southwest corner of said Lot 1,
said point also being the Northwest corner of the S½ of the SE1 of said Section 22,
said point also being the Northwest corner of Lot 28, Block 1, of said ROYSE, TENTH
PLAT, said point also being on the East line of Block 12, LEAWOOD SOUTH, THIRD PLAT, a
subdivision of land now in the City of Leawood, Johnson County, Kansas; thence
S 0° 23' 03" W, along the West line of the S½ of the SE½ of said Section 22, along the West line and its extension of said ROYSE, TENTH PLAT, and along the East line of said Block 12, a distance of 1327.15 feet, to the Southwest corner of the SE½ of said Section 22, said point also being the Northwest corner of Lot 10 of said Block 12; thence S 89° 58' 22" E, along the North line and its extension of said Block 12, along the North line and its extension of Block 1, of said LEAWOOD SOUTH, FIRST PLAT, and along the South line of the SE½ of said Section 22, a distance of 1079.40 feet measured (1079.10 feet platted) to the true point of beginning of subject tract.

The above described tract of land contains 36.007 Gross Acres, more or less.
RESOLUTION NO. 1015

The Leawood City Council has considered the request for final plat approval in order to replat 5 lots into 4 lots located at 127th Terrace and Birch and hereby finds the following:

WHEREAS, the Highlands is zoned RP-1, and

WHEREAS, the property to be replatted contains 1.45 acres and will be replatted into 4 lots ranging from approximately 14,600 sq.ft. to 16,425 sq.ft., including the private street easement, and

WHEREAS, when the plat was originally approved the sideyards were set at 8 feet for one story and 13 feet for two story sides, and

WHEREAS, there are no deficiencies on the plat submitted, and

WHEREAS, the staff recommends approval of the replat as it is in keeping with the surrounding development,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for final plat approval for Highlands of Leawood, Fifth Plat.

Adopted by the Governing Body this 4th day of February, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1016

The Leawood City Council has considered the request for rezoning from REC to R-1, preliminary plat and final plat approval for B.S.D. Estates located at 123rd and Mission and hereby finds the following:

WHEREAS, the property was previously used as the site for a sewage treatment plant that has been removed, and

WHEREAS, the property owner desires to use the property for a single family home site, and

WHEREAS, the proposed preliminary and final plats will divide the property into one lot containing approximately 1.4 acres, and 3 tracts, and

WHEREAS, tract A is unbuildable as it is mainly floodplain, and tracts B and C will remain as part of the country club, and

WHEREAS, the drive for the home to be constructed will be aligned with Mohawk as long as trees do not need to be removed for the construction of the drive, and

WHEREAS, this property must pay a Park Impact Fee in the amount of $300 per dwelling unit payable before recording the plat, and

WHEREAS, there are no additional street fees as these have already been assessed to the property for the improvement of Mission Road and 123rd Street, and

WHEREAS, the Plan Commission held a public hearing on the requested rezoning and there were no persons attending in opposition to the application,

WHEREAS, the 15 day protest period has passed and no protest has been filed,

WHEREAS, the Plan Commission has reviewed the application and hereby recommends the following stipulations of approval:
1. The property is to pay a Park Impact Fee in the amount of $300 prior to recording the plat.
2. The staff will review and approve the location of the drive for the home on 123rd Street prior to releasing a building permit.
3. A mud bond in the amount of $5000 is to be submitted
prior to releasing a building permit, and

WHEREAS, the owner has agreed to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approved the request for rezoning from REC to R-1, preliminary plat and final plat approval for B.S.D. Estates located at 123rd and Mission with stipulations.

Adopted by the Governing Body this 19th day of February, 1991.

(S E A L)

Mayor

Marcia Rinehart

Attest:

City Clerk

Martha Heizer
The Leawood City Council has considered the request for preliminary plat approval for 143rd Estates, located at 143rd and Roe and hereby finds the following:

WHEREAS, the plat contains 40 acres divided into 4 lots of 10 acres each, and

WHEREAS, the Plan Commission has held a public hearing on the application, and

WHEREAS, according to the Subdivision Regulations this plat is responsible for street improvements for Roe and 143rd Street, and

WHEREAS, the plat dedicates the necessary right-of-way for both streets, and

WHEREAS, the applicant has asked for a waiver on the cost of the street improvements which is estimated to be $146,113 (1328.30’ X $110) for 143rd Street and $145,770.90 (1325.19’ X $110) for Roe, and

WHEREAS, this property is responsible for a Park Impact Fee in the amount of $300 per dwelling unit for a total of $1200 to be paid prior to recording the final plat, and

WHEREAS, this plat is responsible for a South Leawood Transportation Fee of $625 per acre for a total of $25,000 to be paid prior to recording the plat, and

WHEREAS, the plat states that Lots 1 and 4 will utilize septic tanks and lots 2 and 3 will be connected to the sanitary sewer, and

WHEREAS, there are no technical deficiencies on the plat, and

WHEREAS, the Plan Commission recommends approval of the preliminary plat of 143rd Street Estates with two stipulations:
1. A rear building line is to be established at the point where lots 26C and 20 of Merry Lea Farms intersect. This will allow for the future extension of 142nd Drive to the north.
2. There will be no waiver or variance on the street assessments for 143rd Street and Roe,

WHEREAS, the applicant has entered an agreement with the City whereby the applicant has agreed on behalf of itself and future owners of the property to pay for the costs of construction of Roe Avenue and 143rd Street adjoining the applicants' property, with appropriate covenants setting forth the obligations of the applicant or future owners of the property to be filed of record;

WHEREAS, the City has agreed to defer payment of assessments currently due on platting of said property to a future date pursuant to the terms of the agreement of the parties,
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary plat of 143rd Street Estates subject to the agreement of the applicant and the City of Leawood a copy of which is incorporated herein by reference as Exhibit A and payment of the fees referenced hereinbefore.


(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1018

A RESOLUTION RELATING TO STATE AID
FOR THE IMPROVEMENT OF CITY CONNECTING LINKS
ON THE STATE HIGHWAY SYSTEM

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

That the Mayor and City Clerk are authorized and directed to execute
for and on behalf of the City of Leawood, Kansas, Agreement
No. 154-90 between the City and the Kansas Department of Transportation,
giving the Secretary of Transportation of the State of Kansas authority to
act for the City, and in its place and stead, to obtain for the City the
benefits of State Aid and obtain the benefits of such legislation for the
City on the terms and conditions set forth in such agreement as may be
prepared and approved by the Secretary of Transportation for the improve-
ment as follows: the K-150 Corridor, in the City of Leawood is a
System Enhancement Project under House Bill 2014 (widen to four lanes with
median and turn lanes).

designated as a city connecting link on the State Highway System and known

Passed by the (Council)(Commission) this 19th day of February, 1991.

(Approved)(Signed) Maria Rinehart, Mayor

(SEAL)

ATTEST: Martha Heizer, City Clerk

Martha Heizer
RESOLUTION NO. 1019

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AND STATE AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 178-90 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal and State Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the construction of FAU-2870 in Leawood and Prairie Village, as follows: On Somerset beginning at 83rd Street northeast to Belinder designated as a city connecting link on the State Highway System and known as Project No. 46 U-1306-01(M-2780(004)).

Passed by the (Council) (Commission) this 19th day of February, 1991

(Approved) (Signed) Marcia Rinehart, Mayor

(SEAL)

ATTEST: Martha Heizer, City Clerk

Martha Heizer
RESOLUTION NO. 1020

RESOLUTION REQUESTING JOHNSON COUNTY, KANSAS, PARTICIPATION IN THE CITY OF LEAWOOD'S FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM THROUGH THE COUNTY'S ASSISTANCE ROAD SYSTEM (C.A.R.S.)

WHEREAS, the City of Leawood Governing Body has reviewed and approved the attached five-Year Road and Bridge Improvement Program, and

WHEREAS, the City of Leawood is requesting participation from Johnson County, Kansas, through the County's Assistance Road System (C.A.R.S.),

NOW, THEREFORE, be it resolved by the Governing Body of the City of Leawood, Kansas, that the attached Five-Year Road and Bridge Program be submitted to Johnson County, Kansas, per Johnson County's Resolution No. 44-90 and Resolution No. 106-90.

Adopted by the Governing Body this 19th day of February, 1991.

MARCIA RINEHART
MAYOR MARCIA RINEHART

ATTEST:

MARTHA HEIZER, CITY CLERK
# County Assistance Road System

**1992 - 1996**

<table>
<thead>
<tr>
<th>PRIORITY</th>
<th>PROJECT</th>
<th>START/FINISH</th>
<th>SCOPE OF PROJECT</th>
<th>EXISTING FACILITIES</th>
<th>CURRENT DESIGN: ELIGIBLE</th>
<th>COST</th>
<th>PERCENTAGES OF PARTICIPATION</th>
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<tr>
<td>92-1</td>
<td>6-150 (135th Street)</td>
<td>10/92-12/93</td>
<td>Reconstruction 6 Lane Divided Roadway</td>
<td>2 Lane Undivided</td>
<td>11,000/25,000</td>
<td>100</td>
<td>Leawood 150,500</td>
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<tr>
<td>92-3</td>
<td>83rd Street State Line Road to Nenona</td>
<td>2/92</td>
<td>Reconstruction 2 Lane Undivided Roadway</td>
<td>1/2 Lane</td>
<td>8,500/10,000</td>
<td>100</td>
<td>Leawood 70,60</td>
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<tr>
<td>92-3</td>
<td>Mission Road Bridge Over Indian Creek</td>
<td>10/92</td>
<td>2 Lane Roadway with 2 Sidewalks</td>
<td>1/2 Lane</td>
<td>12,000/8,000</td>
<td>100</td>
<td>Leawood 50,50</td>
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<tr>
<td>93-1</td>
<td>Mission Road 101st Street to College Boulevard</td>
<td>10/93</td>
<td>Construct 4 Lane Undivided Roadway</td>
<td>2 Lane Improved Road</td>
<td>1988 2,200,000</td>
<td>100</td>
<td>Leawood 241,500</td>
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<td>93-2</td>
<td>College Boulevard El Monte to State Line Road</td>
<td>2/93</td>
<td>Widet, Overlay and Construct New 4 Lane Undivided Roadway</td>
<td>3 Lane Roadway</td>
<td>0</td>
<td>20,000</td>
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<td>94-1</td>
<td>Mission Road 91st Place to 103rd Street</td>
<td>6/94</td>
<td>Construct to 4 Lane Roadway</td>
<td>2 Lane Road</td>
<td>16,100 10,000</td>
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<td>Leawood 150,50</td>
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<td>94-2</td>
<td>Hall Avenue 119th Street to 123rd Street</td>
<td>9/94</td>
<td>Construct 4 Lane Divided Roadway</td>
<td>2 Lane Rural Road</td>
<td>N/A</td>
<td>N/A</td>
<td>Leawood 150,50</td>
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<td>95-1</td>
<td>Roe Avenue 164th Street to 135th Street</td>
<td>12/95</td>
<td>Construct 3 Lane Divided Roadway</td>
<td>2 Lane Rural Road</td>
<td>3,700 2,000</td>
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<td>Leawood 50,50</td>
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<tr>
<td>95-2</td>
<td>151st Street Canterbury Road to Nenona</td>
<td>12/95</td>
<td>Construct to 4 Lane Roadway</td>
<td>2 Lane Rural Highway</td>
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<td>Leawood 150,50</td>
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<td>State Line Road 103rd to 143rd</td>
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<td>Straighten, Construct to 4 Lane</td>
<td>4 Lane Divided Roadway</td>
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<td>Leawood 22,100</td>
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<td>96-2</td>
<td>143rd Street Kenneth Road to Hall Avenue</td>
<td>2/96</td>
<td>Construct 4 Lane Undivided Roadway</td>
<td>2 Lane Rural Road</td>
<td>500 8,000</td>
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<td>Leawood 80,50</td>
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<tr>
<td>96-3</td>
<td>Mission Road 135th Street to 151st Street</td>
<td>12/96</td>
<td>Construct 4 Lane Undivided Highway</td>
<td>2 Lane Rural Road</td>
<td>2,000 8,000</td>
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<td>96-4</td>
<td>Hall Avenue 151st to South 1,200 Feet</td>
<td>2/96</td>
<td>Construct Road to 4 Lane</td>
<td>2 Lane Rural Road</td>
<td>N/A</td>
<td>N/A</td>
<td>Leawood 25,50</td>
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<tr>
<td>96-5</td>
<td>North Access Road of U-150</td>
<td>2/96</td>
<td>Construct New Roadway</td>
<td>No Road</td>
<td>0</td>
<td>10,000</td>
<td>Leawood 25,50</td>
</tr>
</tbody>
</table>

*Indicates City Administering Project
RESOLUTION NO. 1021

A RESOLUTION ESTABLISHING A PERMIT FEE FOR ELEVATORS NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD TO BE AN ADDITION TO THE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 1013.

WHEREAS, the Code of the City of Leawood omits certain fee schedules for reasons of economy and expediency; and

WHEREAS, the City Administrator is, by Section 1-701 of the Code of the City of Leawood, authorized to make fee adjustments necessary from time to time; and

WHEREAS, it has become necessary due to the complexity of elevator construction and installation to require separate permits and inspections for elevators including individual plan reviews;

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

Section 1. That the following fee is hereby added to the fee schedule established by Resolution No. 1013, adopted by the Governing Body January 7, 1991.

FEE SCHEDULE: CONSTRUCTION, ALTERATIONS, AND REMODELING.

    Miscellaneous
    11. Elevators
        a. Residential  $ 40.00
        b. Commercial  $ 50.00 per car

Adopted by the Governing Body this 19th day of February, 1991.

(S.E.A.L)  

Marcia Rinehart  
Mayor

Attest:

Martha Heizer  
City Clerk
SPECIAL HIGHWAY FUNDS

A. 1991 Overlay Program 200,000.00

Meadow Lane 81st St. N. to end
Reinhardt - 86th St. 8501 Belinder
Reinhardt - Mission Rd. to 86th St.
Reinhardt at 86th St. intersection
86th St. Reinhardt to Ensley
Fairway - 87th to 89th St.
92nd Terr. Mission Rd. to Wenonga Ln
92nd Place - 3520 92nd Pl. to Pawnee Ln
Wenonga Rd. 91st to 95th St.
Wenonga Rd. 103rd to 103rd Terrace
97th Place - Mission Rd. to Ensley Ln
Norwood - 87th Terrace to 89th St.

B. 1991 Rehabilitation Program 290,000.00

Manor Rd. Somerset to 81st St.
Ensley Lane 94th St. to 91 St.

C. 1991 Reconstruction Program 145,000.00

Mohawk 119th St. to 120th
93rd St. Mission Rd. to Wenonga
Cherokee 119th St. to 121th

D. Bridge 35,000.00

85th Terrace over Dykes Bridge (Design)

E. Arterial Overlay - 151 St. Nall to
E. City Limits 45,000.00

F. Miscellaneous

Traffic Marking (30 miles) 10,000.00
St. Dept. contingency (materials) 15,000.00
Nall Ave. overlay w/Overland Park
and Johnson County 37,000.00
Islands - 3 locations 18,000.00

SUBTOTAL 795,000.00 700,000.00

1990 Encumbered Funds 45,000.00
1990 Carry Over Funds 50,000.00

TOTAL 795,000.00
RESOLUTION

WHEREAS, Mr. Marion L. Teeter, Mayor of Spring Hill, Kansas, passed away April 6, 1991; and

WHEREAS, Mr. Teeter served on the Spring Hill City Council from 1976 to 1981, and had served as Mayor since 1981; and

WHEREAS, the City of Leawood wishes to acknowledge Mr. Teeter’s years of dedicated service and his invaluable contribution to city government and community welfare;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood, Kansas, extend its sincere sympathy to the family of Marion Teeter, and that this Resolution be sent to his widow, Patricia Teeter.

ADOPTED by the Governing Body this 15th day of April, 1991.

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1022

The Leawood City Council has considered the request for preliminary site plan approval for Phillips 66 located at 120th and Roe and hereby finds the following:

WHEREAS, the property is zoned CP-2, Planned General Retail, and
WHEREAS, the applicant is requesting approval of a preliminary and final site plan to allow construction of self service gasoline station with single bay car wash, and
WHEREAS, the parcel contains .8 of an acre and is part of a larger tract that contains more than 10 acres, and
WHEREAS, the applicant has submitted site plan, landscape plan, and elevations, and
WHEREAS, as a preliminary plan there are no deficiencies, and
WHEREAS, the final site plan will be considered by the Plan Commission at a later date, and
WHEREAS, the proposed buildings are constructed with a natural stone finish and the metal canopy is bronze with an illuminated red strip, and
WHEREAS, there are two signs shown on the plans, and
WHEREAS, the trash enclosure will be constructed with a stone face to match the buildings, and
WHEREAS, the plans indicate additional right-of-way for Roe Avenue for a total dedication of 60 feet, and
WHEREAS, In order to dedicate the right-of-way the site plan has shifted to east requiring that the Plan Commission and Governing Body grant a deviation in both the side and rear setbacks as allowed by Section 6-3.3G. of the Development Ordinance, and
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. The final plat will dedicate an additional 18 feet of right-of-way for Roe Avenue for a total right-of-way of 60 feet.
2. The landscaping as shown on the final site plan will meet the standards of Section 4-6 of the Development Ordinance.

3. The final site plan portion of the application will be continued for one month, and

WHEREAS, the applicant agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for preliminary site plan approval for Phillips 66 located at 120th and Roe with stipulations.

Adopted by the Governing Body this 6th day of May, 1991.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1023

The Leawood City Council has considered the request for preliminary site plan approval and preliminary and final plat approval for Midas located at 10342 State Line Road and hereby finds the following:

WHEREAS, the property is currently zoned PI, Planned Industrial and the proposed use is an allowed use in this district, and

WHEREAS, the applicant is requesting approval of a preliminary plat, final plat and preliminary site plan in order to remodel an existing vacant building into a Midas, and

WHEREAS, the building, once remodeled, will contain 4902 square feet on 27,994 square feet of property, and

WHEREAS, the remodeling will remove 17 feet from the south side of the existing building replacing the wall with 8 bay doors and an office area on the east end of the building, and

WHEREAS, Midas is proposing extensive improvements on the site replacing parking on the front of the building adjacent to State Line Road with sod and landscaping, and

WHEREAS, this site lies within Flood Zone A of the 1977 Flood Maps and the site must be floodproofed and a Development Permit will be required prior to obtaining a building permit, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval with the following stipulations:
1. Midas agrees not to oppose redevelopment efforts in the area of 103rd and State Line.
2. The signs will be allowed as shown on the site plan with the understanding that this is a deviation based upon the site configuration and building design.
3. A floodplain development permit must be issued by the City prior to issuance of a building permit for the remodeling, and

WHEREAS, the Governing Body adds these additional stipulations:
1. The applicant agrees to participate in the financing of future traffic signalization at the intersection of State Line and 103rd Terr.
2. Applicant agrees that if the hours of operation become a problem, the Council will have the opportunity to review the
hours and make appropriate changes.

3. Applicant is required to complete the north wall with the same brick veneer as used on the rest of the building, and

WHEREAS, the applicant agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for approval of the preliminary and final plats and preliminary site plan of Midas at 10342 State Line Road with stipulations.

Adopted by the Governing Body this 6th day of May, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
The Leawood City Council has considered the request for approval of the rezoning from AG and RP-1 to REC and REC to RP-1, preliminary plat and preliminary site plan of Hallbrook 4th Plat located at 118th and Norwood and hereby finds the following:

WHEREAS, the rezoning is necessary in order to align the zoning with the actual construction of the golf course, and

WHEREAS, the plat contains 45 single family lots on 36.872 acres, and

WHEREAS, the lots meet the requirements of RP-1 zoning, and

WHEREAS, this property is not liable for any impact fees, and

WHEREAS, the design and location of the sidewalk along 119th Street will be agreed upon by the developer and the staff prior to the final plat being considered by the Plan Commission,

WHEREAS, the Plan Commission recommends approval of the request for rezoning, preliminary plat and preliminary plan of Hallbrook 4th Plat with the following stipulations:

1. The sideyards are to be 15 feet each side as required for R-1 zoning.

2. The construction of the sidewalk on the north side of 119th Street and the design and location will be agreed upon by the developer and the staff prior to the final plat being considered by the Plan Commission.

3. The density is limited to 45 single family homes on 36.872 acres.

4. Medians and islands are to be irrigated and maintained by the Homes Association.

5. Street lighting is to be approved by the Director of Public Works and maintained by the Homes Association.

WHEREAS, the applicant agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for approval of the rezoning from AG and RP-1 to REC and REC to RP-1, preliminary plat and preliminary site plan of Hallbrook 4th Plat located at 118th and Norwood with stipulations.
Adopted by the Governing Body this 20th day of May, 1991.

(Mark the Seal)

Marcia Rinehart
Mayor

Attest:

Marcia Heizer
City Clerk
WHEREAS, the United States Presidential Scholars Program was established in 1964, by Executive Order of the President, to recognize and honor our nation's most distinguished graduating high school seniors; and

WHEREAS, annually, up to 141 students are chosen from among outstanding graduating seniors to become Presidential Scholars, the nation's highest honor for high school students; and

WHEREAS, the Scholars are chosen on the basis of their accomplishments in many areas - academic and artistic success, leadership, and involvement in school and the community; and

WHEREAS, the Scholars represent excellence in education and the promise of greatness in young people; and

WHEREAS, The White House and its Commission on Presidential Scholars have announced the names of the 1991 U.S. Presidential Scholars; and

WHEREAS, Jennifer Lynn Cho, daughter of Dr. Cheng and Joyce Cho, who reside at 10215 Howe Lane in Leawood, is one of the 141 outstanding young Americans designated as a U.S. Presidential Scholar; and

WHEREAS, Miss Cho is a graduating senior at Shawnee Mission East and has been invited to participate in Presidential Scholars National Recognition Week, June 15 to 20, 1991, in Washington, D.C., to be honored by members of the Administration, Congressmen, educators and others in public life; will be awarded the Presidential Scholars Medallion, commemorating her designation as an American Scholar by the President; and will be honored at many special events, including receptions, performances and seminars; and

WHEREAS, Miss Cho represents students nationwide who have achieved excellence in education; Editor-in-Chief of the school newspaper "The Harbinger", National Merit Finalist, National Honor Society officer, member of the school orchestra, and Cross Country manager are some of her accomplishments;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Leawood, Kansas, hereby recognize and congratulate Miss Cho on this outstanding achievement and extend best wishes to her for success in her future endeavors; and

BE IT FURTHER RESOLVED, that to commemorate this very special occasion, she is presented a Key to the City of Leawood.

Adopted by the Governing Body this 3rd day of June, 1991.

Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1025

WHEREAS, The Kansas State Department of Corrections, through the Surplus Property Center, by authority of the Federal Property and Administrative Services Act of 1949, as amended, makes available federal surplus personal property to public agencies for public purposes and to nonprofit tax exempt health and educational institutions; and

WHEREAS, City of Leawood, hereafter referred to as the Applicant, is desirous of utilizing the services and resources of this agency, and

WHEREAS, the Applicant certifies that it is a public agency or a nonprofit educational or health institution exempt from taxation under Section 501 of the U.S. Internal Revenue Code of 1954, and

WHEREAS, the Applicant further certifies that property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes and for no other purposes, or

WHEREAS, the Applicant further certifies that property is needed for and will be used by the recipient for educational or public health purposes including research and for no other purposes, and

WHEREAS, the Applicant agrees that all items of property shall be placed in use for the purpose for which acquired within one year of receipt and shall be continued in use for such purposes for a minimum time of one year from the date the property was placed in use, and in the event the property is not so placed in use, or continued in use, the recipient shall immediately notify the State Agency Director and return said property to the State Agency as directed, and

WHEREAS, the Applicant further agrees to abide by all additional periods of restriction placed on property by the State Agency; that is, 18 months on all passenger motor vehicles, and 18 months on items of property with an original acquisition cost to the government of $5,000 or more except for such items of major equipment on which the State Agency designates a further period of restriction as indicated on the distribution document, and

WHEREAS, the Applicant further agrees that during the period of restriction it will not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property without prior approval of the General Services Administration or the State Agency, and in the event property is so disposed of without prior approval of the General Services Administration or the State Agency, the Applicant will be liable for the fair market value or the fair rental value of
such property as determined by the General Services Administration or the State Agency, and

WHEREAS, the Applicant further agrees to remit promptly to the State Agency for all service and handling fees on property acquired,

THEREFORE, BE IT RESOLVED, that the Applicant requests that eligibility be established to participate in the State Federal Property Assistance Program, and

BE IT FURTHER RESOLVED, that Ronald Brandt, Public Works Dir., be authorized (Name and Title of Official) to act on behalf of the governing body of the Applicant in acquiring federal surplus property and so obligate said governing body to the aforementioned certifications Nondiscrimination Assurance

Assurance to be executed by authorized representative of donee activity prior to receiving donations of surplus personal property from the State Surplus Property Agency on and after October 17, 1977.

Assurance of Compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, as amended, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amending, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 303 of the Age Discrimination Act of 1975, as amended.

City of Leawood, hereinafter called the "donee," hereby (Name of donee) agrees that the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, as amended, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 303 of the Age Discrimination Act of 1975, as amended, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified
handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and Hereby Gives Assurance That it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and, this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

Dated 6/3/91

City of Leawood
Donee

BY Marcia Rinehart
(President/Chairman of the board or comparable authorized official)
Marcia Rinehart, Mayor

City of Leawood
9617 Lee Blvd.
Leawood KS 66206
Donee mailing address

ATTEST: 

Martha Heizer, City Clerk
WHEREAS, the City staff has been reviewing alternatives for the location of Leawood's new City Hall since the events of May 1990; and

WHEREAS, the Johnson County Library Board has expressed the intent to build a branch facility in Leawood and has requested the City's assistance in finding a site; and

WHEREAS, in preliminary discussions with City staff, the Marned Corporation has expressed an interest in conveying a tract of land sufficient to locate both City Hall and a library branch;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby request that the Library Board consider the opportunity of joining with the City in the development of a site for a branch library facility and City Hall; and

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor and City staff to negotiate with the Marned Corporation for the conveyance of a site for City Hall in the general location of 117th and Roe Avenue.

Adopted by the Governing Body this 6th day of June, 1991.

(Mark Rinehart Mayor)

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1027

The Leawood City Council has considered the request for rezoning from CP-O to CP-I, and revised preliminary plan approval and hereby finds the following:

WHEREAS, the applicant is requesting approval of the rezoning and revised preliminary plan approval to allow construction of a two story bank facility containing 11,248 square feet, and

WHEREAS, the first floor will include the bank facilities and 5 drive up lanes and the upper floor will be leased office space, and

WHEREAS, when the original preliminary plan was approved for Leawood Commons, lot 6 was designated for a two story building containing 17,000 square feet, and

WHEREAS, a revised preliminary site plan for the entire site, final site plan that includes grading, perimeter plantings and detention ponds, and a final plat have previously been approved, and

WHEREAS, the proposed building is brick, and

WHEREAS, this property is not liable for any impact fees, and

WHEREAS, the Plan Commission held a public hearing on this application, and

WHEREAS, the Plan Commission recommends approval of the request for rezoning from CP-O to CP-I, and revised preliminary plan approval with the following stipulations:

1. The developer of Leawood Commons state for the record his intentions as to when the site improvements will commence, including but not limited to, stormwater facilities, perimeter plantings, private drive and signs. No building permit will be released until these improvements that were to be part of the initial development are complete and approved by the City.

2. The building is limited to a two story bank facility containing 11,248 square feet.

3. The proposed building is brick - red to brown blend with gray/beige cast stone.

4. Stormwater plans will be reviewed and approved by the Director of Public Works prior to submission of the initial final site plan.

5. The trees along Nall are to be installed according to
"Street Tree" standards as to location, species, and quantity. The Development Ordinance requires one street tree per 50 feet of frontage. This site has 199.91' of frontage which would require 4 trees. On the preliminary landscaping plan 2 are shown. Landscaping will be reviewed in greater detail on submission a final site plan.

6. At the time of final site plan submission, exact colors and samples of materials will be required.

7. All perimeter plantings except those adjacent to Nall and 115th Street are to be installed in the first phase of development. The developer is to state for the record the timing of the installation of the plantings.

8. Prior to recording the plat the owner/developer is required to place into escrow one-eighth of the cost of signalizing 115th and Nall up to $15,000. A letter of credit may also be issued with a 3 year maximum time limit. The Director of Public Works will estimate the cost of signalization.

9. The developer is to be allowed to delay planting pine trees along Nall and 115th Street until the final site plans determine building and parking lot layouts. The developer is to submit a bond in order to assure the installation of these pine trees. The bond is to be submitted and accepted by the City prior to recording the plat. As final site plans are submitted, the street trees will be reviewed in detail.

10. The reconstruction of Rosewood is to be completed as part of the initial site work. No building permit will be released until this reconstruction is complete.

11. 60% of the east boundary trees shall be a minimum of 12' in height at planting with the remaining trees being 8-10 feet in height with a maximum of 20% of the total in the 8 foot range.

12. Erosion control will be required.

13. A mud bond in the amount of $5000 is required.

14. Trash collection is to be only between the hours of 7 a.m. to 10 p.m.

15. All alarms installed shall be silent.

16. Prior to recording the plat, the developer is to submit Homes Association Declarations and Declaration of Restrictions to Leawood Commons to the staff for review and comment.

17. 115th Street shall be constructed in accordance with City Street Standards after approval by the Director of Public Works and shall be completed prior to final inspection of the bank building by the City of Leawood.

18. Prior to publishing the ordinance rezoning Lot 6 from CP-O to CP-1, the plat must be recorded,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from CP-O to CP-1 and revised preliminary site plan for Johnson County Bank located at 115th and Nall with stipulations.
Adopted by the Governing Body this 17th day of June, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1028

RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, CONSENTING TO THE ENLARGEMENT OF AREA INTO CERTAIN SEWER DISTRICTS GOVERNED BY JOHNSON COUNTY, KANSAS

On this 17th day of June, 1991, the Governing Body of the City of Leawood, Kansas, met in regular session with the Mayor and a majority of the Council being present.

There comes before the Council for consideration the petition of the owner requesting the consent of the City of Leawood to the transfer of property to the sewer system governed by Johnson County, Kansas. The tracts to be enlarged into sewer districts governed by the county are described on Exhibit A attached and made a part of this resolution. The provisions of Charter Resolution 18-84, Johnson County, Kansas, provide that when any such sewer districts extend into the city limits of any incorporated city, the Board of County Commissioners shall not have the power to create or extend such sewer district within the city limits without the consent of the governing body of the city.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that the City does hereby consent that the property shown and described on Exhibit A be included within sewer districts as described and which are governed by Johnson County, Kansas.

Marcia Rinehart
Mayor

ATTEST:

City Clerk
ENLARGEMENT OF BLUE RIVER MAIN SEWER DISTRICT NO. 1
AND
ENLARGEMENT OF BLUE RIVER SEWER SUB-DISTRICT NO. 5
AND
CREATION OF LATERAL SEWER DISTRICT NO. 41
BLUE RIVER SEWER SUB-DISTRICT NO. 5
BLUE RIVER MAIN SEWER DISTRICT NO. 1

Beginning at a point on the West line of the NW 4th of Section 10, T14S, R25E, Johnson County, Kansas, said point being 829.55 feet (829.6 feet Deed) South of the Northwest corner of said NW 4th, said point also being the Northwest corner of the South 110 acres of said NW 4th; thence N 89°53'15" E, along the North line of said South 110 acres, a distance of 1660.00 feet to the TRUE POINT OF BEGINNING; thence continuing N 89°53'15" E, along the North line of said South 110 acres, a distance of 190.00 feet; thence S 00°06'45" W a distance of 690.00 feet; thence S 89°53'15" W a distance of 190.00 feet; thence N 00°06'45" W a distance of 690.00 feet to the TRUE POINT OF BEGINNING.

Exhibit "A"
PAYNE & BROCKWAY P.A.
ENGINEERS
OLATHE, KANSAS
Date 4/16/91
RESOLUTION NO. 1029

A RESOLUTION ESTABLISHING A PETTY CASH FUND IN THE AMOUNT OF $200 FOR THE POLICE DEPARTMENT.

WHEREAS, the City of Leawood, Kansas has established a Petty Cash Fund by Resolution No. 323 dated July 15, 1974; and

WHEREAS, the aforementioned Petty Cash Fund was established for the use of all City departments during normal working hours; and

WHEREAS, the Police Department operates on a 24-hour basis and requires monies to make purchases and advances outside the normal operating hours of the City; and

WHEREAS, the City of Leawood has determined a need for a Petty Cash Fund within the Police Department;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas hereby establishes a Petty Cash Fund in the amount of $200 within the Police Department as authorized by and subject to the conditions and requirements of Kansas Statutes Annotated Section 12-171; and

BE IT FURTHER RESOLVED that the Chief of Police shall designate a Custodian of the Fund and report same to the Finance Director. The Finance Director shall perform unannounced audits of the Petty Cash Fund at least monthly.

Adopted by the Governing Body this 1st day of July, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
BE IT RESOLVED that the "Personnel Rules and Regulations" dated January 3, 1984, and amendments thereto, are hereby declared Administrative Policy in accordance with the State of Kansas and all federal employment laws. This policy is to be administered in accordance with Section 1-306 (f) of the Code of the City of Leawood.

Adopted by the Governing Body this 15th day of July, 1991.

(S E A L)                                                  Marcia Rinehart
Martha Heizer                                          Mayor
                                                    City Clerk
RESOLUTION NO. 1031

The Leawood City Council has considered the request for approval of the revised preliminary plat and preliminary site plan of the Patio Homes at Hallbrook and hereby finds the following:

WHEREAS, the property is zoned RP-4, Planned Cluster Residential, and

WHEREAS, the applicant is requesting approval of a revised preliminary plat and revised preliminary plan of 23 dwelling units on 9.1 acres for a density of 2.52 dwellings per acre, and

WHEREAS, the original submission had a density of 4.24 units per acre, and

WHEREAS, this submission does not include the entire area that is zoned RP-4 as there are approximately 48.34 acres of RP-4 that are not included on this site plan, and

WHEREAS, the applicant has submitted a preliminary plat and preliminary site plan combined on one sheet, entry detail, typical building elevation, and plans dealing with the water feature on the site, and

WHEREAS, access to the site is from Overbrook south of the clubhouse area, and

WHEREAS, the proposed street is a private street and serves 23 lots, and

WHEREAS, the developer is granted a deviation in the required front yard setback to allow a setback of 25.5' which is allowed by Section 6-3.3 of the Development Ordinance, sideyards are to be 20' between buildings, and a minimum rear yard setback is 20', and

WHEREAS, this property is not liable for any impact fees, and

WHEREAS, the Plan Commission held a public hearing on this application, and

WHEREAS, the Plan Commission recommends approval of the request for revised preliminary plat and preliminary site plan of the Patio Homes at Hallbrook with the following stipulations:

1. As part of the final site plan submission, plans must be
submitted for the water feature.

2. As part of the final site plan submission, entry monument plans must be submitted.

3. Escrow to cover the cost of construction of Overbrook to the south property line of this site is required to be submitted prior to the recording of the final plat.

4. The final plan will address the issue of private streets and the cost of maintaining the water feature.

WHEREAS, the developer/owner agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for approval of the revised preliminary plat and preliminary site plan of the Patio Homes at Hallbrook with stipulations.

Adopted by the Governing Body this 15th day of July, 1991.

(S E À L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
The Leawood City Council has considered the request for approval of the final plat of Patio Homes at Hallbrook, First Plat, and hereby finds the following:

WHEREAS, the final plat contains 23 lots on 9.1 acres, and

WHEREAS, this plat does not include the entire area that is zoned RP-4 as there are approximately 48.34 acres of RP-4 that are not included on this plat, and

WHEREAS, the proposed street is a private street and serves 23 lots, and

WHEREAS, the developer is granted a deviation in the required front yard setback to allow a setback of 25.5' which is allowed by Section 6-3.3 of the Development Ordinance, sideyards are to be 20' between buildings, and a minimum rear yard setback is 20', and

WHEREAS, this property is not liable for any impact fees, and

WHEREAS, the Plan Commission held a public hearing on this application, and

WHEREAS, the Plan Commission recommends approval of the request for final plat of the Patio Homes at Hallbrook, First Plat with the following stipulations:
1. All technical deficiencies listed in number 5 are to be revised prior to submission for recording.
2. Escrow to cover the cost of construction of Overbrook as it abuts this plat is required prior to submission for recording.
3. The plat for the clubhouse must be recorded prior to submission of this plat for recording.
4. Easements will be added to the plat for the water feature.

WHEREAS, the developer/owner agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of the Patio Homes at Hallbrook, First Plat with stipulations.

Adopted by the Governing Body this 15th day of July, 1991.
Attest:

Martha Heizer  City Clerk

Marcia Rinehart  Mayor
RESOLUTION NO. 1033

The Leawood City Council has considered the request for rezoning from R-I to RP-I, revised preliminary plat and preliminary site plan of Wilshire located at approximately 132nd and Mission hereby finds the following:

WHEREAS, the requested zoning is RP-I, Planned Single Family Residential, and

WHEREAS, the applicant has revised the plat/plan and the Plan Commission has reconsidered the application, and

WHEREAS, the applicant has met with representatives of the neighboring subdivisions, and

WHEREAS, the representatives were pleased with the changes that had been made on the plat/plan, and

WHEREAS, the revised preliminary plat and preliminary plan contain 161 lots on 76 acres (2.12 du/acre), and

WHEREAS, the RP-I zoning allows lots of 9600 square feet and all lots in the plat exceed this size, and

WHEREAS, the proposed use is in accordance with the Master Development Plan adopted in 1988, and

WHEREAS, all the streets in the subdivision are public, and

WHEREAS, the plat/plan indicates at 15 foot wide access tract between lots 6 and 7 to allow for access to the elementary school, and

WHEREAS, this property was rezoned from AG to R-I by ordinance Number 1062, effective 8/19/88, with the preliminary plat that was approved containing 138 single family homes on 76.33 acres (1.8 du/acre), and

WHEREAS, the Plan Commission recommends approval of the request for rezoning from R-I to RP-I, revised preliminary plat and preliminary site plan of Wilshire located at approximately 132nd and Mission with the following stipulations:

1. Indicate 100 year flood area on the preliminary plat.
2. The development is limited to 161 lots.
3. Street assessment for Roe will be $110 per foot.
4. Park impact fee will be $300 per dwelling.
5. Building materials, including the exteriors will be scrutinized and approved at the final plan and final plat stages.
WHEREAS, the developer/owner agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from R-1 to RP-1, revised preliminary plat and preliminary site plan of Wilshire with stipulations.

Adopted by the Governing Body this 5th day of August, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1034

The Leawood City Council has considered the request for rezoning from AG to SD and RP-4, preliminary development plan and preliminary plat approval and Master Development Plan amendment for Leawood Town Center and hereby finds the following:

WHEREAS, the property is currently zoned AG, Agricultural, and contains approximately 160 acres, and

WHEREAS, the applicant is requesting approval of a preliminary development plan and preliminary plat for the entire 160 acres to allow a mixed use development and ultimate construction of 1,095,000 square feet of office, 190,000 square feet of retail, 150 room hotel as a conditional use, 27.5 acres(gross) of RP-4 residential, and a 17.6 acre(gross) site to include a 30,000 square foot city hall and 16,000 square foot library, and

WHEREAS, the property is located between 115th and 119th Streets and Roe and Nall Avenues, and

WHEREAS, the property owner is proposing to dedicate the city hall and library site in lieu of the park impact fee, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. NORTH OFFICE PARK:
   (a) Total Square Feet Office 395,000
   (b) Height Limit 4 Stories
   (c) Parking Spaces 1,580
   (d) FAR .35
   (e) Subdistrict SD(O)

2. SOUTH OFFICE PARK:
   (a) Total Square Feet Office 385,000
   (Hotel 150 Rooms
   (Conditional Use)
   (b) Height Limit Office 4 Stories
      Hotel 5 Stories
   (c) Parking Spaces Office 1,540
      Hotel 200
   (d) FAR .35
   (e) Subdistrict SD(O)
   (f) Conditional Use Hotel
3. RETAIL AND OFFICE VILLAGE:
(a) Total Square Feet
- Office: 315,000
- Retail: 190,000
(b) Height Limit
- Office: 4 Stories
- Retail: 1 Story
(c) Parking Spaces: 2,027
(d) FAR: .25
(e) Subdistrict: SD(C-R)

4. TOWN CENTER:
(a) Total Square Feet
- City Hall: 30,000
- Library: 16,000
(b) Height Limit: 2 Stories
(c) Parking Spaces
- City Hall: 120
- Library: 80
(e) FAR: N/A
(f) Subdistrict: N/A

5. RESIDENTIAL:
(a) Density on 23.54 AC.
- North 150 feet limited to RP-1 density with remainder at RP-4 density
(b) Parking Spaces: 2 per Dwelling Unit

6. GENERAL SITE:
(a) Total Square Feet
- Office: 1,095,000
- Retail: 190,000
- Hotel (Rooms): 150
- City Hall: 30,000
- Library: 16,000
(b) Setbacks (Parking)
- Min. 80 Feet from ROW (Roe,Nall & 119th St.)
- Min. 40 Feet from ROW (All other interior streets and/or drives)
(b) Setbacks (Buildings)
- Min. 100 Feet from ROW (Roe,Nall & 119th St.)
- Min. 40 Feet from ROW (All other interior streets and/or drives)
7. Revised preliminary development plans shall be accompanied by detailed submittals required by the Leawood Development Ordinance including:

(a) Building Elevations and Profiles
(b) Landscaping Planting Schedule
(c) Actual Dimensions Of All Proposed Setbacks Of Buildings, Parking Areas, Signage, Etc.
(d) Proposed Signage Concept
(e) Materials Proposed and Design Elements To Be Included
(f) Location and Design Of Proposed Water Elements
(h) Provisions For 150 Feet On The North Boundary To Be Planned And Developed Using RP-1 Standards (not just densities on the plan), and

WHEREAS, the applicant agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from AG to SD and RP-4, preliminary development plan and preliminary plat approval, and Master Development Plan amendment for Leawood Town Center with stipulations.

Adopted by the Governing Body this 5th day of August, 1991.

Marcia Rinehart  Mayor

(S E A L)

Attest:

Martha Heizer  City Clerk
RESOLUTION NO. 1035

WHEREAS, McDonnell Douglas, one of the three leading producers of commercial passenger aircraft in the world, is seeking a site to construct a new manufacturing facility for its MD-12 aircraft, the next generation wide-bodied, tri-engined aircraft to be produced by McDonnell Douglas; and

WHEREAS, Kansas City, Missouri, has been selected as a finalist in the competition for this facility; and

WHEREAS, the MD-12 facility will have a positive economic impact in the metropolitan area; and

WHEREAS, the MD-12 facility, located on a 600-acre site at Kansas City International Airport (KCI), will create thousands of new jobs in related and support industries for Missouri and Kansas residents due to the increased economic activity produced by the plant operation; and

WHEREAS, many public and private entities have joined the Kansas City Area Development Council in efforts to attract the McDonnell Douglas facility to Kansas City;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood, Kansas, hereby expresses its support for this recruitment effort, and contributes $1,000 to the Development Council.

Adopted by the Governing Body this 5th day of August, 1991.

(S E A L) Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1036

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AND STATE AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 59-91 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal and State Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the improvement of I-435, as follows: I-435; From the west City limits to the East City limits (State Line Road), Pavement and shoulder reconstruction and the addition of 2 through lanes. Replace bridges over Mission Road, East Indian Creek Bridge and State Line Road. Repair deck, overlay and modify handrails for bridges over Lee Boulevard. Construction of six through lanes on State Line Road between the I-435 ramp terminals Stat. 45 + 43 to Stat. 57 + 50 designated as a city connecting link on the State Highway System and known as Project No. 435-46 K-3637-01 (IR-435-3(345)224.

Passed by the (Council) (Commission) this 5th day of August, 1991

(Approved) (Signed) María young, Mayor

(SEAL)

ATTEST: Martha Hooper
City Clerk
RESOLUTION NO. 1037

RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, CONSENTING TO THE ENLARGEMENT OF AREA INTO CERTAIN SEWER DISTRICTS GOVERNED BY JOHNSON COUNTY, KANSAS

On the 5th day of August, 1991, the Governing Body of the City of Leawood, Kansas, met in regular session with the Mayor and a majority of the Council being present.

There comes before the Council for consideration the matter of the creation of Lateral Sewer District No. 7 within Blue River Sewer Sub-District No. 6 and enlargement of Blue River Main Sewer District No. 1 and Blue River Sewer Sub-District No. 6, Leawood, Johnson County, Kansas. The tracts to be enlarged into sewer districts governed by the county are described on Exhibit A attached and made a part of this resolution. The provisions of Charter Resolution 18-84 Johnson County, Kansas, provide that when any such sewer districts extend into the city limits of any incorporated city, the Board of County Commissioners shall not have the power to create or extend such sewer district within the city limits without the consent of the governing body of the city.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that the City does hereby consent that the property shown and described on Exhibit A be included within sewer districts as described and which are governed by Johnson County, Kansas.

Mayor Marcia Rinehart

ATTEST:

Martha Heizer, City Clerk
PLAT AND LEGAL DESCRIPTION FOR PROPOSED ENLARGEMENT TO BLUE RIVER MAIN SEWER DISTRICT NO. 1 AND BLUE RIVER SEWER SUB-DISTRICT NO. 6 AND THE CREATION OF LATERAL SEWER DISTRICT NO. 7 WITHIN BLUE RIVER SEWER SUB-DISTRICT NO. 6
LEAWOOD, JOHNSON COUNTY, KANSAS

All that part of the SW¼ of the SW¼ of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the SW¼ of said Section 34; thence N 0° 03' 48" W, along the West line of the SW¼ of said Section 34, a distance of 1183.94 feet; thence N 89° 43' 12" E, along a line parallel to the South line of the SW¼ of the SW¼ of said Section 34, a distance of 1324.54 feet, to a point on the East line thereof, said point also being on the West line of Block 1, CHARLEMAGNE MANOR, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 0° 03' 12" E measured (S 0° 02' 36" E platted), along the East line of the SW¼ of said Section 34, and along the West line and its extension of said Block 1, a distance of 1183.95 feet, to the Southeast corner of the SW¼ of the SW¼ of said Section 34; thence S 89° 43' 12" W, along the South line of the SW¼ of the SW¼ of said Section 34, a distance of 1324.43 feet, to the point of beginning.
UNPLATTED
N 89°43'12" E
1324.64'

GROSS AREA =
36.00± ACRES

REVISION: 7-17-91, BY TMS

PLAT & LEGAL DESCRIPTION FOR
PROPOSED ENLARGEMENT TO BLUE RIVER MAIN SEWER
DISTRICT NO. 1 AND BLUE RIVER SEWER SUB-DISTRICT
NO. 6 AND THE CREATION OF LATERAL SEWER DISTRICT
NO. 7 WITHIN BLUE RIVER SEWER SUB-DISTRICT NO. 6
LEAWOOD, JOHNSON COUNTY, KANSAS

SHAFTER, KLINE & WARREN, P.A.
CIVIL ENGINEERS - LAND SURVEYORS
TRAFFIC ENGINEERS - LAND PLANNERS
LANDSCAPE ARCHITECTURE
11100 W. 91st STREET, OVERLAND PARK, KANSAS 66214
OFFICE: 913-888-7750 FAX: 913-888-7569
A RESOLUTION IN SUPPORT OF THE CREATION OF AN EXECUTIVE COMMITTEE TO ACT ON BEHALF OF VARIOUS JOHNSON COUNTY ENTITIES COMPRISED OF MUNICIPALITIES, SCHOOL DISTRICTS, COMMUNITY COLLEGE, AND THE COUNTY TO ANALYZE CERTAIN FINANCIAL ASPECTS FACING THESE GROUPS.

WHEREAS, there has been established a need to analyze the current debt situation in Johnson County, the impact of capital improvements scheduled in the next five (5) years on Countywide debt, collective efforts to retain or enhance bond ratings from rating agencies, collective efforts to mitigate substantial tax increases due to debt issuances, and overall coordination of shared information between the various taxing jurisdictions; and

WHEREAS, the Executive Committee will work with Johnson County Finance Director Ronald Cousino in assimilating financial information; and

WHEREAS, the Executive Committee will establish a list of "Goals" from discussions held by the Debt Symposium; and

WHEREAS, the Executive Committee will present findings from such "Goals" studies of overlapping debt and make recommendations for addressing future debt to Johnson County Mayors, Council Presidents, School Board Members, Johnson County Community College Board of Trustees, and the Johnson County Board of County Commissioners by November 1, 1991.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION ONE: That there be created an Executive Committee made up of:

Dick Garafano, City Administrator, City of Leawood
E. H. (Gene) Denton, County Administrator, Johnson County
Thomas O. (Tom) Matthews, Olathe School Comptroller
Richard (Dick) M. Dyer, Director of Budget, Johnson County Community College
David Watkins, City Administrator, City of Lenexa

SECTION TWO: That each jurisdiction indicate their support of this Resolution and its purpose by execution.

SECTION THREE: That the formation of the Executive Committee become effective immediately upon signing and that their report be made by November 1, 1991.

ADOPTED on this 5th day of August, 1991.

SIGNED on this 5th day of August, 1991.

CITY OF LEAWOOD, KANSAS

ATTEST: ____________________________

By: ____________________________

Title: ____________________________
RESOLUTION NO. 1039

The Leawood City Council has considered the request for approval of the final plat of Hallbrook Farms, Fourth Plat located at approximately 117th and Canterbury and hereby finds the following:

WHEREAS, the property is zoned RP-1, Planned Single Family Residential, and

WHEREAS, the Plan Commission has considered the request for a final plat that contains 45 lots on 36.872 acres, and

WHEREAS, the final plat is in compliance with the approved preliminary plat, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. The sideyards are to be 15 feet each side as required for R-1 zoning.
2. The density is limited to 45 single family homes on 36.872 acres.
3. Medians and islands are to be irrigated and maintained by the Homes Association.
4. Street lighting is to be approved by the Director of Public Works and maintained by the Homes Association.
5. All technical deficiencies will be changed on the plat prior to forwarding the plat to the Governing Body for consideration, and

WHEREAS, all technical deficiencies have been corrected, and

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Hallbrook Farms, Fourth Plat with the following stipulations:
1. The sideyards are to be 15 feet each side as required for R-1 zoning.
2. The density is limited to 45 single family homes on 36.872 acres.
3. Medians and islands are to be irrigated and maintained by the Homes Association.
4. Street lighting is to be approved by the Director of Public Works and maintained by the Homes Association.

Adopted by the Governing Body this 19th day of August, 1991:

(S E A L)

Marcia Rinehart
Marcia Rinehart

Attest:

Martha Heizer City Clerk
A RESOLUTION DECLARING THE INTENT OF THE CITY TO BE REIMBURSED FOR EXPENDITURES FOR COSTS INCURRED FOR PLANNING, DEVELOPMENT, ACQUISITION AND CONSTRUCTION AND FURNISHING AND EQUIPPING OF ITS CITY HALL PROJECT.

WHEREAS, it has been proposed that the City of Leawood, Johnson County, Kansas (the "City") construct a new City office building (the "City Hall Project") to be financed by the issuance of lease revenue bonds of the Public Building Commission of the City of Leawood (the "Commission") and to this end the Commission has adopted its Resolution No. 1 on September 29, 1988 and its Resolution No. 2 on October 5, 1989 providing for the issuance of bonds to the amount of four million four hundred fifty thousand dollars ($4,450,000) for the purposes aforesaid; and

WHEREAS, the United States Department of Treasury has recently promulgated proposed regulations (the "Reimbursement Regulations") which establish conditions pursuant to which proceeds of tax-exempt bonds may be applied to reimburse expenditures incurred prior to the issuance of such bonds; and

WHEREAS, the City has incurred certain preliminary expenditures for planning and development of its City Hall Project and expects to incur additional expenditures therefor prior to the issuance of bonds to finance the costs thereof and the City desires to declare its intent and expectation to be reimbursed for such costs upon the issuance of such bonds in compliance with the Reimbursement Regulations;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, as follows:

Section 1. That the City has heretofore incurred certain preliminary expenditures paid from general funds of the City and expects to incur further expenditures to be paid from the General Fund and Capital Fund for planning, development, acquisition, construction, furnishing and equipping its City Hall Project and the City hereby declares its intent and expectation to be reimbursed and to reimburse the General Fund and Capital Fund for such expenditures from proceeds of tax-exempt lease revenue bonds to be issued by the Commission to provide permanent financing for such project. The City expects that said bonds will be payable solely from rentals to be paid by the City under an annual appropriation lease with the Commission.

Section 2. That the Finance Director is hereby
authorized and directed to identify and maintain a schedule of expenditures for capital assets comprising said project to be reimbursed from the proceeds of such bonds, which schedule shall be open for public inspection during regular business hours of the City.

Section 3. That this Resolution shall be in full force and effect from and after its adoption by the Governing Body.

Adopted by the Governing Body this 19th day of August, 1991.

(MARCIA RINEHART)
Mayor

Attest:

(MARtha HEIZER)
City Clerk
The Leawood City Council has considered the request for final plat approval of Wilshire, located at approximately 132nd and Mission and hereby finds the following:

WHEREAS, the property is zoned RP-1, Planned Single Family Residential (Ordinance No. 1231), and

WHEREAS, the applicant is requesting approval of a final plat for the first phase containing 48 lots on 25.4 acres, and

WHEREAS, the plat contains a tract for the swimming pool and tennis courts and an easement for access to the adjacent school, and

WHEREAS, the proposed final plat is in accordance with the approved preliminary plat, and

WHEREAS, the submitted plat has no technical deficiencies, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Street assessment for Roe in the amount of $110 per front foot will be collected prior to submitting the plat for recording.
2. Park impact fee in the amount of $300 per dwelling will be collected prior to submitting the plat for recording.
3. The final site plan for the pool and park area be submitted within 60 days from approval of the first phase final plat by the Plan Commission as this is part of the first phase as well.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Wilshire with stipulations.

Adopted by the Governing Body this 3rd day of September, 1991.

(S E A L)    

Maricia Rinehart    Mayor

Attest:

Martha Heizer    City Clerk
RESOLUTION NO. 1042

The Leawood City Council has considered the request for final plat approval of Royse, Eleventh Plat, located at approximately 127th and Norwood and hereby finds the following:

WHEREAS, the proposed final plat is in accordance with the approved preliminary plat, and

WHEREAS, the plat contains 23 lots on 11 acres including the replat of Lot 18, Block 5, Royse 9th Plat, and

WHEREAS, the property is zoned R-1, and

WHEREAS, the submitted plat has no technical deficiencies, and

WHEREAS, no impact fees and no street assessments are tied to this plat, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval with the stipulation that all public works elements be approved by the Director of Public Works,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Royse, Eleventh Plat with one stipulation.

Adopted by the Governing Body this 3rd day of September, 1991.

(S.E.A.L.)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1043

A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF PROPOSED ASSESSMENTS.

WHEREAS, the Governing Body of the City of Leawood, Kansas has previously ordered the following improvement within the City of Leawood:

The construction of Tomahawk Creek Parkway in the City of Leawood, Johnson County, Kansas, being within a Right-of-Way varying from 100' to 200' in widths beginning at the centerline of College Boulevard and running in a southwesterly direction along a meandering alignment crossing 119th Street and ending at Roe Avenue where Overland Park's Tomahawk Creek Park begins.

WHEREAS, said improvement has now been completed and final costs of the project determined; and

WHEREAS, said costs are to be paid by assessments to property within previously formed improvement district; and

WHEREAS, assessments to individual properties have been determined;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, that the City Clerk is hereby directed to publish a notice that the Governing Body will meet at 7:00 o'clock P.M. on the 16th day of September, 1991, at Leawood City Hall, 9615 Lee Boulevard, to consider proposed assessments for the cost of the aforementioned improvement.

The notice shall be published once not less than ten (10) days prior to such meeting of the Governing Body and shall state the date, time and place of such meeting, the general nature of the improvement, the cost, extent of the improvement district proposed to be assessed, and that written or oral objections will be considered at such hearing.

The City Clerk is further directed to mail to the owners of property liable to pay the assessments, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed against the land so owned and assessed.

Adopted by the Governing Body this 3rd day of September, 1991.

(S.E.A.L.)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION

WHEREAS, Mr. R.G. Bentrup, a resident of the City of Leawood, passed away September 18, 1991; and

WHEREAS, Mr. Bentrup was the first Mayor of Leawood, elected in a special election on January 18, 1949, and served as Mayor until April 9, 1951; and

WHEREAS, the City of Leawood wishes to acknowledge Mr. Bentrup's dedicated service and invaluable contribution to the City as a Founding Father;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood that a tree be planted in memory of Mr. Bentrup; and

BE IT FURTHER RESOLVED that the Governing Body extend its sincere sympathy to his family, and that this Resolution be sent to his daughter, Carol Herboth of Leawood.

ADOPTED by the Governing Body this 8th day of October, 1991.

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1044

The Leawood City Council has considered the request for approval of a preliminary plat, final plat, preliminary site plan, final site plan and special use permit for an elementary and middle school located at 143rd and Mission and hereby finds the following:

WHEREAS, the site contains approximately 36 acres and is currently zoned AG and R-1, and

WHEREAS, the site is proposed to be used for both an elementary and middle school, and

WHEREAS, the site is divided into two phases, and

WHEREAS, the first phase is a one story elementary school containing 55,860 square feet and parking for 146 cars, and

WHEREAS, phase two is a middle school containing 112,600 square feet and parking for 134 cars, and

WHEREAS, the applicant has submitted preliminary plat, final plat, site plan, landscape plan, site lighting plan, code review plan, building elevations, master floor plan, overall grading plan, phase one grading detail and four site plan sections, and

WHEREAS, both buildings will be one story brick buildings as shown on the plans submitted, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. No lighting will be allowed for the outdoor fields.
2. Both schools are limited to one story in height.
3. The school district will provide interim improvements to 143rd Street as required by the Director of Public Works along its frontage.
4. The ditches along 143rd Street will be regraded to carry additional stormwater. An undersized drainage pipe across this intersection will be replaced.
5. Intersection improvements will be made at the intersection of 143rd and Mission to insure adequate turning radii for buses and to allow for adequate sight distance.
6. Bike lanes will be incorporated into the street plans for both 143rd Street and Mission Road at the time of major improvement to the streets.
7. All public works elements including street plans, intersection improvements, stormwater improvements, will be approved by the Director of Public Works. The installation shall be complete and accepted by the City prior to any issuance of a certificate of occupancy.
8. Payment and credits for public works elements be addressed and agreed upon prior to recording the plat.
9. The plat is to be recorded prior to the issuance of building permits, however; grading may commence upon approval of all public works elements.
10. Erosion control safeguards shall be implemented and maintained throughout the grading and construction process to the satisfaction of the Director of Planning and Development and the Director of Public Works.
11. The school district agrees to participate in future benefit districts for 143rd Street and Mission Road providing that acceptable credits for interim improvements made as indicated in (8) above as addressed.
12. If, in the future, significant problems develop with the parking of private vehicles in unauthorized areas surrounding the real property, and such problems cannot be controlled or eliminated through available law enforcement means, the School District will consider, with the City, alternate means of resolving such parking problems, including fencing as an alternative.
13. If additional parking is deemed necessary by the City, the school district will construct the additional parking at the Middle School.
14. The school district will limit use of undeveloped portion of the real property to those uses intended and indicated on the development plan filed by the school district with the City. Undeveloped portions of the real property will not be used for temporary or interim athletic fields or purposes except as related to and necessary for school purposes.
15. Construction trucks and other construction equipment will not be allowed to stand for unreasonable periods of time on road adjacent to the real property.
16. Sanitary sewer lines to serve the real property will be constructed at the sole expense of the school district, by benefit district or otherwise, and without direct cost to area residents.

WHEREAS, the school district agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary plat, final plat, preliminary site plan, final site plan and special use permit for an elementary and middle school located at 143rd and Mission with stipulations.
Adopted by the Governing Body this 8th day of October, 1991.

(S.E.A.L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1045

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS the City of Leawood intends to make certain necessary improvements to and construction of public sidewalks along Mission Road in the City from 89th to 92nd Street;

WHEREAS all necessary right of ways and easements have been obtained by the City with the exception of certain tracts of ground described as follows:

• Tract No. 1 owned by A.E. Millis and Doris V. Millis, 8905 Mission Road, Leawood, Kansas 66206.

• Tract No. 2 owned by Robert L. Kalen, Trustee, 3528 West 92nd Street, Leawood, Kansas 66206.

WHEREAS it appears that said necessary right of way and easements cannot be obtained other than through condemnation.

NOW THEREFORE, be it resolved by the City of Leawood, Kansas,

That the City does hereby declare it to be necessary to appropriate certain private property for the use of the City for purposes of making certain improvements to and construction of public sidewalks along Mission Road in the City from 89th to 92nd Street.

That the Director of Public Works is hereby authorized and directed to obtain a survey and description of the land and interest to be condemned.

That said survey shall be made by some competent engineer and filed with the City Clerk.

That this Resolution shall be published once in the official City newspaper.
PASSED AND APPROVED THIS 8th DAY OF October, 1991.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney
RESOLUTION NO. 1046

A RESOLUTION AUTHORIZING THE SALE OF $5,143,000 GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS, TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS WITHIN SAID CITY; APPROVING THE FORM OF NOTICE OF BOND SALE AND PRELIMINARY OFFICIAL STATEMENT TO BE USED IN CONNECTION THEREWITH; AND AUTHORIZING AND DIRECTING THE CITY FINANCE DIRECTOR TO ADVERTISE SUCH SALE IN THE MANNER PRESCRIBED BY LAW.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and K.S.A. 12-687, et seq. as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has heretofore authorized the following improvements within the City (the "Improvements"):

(a) Construction of improvements to Lee Boulevard including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1077;

(b) Construction of improvements to Tomahawk Creek Parkway including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by Resolution No. 933 (the "Tomahawk Creek Parkway Improvement"); and

(c) Construction of improvements to 119th Street extending from State Line Road to Mission Road including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1090;

and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements including construction financing and related expenses is not less than $5,143,000 with $1,943,589.57 of the cost to be paid by the owners of the property within the City benefited by the Tomahawk Creek Parkway Improvement and $3,199,410.43 of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the Tomahawk Creek Parkway Improvement and there are no other funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving $5,143,000 to be paid by the issuance and sale of the City's general obligation bonds; and
WHEREAS, it is necessary and desirable at this time that the City retire temporary notes previously issued and outstanding and provide permanent financing for said Improvements by the issuance of general obligation bonds of the City:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS:

Section One: That the Director of Finance on behalf of Leawood, Johnson County, Kansas, is hereby authorized and directed to advertise for public sale in the manner required by law, the general obligation bonds of the City in the aggregate principal amount of $5,143,000, for the purpose of financing the costs of the above-described Improvements pursuant to the statutes hereinbefore enumerated and amendments thereto, and further pursuant to the general obligation bond authority provided by the laws of the State of Kansas.

Section Two: That the notice of sale shall be substantially in the following form:

NOTICE OF BOND SALE
$5,143,000
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1991-A
LEAWOOD, JOHNSON COUNTY, KANSAS

Sealed bids will be received by the undersigned City Finance Director of Leawood, Johnson County, Kansas, at City Hall, 9617 Lee Boulevard, Leawood, Johnson County, Kansas, until 2:00 p.m. local time on Monday, November 18, 1991, at which time such bids will be publicly opened, for the sale of the above-captioned general obligation bonds (the "Bonds") of the City of Leawood, Johnson County, Kansas, to finance the cost of construction of certain improvement projects within said City. Such bids will be considered by the Governing Body of the City at a meeting to be held at 7:30 p.m. local time on such date.

The Bonds will be issued as a single series designated General Obligation Improvement Bonds, Series 1991-A, in the aggregate principal amount of $5,143,000. The Bonds will consist of fully registered bonds without coupons in the denominations of $5,000 and any integral multiple thereof, except that one bond of the first maturity shall be issued in the denomination of $8,000, will be dated December 1, 1991, and will mature serially on September 1 of each year, as follows:
## Series 1991-A Bonds

<table>
<thead>
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<th>Maturity</th>
<th>Amount</th>
<th>Maturity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1, 1993</td>
<td>$98,000</td>
<td>September 1, 2001</td>
<td>$435,000</td>
</tr>
<tr>
<td>September 1, 1994</td>
<td>350,000</td>
<td>September 1, 2002</td>
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<td>September 1, 1995</td>
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<td>September 1, 2003</td>
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<td>September 1, 1996</td>
<td>370,000</td>
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<td>September 1, 1997</td>
<td>380,000</td>
<td>September 1, 2005</td>
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<tr>
<td>September 1, 1998</td>
<td>390,000</td>
<td>September 1, 2006</td>
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<tr>
<td>September 1, 1999</td>
<td>405,000</td>
<td>September 1, 2007</td>
<td>340,000</td>
</tr>
<tr>
<td>September 1, 2000</td>
<td>420,000</td>
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</tbody>
</table>

Interest on said Bonds from the date thereof at the rates determined when the Bonds are sold as herein provided will be payable semi-annually on March 1 and September 1 in each year through maturity, commencing on March 1, 1993.

The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, in the City of Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names appear on the registration books maintained by the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas. The bonds will be issued in fully registered certificated form only.

At the option of the City, Bonds maturing on September 1, 2000, and thereafter will be subject to redemption and payment prior to maturity, on September 1, 1999, and on any interest payment date thereafter, in whole or in part (in integral multiples of $5,000) in inverse order of maturity (and by lot within a single maturity) at the redemption price of 100 percent of the principal amount thereof, plus accrued interest to the date fixed for redemption.

If the City shall elect to call any of the Bonds for redemption and payment prior to the maturity thereof, the City shall give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the State Treasurer of Kansas and to the manager or managers of the underwriting account making the successful bid, said notice to be mailed at least 45 days prior to the redemption date. The State Treasurer of Kansas will send notice of redemption by ordinary mail to the registered owners of said Bonds, said notices to be mailed at least 30 days prior to the...
redemption date. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease.

All of said Bonds will be and constitute the general obligations of the City and the full faith and credit of the City shall be pledged to the payment of the principal of and interest on said Bonds. Such principal and interest shall be payable in part from special assessments levied upon property benefited by the construction of certain improvements and, if not so paid, from ad valorem taxes levied upon all taxable tangible property including land and improvements thereon located within the territorial limits of the City of Leawood, Johnson County, Kansas, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all such taxable tangible property, real and personal, within the territorial limits of said City.

The Bonds will be designated "qualified tax exempt obligations" by the City for the purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986.

No bids will be considered at a price of less than par and interest accrued on the Bonds to date of the payment thereof by the purchaser.

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders subject to the following conditions: Each interest rate specified shall be in an even multiple of 1/8th of 1% or 1/20th of 1%, and the same rate shall apply to all Bonds of the same maturity. No rate shall exceed the most recent 20 bond index, as published in MuniWeek (formerly Credit Markets), New York, New York, on the Monday next preceding the date of sale by more than 2%, and the difference between the highest rate specified and lowest rate specified in any bid shall not exceed 2%. The City requires and the successful bidder agrees as a condition to the acceptance of such bid and closing by the City that Bonds maturing on or after September 1, 2000 shall be initially reoffered by the successful bidder at prices equal to or greater than par.

One bid shall be submitted for all Bonds hereinafter described on an all or none basis. Bonds will be awarded to the highest and best bidder or bidders on an all or none basis. Determination of the best bid or bidders will be made by deducting the premium bid (if any) from the total interest costs and the Bonds will be awarded to the bidder bidding the lowest net interest cost to the City. The City will be entitled to rely on the stated net interest cost in awarding the Bonds. If there is any discrepancy between said lowest net interest cost and the rates specified in said bid or the average annual net interest cost specified in said bid, the
net interest cost figure shall govern and the rates shall be adjusted accordingly.

The City reserves the right to waive minor irregularities and to reject any or all bids.

The City will pay the fees of the bond registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

The Bonds printed, executed and registered with the Office of the State Treasurer will be furnished by the City, and the Bonds will be delivered subject to the legal opinion of Smith, Gill, Fisher & Butts, a professional corporation, Kansas City, Missouri, Bond Counsel, whose services will be paid for by the City. The opinion of Bond Counsel will state that under existing laws and regulations and, assuming continued compliance with the covenants contained in the bond ordinance, the interest on the Bonds is exempt from federal income taxation, except with respect to certain taxpayers as more specifically described in the Official Statement of the City.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City and bond registrar at least two weeks prior to the closing date. In the absence of such information, the City will deliver Bonds in the denomination of each maturity registered in the name of the successful bidder.

The initial reoffering price to the public shall be furnished to the City by the successful bidder at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished by the successful bidder at closing.

The Bonds will be delivered to the purchaser on or about December 17, 1991, at any such bank or trust company in the State of Kansas, Kansas City, Missouri, Chicago, Illinois, or New York, New York, as specified by the purchaser, or elsewhere at the expense of the purchaser. CUSIP identification numbers will be printed on said Bonds, but neither the failure to print such numbers on any Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said Bonds in accordance with the terms of the purchase contract. All expenses in relation to
the printing of the CUSIP numbers on said Bonds, including the CUSIP Service Bureau's charge for assignment of said numbers, will be paid for by the City.

The population of the City is approximately 19,693. The 1991 assessed valuation of all taxable tangible property within the City of Leawood, Kansas is $227,015,481, including motor vehicle valuation of $32,286,834. The total general obligation bonded indebtedness of Leawood, Kansas, at the date hereof, including the issue of bonds herein offered for sale, is $15,448,000. The City of Leawood has temporary notes outstanding in the total amount of $8,200,000, of which $4,800,000 will be redeemed and cancelled from the proceeds of the Bonds herein offered for sale and prepayments of tax assessments.

A good faith deposit by cashier's or certified check in the amount of 2% of the total amount of the bid for the Bonds shall accompany each bid.

Additional copies of this Notice of Bond Sale, copies of the City's Official Statement relating to the Bonds and further information may be obtained from the undersigned City Finance Director or George K. Baum & Company, 12 Wyandotte Plaza, 120 West 12th Street, Kansas City, Missouri 64105, (816) 474-1100, the City's financial advisor.

Mailed bids should be addressed to Harry Malnicof, City Finance Director, City of Leawood, Kansas, 9617 Lee Boulevard, Leawood, Kansas 66206, and marked "Bid for purchase of $5,143,000 General Obligation Improvement Bonds, Series 1991-A, Leawood, Johnson County, Kansas." Bids may also be delivered to the said officer at City Hall, Leawood, Kansas, at or immediately prior to 2:00 p.m. on the sale date.

DATED at Leawood, Kansas, this 21st day of October, 1991.

HARRY MALNICOFF,
City Finance Director

Section Three: That proposals for the purchase of said bonds shall be submitted in the form of the proposal attached hereto as Exhibit A which form is hereby approved for use by bidders or prospective purchasers of said bonds.

Section Four: That the Preliminary Official Statement in substantially the form attached hereto as Exhibit B 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 submitted by Rule
15c2-12(b)(1) of the Securities and Exchange Commission. The
Director of Finance is authorized and directed to cause such
official statement, together with the proposal and notice of
bond sale, to be printed and/or published as required by law
and mailed or otherwise distributed to known interested
prospective bidders and purchasers.

Section Five: That the Governing Body hereby finds and
determines as follows:

(a) None of the gross proceeds of the bonds will be
used (on a basis different from use by the general public of
the improvements to be financed with the bonds), directly or
indirectly, in any trade or business carried on by any person
(including exempt persons) other than the City, any
political subdivision of the State of Kansas or any govern-
mental unit of the State of Kansas, or to make loans to any
such person;

(b) The amount of tax-exempt obligations (other than
private activity bonds) which the City reasonably anticipates
will be issued during the calendar year 1991 does not exceed
$10,000,000 and the City shall not issue more than
$10,000,000 of any such obligations during such calendar
year.

The Governing Body hereby designates the bonds as
"qualified tax exempt obligations" for purposes of Section

Section Six: This Resolution shall take effect and be
in force from and after its passage and approval by the
Governing Body of the City.

PASSED by the Governing Body this 21st day of

SIGNED by the Mayor this 21st day of October,

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk
EXHIBIT A

PROPOSAL FOR THE PURCHASE OF BONDS

OF

THE CITY OF LEAWOOD, KANSAS

TO THE CITY OF LEAWOOD, KANSAS:

For $5,143,000 principal amount of General Obligation Improvement Bonds, Series 1991-A, of the City of Leawood, Kansas, described in your Notice of Bond Sale, dated October 21, 1991, said bonds to bear interest as follows:

SERIES 1991-A BONDS

<table>
<thead>
<tr>
<th>Maturity</th>
<th>Interest Rate Per Annum</th>
<th>Amount</th>
<th>Maturity</th>
<th>Interest Rate Per Annum</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1, 1993</td>
<td>3%</td>
<td>$98,000</td>
<td>September 1, 2001</td>
<td>3%</td>
<td>$435,000</td>
</tr>
<tr>
<td>September 1, 1994</td>
<td>3.5%</td>
<td>350,000</td>
<td>September 1, 2002</td>
<td>4.5%</td>
<td>450,000</td>
</tr>
<tr>
<td>September 1, 1995</td>
<td>3%</td>
<td>360,000</td>
<td>September 1, 2003</td>
<td>3%</td>
<td>260,000</td>
</tr>
<tr>
<td>September 1, 1996</td>
<td>3.5%</td>
<td>370,000</td>
<td>September 1, 2004</td>
<td>3.5%</td>
<td>275,000</td>
</tr>
<tr>
<td>September 1, 1997</td>
<td>4%</td>
<td>380,000</td>
<td>September 1, 2005</td>
<td>4%</td>
<td>295,000</td>
</tr>
<tr>
<td>September 1, 1998</td>
<td>4.5%</td>
<td>390,000</td>
<td>September 1, 2006</td>
<td>4.5%</td>
<td>315,000</td>
</tr>
<tr>
<td>September 1, 1999</td>
<td>5%</td>
<td>405,000</td>
<td>September 1, 2007</td>
<td>5%</td>
<td>340,000</td>
</tr>
<tr>
<td>September 1, 2000</td>
<td>5.5%</td>
<td>420,000</td>
<td>September 1, 2008</td>
<td>5.5%</td>
<td>365,000</td>
</tr>
</tbody>
</table>

The undersigned will pay 100% of the principal amount of said Bonds plus accrued interest to date of delivery, plus a total premium of $__________________.

Total interest cost to the City on entire bond issue calculated to maturity on the rates specified above......................... $__________________

Total premium on entire bond issue on basis of this Bid........................... $__________________

Net interest cost to the City on entire bond issue on basis of this Bid........ $__________________

Average annual net interest rate to the City on basis of this Bid............... ________% 

This proposal is subject to all of the terms and conditions contained in said Notice of Bond Sale, and if the
undersigned is the successful bidder, the undersigned will comply with all of said provisions.

A cashier's or certified check, in the amount of $102,860.00 payable to the order of the City of Leawood, Kansas, accompanies this proposal as an evidence of good faith. Said check shall be returned to the undersigned if the bid of the undersigned is not accepted. If the bid of the undersigned is accepted but said City shall fail to deliver its bonds to the undersigned in accordance with the terms of this proposal, said check or the proceeds thereof shall be delivered to the undersigned. If the bid herein contained is accepted, then the check delivered to the City on account of such bid, or the proceeds thereof, shall be held by the City until the undersigned shall have complied with all of the terms of said notice and such bid, at which time the amount of said check shall be paid to or upon the order of the undersigned. If the bid herein contained is accepted and if the undersigned shall default in the performance of any of the terms and conditions of such bid, the amount of such check shall be retained by the City as and for liquidated damages.

Submitted by: (Name of Firm)

By: __________________________________________

(Name) (Office)

Phone Number (__) ______

Account Members:

__________________________

__________________________

__________________________

The City hereby agrees to deliver or cause to be delivered to you, within seven business days of the date of this Agreement, a reasonable number of copies of the final Official Statement of the City setting forth, among other matters, information concerning the City and the Bonds that is complete and accurate as of the date of the delivery to you of the final Official Statement.
$5,143,000*
THE CITY OF LEAWOOD, KANSAS
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1991-A

Dated: December 1, 1991

The Series 1991-A Bonds (the "Bonds") will be issued as fully registered certificated bonds each in the denomination of $5,000 or any integral multiple thereof, except for one Bond in the denomination of $8,000, not exceeding the principal amount of bonds of each maturity. Interest on the Bonds is payable March 1, 1993, and semiannually thereafter on March 1 and September 1 in each year, by check or draft mailed to the registered owners of the Bonds by the State Treasurer of Kansas, as bond registrar and paying agent (the "Registrar" and "Paying Agent"). The principal of the Bonds is payable upon presentation and surrender of the Bonds at the office of the Paying Agent. The Bonds mature, bear interest and are priced to yield as follows:

Maturity Schedule

<table>
<thead>
<tr>
<th>Amount</th>
<th>Rate</th>
<th>Maturity</th>
<th>Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>$98,000</td>
<td></td>
<td>09-01-93</td>
<td></td>
</tr>
<tr>
<td>350,000</td>
<td></td>
<td>09-01-94</td>
<td></td>
</tr>
<tr>
<td>360,000</td>
<td></td>
<td>09-01-95</td>
<td></td>
</tr>
<tr>
<td>370,000</td>
<td></td>
<td>09-01-96</td>
<td></td>
</tr>
<tr>
<td>380,000</td>
<td></td>
<td>09-01-97</td>
<td></td>
</tr>
<tr>
<td>390,000</td>
<td></td>
<td>09-01-98</td>
<td></td>
</tr>
<tr>
<td>405,000</td>
<td></td>
<td>09-01-99</td>
<td></td>
</tr>
<tr>
<td>420,000</td>
<td></td>
<td>09-01-00</td>
<td></td>
</tr>
<tr>
<td>435,000</td>
<td></td>
<td>09-01-01</td>
<td></td>
</tr>
<tr>
<td>450,000</td>
<td></td>
<td>09-01-02</td>
<td></td>
</tr>
<tr>
<td>260,000</td>
<td></td>
<td>09-01-03</td>
<td></td>
</tr>
<tr>
<td>275,000</td>
<td></td>
<td>09-01-04</td>
<td></td>
</tr>
<tr>
<td>295,000</td>
<td></td>
<td>09-01-05</td>
<td></td>
</tr>
<tr>
<td>315,000</td>
<td></td>
<td>09-01-06</td>
<td></td>
</tr>
<tr>
<td>340,000</td>
<td></td>
<td>09-01-07</td>
<td></td>
</tr>
</tbody>
</table>

The City reserves the right, at its option, to redeem the Bonds maturing on or after September 1, 2000 in whole or in part in principal amounts of $5,000 or any integral multiple thereof, on September 1, 1999, or on any interest payment date thereafter, at a price equal to 100% of the principal amount of Bonds to be redeemed plus accrued interest to the date of redemption. See THE BONDS - "Optional Redemption".

The Bonds are general obligations of the City and are payable as to both principal and interest in part from special assessments levied upon property benefitted by certain improvements, and if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property within the territorial limits of the City, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property within the territorial limits of the City.

In the opinion of Smith, Gill, Fisher & Butts, Kansas City, Missouri, Bond Counsel, under existing laws and regulations and, assuming continued compliance with the covenants contained in the bond ordinance, the interest on the bonds is exempt from federal income taxation, except with respect to certain taxpayers as more specifically described herein. See TAX EXEMPTION.

The Bonds are offered when, as and if issued by the City and received by the Successful Bidder, subject to the approval of Bond Counsel. It is expected that the Bonds will be available for delivery at such location as may be specified by the Successful Bidder on or about December 17, 1991.

SEALED BIDS WILL BE RECEIVED AT:
Leawood City Hall
9617 Lee Boulevard
Leawood, Kansas 66206

Attn: Harry Malnicof, Finance Director/Treasurer
By No Later Than 2:00 p.m. Central Standard Time
Monday, November 18, 1991

*Subject to Change
RESOLUTION NO. 1047

AUTHORITY TO AWARD CONTRACT
COMMITMENT OF COUNTY/CITY FUNDS

2 Copies to County/City  
Project Number 46 U-1306-01  
M-2780-01  
Johnson County; City of Leawood

Date: October 23, 1991

WHEREAS bids were received at Topeka, Kansas on October 17, 1991 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>ADDRESS</th>
<th>TYPE OF WORK</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>O'Donnell &amp; Sons</td>
<td>P.O. Box 23023</td>
<td>Grading and Construction Co., Inc. Overland Park, KS Bituminous Surfacing</td>
<td>$732,019.46</td>
</tr>
</tbody>
</table>

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance of the work on this project as covered by such bid or bids.

Adopted this 4th day of November, 1991, at Leawood, Kansas

Recommended for Approval:  

BOARD OF COUNTY COMMISSIONERS/MAYOR  
Marti Richart  
Chairman/Mayor

Attest:  

(SEAL)  

(form. No. 1309)

County/City Clerk

Revised 2/86
RESOLUTION NO. 1048

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD FINDING THAT THE "PROJECT AREA," AS HEREINAFTER DEFINED, IS A BLIGHTED AREA AND THAT REDEVELOPMENT OF SUCH AREA IS NECESSARY TO PROMOTE THE GENERAL AND ECONOMIC WELFARE OF THE CITY.

WHEREAS, the City has defined a potential redevelopment area consisting of six (6) parcels of land on 3.46 acres generally on the west side of the intersection of 103rd Terrace and State Line Road in the City of Leawood as more specifically described in the Legal Description attached hereto as Exhibit #1 and as shown on the Project Area Map attached hereto as Exhibit #2; and

WHEREAS, pursuant to K.S.A. 12-1771(a), the City has initiated a Blight Study of the Project Area, which Study incorporates an analysis and documentation of the ten (10) blight factors identified by the statute; and

WHEREAS, the Blight Study has been completed and presented to the Governing Body on this 18th day of November, 1991; and

WHEREAS, the Governing Body has reviewed the Blight Study at a Council work session;

NOW, THEREFORE, be it resolved that:

1. The Governing Body hereby finds that a majority of the "blight factors" listed in K.S.A. 12-1771(a) are present or evidenced in the Project Area and that such factors substantially impair and arrest the sound development and growth of the City, constitute an economic and social liability and are a menace to the public health, safety and welfare; and

2. The Governing Body hereby finds and declares that, based on the Blight Study, the Project Area is a "blighted area" pursuant to K.S.A. 12-1771(a); and

3. The Governing Body hereby finds and declares that, based on the Blight Study, the redevelopment of the Project Area is necessary to promote the general and economic welfare of the City.
PASSED AND ADOPTED by the Governing Body the 18th day of November, 1991.

(S E A L)

Attest:

Martha Heizer, City Clerk

Marcia Rinehart, Mayor
EXHIBIT 1
103rd Terrace Redevelopment
Basic Legal Description
5-6-91

All those parts of Fractional Section 11, Township 13, Range 25 more particularly described as follows:

A) Beginning 908.04' south 258.29' west and 260.13' southwest of the northeast corner of the north 1/2 of said fractional section to the true point of beginning. Thence southwest 120'; thence southeast 250'; thence northeast 121.035'; thence northwest 234.95' to the point of beginning. Containing .67 acres more or less.

and

B) Part of the northwest 1/4 of said fractional section beginning 882.76' south and 320.39' east and 30.07' southeast of the northwest corner to the true point of beginning. Thence southeast 117.39'; thence northeast 155.15'; thence north 222.30'; thence west 16.97'; thence southwest along a curve 31.53' and 43.04'; thence southwest 135.31' to the point of beginning. Containing .747 acres more or less.

and

C) Part of the northwest 1/4 of said fractional section beginning at the northeast corner hence south 833.54'; thence northwest 290.82' to the true point of beginning. Thence northwest along the west line of State Line Road 84.06'; thence northwest 6.98'; thence northwest 193.03'; thence southeast 142.30'; thence northeast 200' to the point of beginning containing .509 acres more or less.

and

D) Beginning at the northeast corner of the north 1/2 of said fractional section hence south 833.54'; thence west 290.82' to the true point of beginning. Thence southwest 150'; thence southeast 80'; thence northeast 164.97'; thence northwest 81.39' to the point of beginning. Containing .29 acres more or less.
and

E) Part of the northwest 1/4 of said fractional section. Beginning 833.54' south of the northeast corner; thence west 290.62'; thence southwest 150' to the true point of beginning. Thence southwest 25' x southeast 80'. Containing .046 acres more or less.

and

F) Beginning in the northeast corner of the north 1/2 of said fractional section. Thence 833.54' south; thence west 290.62'; thence southwest 175' to the true point of beginning. Thence southwest 25' x southeast 80'. Containing .046 acres more or less.

and

G) Beginning 908.04' south and 258.29' west of the northeast corner of the northwest 1/4 of said fractional section. Thence southeast 38.40' and 62.53'; thence southwest 268.05'; thence northwest 110'; thence northeast 260.13' to the true point of beginning. Containing .63 acres more or less.

and

H) Beginning 1004.07' south and 228.92' west of the northeast corner of the northwest 1/4 of said fractional section; thence southeast 66.47'; thence southwest 59.45'; thence southwest 226.48'; thence northwest 124.95'; thence northeast 268.05' to the true point of beginning. Containing .702 acres more or less.

When added together these legal descriptions contain 3.46 acres more or less.
NOTE: THE AREA WITHIN THE BLIGHT STUDY LIMITS IS CURRENTLY ZONED PI PLANNED INDUSTRIAL
RESOLUTION NO. 1049

A RESOLUTION DESIGNATING HOLIDAYS FOR THE YEAR 1992 IN ACCORDANCE WITH THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, Section 11.2(a) of the "Personnel Rules and Regulations" dated January 3, 1984, and as from time to time amended, requires that holidays for all regular employees of the City of Leawood be confirmed by resolution of the City Council each year; and

WHEREAS, after review of the holiday dates in 1992, staff recommends that the following schedule be adopted;

NOW, THEREFORE, BE IT RESOLVED that the City Hall of Leawood, Kansas, shall be closed on the following holiday dates in 1992:

New Year's Day January 1
President's Day February 17
(3rd Monday-February)
Memorial Day May 25
(last Monday-May)
Independence Day July 3 (Friday)
Labor Day September 7
(1st Monday-September)
Thanksgiving November 26/27
(4th Thurs. & Fri.-November)
Christmas December 25

Adopted by the Governing Body this 18th day of November, 1991.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1050

The Leawood City Council has considered the request for final plat approval of Royse, Twelfth Plat located at approximately 125th and Aberdeen and hereby finds the following:

WHEREAS, the property is zoned R-1, Single Family Residential, and

WHEREAS, the applicant is requesting approval of a final plat containing 16 lots on 7.187 acres for a density of 2.22 lots per acre, and

WHEREAS, the proposed plat is a replat of the Tenth plat of Royse, and

WHEREAS, The replat is necessary for slight realignment of lot lines but no lots have been added, and

WHEREAS, there are no technical deficiencies on the plat submitted, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the final plat of Royse, Twelfth Plat with the following stipulations:
1. A mud bond in the amount of $5000 must be submitted prior to recording the plat.
2. The Director of Public Works is to approve all Public Works Elements prior to recording the plat.

WHEREAS, the applicant agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Royse, Twelfth Plat with stipulations.

Adopted by the Governing Body this 2nd day of December, 1991.

(S. E A L)  

Marcia Rinehart  
Mayor

Attest:

Martha Heizer  
City Clerk
RESOLUTION NO. 1051

The Leawood City Council has considered the request for final plat approval of Royse, Fourteenth Plat located at approximately 127th and Aberdeen and hereby finds the following:

WHEREAS, the property is zoned R-1, Single Family Residential, and

WHEREAS, the applicant is requesting approval of a final plat containing 21 lots on 10.374 acres for a density of 2.02 lots per acre, and

WHEREAS, this is the final plat in Royse, and

WHEREAS, there are no technical deficiencies on the plat submitted, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the final plat of Royse, Fourteenth Plat with the following stipulations:
1. A mud bond in the amount of $5000 must be submitted prior to recording the plat.
2. The Director of Public Works is to approve all Public Works Elements prior to recording the plat.

WHEREAS, the applicant agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Royse, Fourteenth Plat with stipulations.

Adopted by the Governing Body this 2nd day of December, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1052

A RESOLUTION ESTABLISHING THE 1992 FEE SCHEDULE FOR FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD.

WHEREAS, the Code of the City of Leawood omits certain fee schedules for reasons of economy and expediency; and

WHEREAS, the City Administrator is, by Section 1-701 of the Code of the City of Leawood, authorized to make fee adjustments necessary from time to time, and annually report to the Council amounts at which such fees are established;

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

Section 1. That the following fee schedule for 1992 is hereby ratified:

FEES FOR CONSTRUCTION, ALTERATIONS AND REMODELING.

<table>
<thead>
<tr>
<th>New Building Construction Permits</th>
<th>Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Permit fees</td>
<td></td>
</tr>
<tr>
<td>2. Subcontractor fees (mechanical, electrical, and plumbing)</td>
<td>75.00 each</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Building Construction Permits</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential:</td>
<td></td>
</tr>
<tr>
<td>1. Building alterations, remodeling, additions, decks (fees are calculated on the area being added or improved)</td>
<td>.10/SF</td>
</tr>
<tr>
<td>2. Mechanical, electrical, and plumbing associated with (1) above</td>
<td>40.00 each</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial, Office, Industrial:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Interior finish for new construction; building alterations, remodeling</td>
<td>.15/SF</td>
</tr>
<tr>
<td>2. Mechanical, electrical, plumbing associated with (1) above</td>
<td>75.00 each</td>
</tr>
</tbody>
</table>
**Miscellaneous**

1. Swimming pools, whirlpool, hydropool, etc.
   a. Residential—single family 75.00 each
   b. Other than residential s.f. 150.00 each

2. Electrical — including rewiring, service upgrade, etc. 15.00 each

3. Mechanical — furnace/ac replacement 15.00 each

4. Plumbing — water heater replacement; gas line/water line replacement 15.00 each

5. Reroofing
   a. Residential — new and/or more than 50% roof replacement or more than 20 squares 30.00 + 1.50/20 squares over
   b. Roof repair up to 50% of roof replacement 15.00 up to 20 squares
   c. Commercial .1% of construction cost; minimum 15.00

6. Lawn sprinkler systems
   a. Residential (s.f.—single lot) 50.00 each
   b. Residential (multi units—single lot) 50.00/s.f. unit or 50.00/multi unit bldg.
   c. Commercial Based on valuation determined by bldg. official and figured in accordance with UBC Table No. 3A

7. Towers, satellite dish equipment, solar equipment
   a. Single family 25.00 each
   b. Commercial 100.00 each

8. Demolition, each unit or building 60.00 each

9. Structure moving 150.00 each

10. Street curb cut 15.00 each
11. Fences
   a. Privacy fences exceeding 3 feet in height encompassing patios
      20.00 each
   b. Lot perimeter fences exceeding 3 feet in height on lots to 22,000 s.f.
      50.00 each
   c. Lot perimeter fences exceeding 3 feet in height on lots greater than 22,000 s.f. up to 1 acre
      100.00 each
   d. Subdivision perimeter fences and lot perimeter fences exceeding 3 feet in height on lots greater than 1 acre
      Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A
   e. Fence replacement sections exceeding 3 feet in height and 10 feet in length
      20.00 each
   f. Pool fences around perimeter of pool only
      20.00 each

12. Walls
   1. Privacy walls over 3 feet in height encompassing patios
      50.00 each
   2. Lot and subdivision perimeter walls over 3 feet in height
      Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A

13. Retaining walls over 4 feet in height
    (other than as part of home)
    Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A

14. Patio covers
    20.00 each

15. Foundation repair
    25.00 each
16. Reissuance of building permit (duplicate of original) 60.00 each

17. Elevators
   a. Residential 40.00 each
   b. Commercial 50.00 per car

Occupancy of Space or Building
   Application fee 20.00 each
   Inspection fee 30.00 each

Reinspection Fees
   Residential 30.00 each
   Office/commercial 30.00 each
   Occupancy 20.00 each

4-803(b)(3). FEES FOR OIL AND GAS DRILLING AND PRODUCTION.
   Special Use Permit 400.00
   Permit for one well 100.00
   Blanket permit - multi wells 300.00

11-306. FALSE ALARMS.
   Seven (7) through ten (10) false alarms 25.00 each
   Eleven (11) through fourteen (14) false alarms 50.00 each
   Fifteen (15) through eighteen (18) false alarms 75.00 each
   Nineteen (19) and each subsequent alarm 100.00 each

13-1A03. PERMIT FEES; SIDEWALKS.
   For any permit issued under the provisions of this article 20.00 each

13-207. PERMIT FEES; STREETS.
   For any permit issued under the provisions of this article 20.00 each
   Maintenance bond 100% of construction cost for 2 years
   Right-of-Way permit (trenching, tunneling or boring) 20.00 each
   Open cut in pavement permit Length x width x 2.00 or 15.00 minimum
Lane closure permit (in addition to open cut, or right-of-way permit) 25.00 each

13-225. BACK CHARGE RECOVERY COST FEES; "MUD ORD.". For men and/or equipment. This is not a service. Back charged work will be done only with the approval of the Director or Asst. Director of Public Works. There will be a one hour minimum charge. Transportation to the job site will be charged at the same rate.

Men with hand tool only 20.00/hr.
Pick-up truck with driver 35.00/hr.
Dump truck with driver 55.00/hr.
Sweeper with operator 100.00/hr.
Jet rodder with operator 100.00/hr.
Back hoe with operator 80.00/hr.
Mowing tractor with operator 65.00/hr.
Bobcat, pick-up, trailer, and hand tools with operator 80.00/hr.
Grader with operator 90.00/hr.
Loader with operator 90.00/hr.

Outside contractors 65.00/hr. with a 3 hr. min.

Additional labor will be charged as follows:
  Maintenance I (per person) 20.00/hr.
  Maintenance II (per person) 20.00/hr.
  Foreman (per person) 25.00/hr.
  Supervisor 35.00/hr.

15-110. SEWER CONNECTION CHARGE. 800.00 + 20.00 inspection fee

16-202. FEES FOR ZONING PROCEDURES.

<table>
<thead>
<tr>
<th>Rezoning</th>
<th>Tract Size</th>
<th>Rezoning Fee</th>
<th>Preliminary Plan</th>
<th>Final Plan</th>
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<tbody>
<tr>
<td>Residential</td>
<td>0 - 5 acres</td>
<td>300</td>
<td>300</td>
<td>150</td>
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<td></td>
<td>5+ - 40</td>
<td>400</td>
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<td>150</td>
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<tr>
<td></td>
<td>40+ - up</td>
<td>400</td>
<td>400</td>
<td>200</td>
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<tr>
<td>Office</td>
<td>0 - 5 acres</td>
<td>300</td>
<td>300</td>
<td>150</td>
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<td></td>
<td>5+ - 10</td>
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<td></td>
<td>10+ - 25</td>
<td>400</td>
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<td>25+ - 50</td>
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<td></td>
<td>50+ - up</td>
<td>400</td>
<td>400</td>
<td>250</td>
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<tr>
<td>District</td>
<td>0 - 5 acres</td>
<td>5+ - 10</td>
<td>10+ - 25</td>
<td>25+ - 50</td>
</tr>
<tr>
<td>--------------------------</td>
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<td>---------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Commercial (CP-1 to CP-2)</td>
<td>300</td>
<td>300</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Recreation (REC)</td>
<td>300</td>
<td>300</td>
<td>300</td>
<td>300</td>
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<tr>
<td>Industrial (PI)</td>
<td>300</td>
<td>300</td>
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</tr>
<tr>
<td>Business Park (BP)</td>
<td>300</td>
<td>300</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Special Development (SD)</td>
<td>300</td>
<td>300</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Mixed Zoning (Combination of any two or more districts)</td>
<td>400</td>
<td>400</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Special Use Permits, except oil</td>
<td>400</td>
<td>500</td>
<td>600</td>
<td></td>
</tr>
<tr>
<td>Special Use Permit-temporary short term, not longer than 10 days as defined in Sec. 4-3.1(31) of the Leawood Development Ordinance</td>
<td>50</td>
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<td>Text amendment to Leawood Development Ordinance</td>
<td>300</td>
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<tr>
<td>Estate sales</td>
<td>25</td>
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</table>
### Other Plan Approvals
- Revision of final plan: 150
- Landscape Plan: 200
- Sign Plan Approval (commercial): 150
- Flood Plain Development: 200

### Streets, Utility Vacation
- 200

### Board of Zoning Appeals
1. Hearing: 75
2. Request for fence height exception: 75

Applicant is responsible for the cost of publishing rezoning, preliminary plat or special use permit Notice of Hearing.

Applicant is responsible for the cost of publishing rezoning, special use permit, or vacation ordinance following City Council approval, and cost of recording plats. (See fees for Final Plat Submission.)

Applicant shall be responsible for paying a late fee in the amount of $500.00 if an application for site development plan is submitted to the City after the deadline for submissions has expired.

### Sign permit fees
1. Developer temporary sign
   a. Small (5/SF to 32/SF): 20.00 each
   b. Large (Over 32/SF): 50.00 each

2. Temporary signs (7-day permit)
   a. Small over 5/SF to 32/SF: 10.00 each
   b. Large over 32/SF: 30.00 each
   c. Inflatables (special use): 30.00 each

3. Monument signs/structures (additional elec. permit required)
   50.00 each

4. Permanent sign-wall signs: 2.00/SF—minimum 25.00

### 16-402. FEES FOR SUBDIVISION REGULATION PROCEDURES.

**Preliminary Plat Submission:**
Applicant to pay $400.00 minimum plus $2.00 per lot.

**Final Plat Submission:**
Applicant to pay $200.00 minimum plus $2.00 per lot/tract.
PLANNING AND DEVELOPMENT DEPARTMENT DOCUMENT FEES.

Comprehensive Plan Book 25.00 each
Leawood Development Ordinance 10.00 each
Subdivision Regulations 5.00 each
Zoning Map 3.00 each
Subdivision Map 3.00 each
Comprehensive Plan Map 5.00 each
K-150 Plan Map 3.00 each
Leawood Street Plan Map 5.00 each

PUBLIC WORKS DEPARTMENT DOCUMENT FEES.

Construction Standards Book 20.00 each

OTHER DEPARTMENT PUBLICATIONS/REPORT FEES (to be individually determined based upon printing costs).

MISCELLANEOUS FEES.
Fees According to Open Records Act
Record Search (Ordinance No. 801) 10.00 minimum
Copying fee per page .50

PARKS AND RECREATION DEPARTMENT FEES (second figures are non-resident fees).
Swim lessons 22.00 25.00
Competitive swim 45.00 55.00
Water exercise 22.00 25.00
Camp 90.00 110.00
Registration change 10.00 10.00
Mini-camp 35.00 40.00
Call-in registration 2.25 2.25
Fishing Derby 2.00 2.50
Birthday party (per) 3.50 3.50
Softball league 275.00 275.00
Triathlon 15.00 15.00
Races 15.00 15.00

Corporate Challenge 25.00 to 55.00
Volleyball leagues 25.00 to 75.00
Tennis lessons 7.00 private to 25.00 group
Many free events and services
Membership and attendance fees:

### Daily fees - pool or tennis
<table>
<thead>
<tr>
<th></th>
<th>Youth</th>
<th>Adult</th>
<th>Guest - youth</th>
<th>Guest - adult</th>
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<tr>
<td>Youth</td>
<td>2.00</td>
<td>3.00</td>
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<tr>
<td>Adult</td>
<td>2.50</td>
<td>3.50</td>
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### Swimming only
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<tr>
<th></th>
<th>Family</th>
<th>Individual</th>
<th>Child (under 18)</th>
<th>Sr. Citizen (60+)</th>
<th>Baby sitter</th>
<th>Patch</th>
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<td>65.00</td>
<td>50.00</td>
<td>35.00</td>
<td>17.00</td>
<td>30.00</td>
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<td>Individual</td>
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<td>50.00</td>
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<td>Sr. Citizen (60+)</td>
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<td>17.00</td>
<td>30.00</td>
<td>30.00</td>
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### Tennis only
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<tr>
<th></th>
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<th>Individual</th>
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<th>Sr. Citizen (60+)</th>
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<tr>
<td>Family</td>
<td>55.00</td>
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<td>25.00</td>
<td>10.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sr. Citizen (60+)</td>
<td>10.00</td>
<td>10.00</td>
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</table>

### Pool & Tennis (park pass)
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<th>Individual</th>
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<th>Sr. Citizen (60+)</th>
<th>Patch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>95.00</td>
<td>120.00</td>
<td>45.00</td>
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<td>22.00</td>
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<td>2.00</td>
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<tr>
<td>Sr. Citizen (60+)</td>
<td>22.00</td>
<td>22.00</td>
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</tr>
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</table>

Adopted by the Governing Body this 16th day of December, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION 1053

A RESOLUTION ACCEPTING THE DEBT STRATEGIES REPORT PREPARED BY THE EXECUTIVE COMMITTEE ON OVERLAPPING DEBT, DATED NOVEMBER 1, 1991, AND SUPPORTING THE CREATION OF A PERMANENT DEBT MANAGEMENT ADVISORY COUNCIL IN JOHNSON COUNTY, KANSAS.

WHEREAS, an Executive Committee comprised of five area local government and education administrators found that a cooperative effort among Johnson County taxing jurisdictions to deal with the issuance of public debt would represent a unique effort in the United States; and

WHEREAS, the Executive Committee, with input from local taxing entities and government finance professionals, developed the following categories of recommendations for consideration by the various governing bodies throughout Johnson County: Organizational Structure Development; Coordination of Information; Capital Improvement Plan Development; Growth Management Strategies; Information for the Public and State Legislature; and Standards and Guidelines (see Exhibit A); and

WHEREAS, the Executive Committee urges serious consideration of these recommendations and seeks a pledge of support in this effort to enhance the financial standing of each jurisdiction.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION ONE: The Governing Body (Board/Governing Body) of the City of Leawood, Ks. (name of entity) hereby accepts the "Debt Strategies Report Executive Committee on Overlapping Debt", and acknowledges the six categories of recommendations contained therein.

SECTION TWO: The City of Leawood (name of entity) supports the creation of a permanent Debt Advisory Council and will actively participate in its efforts.

SECTION THREE: This Resolution which becomes effective upon passage shall be forwarded to Georgia Nesselrode, Secretariat, Johnson County Community College's Government Services Institute (GSI), no later than February 1, 1992.

ADOPTED this 6th day of January, 1992.

SIGNED on this 6th day of January, 1992.

By: Marcia Rinehart
Title: Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk
RECOMMENDATIONS

Through the discussions and meetings that have been held during the past year, the Executive Committee has developed the following series of recommendations that it believes should be seriously considered by each governing body in Johnson County, Kansas. The Executive Committee further believes that if these recommendations are acted on in the affirmative, by each jurisdiction, that there will be a collective improvement on behalf of the citizens that reside and pay taxes in Johnson County. It will also provide very positive signs to those external investors and rating agencies that continuously view each of the jurisdictions that issue debt in Johnson County.

It is acknowledged by the Executive Committee that each jurisdiction has its own protocol, administrative structure and political considerations that it must address before there are adjustments to existing policies, but we believe that these recommendations will further enhance the financial standing of each jurisdiction and therefore urge serious consideration of these recommendations. The recommendations have been divided into six categories in an effort to present them with clarity and understanding.
A. ORGANIZATIONAL STRUCTURE DEVELOPMENT

1. Establish a permanent Debt Management Advisory Council elected from the taxing entities who submit resolutions of support. A mixture of elected and appointed officials is encouraged.

2. Develop and update on an annual basis a five-year public debt report for Johnson County which recognizes the long range capital program's needs.

3. Establish an Executive Committee of the Advisory Council if necessary. The membership should include representation from two cities, two school districts, Johnson County Community College (JCCC), Johnson County, and a utility board.

4. Establish a resource subgroup from representatives of staff, financial advisors, bond counsel, etc. to provide technical assistance upon the request of the Advisory Council.

5. Establish by-laws, mission statement and goals and objectives which encompass the recommendations in this report and any other set by the Advisory Council.

6. Coordinate the Advisory Council activities through assistance of an outside secretariat (JCCC's Government Services Institute.)

B. COORDINATION OF INFORMATION

1. Establish an ongoing clearinghouse of technical information concerning Capital Improvement Programs, amortization schedules, official statements, bond ratings, bond sale dates and financial reports.

2. Create a "Debt Book" listing the pertinent information on all issues of public debt to enhance Johnson County's position in the secondary market.

3. Establish a subgroup to prepare Johnson County specific public debt issuance guidance standards, norms and performance
indicators i.e., debt per capita, debt as percentage of assessed value, etc., to be used as a local measure and guide for public debt issuance.

4. Investigate and determine benefits to participating jurisdictions of incorporating continuing disclosure as part of financial reporting procedures for infrequent issuers.

5. Develop an "educational package" regarding special assessment backed public debt as provided for in Kansas statutes and as specifically used in Johnson County to aid the rating agencies in establishing policies and guidelines as to the impact of such public debt on individual credit ratings.

6. Coordinate the notice of bond sales for all participating jurisdictions in order to avoid crowding the debt market.

7. Share information and provide assistance among participating jurisdictions regarding changes in state and federal laws which have a direct impact on the ability to issue and/or manage public debt.

8. Provide a forum to foster a higher degree of understanding of the financial debt markets and changes in the market so as to allow participating jurisdictions to make the most efficient use and access of markets. Elements that should be monitored and shared include: trends in interest rates; new borrowing techniques; changes in regulatory and legislative environments which affect public borrowers; and county, state, region and national debt trends.

C. LONG RANGE FACILITIES/CAPITAL IMPROVEMENT PLANNING

1. Develop a uniform system of developing Capital Improvement Plans (CIPs) to be used by all participating jurisdictions to facilitate the exchange of information for future public debt planning.

2. Promote economic development opportunities in Johnson County, the quality of life which exists, the infrastructure support services and the high credit worthiness of taxing jurisdictions within its borders.
3. Communicate proposed capital projects to foster cooperative efforts i.e. shared facilities, joint ventures, and co-financing of projects.

D. GROWTH MANAGEMENT STRATEGIES

1. Develop a growth management strategy among the participating jurisdictions and organizations affected by growth policies in order to avoid imposing unreasonable public debt burdens. (See Appendix E: "Developing Formal Debt Policies")

2. Seek opportunities to finance capital projects with revenue sources, such as user fees, impact fees and state and federal funding, as alternatives to the issuance of public debt.

E. INFORMATION FOR THE PUBLIC AND STATE LEGISLATURE

1. Develop and support legislative proposals relating to bond financing for participating jurisdictions.

2. Establish and promote collective efforts relating to bond ratings from rating agencies.

3. Monitor state and federal legislation and regulations addressing emerging issues which affect participating jurisdictions regarding public debt.

4. Provide educational material and public forums for the taxing public to understand underlying issues of public debt and Johnson County's position.
F. STANDARDS AND GUIDELINES

1. Establish reasonable public debt level targets which recognize Johnson County's projected inflation, planned capital needs for each participating jurisdiction, and specific public debt issuance standards, norms, and performance indicators.

2. Strive for adopting and implementing the standards as called for by Comprehensive Annual Financial Reports (CAFR).

3. Strive to develop uniform budget documents to meet national guidelines.
A RESOLUTION ORDERING THE CREATION OF AN IMPROVEMENT DISTRICT AND ALSO AUTHORIZING PHASE I IMPROVEMENTS FOR STATE LINE ROAD, WITHIN THE CITY OF LEAWOOD, KANSAS, BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN (513) FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY TWO (122) FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE, A DISTANCE OF FOUR THOUSAND THREE HUNDRED ELEVEN AND TWENTY FOUR ONE HUNDREDTHS (4,311.24) FEET, MORE OR LESS, THE IMPROVEMENTS TO GENERALLY CONSIST OF EITHER A FIVE (5) LANE UNDIVIDED ROADWAY OR A SIX (6) LANE DIVIDED ROADWAY WITH RAISED TRAFFIC MEDIANS AND PROTECTED LEFT TURN LANES. THE ROADWAY WILL BE AN ASPHALTIC CEMENT CONCRETE PAVEMENT WITH CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS AND OTHER APPURTENANCES.

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 Improvement District described herein, proposing the following improvements:

The construction of State Line Road, within the City of Leawood, Kansas, between approximately Five Hundred Thirteen (513) feet south of the centerline of 112th Terrace and approximately One Hundred Twenty Two (122) feet south of the centerline of Carondolet Drive, a distance of Four Thousand Three Hundred Eleven and Twenty Four One Hundredths (4,311.24) feet, more or less; said improvements to be either a five (5) lane undivided roadway or a six (6) lane divided roadway with raised traffic medians and protected left turn lanes. The roadway will be an asphaltic cement concrete pavement with curb and gutters, storm sewers, sidewalk, street lights and other appurtenances.

WHEREAS, the Governing Body of the City of Leawood, Kansas, finds and determines the improvements to be advisable and the petition, to include conditions contained therein, to be in compliance with K.S.A. 12-6a01 et seq.;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that the following improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body of the City of Leawood, Kansas:
The construction of State Line Road in the City of Leawood, Kansas, between approximately Five Hundred Thirteen (513) feet south of the centerline of 112th Terrace and approximately One Hundred Twenty Two (122) feet south of the centerline of Carondolet Drive, a distance of Four Thousand Three Hundred Eleven and Twenty Four One Hundredths (4,311.24) feet, more or less; said improvements to consist of either a five (5) lane undivided roadway or a six (6) lane divided roadway with raised traffic medians and protected left turn lanes. The roadway will be an asphaltic cement concrete pavement, with curb and gutters, storm sewers, sidewalks, street lights and other appurtenances.

The boundaries of the Improvement District to be assessed are as shown on the attached plan which is marked as Exhibit A and made a part hereof as if fully set forth at length herein.

The entire cost of the improvement, estimated to be One Million One Hundred Fifteen Thousand One Hundred Twelve Dollars and Thirty Three Cents ($1,115,112.33), will be paid by the Improvement District and no cost will be paid by the City at large with costs to be assessed as provided by the petition.

The Governing Body is authorized to issue such temporary notes, as provided by K.S.A. 10-123 and K.S.A. 12-6a14, for the purpose of providing interim financing of such improvement project as is deemed necessary after separate action providing for the issuance of such notes.

Adopted by the Governing Body the 27 day of January, 1992.

Marcia Rinehart, Mayor
City of Leawood, Kansas

ATTEST:
Martha Heizer, City Clerk
RESOLUTION NO. 1055

The Leawood City Council has considered the request for final plat approval of Leawood Town Center located at approximately 117th and Roe and hereby finds the following:

WHEREAS, the final plat of Leawood Town Center will contain the city hall, plaza area and library site, and

WHEREAS, the plat contains 5 lots, all on the north side of Town Center Drive (approximately 117th Street), and

WHEREAS, the entire site contains 19.742 acres, including 4.872 acres used for public streets, and

WHEREAS, Lot 1 (110,890 sq.ft.) will contain the City Hall and accessory parking, and

WHEREAS, Lot 2 (62,046 sq.ft.) will contain the plaza area, and

WHEREAS, Lot 3 (75,455 sq.ft.) will contain the library and accessory parking, and

WHEREAS, Lot 4 (348,947) will be open space, and

WHEREAS, Lot 5 (51,155) is open space that will be preserved as a view corridor from Roe Avenue, and

WHEREAS, a building line of 100 feet has been established for both Roe Avenue and Town Center Drive,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Leawood Town Center with no stipulations.

Adopted by the Governing Body this 18th day of February, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
A RESOLUTION RELATING TO SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, has determined upon the basis of an engineering and traffic investigation that the speed limit permitted under State law and Section 33 of the "Standard Traffic Ordinance for Kansas Cities", 1991 Edition, is greater or less than is reasonable under the conditions found to exist upon certain streets within the City.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby determines and declares that the reasonable and safe speed limit on said portion of said streets is as listed below; and

BE IT FURTHER RESOLVED that the Chief of Police is hereby directed to cause to have erected appropriate signs giving notice of such speed limit along said streets in the City.

<table>
<thead>
<tr>
<th>STREET</th>
<th>PORTION CONTROLLED</th>
<th>APPLICABLE SPEED LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee Blvd.</td>
<td>81st Street to 103rd St.</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>State Line Rd.</td>
<td>North City Limits to I-435</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>State Line Rd.</td>
<td>I-435 to 135th Street</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Mission Road</td>
<td>North City limits to 330 ft. South of I-435</td>
<td>35 m.p.h.</td>
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<td>Mission Road</td>
<td>330 ft. South of I-435 to El Monte</td>
<td>15 m.p.h.</td>
</tr>
<tr>
<td>Mission Road</td>
<td>119th Street to 151st St.</td>
<td>35 m.p.h.</td>
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<tr>
<td>Roe Avenue</td>
<td>College to Tomahawk Creek bridge</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>Tomahawk Creek bridge to 131st Street</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>131st Street to K-150</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>K-150 to End of Roadway</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>83rd Street</td>
<td>Within City Limits</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>89th Street</td>
<td>Lee Blvd. to Road Termination</td>
<td>20 m.p.h.</td>
</tr>
<tr>
<td>89th Street</td>
<td>Mission Road to Lee Blvd.</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>STREET</td>
<td>PORTION CONTROLLED</td>
<td>APPLICABLE SPEED LIMIT</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>95th Street</td>
<td>Within City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>103rd Street</td>
<td>Within City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>College Blvd.</td>
<td>Between Roe Av. &amp; Nall Av.</td>
<td>45 m.p.h.</td>
</tr>
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<td>College Blvd.</td>
<td>Roe to .1 Mi. West of Buena Vista</td>
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</tr>
<tr>
<td>I-435</td>
<td>Within City Limits</td>
<td>55 m.p.h.</td>
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<tr>
<td>119th Street</td>
<td>State Line Road to Roe Av.</td>
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<td>119th Street</td>
<td>Roe Av. to Nall Av.</td>
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<td>123rd Street</td>
<td>State Line Rd. to Mission Road</td>
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<td>127th Street</td>
<td>Mission Road to Nall Av.</td>
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<td>K-150</td>
<td>Westbound from State Line Rd. to a point .10 miles West of intersection of K-150 and State Line Road</td>
<td>45 m.p.h.</td>
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<tr>
<td>K-150</td>
<td>Westbound from .10 miles West of State Line Road to City limits</td>
<td>55 m.p.h.</td>
</tr>
<tr>
<td>K-150</td>
<td>Eastbound from a point .30 miles West of State Line Road to State Line Road</td>
<td>45 m.p.h.</td>
</tr>
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<td>Eastbound from City Limits to a point .30 miles West of State Line Road</td>
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<td>143rd Street</td>
<td>Kenneth Road to Nall Av.</td>
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<td>151st Street</td>
<td>Within City limits</td>
<td>45 m.p.h.</td>
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<tr>
<td>Kenneth Road</td>
<td>Within City limits</td>
<td>45 m.p.h.</td>
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<td>Nall Avenue</td>
<td>College Blvd. to 119th Street</td>
<td>45 m.p.h.</td>
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<tr>
<td>Nall Avenue</td>
<td>Tomahawk Creek to 13000 block</td>
<td>35 m.p.h.</td>
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</table>
STREET                  PORTION CONTROLLED                  APPLICABLE SPEED LIMIT
Tomahawk Creek Parkway       Within City limits                  35 m.p.h.

Adopted by the Governing Body this 18th day of February

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk
RESOLUTION NO. 1057

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 2-92 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the replacement of the bridge on Mission Road at Indian Creek, known as Project No. 46 U-1263-01 (BRM-3501(001)).

Passed by the (Council) (Commission) this 18th day of February, 1992.

(Approved) (Signed) Mayor

(SEAL)

ATTEST: City Clerk
RESOLUTION NO. 1057

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AND STATE AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 2-92 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal and State Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the improvement of Mission Road, described as follows: Replacement of the bridge on Mission Road at Indian Creek, designated as a city connecting link on the State Highway System and known as Project No. 46 U-1263-01 (BRM-3501(001)).

Passed by the (Council) (Commission) this 18th day of February, 1992

(Approved) (Signed) /s/ Maria Rinehart, Mayor

(SEAL)

ATTEST: /s/ City Clerk
RESOLUTION NO. 1058

RESOLUTION REQUESTING JOHNSON COUNTY, KANSAS, PARTICIPATION IN THE CITY OF LEAWOOD’S FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM THROUGH THE COUNTY’S ASSISTANCE ROAD SYSTEM (C.A.R.S.).

WHEREAS, the City of Leawood Governing Body has reviewed and approved the attached five-year Road and Bridge Improvement Program, and

WHEREAS, the City of Leawood is requesting participation from Johnson County, Kansas, through the County’s Assistance Road System (C.A.R.S.),

NOW, THEREFORE, be it resolved by the Governing Body of the City of Leawood, Kansas, that the attached Five-Year Road and Bridge Program be submitted to Johnson County, Kansas, per Johnson County’s Resolution No. 44-90 and Resolution No. 88-91.

Adopted by the Governing Body this 18th day of February, 1992.

MAYOR MARCIA RINEHART

ATTEST:

MARTHA HEIZER, CITY CLERK
<table>
<thead>
<tr>
<th>PRIORITY</th>
<th>PROJECT</th>
<th>START/FINISH</th>
<th>SCOPE OF PROJECT</th>
<th>EXISTING FACILITIES</th>
<th>CURRENT COST</th>
<th>DESIGN YEAR</th>
<th>ELIGIBLE COST</th>
<th>COMM. DIST.</th>
<th>%</th>
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<tr>
<td>93-1</td>
<td>K-150 (135th st.)</td>
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<td>12/1992</td>
<td>4 Lane Divided Roadway</td>
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<td>4 Lane Divided Roadway</td>
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<td>2,500,000</td>
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<td>124th to 135th</td>
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<td>Undivided Roadway</td>
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<td>1996</td>
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<td>2 Lane Roadway</td>
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<td>1992</td>
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<td>Undivided Roadway</td>
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<td>2012</td>
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<td>Overland Park</td>
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<td></td>
<td>El Monte to State Line Rd</td>
<td>1998</td>
<td>Lane Undivided Roadway</td>
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<td></td>
<td>2017</td>
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<td>Johnson County</td>
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</table>

ESTIMATED PROJECT SCHEDULE

A.D.T.'S C.A.R.S.

PERCENTAGES OF PARTICIPATION
RESOLUTION NO. 1059

A RESOLUTION EXPRESSING SUPPORT FOR CHANGES TO THE GENERAL INVESTMENT AUTHORITY OF LOCAL UNITS OF GOVERNMENTS.

WHEREAS, K.S.A. 12-1675 establishes the authority for local units of government to invest public funds which are not immediately required for the purpose for which the funds were collected; and

WHEREAS, to enhance revenues, it is the fiduciary duty of each local government entity to earn a fair rate of interest on its available funds consistent with a high degree of liquidity and safety; and,

WHEREAS, this country's financial markets have undergone significant structural changes and innovations since the original enactment of K.S.A. 12-1675; and,

WHEREAS, the City of Leawood supports efforts to broaden the investment authority of both the state of Kansas and its local government units; and,

WHEREAS, the City of Leawood anticipates that the broader investment authority could yield additional investment income for its idle funds.

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

SECTION ONE: That the City of Leawood supports the passage of 1992 Senate Bill No. 480, as recommended by the 1991 interim Legislative Budget Committee.

SECTION TWO: That the City of Leawood urges its state legislative delegation to support Senate Bill 480.

SECTION THREE: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 24th day of February, 1992.

(SIGNATURE)
Marcia Rinehart Mayor

(SEAL)

ATTEST:

(SIGNATURE)
Martha Heizer City Clerk
RESOLUTION NO. 1060

WHEREAS, the development of sewers is critical to the continued growth and economic health of Johnson County and its cities; and

WHEREAS, the development and repair of sewer treatment facilities is equally critical to the ongoing quality of the environment and the health of the residents of Johnson County and its cities; and

WHEREAS, the Johnson County Unified Wastewater Districts project that more than $280 million of major sewer repair and construction projects will be required by the year 2005, many of them necessary because of a Federal mandate to improve the quality of treated water returned to area streams; and

WHEREAS, Federal funding that paid for 25 to 75 percent of previous sewer repair and construction projects no longer is available, forcing the complete costs of improvements back on residents within the Johnson County Unified Wastewater Districts to be served; and

WHEREAS, the Johnson County Board of County Commissioners since 1982 has been studying ways to provide equitably and predictably for the future development and repair of major sewer treatment facilities; and

WHEREAS, after consultation with citizens, city officials and business groups, the Board of County Commissioners has proposed a Sewer Repair and Construction Finance Plan to be voted on by all residents of Johnson County on April 7, 1992; and

WHEREAS, the Sewer Repair and Construction Finance Plan presents a fair method of planning and paying for major sewer improvements so necessary to the continued economic and environmental health of Johnson County by charging all property owners on the basis of their estimated average annual water usage, instead of their property value or acreage;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Leawood, Kansas, does hereby endorse the proposed Sewer Repair and Construction Finance Plan; and

BE IT FURTHER RESOLVED that the City Council of the City of Leawood encourages the residents of the City of Leawood to vote "Yes" and approve the Sewer Repair and Construction Finance Plan on April 7, 1992.
Resolution No. 1060

Adopted by the Governing Body this 2nd day of March, 1992.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Helzer
City Clerk
RESOLUTION OF APPRECIATION

WHEREAS, the City of Leawood had sought a centralized location suitable for the construction of a new city hall; and

WHEREAS, the tract of land located between Roe Avenue and Nall Avenue and north of 119th Street had been owned by the Douthat Family for approximately 50 years and included an area which would provide an excellent location for a city hall; and

WHEREAS, the City requested Marned Corporation, in planning for the development of its property within the City, to consider a possible site upon its property for the construction of a city hall; and

WHEREAS, Marned Corporation, acting upon the request of the City, determined to develop its property at approximately 117th Street and Roe Avenue in such manner so as to accommodate and provide a site for the construction of a city hall and a county branch library; and

WHEREAS, on February 7, 1992, Marned Corporation dedicated 14.9 acres of its property to the City to be used for the purpose of constructing a city hall and county branch library; and

WHEREAS, this public complex will serve not only the residents of this area well, but also will be a source of pride and will promote a sense of community for all of Leawood; and

WHEREAS, it is fitting and proper that the Governing Body of the City of Leawood acknowledge this generous and valuable donation to the community;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood, Kansas, along with the City staff and on behalf of all the citizens of Leawood, hereby expresses its sincere appreciation to the Marned Corporation for the generous donation, and for the civic spirit in providing the residents of this area with the opportunity to share in the enjoyment of an asset which has been part of the Douthat family for the past fifty years.

Adopted by the Governing Body the 16th day of March, 1992.

(S E A L)

Mayor

Attest:

City Clerk
RESOLUTION NO. 1061

The Leawood City Council has considered the request for rezoning from RP-4 to RP-1, revised preliminary plat and revised preliminary plan approval for Hallbrook Farms, Phase 5 located at approximately 118th and Overbrook and hereby resolves the following:

WHEREAS, the applicant is requesting approval of the rezoning of 20.557 acres from RP-4, Planned Cluster Residential to RP-1, Planned Single Family Residential, Revised Preliminary Plat and Revised Preliminary Plan for 23 lots (38,933 square feet per home), and

WHEREAS, the property is located north of Phase 3 in the southeast corner of Hallbrook, south of the patio homes that are currently being developed, and

WHEREAS, the 1988 Master Plan designates this property as medium density residential while the update indicates this property as Low Density Residential, and

WHEREAS, this plat will continue the landscape buffer along State Line Road which is a combination of landscaping and berming, and

WHEREAS, the Plan Commission has held a public hearing on this application, and

WHEREAS, the Plan Commission recommends approval of the request for rezoning from RP-4 to RP-1, revised preliminary plat and revised preliminary plan approval for Hallbrook Farms, Phase 5 with the following stipulations:

1. The density is limited to 23 single family homes on 20.557 acres.
2. The side yards are to be 15'.
3. Medians are to be irrigated and maintained by the Homes Association.
4. Street lighting is to be approved by the Director of Public Works and maintained by the Homes Association.
5. Deed Restrictions must be submitted and recorded prior to issuance of any building permits.
6. The developer will connect Overbrook between 115th Street and the north end of Phase 5 with a 2 lane temporary gravel road finished with AB3. The temporary road will allow for emergency access only, at this time. Construction gates will be constructed at both ends of the temporary road; such gates to be monitored by the developer. The construction entrance from State Line Road will be moved to the north end of Phase 5 so that the berm can be completed adjacent to Phase Five. This gate will remain open until Phase 2 of the State Line Road improvements are substantially complete as designated by the Director of Public Works. Construction access
will then be from 115th Street to State Line Road. With the anticipated construction of State Line Road staff felt that the temporary road, although not much help to Hallbrook residents, does provide a much needed emergency access without allowing "cut through" traffic from motorists trying to avoid the construction activities on State Line Road.

WHEREAS, the developer is willing to meet the stipulations;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, does hereby approve the request for rezoning from RP-4 to RP-1, revised preliminary plat and revised preliminary plan approval for Hallbrook Farms, Phase 5 with the stipulations.

Adopted by the Governing Body this 6th day of April, 1992.

(S E A L)  

[Signature]

_attest:  

[Signature]

[Signature]

Attest:

Martha Heizer  
City Clerk
Resolution No. 1062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEAWOOD FINDING THAT THE "PROJECT AREA," AS HEREINAFTER DEFINED, IS A BLIGHTED AREA AND THAT REDEVELOPMENT OF SUCH AREA IS NECESSARY TO PROMOTE THE GENERAL AND ECONOMIC WELFARE OF THE CITY.

WHEREAS, the City has defined a potential redevelopment area consisting of twelve (12) parcels of land on 8.08 acres generally on the west side of the intersection of 103rd Terrace and State Line Road in the City of Leawood as more specifically described in the Legal Description attached hereto as Exhibit #1 and as shown on the Project Area Map attached hereto as Exhibit #2; and

WHEREAS, pursuant to K.S.A. § 12-1771(a), the City has initiated a Blight Study of the Project Area, which Study incorporates an analysis and documentation of the ten (10) blight factors identified by the statute; and

WHEREAS, the Blight Study has been completed and presented to the City Council on this 6th day of April, 1992; and

WHEREAS, the City Council has reviewed the Blight Study at a regular meeting of the Council;

NOW, THEREFORE, be it resolved that:

1. The City Council hereby finds that a majority of the "blight factors" listed in K.S.A. § 12-1771(a) are present or evidenced in the Project Area and that such factors substantially impair and arrest the sound development and growth of the City, constitute an economic and social liability and are a menace to the public
health, safety and welfare; and

2. The City Council hereby finds and declares that, based on the Blight Study, the Project Area is a "blighted area" pursuant to K.S.A. 12-1771(a); and

3. The City Council hereby finds and declares that, based on the Blight Study, the redevelopment of the Project Area is necessary to promote the general and economic welfare of the City.

PASSED AND ADOPTED this 6th day of April, 1992.

MARCIA KINSEY
MAYOR

ATTEST:

MARK B. HEISE
City Clerk

APPROVED AS TO FORM:

City Attorney
APPENDIX "A"

EXHIBIT #1

103rd Terrace Redevelopment

Basic Legal Descriptions

3-27-92

All those parts of Fractional Section 11, Township 13, Range 25 more particularly described as follows:

A) Beginning 908.04' south 258.29' west and 260.13' southwest of the northeast corner of north 1/2 of said fractional section to the true point of beginning. Thence southwest 120'; thence southeast 250'; thence northeast 121.035'; thence northwest 234.95' to the point of beginning. Containing .67 acres more or less.

and

B) Part of the northwest 1/4 of said fractional section beginning 882.76' south and 320.39' east and 30.07' southeast of the northwest corner to the true point of beginning. Thence southeast 117.39'; thence northeast 155.15'; thence north 222.30'; thence west 16.97'; thence southwest along a curve 31.53' and 43.04'; thence southwest 135.31' to the point of beginning. Containing .747 acres more or less.

and

C) Part of the northwest 1/4 of said fractional section beginning at the northeast corner thence south 833.54'; thence northwest 290.82' to the true point of beginning. Thence northwest along the west line of State Line Road 84.06'; thence northwest 6.98'; thence northwest 193.03'; thence southeast 142.30'; thence northeast 200' to the point of beginning. Containing .509 acres more or less.

and

D) Beginning at the northeast corner of the north 1/2 of said fractional section thence south 833.54'; thence west 290.82' to the true point of beginning. Thence southwest 150'; thence southeast 80'; thence northeast 164.97'; thence northwest 81.39' to the point of beginning. Containing .29 acres more or less.

and

E) Part of the northwest 1/4 of said fractional section. Beginning 833.54' south of the
APPENDIX "A"

northeast corner; thence west 290.62'; thence southwest 150' to the true point of beginning. Thence southwest 25' x southeast 80'. Containing .046 acres more or less.

and

F) Beginning in the northeast corner of the north 1/2 of said fractional section. Thence 833.54' south; thence west 290.62'; thence southwest 175' to the true point of beginning. Thence southwest 25' x southeast 80'. Containing .046 acres more or less.

and

G) Beginning 908.04' south and 258.29' west of the northeast corner of the northwest 1/4 of said fractional section. Thence southeast 38.40' and 62.53'; thence southwest 268.05'; thence northwest 110'; thence northeast 260.13' to the point of beginning. Containing .63 acres more or less.

and

H) Beginning 1004.07' south and 228.92' west of the northeast corner of the northwest 1/4 of said fractional section; thence southeast 66.47'; thence southwest 59.45'; thence southwest 226.48'; thence northwest 124.95' thence northeast 268.05' to the point of beginning. Containing .702 acres more or less.

and

I) Beginning NE COR NW 1/4 FRAC W 260.37' SWLY 145.06' TO PT OF BG SWLY 138.20' SWLY 11.80' SELY 174.97' NLY 100' NWLY 180.48' TO BEG. Containing .51 acres more or less.

and

J) Beginning NE COR N 1/2 FRAC S 306.11' W 221.04' TO PT ON WLY/L STATE LINE RD TO BG NW 174.97' SW 111.76' SE 193.91' NE 95' TO BEG SUBJ TO .06 AC TR IN HWY. Containing .483 acres more or less.

and

K) PT N 1/2 FRAC BG 398.08' S OF NE CR W 245.87' TO TRUE PT OF BF NW 193.91' TO PT IN ELY/L LT 946 LEAWOOD EST SW 32.61' 124.25' & 83.52 TO MOST SLY CR LT 945 SE 314.17' TO PT ON W/L ST LN RD NE ALG W/L 160' TO BG EX PT IN ST LN RD. Containing .918 acres more or less.
APPENDIX "A"

L) Beginning NE COR OF FRAC SEC ALG E/L OF FRAC 556.29' W 269.43' CONT W 145' TO PT OF BG S 165.72' X W 50'. Containing .19 acres more or less.

and

M) Beginning NE COR N 1/2 FRAC SEC S 556.29' W 269.43' TO BEG WLY 145' SWLY 165.72' ELY 150' NLY & ELY 166' TO BEG EX .195 AC IN TR 7 IN HWY. Containing .365 acres more or less.

and

N) TR 7 IN HWY BEG 618.85' SW NE COR FRAC SEC SLY 165.12' W 55.83' NW 66.07' NE 101.49' E 39.39' TO BEG. Containing .195 acres more or less.

and

O) PT N 1/2 FRAC SEC BEG 556.29' S NE COR FRAC SEC W 269.43' NW 195' TO PT OF BEG NW 50' SW 165.74' SE 50' NE 165.74 TO PT OF BEG. Containing .19 acres more or less.

and

P) PT N 1/2 FRAC SEC BG 556.29' S & 514.43' W NE CR S 145.74' W 72.22' S 50'' SW 157.55' NW 30.07' W 110' TO SE CR LT 933 LWD EST NW 320.23' NE 121.02' SE 269.38' E 69.17' TO BG (INCL PT VAC 103RD TERR). Containing 2.3 acres more or less.

When added together, these legal descriptions contain 8.61 acres more or less.
NOTE: THE AREA WITHIN THE BLIGHT STUDY LIMITS IS CURRENTLY ZONED FOR PLANNED INDUSTRIAL USE.
RESOLUTION NO. 1063

A RESOLUTION OF FINDING AS TO THE ADVISABILITY AND A RESOLUTION AUTHORIZING THE IMPROVEMENT AND CONSTRUCTION OF TOWN CENTER DRIVE, WITHIN THE CITY OF LEAWOOD, KANSAS, FROM NALL AVENUE IN THE VICINITY OF 115TH STREET TO ROE AVENUE IN THE VICINITY OF 117TH STREET, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ.

Pursuant to findings of advisability made by the Governing Body of the City of Leawood, Kansas.

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 Improvement District described in said petition, proposing the construction of Town Center Drive, within the City of Leawood, Kansas, connecting Nall Avenue in the vicinity of 115th Street and Roe Avenue in the vicinity of 117th Street, 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 Town Center Drive within the City of Leawood, Kansas, as more specifically described hereinafter, are hereby made, to-wit:

Section 1. That it is necessary and in the public interest to make an improvement consisting of the following:

The construction of Town Center Drive in the City of Leawood, Kansas with a corridor described as follows:

A tract of land 120 feet in width, across a part of the W 1/2 of Section 16, Township 13, Range 25, now is the City of Leawood, Johnson County, Kansas, lying 60 feet on each side of the following described centerline:

Commencing at the Southeast corner of the SW 1/4 of said Section 16; thence N 1° 25' 45" W, along the East line of the SW 1/4 of said Section 16, a distance of 1331.17 feet, to the true point of beginning of subject tract; thence S 87° 52' 15" W, a distance of 278.69 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 1025 feet and a
central angle of 38° 09' 57", a distance of 682.77 feet, to a point of tangency; thence N 53° 57' 48" W, a distance of 1792.56 feet, more or less to a point on the North line of the SW 1/4 of said Section 16; thence continuing N 53° 57' 48" W, a distance of 36.44 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 337.50 feet and a central angle of 37° 43', 41", a distance of 222.24 feet, to a point of tangency; thence S 88° 18' 31 W, a distance of 70 feet, more or less, to a point on the West line of the NW 1/4 of said Section 16.

The project will consist of roadway, located in the above described corridor, connecting Nall Avenue in the vicinity of 115th Street and Roe Avenue in the vicinity of 117th Street. The roadway shall be constructed as one-half (1/2) of an arterial street (two lanes) generally as depicted in Exhibit A attached hereto, and incorporated herein by reference, with additional improvements as described hereinafter at the Nall Avenue and Roe Avenue Intersections. The roadway will be constructed with concrete curb and gutter, asphaltic pavement, storm drainage, sidewalks, street lighting and other appurtenance as is required pursuant to plans approved by the City of Leawood. The intersection improvements are as follows:

NALL AVENUE:

The construction of a full arterial section (four lane divided roadway) for approximately 360' East of the intersection including the necessary transitions from a four (4) lane into a two (2) lane roadway.

ROE AVENUE:

The construction of the necessary roadway to transition the intersection of a secondary arterial into a two (2) lane roadway.
Section 2. That the estimated or probable cost of the improvement is One Million One Hundred Seventy Five Thousand Dollars ($1,175,000).

Section 3. That the Governing Body hereby further finds and finally determines that the boundaries of the improvement district 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:

All of the SW 1/4 of Section 16, Township 13, Range 25, exclusive of existing dedicated right of way;

and

Commencing at the Northwest corner of the NW 1/4 of said Section 16; thence S 1° 41' 29" E, along the West line of the NW 1/4 of said Section 16, a distance of 1596.01 feet, to the true point of beginning of subject tract, said point also being on the Westerly extension of the most Southerly line of Lot 1, UNIVERSITY PARK, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence continuing S 1° 41' 29" E, along the West line of the NW 1/2 of said Section 16, a distance of 1057.08 feet, to the Southwest corner thereof; thence E, along the south line of the NW 1/4 of said Section 16, a distance of 540 feet; thence N 2° 14' W, a distance of 71.38 feet, to the Southwest corner of Lot 26, Block 5, LEAWOOD COUNTRY MANOR, EIGHTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence N 17° 57' 50" E, along the Westerly line of Lots 26, 25, 24 and 23 of said Block 5, a distance of 403.43 feet; thence N 1° 41' 29" W, along the Westerly line of Lots 23, 22 and 21 of said Block 5, a distance of 205.97 feet; thence N 12° 48' W, along the Westerly line and its extension of Lots 21 and 20 of said Block 5, and along the Westerly line of Lot 27, Block 5, LEAWOOD COUNTRY MANOR, NINTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, a distance of 233.04 feet; thence N 0° 21' 50" E, along the Westerly line of said Lot 27, a distance of 79.42 feet, to the Northwesterly corner thereof; thence N 21° 48' 45" W, a distance of 107.20 feet, to the Southeast corner of Lot 3 of said UNIVERSITY PARK; thence S 88° 18' 31" W, along the Southerly line of
Lots 3 and 1 of said UNIVERSITY PARK, a distance of 483.07 feet, to a point of curvature; thence Westerly and Southwesterly, along the Southerly line of said Lot 1, said line being on a curve to the left, having a radius of 19.04 feet, and a central angle of 36° 04' 07", a distance of 11.98 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along the Southerly line of said Lot 1, said line being on a curve to the right, having a radius of 54 feet, a central angle of 36° 04' 07", and whose initial tangent bearing is S 52° 14' 24" W, a distance of 33.99 feet, to a point of tangency; thence S 88° 18' 31" W, along the Southerly line and its extension of said Lot 1, a distance of 70 feet, to the true point of beginning of subject tract, containing 15.369 Acres, more or less, of unplatted land.

Section 4. The extent of the proposed Improvement District to be assessed is all property within the Improvement District, except as is hereinafter specifically excluded. Property owned by the City of Leawood lying north of Town Center Drive which has been platted as Leawood Town Center, Tracts one through and five, shall not be liable for assessment under the district as a result of the apportionment of certain costs to the city at large as described hereinafter and for the further reasons that the city shall provide construction inspection for the improvement using City personnel without cost to the improvement district and shall not assess any administrative fees, as customarily charged by the city for its services in connection with the formation of the improvement districts.

Section 5. The method of assessment of the share of costs apportioned to the improvement district shall be as follows:

All properties within the district shall be assessed in accordance with street construction commitments made by the property owners at the time of zoning and preliminary development plan approvals by the City of Leawood and contractual agreements entered pursuant thereto. Accordingly, that portion of the cost of construction of the improvement equal to $108,000.00, plus a portion of the financing costs equal to the total cost of the improvement multiplied by the ratio which $108,000 bears to the total cost of the improvement, shall be assessed to that property identified on the attached Exhibit A as
the Ferrell property. The property located within the improvement district which is identified on the attached Exhibit A as the North Marned Property and which has been zoned by the City as residential property shall be assessed at the rate of ninety dollars ($90.00) for each lineal foot of said parcel which abuts the improvement. It is estimated that the portion of the cost of construction which will be assessed to the North Marned Property will be approximately $400,000.00. All remaining costs of the improvement, except those costs which are apportioned to the City at large hereinafter provided, shall be assessed to the Marned Property located south of Town Center Drive and included within the district, which property is identified as the South Marned Property on the attached exhibit A. Financing of the improvement district formed for the construction of the improvement shall provide for payment of assessments over a term of fifteen years.

Section 6. That portion of the cost of construction of the improvement equal to four hundred thousand dollars ($400,000.00) plus a portion of the financing costs equal to the total cost of the improvement multiplied by the ratio which $400,000 bears to the total cost of the improvement shall be apportioned to the City. The remainder of the cost of the improvement shall be apportioned to the improvement district and assessed as provided by the petition. It is estimated that under the foregoing proposed apportionment of costs approximately 34% of the cost of the improvement will be apportioned to the City at large, however the actual percentage to be apportioned to the City at large shall be determined as provided herein. In no event shall the percentage to be apportioned to the City at large exceed 95%.

Section 7. The advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq.

Section 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

Section 9. The Governing Body is authorized to issue such temporary notes, as provided by K.S.A. 12-6a14, for the purpose of providing interim financing of such improvement project as is deemed necessary after separate action providing for the issuance of such notes.
ADOPTED by the Governing Body this 20th day of April, 1992.

[Signature]
Margia Rinehart
Mayor

[Signature]
Martha Heizer
City Clerk
RESOLUTION NO. 1064

WHEREAS, the Leawood Country Club is a tennis and swim club located at 8901 Sagamore Road; and

WHEREAS, the Leawood Country Club, formerly owned by Donald and Louise Williams, has occupied the property at 8901 Sagamore since 1975 when the Williamses bought the land from Kroh Brothers Development Co., developer of the original country club on the site in 1954; and

WHEREAS, the Williamses, who had provided the club facilities to club members since 1976, defaulted on loans which were secured by the club property; and

WHEREAS, the Board of Directors of the Leawood Country Club Member Association and other club members are interested in preserving the recreation land use and preserving the Leawood Country Club as a quality family club; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood hereby declares its support of the continuation of the current recreational land use zoning.

Adopted by the Governing Body this 20th day of April, 1992.

(S E A L)

Marcia Rinehart  Mayor

Attest:

Martha Heizer  City Clerk
RESOLUTION NO. 1065

The Leawood City Council has considered the request for final plat approval of Wilshire Second Plat, located at approximately 131st and Delmar and hereby finds the following:

WHEREAS, the property is zoned RP-1, Planned Single Family Residential (Ordinance No. 1231), and

WHEREAS, the applicant is requesting approval of a final plat for the second phase containing 45 lots on 20.044 acres (2.24 d.u. per acre), and

WHEREAS, the proposed final plat is in accordance with the approved preliminary plat, and

WHEREAS, the submitted plat has no technical deficiencies, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. Landscaping will be substantially the same as that approved for the first phase.
2. Park impact fee in the amount of $300 per dwelling will be collected prior to submitting the plat for recording.
3. Minimum of Woodsman siding be allowed on the sides and rear of homes. Board and batt comparable to that used in phase one will be allowed.
4. Exterior walls of homes to be constructed of combinations of brick, stone, wood shingles, wood siding, wood paneling, plate glass, stucco, masonite lap siding.
5. No manufactured stone or lava rock allowed on the exterior of any home.
6. Roofs to be wood shakes or wood shingles, slate or tile (clay or concrete).
7. Exterior chimneys restricted to stucco, brick stone or other masonry.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Wilshire Second Plat with stipulations.

Adopted by the Governing Body this 4th day of May, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1066

WHEREAS, certain publications are required by State Statute and by Ordinance; and

WHEREAS, the City of Leawood finds increasing need for prompt, regular publication of ordinances and legal notices; and

WHEREAS, it has been determined that THE LEGAL RECORD meets all statutory requirements; and

WHEREAS, it has also been determined that THE JOHNSON COUNTY SUN and OLATHE DAILY NEWS meet all statutory requirements;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood does hereby designate THE LEGAL RECORD as the official City newspaper for all documents requiring legal publication; and

BE IT FURTHER RESOLVED that, in the event THE LEGAL RECORD should for any reason be unable to publish according to the requirements of the City, then THE JOHNSON COUNTY SUN and OLATHE DAILY NEWS are hereby designated to serve as the official City newspaper.

Adopted by the Governing Body this 4th day of May 1992.

(S E A L) Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1067

ASSURANCE RESOLUTION FOR PARK LAND ACQUISITION

WHEREAS, the City of Leawood, Kansas, intends to apply for Land and Water Conservation Funds for the acquisition of park land;

NOW, THEREFORE, BE IT RESOLVED that the City of Leawood hereby certifies and assures that it:

A... has the legal authority to receive and expend the funds applied for the purposes indicated and to accomplish the objectives given in the said project proposal.

B... has not been given or promised financial assistance under any other Federal program or activity in regard to the proposed acquisition.

C... has the ability and intent to finance said local share of the cost of the proposed project.

D... will not discriminate against any person on the basis of race, creed, color, national origin, age, or physical handicap in the use of any property or facility acquired or developed pursuant to this project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and amendments thereto, and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

E... will construct facilities and develop the park land to serve the handicapped and aged, as required, and adopted by the Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, and amendments thereto.

F... will identify and place the land acquired in the project, and within the 6(f) 3 project boundary, in use as an outdoor recreation area (facility) and will be retained as such in perpetuity as provided and agreed to in the project agreement. Approval will be obtained from the Kansas Department of Wildlife and Parks and the National Park Service prior to any disposition, or conversion of land or facilities is made.

G... will, in development of the park, exert every effort to preserve the existing beauty and natural features of the project area, and will bury all existing and proposed utility service lines.
RESOLUTION NO. 1067

H. .... will consider energy conserving measures in the type of construction materials used; facility location and design; and the total elimination of, or drastic reduction in the lighting of facilities and other energy consuming features which are not in accord with state and federal energy conservation policies.

I. .... intends to develop, finance, operate, and maintain the land and facilities to be developed in accordance with the standards established by the Kansas Department of Wildlife and Parks and the National Park Service for the expectant life of such property and facilities.

J. .... will submit development specifications and detailed plans to the Kansas Department of Wildlife and Parks, for approval when requested, prior to commencement of construction of any of the proposed facilities, or work items.

K. .... will, in the use of the property and/or facilities to be developed, accept the obligation to comply with applicable laws, rules, regulations in effect at the terms and conditions of the National Park Service Manual in effect at the time of award of the grant.

L. .... will have the current incumbent, and all duly elected successors thereto of the office of city mayor, commission chairman, and/or board president, execute, on behalf of the government unit, an Annual Operation and Maintenance Assurance Statement for the park area acquired and/or the park and recreational facilities developed under this federally assisted grant project.

Adopted by the Governing Body this 11th day of May, 1992.

(S E A L)  

Mayor

Attest:

City Clerk
RESOLUTION NO. 1068

The Leawood City Council has considered the request for approval of the final plat of Leawood, Lots 530B and 530C and hereby finds the following:

WHEREAS, the replat is sought by the property owner in order to allow them to build a new home to the north of their existing home, and

WHEREAS, the property is zoned R-1, Single Family Residential, and

WHEREAS, the applicant is requesting approval of a final plat in order to split a lot containing 1.6 acres (69,696 sq.ft.) into two lots, and

WHEREAS, the northerly lot, 530B, contains 47,279 sq.ft. and the southerly lot, 530C, contains 23,352 sq.ft., and

WHEREAS, both of the resulting lots meet the requirements of the Code, and

WHEREAS, the staff has reviewed the application and recommends approval with the stipulation that the old lot lines be shown as dotted lines on the plat, and

WHEREAS, the applicant agrees to this stipulation,

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the request for approval of the final plat of Leawood, Lots 530B and 530C with the stipulation that the old lot lines be shown as dotted lines on the plat.

Adopted by the Governing Body this 1st day of June, 1992.

(S E A L)  
Marcia Rinehart  
Mayor

Attest:  
Martha Heizer  
City Clerk
RESOLUTION NO. 1069

The Leawood City Council has considered the request for rezoning from RP-2 to CP-O, Revised Preliminary Plats of Root Corporate Centre and Ambassador Corporate Manor, Revised Preliminary Site Plan Approval and Final Plat approval of Root Corporate Centre and Ambassador Corporate Manor located on Ash at approximately 112th Street, and hereby finds the following:

WHEREAS, the property is currently zoned RP-4, Planned Cluster Development, and

WHEREAS, the entire site contains 1.27 acres, and

WHEREAS, the applicant is requesting rezoning from RP-4 to CP-O, Planned Office District for approximately 1 acre with the balance to remain RP-4, and

WHEREAS, the proposed duplex is one story and will contain 4052 square feet, and

WHEREAS, the office building is one story and will contain 6000 square feet, and

WHEREAS, at the northerly end of the site, there is parking for use by Root Labs containing 16 parking spaces, and

WHEREAS, The Plan Commission recommends approval of the application with the following stipulations:
1. The office building is one story and will contain 6000 square feet maximum.
2. More information on the signs will be required at the final site plan as required by the Development Ordinance.
3. Detailed landscape plans are required at the final site plan as required by the Development Ordinance.
4. Landscape buffer will be required behind the additional parking for Root Labs to meet the code and must be shown on the final.
5. Before a permit is granted for construction of the office building the duplex must have a foundation poured. A Certificate of Occupancy for the duplex must be granted before a Certificate of Occupancy can be granted for the office building.
6. The setbacks are less than is allowed with deviations. Without redesigning the buildings, the Board of Zoning Appeals would have to grant a variance in order to allow the proposed setbacks.
7. No exterior dumpsters will be allowed. As part of daily janitorial service, trash will be removed.
8. The final site plan will be reviewed for compliance with the "open space" requirement of the Landscaping Ordinance.
9. A masonry wall, 42" in height, will be constructed between the office parking and the duplex. The wall is to have a stone cap to match the building and such wall is to be located on the parking lot property.
10. Setbacks for the parking are to be as required by the ordinance with a deviation to allow a setback of 34' for the rear yard setback of the office building.
11. Signs are limited to recessed wall signs located at the entrances to the office building. There is to be no back lighting for the signs. Such signs to be constructed of individual metal letters, and

WHEREAS, the developer/owner agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, does hereby approve the rezoning from RP-2 to CP-O, Revised Preliminary Plats of Root Corporate Centre and Ambassador Corporate Manor, Revised Preliminary Site Plan Approval and Final Plat approval of Root Corporate Centre and Ambassador Corporate Manor, with stipulations.

Adopted by the Governing Body this 22nd day of June, 1992.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Fran Kessler
Asst. City Clerk

Fran Kessler
RESOLUTION NO. 1070

The Leawood City Council has considered the request for revised preliminary plat and revised preliminary plan of Leawood Falls, Fourth Plat and hereby finds the following:

WHEREAS, the property known as Leawood Falls, Fourth Plat is zoned RP-4, Planned Cluster Residential, and

WHEREAS, the previously approved plat and plan allowed 41 units on 5.64 acres and the proposed plan allows 23 single family units on the same acreage, and

WHEREAS, the proposed density is 4.1 units per acre, and

WHEREAS, a typical lot is more than 9000 square feet, and

WHEREAS, the setbacks are to be 25' front, 10' sides, and 25' rear yards, and

WHEREAS, the proposed change is in accordance with the approved 1988 Master Plan and the proposed revision of the Master Plan,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary plat and revised preliminary plan of Leawood Falls, Fourth Plat with the following stipulations:

1. The development is to be 23 single family detached homes.
2. The front setback is to be 25', rear yard setback is to be 25' and side yards are to be 10'.
3. The homes are to incorporate a variety of materials to include lap siding, stucco with stone accents and board and batt. The roofing is to class "A" to meet the single family requirements.
4. As this is a planned district, the final site plan submission must include a landscape plan indicating street trees.

Adopted by the Governing Body this 13th day of July, 1992.

(S E A L)

Marcia Rinehart  Mayor

Attest:

Martha Heizer  City Clerk
RESOLUTION NO. 1071

The Leawood City Council has considered the request for revised preliminary plan of Lord of Life Lutheran Church located at K-150 and Chadwick and hereby finds the following:

WHEREAS, the property is currently zoned CP-O, Planned Office District, and

WHEREAS, previously a preliminary plat and plan were approved for a church, and

WHEREAS, the applicant is requesting approval of a revised preliminary plan for a church on 9.7 acres, and

WHEREAS, the church building contains 14,350 square feet, including a multi-use room/sanctuary, nursery, office space and classrooms, and

WHEREAS, This property is responsible for one half of the cost of a collector street (Chadwick). 831.22’ X $130 = $108,058.60, and

WHEREAS, the 1988 Master Plan indicates this area as Office and the proposed Master Plan indicates this area as Special Development District - Office, and

WHEREAS, the Plan Commission recommends approval of the revised preliminary site plan of Lord of Life Lutheran Church with stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan of Lord of Life Lutheran Church with the following stipulations:

1. One additional lane on K-150 is required along frontage. Public Works should be consulted to provide proper width and additional right-of-way.

2. Alternate roofing material will be reviewed at the final plan stage, such roofing shall not include asphalt or composition.

3. The use is limited to church and ancillary facilities including a preschool subject to a special use permit to be obtained at a later date and office buildings as shown on the preliminary site plan. A special use permit is required and should be applied for with the final site plan submission.
4. Prior to construction, the engineers must submit plans for the detention pond, such plans to be approved by the Director of Public Works.

5. The church must pay a park impact fee in the amount of 10 cents per square foot of floor area to be collected at the time of issuance of a building permit. The sanctuary is exempt from this fee. This fee is estimated to be $858.20. (8582 sq.ft. X .10).

6. The church must pay a K-150 Corridor impact fee in the amount of 26 cents per square foot finished floor area to be collected at the time of issuance of the building permit. The sanctuary is exempt from this fee. This fee is estimated to be $2,231.26. (8582 sq.ft. X .26).

7. The church agrees not to oppose any liquor sales within 200 feet or more of the church's property. An affidavit must be submitted with the wording to be approved by the City Attorney.

8. The church agrees not to oppose any future benefit districts that may be formed for K-150. An affidavit must be submitted with the wording to be approved by the City Attorney.

9. The church agrees not to oppose any future benefit district for expansion of a wastewater district to serve this property. Connection to this system must be made as soon as it is available. An affidavit must be submitted with the wording to be approved by the City Attorney.

10. At each phase of final development the issue of wastewater will be reviewed with limited development of the church's multipurpose area allowed prior to installation of sanitary sewers. This will be reviewed at each phase of the final.

11. The septic tank for the multipurpose area must be approved by Johnson County.

12. Adequate legal documents must be drafted and approved by the City Attorney which address maintenance and operation of the septic tank and retention pond.

13. Landscaping must reflect the approved K-150 landscape plan. Screening is shown for the parking. At the final submission, the landscaping will be reviewed in detail.
14. The entry sign shall be designed to be in keeping with the architecture and materials of the church and in accordance with the sign ordinance.

15. A final recorded plat must be submitted to the city with the final site plan.

Adopted by the Governing Body this 13th day of July, 1992.

(S. E A L)  
Marcia Rinehart  
Mayor

Attest:

Martha Heizer  
City Clerk
CITY OF LEAWOOD
RESOLUTION NO. 1072

A RESOLUTION PROVIDING FOR A PUBLIC HEARING CONCERNING
THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE
CITY OF LEAWOOD, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD,
KANSAS:

The City of Leawood, Kansas is considering the establishment of a redevelopment
district pursuant to K.S.A. 12-1770 et seq.

Notice is hereby given that a public hearing will be held to consider the
establishment of a redevelopment district on August 3, 1992, at Leawood City Hall, 9617
Lee Boulevard, Leawood, Kansas, commencing at 7:00 o’clock p.m.

The proposed boundaries of the redevelopment district are as follows:

Commencing at a point on the west right-of-way line of State Line Road,
said point being located 180 feet southwest of the southwest corner of the
intersection of State Line Road and 103rd Street; thence southerly along the
west right-of-way line of State Line Road to the northern right-of-way line
of 104th Street; thence westerly along the northern right-of-way line of
104th Street to the James Branch of Indian Creek; thence northerly along
the James Branch approximately 956 feet; thence easterly along the
Indian Creek 100 year flood limit line approximately 395 feet; thence
northeasternly approximately 83 feet; thence northerly approximately 418
feet to a point approximately 110 feet south of the southerly right-of-way
of 103rd Street; thence easterly to the point of origin.

The proposed comprehensive plan for the redevelopment district provides for the
redevelopment district to be designated 103rd Terrace Redevelopment District. The
buildings and facilities that are proposed to be constructed or improved in the project
area may be described in a general manner as follows:

Buildings constructed in this area will conform with retail development
requirements as designated for the site by the proposed Comprehensive
Plan of the City of Leawood. Specific uses will be compatible with either
CP-1 or CP-2 zoning, depending upon the adoption of the Comprehensive
Plan and application of the appropriate zoning district to the site.
A description and map of the proposed redevelopment district are available for inspection at the Leawood Planning Department, 9617 Lee Boulevard, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

At the public hearing, the Governing Body of the City of Leawood will consider such findings as are necessary for the establishment of a redevelopment district.

The City Clerk shall give notice of the hearing as provided in subsection (c) of K.S.A. 12-1772, and amendments thereto.

ADOPTED by the Governing Body this 20 day of July, 1992.

\[\text{Attest:}\]

\[\text{Martha Heizer, City Clerk}\]
A RESOLUTION AUTHORIZING THE CITY TO PROCEED WITH PRELIMINARY PLANS FOR A PUBLIC MUNICIPAL GOLF COURSE IN THE CITY; PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES FROM TIME TO TIME TO PAY THE COST THEREOF; AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS.

WHEREAS, pursuant to Ordinance No. 1272 duly adopted by the Governing Body on February 24, 1992, an election was duly called and held in the City of Leawood, Kansas (the "City") on April 7, 1992 at which the following question was submitted, to wit:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed $6,250,000 for the purpose of paying the cost of acquiring park land in the vicinity of 151st Street and Nall Avenue and making improvements thereto by constructing a public municipal golf course and related facilities?"

(the "Bond Proposition"); and

WHEREAS, at said election more than a majority of the qualified voters of the City voting at said election voted in favor of issuing the bonds of the City in said amount and for said purpose, the vote at said election having been found and declared to be 2696 votes in favor of the question and 1682 votes opposed to the question and the issuance of said bonds; and

WHEREAS, as a result of said election the City is authorized to issue bonds for the purpose aforesaid, and the Governing Body desires to proceed with arrangements for the acquisition of said park land and plans for construction of said public municipal golf course (the "Project") involving the expenditure of funds at an estimated cost not to exceed $6,250,000 to be provided by the issuance from time to time of temporary notes and said general obligation bonds;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, as follows:

Section 1. Acceptance of Election Results. That the Governing Body hereby accepts the results of the election held on April 7, 1992 on the Bond Proposition as duly canvassed by the Johnson County Board of Canvassers and duly certified by the Johnson County Election Commissioner.
Section 2. Authorization to Proceed. That the Governing Body hereby approves the proposed project authorized by the Bond Proposition and hereby authorizes and directs the City staff to proceed with arrangements for the acquisition of park land and plans for construction of a public municipal golf course thereon, including architectural, engineering, surveying, soil testing and similar services, and the expenditure of funds therefor.

Section 3. Provision for the Issuance of Temporary Notes and Bonds. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation bonds of the City as contemplated by the Bond Proposition in an amount not to exceed $6,250,000.

Section 4. Declaration of Official Intent. 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 its intent 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 within 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. Budgetary Matters. 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 resolution, 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. Filing. That this Resolution shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Resolution 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. Reimbursement Allocations. 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 prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.103-18, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. Effective Date. That this Resolution shall take effect and be in full force from and after adoption by the Governing Body.

Passed by the Governing Body of the City of Leawood, Kansas this 3rd day of August, 1992.

Marcia Rinehart, Mayor
Attest:

Martha Heizer, City Clerk
CITY OF LEAWOOD, KANSAS
RESOLUTION NO. 1074

A RESOLUTION MAKING CERTAIN FINDINGS
PURSUANT TO K.S.A. 12-1771

WHEREAS, the City did prepare a Blight Study for the area at 103rd Terrace and State Line Road in the City of Leawood, Kansas, dated March 27, 1992; and

WHEREAS, on April 6, 1992, the Governing Body did adopt Resolution No. 1062 finding that the area of 103rd Terrace and State Line Road is a blighted area and that redevelopment of such area is necessary to promote the general and economic welfare of the City; and

WHEREAS, on July 20, 1992, the Governing Body did adopt Resolution No. 1072 providing for a public hearing concerning the establishment of a proposed Redevelopment District (103rd Terrace Redevelopment District) in the City pursuant to K.S.A. 12-1770 et seq.; and

WHEREAS, notice of the public hearing on the establishment of the proposed redevelopment district was given as required by K.S.A. 12-1772(c); and

WHEREAS, the Governing Body did conduct the public hearing called for in Resolution No. 1072 on August 3, 1992.

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

1. The Governing Body hereby finds that the 103rd Terrace Redevelopment District is a blighted area, pursuant to K.S.A. 12-1771(a), and was designated so by Resolution No. 1062.

2. The Governing Body hereby finds that the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

3. The comprehensive plan for the proposed 103rd Terrace Redevelopment District provides for buildings and facilities which are proposed to be constructed or improved in the project area as follows:

Buildings constructed in this area will conform with retail development requirements as designated for the site by the proposed Comprehensive Plan of the City of Leawood. Specific uses will be compatible with either CP-1 or CP-2 zoning, depending upon the adoption of the Comprehensive Plan and application of the appropriate zoning district to the site.
ADOPTED by the Governing Body this 3rd day of August, 1992.

[Signature]
Marcia Rinehart, Mayor

ATTEST:

[Signature]
Martha Reizer, City Clerk
RESOLUTION OF RECOGNITION

WHEREAS, Craig E. Hill was first employed by the City as a Police Officer on August 28, 1972; and

WHEREAS, Sergeant Hill has progressed through the Police Department, serving as a Patrol Officer, Detective, Patrol Sergeant, and finally as Detective Sergeant since 1980, supervising the Criminal Investigations Unit; and

WHEREAS, Sergeant Hill has throughout his career demonstrated a deep commitment to the law enforcement profession and to his coworkers; and

WHEREAS, Sergeant Hill has demonstrated the same degree of commitment to the community through his presentation of hundreds of crime prevention programs, his founding and leadership roles in the Lost Child Network, his achievement of national prominence as an expert in child exploitation and protection, and his service and leadership roles in numerous professional and other organizations; and

WHEREAS, Sergeant Hill has proven himself to be a capable and competent law enforcement officer; and

WHEREAS, Sergeant Hill has served faithfully, loyally, and honorably, and made valuable contributions to City government and the welfare of the community;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood commends him for his outstanding dedication to the City, and expresses its gratitude to him for the vital services he has performed; and

BE IT FURTHER RESOLVED, that the Governing Body extend to him sincere congratulations on his 20th Anniversary of continuous service in the Leawood Police Department.

ADOPTED by the Governing Body this 8th day of September 1992.

[Signature]
Marcia Rinehart
Mayor

Attest:

[Signature]
Martha Heizer
City Clerk
RESOLUTION OF RECOGNITION

WHEREAS, J. Stephen Cox was first employed by the City as a Police Officer on January 23, 1970; he left the City on July 20, 1970 for military service; and

WHEREAS, Chief Cox was rehired as a Police Officer on March 15, 1972, and has progressed through the Police Department, serving as a Patrol Officer, Sergeant, Captain, Interim Chief, and finally as Chief since April 6, 1981; and

WHEREAS, Chief Cox has throughout his career demonstrated a deep commitment to the law enforcement profession, his coworkers, and the community; and

WHEREAS, the success of any unit of government is measured in direct proportion to its ability to meet the needs of its people; Chief Cox has supported training and professional education opportunities for the men and women in his department to expand their knowledge and awareness of the needs of local government and the citizens of Leawood; and

WHEREAS, Chief Cox's leadership has been a major factor in the continuing development of the Leawood Police Department to its present status par excellence as a modern and scientific law enforcement agency which unceasingly provides a vital public service; and

WHEREAS, Chief Cox has served faithfully, loyally, and honorably, and made valuable contributions to City government and the welfare of the community;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood commends him for his outstanding dedication to the City, and expresses its gratitude to him for the vital services he has performed; and

BE IT FURTHER RESOLVED, that the Governing Body extend to him sincere congratulations on 20 years of continuous service in the Leawood Police Department.

ADOPTED by the Governing Body this 8th day of September 1992.

Marta Heizer
City Clerk
RESOLUTION NO. 1075

The Leawood City Council has considered the request for final plat approval for Hallbrook Farms, Phase 5 located at approximately 118th and Overbrook and hereby finds the following:

WHEREAS, the applicant is requesting approval of the final plat of 20.557 acres in order to construct 23 single family homes, and

WHEREAS, the property is located north of Phase 3 in the southeast corner of Hallbrook, south of the patio homes that are currently being developed, and

WHEREAS, this plat will continue the landscape buffer along State Line Road which is a combination of landscaping and berming,

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the city of Leawood, Kansas does hereby approve the final plat of Hallbrook Farms, Phase 5 with the following stipulations:
1. The density is limited to 23 single family homes on 20.557 acres.
2. The side yards are to be 15’.
3. Medians are to be irrigated and maintained by the Homes Association.
4. Street lighting is to be approved by the Director of Public Works and maintained by the Homes Association.
5. Deed Restrictions must be submitted and recorded prior to issuance of any building permits.
6. The developer will connect Overbrook between 115th Street and the north end of Phase 5 with a 2 lane temporary gravel road finished with AB3. The temporary road will allow for emergency access only, at this time. Construction gates will be constructed at both ends of the temporary road; such gates to be monitored by the developer. The construction entrance from State Line Road will be moved to the north end of Phase 5 so that the berm can be completed adjacent to Phase Five. This gate will remain open until Phase 2 of the State Line Road improvements are substantially complete as designated by the Director of Public Works. Construction access will then be from 115th Street to State Line Road.

WHEREAS, the developer is willing to meet the stipulations;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, does hereby approve the final plat of Hallbrook Farms, Phase 5 with the stipulations.
Adopted by the Governing Body this 8th day of September, 1992.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1076

The Leawood City Council has considered the request for preliminary plat, preliminary plan, and final plat approval for Hallbrook Farms, Phase 6 located on Canterbury Circle and Manor Court and hereby finds the following:

WHEREAS, the applicant is requesting approval of 34 single family homes on 28.97 acres (37,115 square feet per home), and

WHEREAS, the property is located on the west side of Hallbrook, finishing Canterbury Circle, and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the preliminary plat, preliminary plan, and final plat of Hallbrook Farms, Phase 6 with the following stipulations:
1. The density is limited to not more than 34 single family homes on 28.97 acres.
2. The side yards are to be 15'.
3. Medians are to be irrigated and maintained by the Homes Association.
4. Street lighting is to be approved by the Director of Public Works and maintained by the Homes Association.
5. Deed Restrictions must be submitted and recorded prior to issuance of any building permits.

WHEREAS, the developer is willing to meet the stipulations;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, does hereby approve the preliminary plat, preliminary plan, and final plat of Hallbrook Farms, Phase 6 with stipulations.

Adopted by the Governing Body this 8th day of September, 1992.

(SEAL)

Mayor

Attest:

City Clerk
RESOLUTION NO. 1077

The Leawood City Council has considered the request for approval of the final plat of a replat of Leawood Estates, Lots 37 and 1404, located at approximately 93rd and Lee and hereby finds the following:

WHEREAS, the applicant is requesting approval of a Final Plat in order to transfer property from one lot in Leawood Estates to another lot and a lot split could not be utilized as these lots had been previously split,

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the final plat of a replat of Leawood Estates, Lots 37 and 1404, with the following stipulations:

1. The name is to be changed to include it as part of Leawood Estates; such name to reference the former lot designations. 
2. The legal description amended to indicate the total acreage. 
3. The building line on Lee should be 75'; and

WHEREAS, the property owner is willing to meet the stipulations;

Adopted by the Governing Body this 8th day of September, 1992.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1078

The Leawood City Council has considered the request for approval of the preliminary site plan of the Johnson County Library - Leawood Pioneer Branch, located at approximately 117th and Roe and hereby finds the following:

WHEREAS, the applicant is requesting approval of a preliminary site plan to allow construction of a branch library (11,320 sq.ft.) and parking with an additional 4270 sq.ft. possible on the east side of the library, and

WHEREAS, the building will be brick to match the City Hall, and

WHEREAS, the library is to be located 15' east of the plaza and at the closest point, the library and city hall will be 30' apart, and

WHEREAS, the Plan Commission recommends approval of the application with stipulations;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the request for preliminary site plan approval for the proposed Johnson County Library - Leawood Pioneer Branch with the following stipulations:
1. The use is limited to a library (maximum size 15,590 sq.ft.) and parking.
2. The library shall be allowed to utilize parking at the City Hall and the City Hall shall be allowed to utilize the parking at the library if necessary.
3. Both entrances must be open and accessible to the public during business hours.
4. All mechanical units are to be the "penthouse" area of the library and not exposed on the rooftop.
5. All landscaping on the library's property will be shown in detail on the final site plan and must be compatible with that designed for the city hall.
6. Roofing material and color should compliment the City Hall roof. Roofing should be slate or one of the many Class A roofing materials that would be compatible with slate.

WHEREAS, the applicant is willing to meet the stipulations;
Adopted by the Governing Body this 8th day of September, 1992.

(S E A L)

Margia Rinehart  Mayor

Attest:

Martha Heizer  City Clerk
WHEREAS, the undersigned is a municipality, as defined in K.S.A. 12-1675, (the "Participant") and from time to time has funds on hand in excess of current needs, and
WHEREAS, it is in the best interest of the Participant and its inhabitants to invest local funds in investments that yield a favorable rate of return while providing the necessary liquidity and protection of the principal; and
WHEREAS, the State Treasurer of the State of Kansas (the "State"), acting under the authority provided under 1992 Senate Bill 480 Section 1, has created the Municipal Investment Pool (MIP), a public funds investment pool to effectuate the goals of providing investments at the highest possible yield and maintaining safety of the funds of the Participants,

NOW, THEREFORE, be it resolved as follows:

1. That the municipality designated below approves the establishment of an account in its name with the State's MIP for the purpose of transmitting local funds for investment by the State in the MIP.

2. That the following individuals, whose signatures appear directly below, are officers or employees of the Participant and are each hereby authorized to transfer funds to the State for investment in the MIP and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds:

List officers or employees authorized execute documents and make deposits and withdrawals:

Name Harry B. Malnicof            Title Treasurer/Finance Director
Signature

Name Nancy J. Kelley             Title Senior Accounting Technician
Signature

Name Joyce Murphy              Title Accounting Technician
Signature
3. That the following individuals, whose signatures appear directly below, are officers or employees of the Participant and are each hereby authorized to make inquiries into the status of the account(s) of the Participant. Such officers or employees may not be the same officers and employees listed as authorized transferors of funds:

List officers or employees authorized to make inquiries:

Name: Richard J. Garofano  Title: City Administrator
Signature: [Signature]

Name: Harry B. Malnicof  Title: Treasurer/Finance Director
Signature: [Signature]

Name: Nancy J. Kelley  Title: Senior Accounting Technician
Signature: [Signature]

4. That this resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the State receives a copy of any such amendment or revocation; until such time the State is entitled to rely on same.

This resolution is hereby introduced and adopted by the Participant at its regular/special-meeting held on the 8th day of September 1992.

CITY OF LEAWOOD, KANSAS

Name of Participant

by:__________________________________________

Signature: [Signature]

Marcia Rinehart

Printed Name

Certification:
State of Kansas )
County of Johnson )
City of Leawood )

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is the original of Resolution No. 1079 as adopted by the Governing Body on September 8, 1992.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 9th day of September, 1992. [Signature]
RESOLUTION NO. 1080

WHEREAS, on the 15th day of June, 1992, the Water Transfer Panel issued its Initial Order approving the application of Water District No. 1 of Johnson County for the transfer of 23,000 acre feet per year from a point of diversion on the Missouri River in Wyandotte County, Kansas, all consistent with the findings of fact and conclusions of law as determined from evidence presented at public hearings; and

WHEREAS, on August 7, 1992, the Kansas Water Authority in reviewing the Initial Order of the Water Transfer Panel, approved and adopted all of the Panel's findings of fact and conclusions of law, approved the water transfer, but additionally ordered that Water District No. 1 of Johnson County be required to reduce its water use to no more than 100% of the average gallons per capita per day being used by the nine largest water utilities within Region 8; and

WHEREAS, the other eight of the largest water utilities within Region 8 are the BPU of Kansas City, Kansas, and the Cities of Lawrence, Olathe, Leavenworth, Pittsburg, Parsons, Ottawa and Atchison, none of which are comparable to Water District No. 1 of Johnson County in size, commercial development or other characteristics relating to water usage; and

WHEREAS, the additional order of the Kansas Water Authority for reduction of water use to the average use of the designated water utilities within Region 8 will have an adverse impact upon the growth and orderly development of Johnson County and will further tend to increase water rates;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, that it does hereby denounce that part of the order of the Kansas Water Authority of August 7, 1992 which curtails water use within Water District No. 1 of Johnson County to the resulting average use of designated water utilities within Region 8 as discriminatory, unrealistic, unnecessary and arbitrary; and

BE IT FURTHER RESOLVED by the Governing Body of the City of Leawood that it supports the adopted conservation plan of Water District No. 1 of Johnson County to encourage efficient water use and to avoid waste; and

BE IT FURTHER RESOLVED by the Governing Body of the City of Leawood that the Water District Board of Water District No. 1 of Johnson County be encouraged to vigorously pursue its judicial review of the objectionable portion of the order of the Kansas Water Authority; and
BE IT FURTHER RESOLVED by the Governing Body of the City of Leawood that in the event the objectionable portion of the order of the Kansas Water Authority be declared upon judicial review to be void and of no effect, that the Johnson County legislative delegation oppose any legislative disapproval and revocation of the transfer order under its right of legislative overview.

Adopted by the Governing Body of the City of Leawood, Kansas, this 21st day of September, 1992.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1081

The Leawood City Council has considered the request for final plat approval of Leawood Falls, Fourth Plat located on Pembroke Circle north of 138th Street and hereby find the following:

WHEREAS, the applicant is requesting approval of the final plat of 5.637 acres to allow construction of 23 single family homes (10,675 square feet per home), and

WHEREAS, the property is zoned RP-4, and

WHEREAS, the applicant submitted a final plat which is complete, and

WHEREAS, the Plan Commission has reviewed and recommends approval of the application with the following stipulations:

1. The development is to be no more than 23 single family detached homes.
2. The front setback is to be 25', rear yard setback is to be 25' and side yards are to be 10'.
3. The homes are to incorporate a variety of materials to include lap siding, stucco with brick accents and board and batt. The roofing is to class "A" to meet the single family requirements.
4. All landscaping and street trees must be comparable to that used in Plats 1 through 3.

WHEREAS, the property owner agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the final plat of Leawood Falls, Fourth Plat with stipulations.

Adopted by the Governing Body this 5th day of October, 1992.

(S E A L)

Margia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1082

The Leawood City Council has considered the request for revised preliminary and final plat approval of Brittany Woods, Third Plat located at 153rd and Rosewood and hereby finds the following:

WHEREAS, the applicant is requesting approval of a revised preliminary and final plat that is a replat of part of the first plat of Brittany Woods, and

WHEREAS, this replat would allow the vacation of part of 153rd Street, and

WHEREAS, the replat also contains a tract that will be part of the future golf course, and

WHEREAS, the plat contains 4 lots on 1.615 acres (17,587 square feet per lot)

WHEREAS, the applicant submitted revised preliminary and final plats which are complete, and

WHEREAS, the staff has reviewed the application and recommends approval of the application with no stipulations of approval.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the revised preliminary and final plats of Brittany Woods, Third Plat with no stipulations.

Adopted by the Governing Body this 5th day of October, 1992.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1083

The Leawood City Council has considered the request for revised preliminary site plan for University Park, Phase 2 located at approximately 112th and Nall and hereby finds the following:

WHEREAS, the property is zoned CP-O, and

WHEREAS, the applicant is requesting approval of a revised preliminary site plan for 2 buildings, and

WHEREAS, the original preliminary site plan contained 4 buildings containing 22,310 square feet and the revised preliminary changes this to 2 buildings totalling 22,310 square feet, and

WHEREAS, the Plan Commission recommends approval of the revised preliminary site plan with the following stipulations:
1. Outdoor lighting is to match that used in Phase 1.
2. Total acreage added to the site plan.
3. All signs are to be located as approved on the sign plan, at the ends of the buildings.
4. Stormwater system is to be designed for a 25 year storm. The Director of Public Works will review and approve the storm plans prior to submission for a building permit.
5. A park impact fee in the amount of 10 cents per square foot is required at the time of issuance of a building permit.
6. All building materials are to match those used in phase one.
7. All signs are to be in accordance with the approved sign criteria with the exception of the north elevation; such signs may be located above the entry to the building, and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas does hereby approve the revised preliminary site plan of University Park, Phase 2 with stipulations.

Adopted by the Governing Body this 5th day of October, 1992.

(S E A L)

Margia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1084
AUTHORITY TO AWARD CONTRACT
COMMITMENT OF COUNTY/CITY FUNDS

2 Copies to County/City
Project Number 46 U-1263-01
BRM 3051(1)
Johnson County; City of Leawood

Date: September 23, 1992

WHEREAS bids were received at Topeka, Kansas on September 17, 1992 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>ADDRESS</th>
<th>TYPE OF WORK</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bryan-Ohlmeier</td>
<td>7700 W. 63rd</td>
<td>Grading, Concrete</td>
<td>$791,642.24</td>
</tr>
<tr>
<td>Const. Co., Inc.</td>
<td>Overland Park, KS</td>
<td>Pavement &amp; Bridge</td>
<td></td>
</tr>
</tbody>
</table>

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance of the work on this project as covered by such bid or bids.

An estimated 20% of Bid plus 20%
for construction engineering and contingencies = $189,994

BE IT FURTHER RESOLVED that County/City funds in the amount of $189,994 which are required for the matching of Federal funds to complete this work are hereby pledged by the County/City to be remitted to the Chief of Fiscal Services of the Secretary of Transportation of the State of Kansas on or before November 6, 1992 for use by the SECRETARY in making payments for construction work and engineering on the above designated project.

Adopted this 5th day of October, 1992, at Leawood, Kansas

Recommended for Approval: ____________________________
BOARD OF COUNTY COMMISSIONERS/MAYOR

__________________________, Member
__________________________, Member

__________________________, County/City Engineer

Attest: ____________________________, Member
(SEAL)

__________________________, County/City Clerk

Revised 2/86
FORM No. 1309
RESOLUTION
NO. 1085

WHEREAS, the Johnson County Library has been a part of this County since 1952, serving residents and forging a partnership in learning with education efforts of this County, which has one of the nation's highest levels of education achievement; and

WHEREAS, a question is before the voters of the Library District whether to fund a Central Resource Library facility; and

WHEREAS, the Johnson County Library has a central resource library located at the Antioch Branch Library, and this facility and parking lot are utilized beyond site capacity; and

WHEREAS, the continued development of an information resource center is essential to the support of the Johnson County Library's branch system, indirectly serving all branch library patrons; and

WHEREAS, Johnson County residents of all ages are learners and consumers and are reliant on the availability of state-of-the-art information resources which are most efficiently and effectively delivered from a central hub of branch libraries; and

WHEREAS, rapidly developing information technology is creating new standards of information access, and the public library is the one institution which can provide equitable information access for every resident; and

WHEREAS, the continued development of an information resource center is imperative to the economic health and prosperity of Johnson County; and

WHEREAS, the relocation of the central library program to a larger and more centrally located facility will allow every resident physical accessibility to information unavailable elsewhere in Johnson County;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Leawood to endorse the funding of a facility for the Central Resource Library, to be located at 87th and Farley, to serve the citizens of Johnson County, now and for the future.

ADOPTED by the Governing Body this 19th day of October, 1992.

(SEAL)

Marcia Rinehart
Mayor

ATTEST:

Martha Heizer
City Clerk
RESOLUTION NO. 1086

The Leawood City Council has considered the request for final plat approval of Wilshire, Third Plat, located at approximately 132nd and Roe and hereby finds the following:

WHEREAS, the property is zoned RP-1, Planned Single Family Residential (Ordinance No. 1231), and

WHEREAS, the applicant is requesting approval of a final plat for the third and final phase containing 68 lots on 30.8972 acres (2.20 d.u. per acre), and

WHEREAS, the proposed final plat is in accordance with the approved preliminary plat, has no technical deficiencies, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. Landscaping will be substantially the same as that approved for the first phase.
2. Street assessment for Roe will be $110 per foot for a total assessment of $146,100.90. This is payable on a one year letter of credit to be submitted to the Finance Director prior to submitting the plat for recording.
3. Park impact fee in the amount of $300 per dwelling ($20,400) will be collected prior to submitting the plat for recording.
4. Minimum of Woodsman siding be allowed on the sides and rear of homes. Board and batt comparable to that used in phase one will be allowed.
5. Exterior walls of homes to be constructed of combinations of brick, stone, wood shingles, wood siding, wood paneling, plate glass, stucco, masonite lap siding.
6. No manufactured stone or lava rock allowed on the exterior of any home.
7. Roofs to be wood shakes or wood shingles, slate or tile (clay or concrete).
8. Exterior chimneys restricted to stucco, brick, stone or other masonry.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Wilshire, Third Plat with stipulations.

Adopted by the Governing Body this 2nd day of November, 1992.

(SEAL)  

Marcia Rinehart  
Mayor

Attest:

Martha Heizer  
City Clerk
RESOLUTION NO. 1087

The Leawood City Council has considered the request for revised preliminary plat and revised preliminary plan for Leawood Town Center Estates located at 116th and Town Center Drive and hereby finds the following:

WHEREAS, when the zoning was approved for this property a very general plat and site plan were considered for the entire 160 acres and this revised preliminary plat and plan are specific to the residential area, and

WHEREAS, the plat contains 50 single family lots with pool and cabana on 27.5 acres (23,958 square feet per lot), and

WHEREAS, the interior streets are to be private, and

WHEREAS, the property is zoned RP-4, Planned Cluster Residential,

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Side yard setback shall be 10'.
2. Rear yard setback shall be 20'.
3. Drainage is to be reviewed and approved by the Director of Public Works prior to the final plan review.
4. Sample materials and typical building elevations and profiles will be submitted with the final plans.
5. Fence materials and gate specifications shall be submitted in detail at the final development plan review. Access through the gates shall be approved by the fire and police departments and shall meet the city specifications for such gates.
6. The streets shall remain private in perpetuity. The method for financing future street improvements shall be detailed and approved by the City per City policy during final development plan review.
7. Access from Cedar will be for emergency access only. It will include a gated entry where Leawood Country Manor attaches to this property. Developer shall construct a cul-de-sac at the southern end of Cedar.
8. There shall be no construction access through or from Leawood Country Manor.
9. Any time a fence crosses a drainage area the fence designed shall be reviewed and approved by the Director of Public Works to assure that the fence does not restrict water flow.

WHEREAS, the developers/owners agree to these stipulations.
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary plat and revised preliminary plan for Leawood Town Center Estates with stipulations.

Adopted by the Governing Body this 16th day of November, 1992.

(Marcia Rinehart)
Mayor

Attest:

(Martha Heizer)
City Clerk
RESOLUTION NO. 1088

RESOLUTION ESTABLISHING 1993 ANIMAL LICENSE FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD.

WHEREAS, the Code of the City of Leawood omits certain fee schedules for reasons of economy and expediency; and

WHEREAS, the City Administrator is, by Section 1-701 of the Code of the City of Leawood, authorized to make fee adjustments necessary from time to time, and annually report to the Council amounts at which such fees are established;

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

Section 1. That the following animal license fees and penalties for 1993 are hereby ratified:

License fees:
   Sexually altered dog/cat $ 5.00
   Unaltered dog/cat 15.00

Replacement for lost tag: 2.00

Penalties:
   License renewal fees are due January 1 and payable without penalty before March 1. A $5.00 penalty will be assessed on March 1 and for every thirty days delinquent thereafter.

   The owner of any dog or cat reaching six months of age on or after March 1 shall have ten days from the day the animal becomes six months old to license the animal. If the animal is not licensed within the time required, a penalty of $5.00 for every thirty days delinquent will be assessed in addition to the normal license fee.

   Any person bringing a dog or cat over six months old into the City on or after March 1 shall have thirty days from the day the animal is brought into the City to license the animal. If the animal is not licensed within the time required, a penalty of $5.00 for every thirty days delinquent will be assessed in addition to the normal license fee.

Section 2. That this resolution shall take effect on January 1, 1993.

Adopted by the Governing Body this 16th day of November, 1992.

(SEAL)

Mayor

Attest:

City Clerk
Resolution No. 1089

A RESOLUTION AUTHORIZING THE ACQUISITION OF LAND FOR A PUBLIC PARK; PROVIDING FOR THE ISSUANCE OF BONDS AND NOTES FOR SUCH PURPOSES; AND AUTHORIZING CERTAIN RELATED MATTERS

WHEREAS, the City of Leawood, Kansas (the "City") is authorized pursuant to K.S.A. 12-1301 et seq., as amended (the "Act"), to acquire by purchase, lease or otherwise land within or without the City to be used as a public park for the use and benefit of the people of the City, and the City has identified certain land it proposes to purchase for such purposes; and

WHEREAS, the City proposes to finance the purchase of such land by the issuance of bonds of the City for such purpose;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, as follows:

Section 1. Authority to Acquire Land. That the City is hereby authorized to acquire the land described in Schedule I hereto and incorporated hereby by this reference (the "Park Land") to be used by the City as a public park at a cost to the City of not to exceed $700,000.00.

Section 2. Provision for the Issuance of Bonds. That in order to provide funds to finance the cost of said Park Land as provided for in Section 1, the City is hereby authorized, subject to the provisions of the Act, to issue bonds of the City pursuant to the Act in an aggregate principal amount of $700,000.00.

The City Clerk is hereby authorized and directed to give notice of the City's intention to issue bonds for such purpose as provided in the Act by publication once each week for two (2) consecutive weeks in the official City newspaper of notice thereof in the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 3. Provision for the Issuance of Temporary Notes. Upon publication of such notice as provided in Section 2, and provided that a petition requesting an election sufficient for such purpose as provided in K.S.A. 12-1302 is not filed with the City Clerk within thirty (30) days following the last publication of such notice, the City shall be authorized to issue bonds for the purpose of financing the cost of acquiring said Park Land and in anticipation of the issuance of such bonds and to provide temporary financing of the cost of the Park Land, the City is authorized to issue from time to time temporary notes of the
City pursuant to K.S.A. 10-123, as amended, and other applicable laws of the State of Kansas.

Section 4. Effective Date. That this Resolution shall become effective from and after its adoption by the Governing Body.

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

APPROVED by the Mayor this 7th day of December, 1992.

[SEAL]

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney
LEGAL DESCRIPTION for the PROPOSED LEAWOOD GOLF COURSE, LEAWOOD, KANSAS.

A TRACT OF LAND CONTAINING 189 ACRES ± IN THE NORTH ONE HALF OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 25 EAST AND THE NORTHWEST ONE QUARTER OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 25 EAST, IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS. SAID PROPERTY IS LOCATED ON NEGRO CREEK AND IT'S TRIBUTARIES BOUNDED BY NALL AVENUE ON THE WEST, 151ST. STREET ON THE NORTH, LEAWOOD CITY LIMITS ON THE EAST AND THE EAST-WEST CENTER LINE OF SECTIONS 9 AND 10 ON THE SOUTH.
EXHIBIT A

NOTICE OF INTENT
OF THE CITY OF LEAWOOD, KANSAS
TO ISSUE BONDS TO ACQUIRE
LAND FOR PARK PURPOSES

Notice is hereby given that the City of Leawood, Kansas (the "City") has authorized the acquisition of land for purposes of a public park and has expressed its intent to finance the cost thereof in an amount not to exceed $700,000 pursuant to K.S.A. 12-1302 et seq., as amended.

Such bonds may be issued by the City without further authority unless a petition shall be filed with the City Clerk of the City within thirty (30) days following the last publication of this Notice, signed by electors in number equal to not less than 10% of the electors who voted in the last preceding City election as shown by the poll books.

Dated: ____________, 199__. CITY OF LEAWOOD, KANSAS

By: ________________, City Clerk

First Publication: ________________
Second Publication: ________________
RESOLUTION NO. 1090

A RESOLUTION ESTABLISHING THE 1993 FEE SCHEDULE FOR FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD.

WHEREAS, the Code of the City of Leawood omits certain fee schedules for reasons of economy and expediency; and

WHEREAS, the City Administrator is, by Section 1-701 of the Code of the City of Leawood, authorized to make fee adjustments necessary from time to time, and annually report to the Council amounts at which such fees are established;

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

Section 1. That the following fee schedule for 1993 is hereby ratified:

FEES FOR CONSTRUCTION, ALTERATIONS AND REMODELING.

New Building Construction Permits
1. Permit fees Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A

2. Subcontractor fees (mechanical, electrical, and plumbing) 75.00 each

Existing Building Construction Permits
Residential:
1. Building alterations, remodeling, additions, decks (fees are calculated on the area being added or improved) .10/SF

1a. Single wall or ceiling installation or replacement .05/SF

2. Mechanical, electrical, and plumbing associated with (1) above 40.00 each

Commercial, Office, Industrial:
1. Interior finish for new construction; building alterations, remodeling .15/SF
1a. Single wall or ceiling installation or replacement  
   .10/SF

2. Mechanical, electrical, plumbing associated with (1) above  
   75.00 each

3. Electrical and Mechanical on single wall  
   40.00

Miscellaneous
1. Swimming pools  
   a. Residential—single family  
      100.00 each
   b. Other than residential s.f.  
      200.00 each

2. Hot tubs, whirlpools, hydropools, etc.  
   50.00 each

3. Electrical—minor minor  
   service upgrade  
   20.00 each  
   35.00 each

4. Mechanical—furnace/ac replacement  
   20.00 each

5. Plumbing—water heater replacement; gas line/water line replacement  
   20.00 each

6. Reroofing  
   a. Residential—new and/or more than 50% roof replacement or more than 20 squares  
      30.00 + 1.50/20 squares over
   b. Roof repair up to 50% of roof replacement  
      20.00 up to 20 squares
   c. Commercial  
      .1% of construction cost; minimum 75.00

7. Lawn sprinkler systems  
   a. Residential (s.f.—single lot)  
      50.00 each
   b. Residential (multi units—single lot)  
      50.00/s.f. unit or 50.00/multi unit bldg.
   c. Backflow replacement  
      20.00
   d. Commercial  
      Based on valuation determined by bldg. official and figured in accordance with UBC Table No. 3A
8. Towers, satellite dish equipment, solar equipment
   a. Single family 25.00 each
   b. Commercial 100.00 each

9. Demolition, each unit or building 60.00 each

10. Structure moving 150.00 each

11. Street curb cut 15.00 each

12. Fences
   a. Privacy fences exceeding 3 feet in height encompassing patios 20.00 each
   b. Lot perimeter fences exceeding 3 feet in height on lots to 22,000 s.f. 50.00 each
   c. Lot perimeter fences exceeding 3 feet in height on lots greater than 22,000 s.f. up to 1 acre 100.00 each
   d. Subdivision perimeter fences and lot perimeter fences exceeding 3 feet in height on lots greater than 1 acre Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A
   e. Fence replacement sections exceeding 3 feet in height and 10 feet in length 20.00 each
   f. Pool fences around perimeter of pool only 20.00 each

13. Walls
   1. Privacy walls over 3 feet in height encompassing patios 50.00 each
   2. Lot and subdivision perimeter walls over 3 feet in height Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A
3. Retaining walls over 4 feet in height (other than as part of home)

Based on valuation determined by Bldg. Official and figured in accordance with UBC Table No. 3A

14. Patio covers 20.00 each

15. Foundation repair
   a. Up to $5,000 valuation 25.00 each
   b. Over $5,000 valuation 50.00 each

16. Reissuance of building permit (duplicate of original) 60.00 each

17. Elevators
   a. Residential 40.00 each
   b. Commercial 50.00 per car

18. Occupancy of Space or Building
   Application fee 20.00 each
   Inspection fee 30.00 each

19. Reinspection Fees
   Residential 30.00 each
   Office/commercial 30.00 each
   Occupancy 20.00 each

20. Annual License Fees for Rental Dwellings
   a. Single family dwelling 100.00 per dwelling
   b. Apartment units 40.00 per unit

21. Rental Inspection Fees 10.00/inspection

22. Mowing Fees (code enforcement initiated) 100.00/hr. ($100 min. charge)

2-202. LICENSING OF DOGS AND CATS.

License fees:
   Sexually altered dog/cat 5.00
   Unaltered dog/cat 15.00

Replacement for lost tag: 2.00

Penalties:
   1. License renewal fees are due January 1 and payable
without penalty before March 1. A $5.00 penalty will be assessed on March 1 and for every thirty days delinquent thereafter.

2. The owner of any dog or cat reaching six months of age on or after March 1 shall have ten days from the day the animal becomes six months old to license the animal. If the animal is not licensed within the time required, a penalty of $5.00 for every thirty days delinquent will be assessed in addition to the normal license fee.

3. Any person bringing a dog or cat over six months old into the City on or after March 1 shall have thirty days from the day the animal is brought into the City to license the animal. If the animal is not licensed within the time required, a penalty of $5.00 for every thirty days delinquent will be assessed in addition to the normal license fee.

4-803(b)(3). FEES FOR OIL AND GAS DRILLING AND PRODUCTION.

- Special Use Permit: $400.00
- Permit for one well: $100.00
- Blanket permit - multi wells: $300.00

11-306. FALSE ALARMS.
- Seven (7) through ten (10) false alarms: $25.00 each
- Eleven (11) through fourteen (14) false alarms: $50.00 each
- Fifteen (15) through eighteen (18) false alarms: $75.00 each
- Nineteen (19) and each subsequent alarm: $100.00 each

13-1A03. PERMIT FEES; SIDEWALKS.
- For any permit issued under the provisions of this article: $20.00 each

13-207. PERMIT FEES; STREETS.
- For any permit issued under the provisions of this article: $20.00 each
  - Maintenance bond: 100% of construction cost for 2 years
  - Right-of-Way permit (trenching, tunneling or boring): $20.00 each
Open cut in pavement permit

Lane closure permit (in addition to open cut, or right-of-way permit)

Length x width x 2.00 or 15.00 minimum

25.00 each

13-225. BACK CHARGE RECOVERY COST FEES; "MUD ORD.". For men and/or equipment. This is not a service. Back charged work will be done only with the approval of the Director or Asst. Director of Public Works. There will be a one hour minimum charge. Transportation to the job site will be charged at the same rate.

Men with hand tool only
Pick-up truck with driver
Dump truck with driver
Sweeper with operator
Jet rodder with operator
Back hoe with operator
Mowing tractor with operator
Bobcat, pick-up, trailer, and hand tools with operator
Grader with operator
Loader with operator
Outside contractors

20.00/hr.
35.00/hr.
55.00/hr.
100.00/hr.
100.00/hr.
80.00/hr.
65.00/hr.
80.00/hr.
90.00/hr.
90.00/hr.
65.00/hr. with a 3 hr. min.

Additional labor will be charged as follows:

Maintenance I (per person)
Maintenance II (per person)
Crew leader (per person)
Supervisor

20.00/hr.
20.00/hr.
25.00/hr.
35.00/hr.

15-110. SEWER CONNECTION CHARGE.

1500.00 + 50.00 inspection fee

16-202. FEES FOR ZONING PROCEDURES.

<table>
<thead>
<tr>
<th>Rezoning</th>
<th>Tract Size</th>
<th>Rezoning Fee</th>
<th>Preliminary Plan</th>
<th>Final Plan</th>
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<td>Residential</td>
<td>0 - 5 acres</td>
<td>300</td>
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<tr>
<td>(RP-A to RP-4)</td>
<td>5+ - 40</td>
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<td>40+ - up</td>
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<td>200</td>
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<tr>
<td>District</td>
<td>0 - 5 acres</td>
<td>5+ - 10</td>
<td>10+ - 25</td>
<td>25+ - 50</td>
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<td>Office (CP-0)</td>
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<td>Commercial (CP-1 to CP-2)</td>
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<td>Recreation (REC)</td>
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<td>Industrial (PI)</td>
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<tr>
<td>Business Park (BP)</td>
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<td>Special Development (SD)</td>
<td>300</td>
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<td>Mixed Zoning (Combination of any two or more districts)</td>
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<td>Special Use Permits, except oil and gas</td>
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Special Use Permit—temporary short term, not longer than 10 days as defined in Sec. 4-3.1(31) of the Leawood Development Ordinance

Text amendment to Leawood Development Ordinance 300
### Estate sales

**Other Plan Approvals**
- Revision of final plan: $150
- Landscape Plan: $200
- Sign Plan Approval (commercial): $150
- Flood Plain Development: $200

**Streets, Utility Vacation**: $200

**Board of Zoning Appeals**: $75

Applicant is responsible for the cost of publishing rezoning, preliminary plat or special use permit Notice of Hearing.

Applicant is responsible for the cost of publishing rezoning, special use permit, or vacation ordinance following City Council approval, and cost of recording plats. (See fees for Final Plat Submission.)

Applicant shall be responsible for paying a late fee in the amount of $500.00 if an application for action by the Plan Commission is submitted to the City after the deadline for submissions has expired.

### Sign permit fees

1. Temporary sign (90-day permit)
   - a. Small (5/SF to 32/SF): $20.00 each
   - b. Large (Over 32/SF): $50.00 each

2. Temporary signs (7-day permit)
   - a. Small over 5/SF to 32/SF: $10.00 each
   - b. Large over 32/SF: $30.00 each
   - c. Inflatables (special use): $30.00 each

3. Monument signs/structures (additional elec. permit required): $50.00 each

4. Permanent sign-wall signs (additional elec. permit required): $2.00/SF-minimum $25.00

### 16-402. FEES FOR SUBDIVISION REGULATION PROCEDURES.

**Preliminary Plat Submission:**
Applicant to pay $400.00 minimum plus $2.00 per lot/tract.

**Final Plat Submission:**
Applicant to pay $200.00 minimum plus $2.00 per lot/tract.
PLANNING AND DEVELOPMENT DEPARTMENT DOCUMENT FEES.

Comprehensive Plan Book 25.00 each
Leawood Development Ordinance 10.00 each
Subdivision Regulations 5.00 each
Zoning Map 3.00 each
Subdivision Map 3.00 each
Comprehensive Plan Map 5.00 each
K-150 Plan Map 3.00 each
Leawood Street Plan Map 5.00 each

PUBLIC WORKS DEPARTMENT DOCUMENT FEES.

Construction Standards Book 20.00 each

OTHER DEPARTMENT PUBLICATIONS/REPORT FEES (to be individually determined based upon printing costs).

MISCELLANEOUS FEES.

Fees According to Open Records Act
Record Search (Ordinance No. 801) 10.00 minimum
Copying fee per page:
Police Dept. 1.50
All other departments .50

PARKS AND RECREATION DEPARTMENT FEES (second figures are non-resident fees).

Swim lessons 22.00 25.00
Competitive swim 58.00 68.00 (includes USS fee)
Water exercise 30.00 35.00
Camp 95.00 120.00
Registration change 10.00 10.00
Call-in registration 2.00 2.00
Fishing Derby 4.00 5.00
Birthday party (per person) 3.50 3.50
Softball league 275.00 275.00
Triathlon 15.00 15.00
Races 15.00 15.00
Volleyball leagues 70.00 to 85.00
Tennis lessons 7.00 private to 25.00 group
Soccer fields 25.00 per season hour per field; $100 per field per half day for soccer camps
Baseball fields 25.00 per season hour per field
Pool rental 60.00 per hour
Shelter reservations  5.00 per shelter, Leawood residents & Leawood businesses only

Tennis court rental  2.00 per court per hour (nonprofit groups)
      3.00 per court per hour (for profit grps)

Many free events and services

Membership and attendance fees:

Daily fees—pool or tennis

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<tr>
<th></th>
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Swimming only

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<td>Sr. Citizen (60+)</td>
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Tennis only

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Pool & Tennis (park pass)

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Adopted by the Governing Body this 21st day of December, 1992.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1091

RESOLUTION OF THE GOVERNING BODY
OF THE CITY OF LEAWOOD, KANSAS,
CONSENTING TO THE ENLARGEMENT OF AREA
INTO THE CONSOLIDATED MAIN SEWER DISTRICT
GOVERNED BY JOHNSON COUNTY, KANSAS

On the 21st day of December, 1992, the governing body of the City of Leawood, Kansas, met in regular session with the Mayor and a majority of the Council being present.

There comes before the Council for consideration the matter of an enlargement of the Consolidated Main Sewer District of Johnson County, Kansas. The property to be enlarged into the sewer district governed by the county is described and set out in Exhibit A attached hereto, and made a part of this resolution. The provisions of Charter Ordinance 29-92 of Johnson County, Kansas, provides that when any such sewer district extends into the city limits of any incorporated city, the Board of County Commissioners shall not have the power to create or extend such sewer district within the city limits without the consent of the governing body of the city.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that the City does hereby consent that the property shown and described on Exhibit A be included within the sewer district, as described, and which is governed by Johnson County, Kansas.

ATTEST:

CITY OF LEAWOOD, KANSAS

By: Marcia Rinehart, Mayor

Martha Heizer, City Clerk
Proposed Enlargement of Consolidated Main Sewer District

Exhibit A

PAYNE & BROCKWAY P.A.
ENGINES
OLATHE, KANSAS

Date 8/5/92
PROPOSED ENLARGEMENT OF
CONSOLIDATED MAIN SEWER DISTRICT

Beginning at the Southeast corner of the SE\(\frac{1}{4}\) of Section 4, T14S, R25E, Johnson County, Kansas; thence North, along the East line of said SE\(\frac{1}{4}\) to the Southeast corner of the N\(\frac{1}{2}\) of the NE\(\frac{1}{4}\) of said SE\(\frac{1}{4}\); thence West, along the South line of the N\(\frac{1}{2}\) of the NE\(\frac{1}{4}\) of said SE\(\frac{1}{4}\) to the Southwest corner of the N\(\frac{1}{2}\) of the NE\(\frac{1}{4}\) of said SE\(\frac{1}{4}\); thence North, along the West line of the N\(\frac{1}{2}\) of the NE\(\frac{1}{4}\) of said SE\(\frac{1}{4}\) to the South line of the NE\(\frac{1}{4}\) of said Section 4; thence continuing North, along the East line of the SW\(\frac{1}{4}\) of said NE\(\frac{1}{4}\) to a point 660 feet North of the South line of said NE\(\frac{1}{4}\); thence West, along a line 660 feet North of and parallel with the South line of said NE\(\frac{1}{4}\) to the West line of said NE\(\frac{1}{4}\); thence South, along the West line of said NE\(\frac{1}{4}\) to the center of said Section 4; thence West, along the North line of the SW\(\frac{1}{4}\) of said Section 4 to a point 1,000 feet West of the East line of said SW\(\frac{1}{4}\); thence South, parallel with the East line of said SW\(\frac{1}{4}\), to the South line of the N\(\frac{1}{2}\) of the N\(\frac{1}{2}\) of said SW\(\frac{1}{4}\); thence East, along the South line of the N\(\frac{1}{2}\) of the N\(\frac{1}{2}\) of said SW\(\frac{1}{4}\) to a point 1,800 feet East of the West line of said SW\(\frac{1}{4}\); thence South, on a line parallel with the West line of said Section 4 to a point 1,100 feet North of the South line of said Section 4; thence East, on a line parallel with the South line of said Section 4 to a point on the West line of the SE\(\frac{1}{4}\) of said Section 4; thence South, along the West line of said SE\(\frac{1}{4}\) to the Southwest corner of said SE\(\frac{1}{4}\); thence East, along the South line of said SE\(\frac{1}{4}\) to the Point of Beginning.

Rev. 9/14/92
A RESOLUTION DESIGNATING HOLIDAYS FOR THE YEAR 1993 IN ACCORDANCE WITH THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, Section 9-2 of the "Personnel Rules and Regulations", as published in December, 1992, and as from time to time amended, requires that holidays for all regular employees of the City of Leawood be confirmed by resolution of the City Council each year; and

WHEREAS, after review of the holiday dates in 1993, staff recommends that the following schedule be adopted;

NOW, THEREFORE, BE IT RESOLVED that the City Hall of Leawood, Kansas, shall be closed on the following holiday dates in 1993:

- New Year’s Day January 1
- President’s Day February 15
  (3rd Monday-February)
- Memorial Day May 31
  (last Monday-May)
- Independence Day July 5 (Monday)
- Labor Day September 6
  (1st Monday-September)
- Thanksgiving November 25/26
  (4th Thurs. & Fri.-November)
- Christmas December 24 (Friday)

Adopted by the Governing Body this 21st day of December, 1992.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1093

WHEREAS, the City of Leawood, Kansas (the "Issuer"), has outstanding securities in the state and local government securities market or is planning an issue in the near future; and

WHEREAS, the Issuer appreciates the support of the investment community for the financing efforts of the Issuer; and

WHEREAS, the maintenance of ratings, if any, for the Issuer's rated securities depend in part upon the continued availability of information to the rating agencies; and

WHEREAS, the Issuer has been informed that the liquidity of its securities in the secondary market may be affected by the availability of information and maintenance of ratings; and

WHEREAS, the Issuer desires to maintain excellent relations with its investors and to improve the liquidity of the Issuer's securities in the secondary market; and

WHEREAS, the Issuer desires to receive a Certificate of Recognition from the National Federation of Municipal Analysts, and the adoption of this Resolution is a condition to the award of such a Certificate, although the Issuer also recognizes that a Certificate of Recognition does not imply in any manner a positive or negative judgment as to the accuracy or sufficiency of the disclosure documents of the Issuer and that the Issuer is solely responsible for the accuracy and sufficiency of its disclosure documents;

NOW, THEREFORE, the Issuer hereby makes the following commitments to its investors:

1. The Issuer will provide annual audited financial statements and other pertinent credit information relevant to the Issuer's outstanding securities (which may be contained in official statements), including the Issuer's Comprehensive Annual Financial Report, if one is prepared, upon request, and will provide copies to one or more major information providers in the state and local government securities market.

2. If an issue is rated, appropriate periodic credit information necessary for maintaining the rating(s) on the securities will be provided by the Issuer to the rating agency(ies) rating the securities.

3. A statement will be made by the Issuer in the introduction to its official statements evidencing the commitments made herein.
RESOLUTION NO. 1093

This Resolution shall take effect from and after its date of adoption.

ADOPTED by the Governing Body this 1st day of February, 1993.

(MARCIA RINEHART)
Marcia Rinehart Mayor

Attest:

(MARThA HEIZER)
Martha Heizer City Clerk
RESOLUTION NO. 1094

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS, the City of Leawood, Kansas intends to make certain necessary improvements to State Line in Leawood, Kansas.

WHEREAS, all necessary rights of way and easements have been obtained by the City with the exception of portions of two tracts of ground described as:

Beginning at Southeast corner of Northwest fractional 1/4 of Section 14, Township 13, Range 25, Johnson County, Kansas; thence West 720.35 feet to a point; thence North 616 feet to a point 722.8 feet West of the East line of said Northwest fractional quarter section; thence East and parallel with the South line of said fractional quarter section 300 feet; thence South at right angles to said last described line 328 feet; thence East and parallel with the South line of said fractional quarter section 420.35 feet more or less, to the East line of said fractional quarter section; thence South 288 feet along the East line of said fractional quarter section to point of beginning, subject to established public roads along the East and South sides of said tract.

Except:

Beginning at a point 720.35 feet West of the Southeast corner of the Northwest fractional quarter of Section 14, Township 13, Range 25, Johnson County, Kansas; thence North 616 feet to a point 722.8 feet West of the East line of said Northwest fractional quarter section; thence East and parallel with the South line of said fractional quarter Section 300 feet; thence South at right angles to said last described line 616 feet to a point 420.35 feet West of the Southeast corner of said fractional quarter; thence West 300 feet to point of beginning, except that part taken or used for road;

and,
A tract of real property in the Northwest quarter of Section 14, Township 13 South, Range 25 East, in Johnson County, Kansas described as follows:

Beginning at a point 616 feet North of the Southeast corner of said Northwest quarter; thence North 332 feet; thence West 422.8 feet; thence South 332 feet; thence East 422.8 feet to the point of beginning, more commonly known as 11316 State Line, Leawood, Kansas.

WHEREAS, it appears that said necessary right of way and easements cannot be obtained other than through condemnation.

NOW, THEREFORE, be it resolved by the City of Leawood, Kansas:

That the City does hereby declare it to be necessary to appropriate certain private property for the use of the city for purposes of making certain improvements to State Line, Leawood, Kansas;

That the Director of Public Works is hereby authorized and directed to obtain a survey and description of the land and interest to be condemned.

That said survey shall be made by some competent engineer and filed with the City Clerk.

That this Resolution shall be published once in the official city newspaper.

PASSED AND APPROVED THIS 16th DAY OF February 1993.

Mayor

ATTEST:

City Clerk

(SEAL)
RESOLUTION NO. 1095

WHEREAS, the Kansas Department of Transportation is in the process of determining the possibility of constructing sound barriers along Interstate 435 highway; and

WHEREAS, I-435 will be widened and improved in the future, thereby increasing the noise level in areas near the highway; and

WHEREAS, the Governing Body feels that sound barriers are necessary for the well-being of Leawood residents; and

WHEREAS, it is the understanding of the Governing Body that the City of Leawood is not obligated to pay in whole or in part for the construction or any aspect of the construction of the sound barriers;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, supports the construction of sound barriers along I-435 within the City of Leawood.

ADOPTED by the Governing Body this 16th day of February, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1096

The Leawood City Council has considered the request for final plat approval of Edgewood, located at 116th and Town Center Drive and hereby finds the following:

WHEREAS, the plat contains 50 single family lots with pool and cabana on 27.5 acres (23,958 square feet per lot), and

WHEREAS, the interior streets are to be private, and

WHEREAS, the property is zoned RP-4, Planned Cluster Residential, and

WHEREAS, the proposed plat is in substantial compliance with the approved preliminary plat, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Development is limited to 50 single family homes and a pool and cabana for the residents.
2. Lots 1 through 21 have minimum side yard setback of 10' and the remainder have a minimum side yard setback of 12'.
3. Lots backing on the north property line, 10-22, 25, 26, and 28-30 have a minimum rear yard setback of 22' with the remaining rear yard setbacks of 20'.
4. Drainage is to be reviewed and approved by the Director of Public Works.
5. The streets shall remain private in perpetuity.
6. Access from Cedar will be for emergency access only. It will include a gated entry where Leawood Country Manor attaches to this property. Developer shall construct a cul-de-sac at the southern end of Cedar.
7. There shall be no construction access through or from Leawood Country Manor.
8. The Director of Public Works will review and approve all public works elements.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Edgewood with the stipulations recommended by the Plan Commission and the stipulation added by the Council that funds for maintenance of private streets will be escrowed in accordance with the City's private street policy as outlined in the Master Development Plan.
Adopted by the Governing Body this 1st day of March, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1097

The Leawood City Council has considered the request for revised preliminary plan approval for Martini’s at 11723 Roe and hereby finds the following:

WHEREAS, the property is zoned CP-1, Planned Neighborhood Retail, and a restaurant as proposed is an allowed use in the CP-1 district, and

WHEREAS, the applicant is requesting approval of a revised preliminary site plan for a restaurant of 7060 square feet to be located on Lot 4 of Camelot Court, and

WHEREAS, the exterior of the building will be terra cotta and brown blend brick to match Price Chopper with the roof a reddish brown concrete tile to match J.D. Reece building to the north, and

WHEREAS, a red continuous light strip will be mounted under the crown mold as an accent, and

WHEREAS, the applicant is proposing signs on the north and south walls constructed of aluminum script lettering back lit with color, and

WHEREAS, this pad site design is sensitive to the design of the balance of the shopping center while maintaining a distinctive personality, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Drainage and other utility plans shall be approved by the Director of Public Works.
2. Detailed landscaping shall be reviewed in detail at the final plan consideration.
3. No access shall be granted to Roe Ave. directly from the pad site.
4. As part of the submission for final site plan approval, the developer of Camelot Court shall sign off approval of the signs as required by the approved sign criteria, and

WHEREAS, the developer agrees to these stipulations,
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan of Martini's at 11723 Roe with stipulations.

Adopted by the Governing Body this 1st day of March, 1993.

(S E A L)

Mayor

Attest:

City Clerk
RESOLUTION NO. 1098

RESOLUTION REQUESTING JOHNSON COUNTY, KANSAS, PARTICIPATION IN THE CITY OF LEAWOOD’S FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM THROUGH THE COUNTY’S ASSISTANCE ROAD SYSTEM (C.A.R.S.).

WHEREAS, the Governing Body of the City of Leawood has reviewed and approved the attached five-year road and bridge improvement program, and

WHEREAS, the City of Leawood is requesting participation from Johnson County, Kansas, through the County’s Assistance Road System (C.A.R.S.),

NOW, THEREFORE, be it resolved by the Governing Body of the City of Leawood, Kansas, that the attached Five-Year Road and Bridge Program be submitted to Johnson County, Kansas, per Johnson County’s Resolution No. 44-90 and Resolution No. 088-91.

Adopted by the Governing Body this 1st day of March, 1993.

Mayor Marcia Rinehart

ATTEST:

Martha Heizer, City Clerk
## County Assistance Road System
### 1994–1998

<table>
<thead>
<tr>
<th>Priority</th>
<th>Project Location</th>
<th>Existing Facilities</th>
<th>A.D.T.'s</th>
<th>Scope of Project</th>
<th>Proposed Start/Finish</th>
<th>C.A.R.S. Funding Request</th>
<th>Other City Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>83rd Street, State Line Road to Mission Rd</td>
<td>2 lane undivided; non-continuous sidewalks; limited capacity/level of service; inadequate drainage conveyance</td>
<td>8500</td>
<td>Reconstruction to a 2-3 lane undivided; signalized intersection at Lee Boulevard; improve drainage conveyance; construct sidewalk on each side.</td>
<td>Start 1/94 Finish 10/94</td>
<td>$1,055,000</td>
<td>CITY NAME n/a</td>
</tr>
<tr>
<td>2</td>
<td>X-150 State Line Road to Hall Ave.</td>
<td>2 lane, Undivided roadway; limited capacity</td>
<td>1,000</td>
<td>4 lane, divided arterial roadway; project to include landscaping enhancement aspects, construct signalized intersection at major road/traffic interchanges</td>
<td>Start 1/94 Finish 4/95</td>
<td>$1,990,750</td>
<td>CITY NAME Johnson County Funding $72,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Mission Road, I-435 to College Boulevard</td>
<td>No roadway on existing site; existing roadway closed because of a closed bridge.</td>
<td>0/500</td>
<td>Construct an alignment to match a bridge built in 1992-93 and to replace a roadway that was closed because of functionally/structurally obsolete bridge, 120th St.</td>
<td>Start 11/93 Finish 11/94</td>
<td>$1,875,975</td>
<td>CITY NAME Overland Park, KS Funding $39,000.00</td>
</tr>
<tr>
<td>4</td>
<td>College Boulevard, State Line Road to Roe Avenue</td>
<td>Currently no existing facility</td>
<td>N/A</td>
<td>Proposed link between Roe Avenue to the west and Red Bridge Road in KC.</td>
<td>Start 1/95 Finish 1/95</td>
<td>$1,400,000</td>
<td>CITY NAME n/a</td>
</tr>
<tr>
<td>5</td>
<td>Mission Road, 103rd Street to I-435</td>
<td>2 lane, dead-end facility</td>
<td>500</td>
<td>Upgrade to a 2 lane undivided, a secondary arterial; matches proposed Mission Road alignments south of 103rd Street.</td>
<td>Start 1/95 Finish 1/95</td>
<td>$1,775,000</td>
<td>CITY NAME Overland Park, KS Funding $87,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Intersection of 92nd Street and State Line Road</td>
<td>Residential east/west side streets approach a north/south arterial street at crest of vertical curve with insufficient gaps to allow turning movement.</td>
<td>3,700</td>
<td>Modify geometry and improve capacity at an existing grade intersection; improve to signalized intersection.</td>
<td>Start 1/94 Finish 8/94</td>
<td>$62,000</td>
<td>CITY NAME Kansas City, MO Funding $126,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Roe Avenue, 124th to 135th Street</td>
<td>2 Lane facility without curb and gutter sections</td>
<td>9,000</td>
<td>Improve to 4 Lane secondary arterial standard; Improve geometry</td>
<td>Start 1/95 Finish 11/95</td>
<td>$250,000</td>
<td>CITY NAME n/a</td>
</tr>
<tr>
<td>8</td>
<td>Mission Road, 135th Street to 151st Street</td>
<td>2 Lane facility without curb and gutter sections</td>
<td>2,000</td>
<td>Improve to 4 lane, secondary arterial standard; replace bridges/curb walls at several locations.</td>
<td>Start 1/96 Finish 12/97</td>
<td>$2,021,355</td>
<td>CITY NAME n/a</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 1099

The Leawood City Council has considered the request for revised preliminary plat for Courts of Patrician Woods/Patrician Woods 10th Plat, located at approximately 125th and Nall and hereby finds the following:

WHEREAS, the property is zoned RP-4, Planned Cluster Residential District, and

WHEREAS, a preliminary plan was approved in 1987 which would allow construction of 48 units in 6 buildings, and

WHEREAS, the applicant is requesting to amend the preliminary plat to allow construction of 14 single family homes on 5.113 acres and dedicate 8.247 acres to the City of Leawood as park land, and

WHEREAS, the street is to be public, and

WHEREAS, the minimum front yard setback is to be 22.5 feet, the minimum rear yard is to be a minimum 20’ and the minimum side yard setback is to be 10’, and

WHEREAS, for improvements to Nall this property is responsible for $130 per front foot to be collected prior to recording the final plat, and

WHEREAS, the Plan Commission has reviewed the plat and recommends the following stipulations of approval:

1. Tract K is to be dedicated to the City as parkland as the developer acquires ownership.
2. The developer is responsible for $130 per front foot for Nall construction, estimated to be $63,440 (488 ft x $130 per foot).
3. The development is limited to not more than 14 single family homes.
4. Islands within the public street are to be maintained by the Homes Association and will be noted as such on the final plat.
5. Easements necessary for the construction of Nall will include but not be limited to construction and drainage easements, shall be shown on the final plat and dedicated to the City.

WHEREAS, the developer agrees to these stipulations,
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary plat for Courts of Patrician Woods/Patrician Woods 10th Plat with stipulations.

Adopted by the Governing Body this 15th day of March, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
A RESOLUTION RELATING TO STATE AID
FOR THE IMPROVEMENT OF CITY CONNECTING LINKS
ON THE STATE HIGHWAY SYSTEM

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 109-92 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the construction of State Line Road, described as follows: State Line Road; from I-435 north to 103rd Street. Work includes replacement of the Indian Creek bridges, and known as Project No. 435-46 K-3637-02 (CMQ-K 363(702)).

Passed by the (Council) (Commission) this 15th day of March, 1993

(Approved) (Signed) Marcia Reister, Mayor

(SEAL)

ATTEST: Martha Neiger
City Clerk
A RESOLUTION OF FINDING AS TO THE ADVISABILITY AND A
RESOLUTION AUTHORIZING THE IMPROVEMENT AND CONSTRUCTION OF
KENNETH ROAD, WITHIN THE CITY OF LEAWOOD, KANSAS, CONNECTING
K-150 TO KENNETH PARKWAY, PURSUANT TO THE PROVISIONS OF
K.S.A. 12-6a01 ET SEQ. AND EXPRESSING THE INTENT TO
REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF
GENERAL OBLIGATION BONDS.

Pursuant to findings of advisability made by the
Governing Body of the City of Leawood, Kansas.

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 Improvement
District described in said petition, proposing the
construction of Kenneth Road, within the City of Leawood,
Kansas, connecting K-150 to Kenneth Parkway, as more
specifically described hereinafter.

WHEREAS, Section 1.103-18 of the Income Tax Regulations
issued by the Internal Revenue Service (the "Regulations")
requires that the City make a prior declaration of its
intent to reimburse itself for project expenditures made by
the City prior to the date of issuance of notes or bonds,
and the City desires to comply with the requirements of the
Regulations with respect to this Project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of
the City of Leawood, Kansas, as follows:

Section 1. That it is necessary and in the public
interest to make an improvement consisting of the following:

The construction of Kenneth Road in the City of
Leawood, Kansas with a corridor described as follows:

All that part of the Northeast Quarter of
Section 34, Township 13 South, Range 25 East,
and the North Half of Fractional Section 35,
Township 13 South, Range 25 East, both in the
City of Leawood, Johnson County, Kansas,
described as follows:

Commencing at the Northeast corner of the
Northeast Quarter of said Section 34, thence
S01°59'27"E along the east line of said
Section 34, a distance of 60.00 feet, to the
true point of beginning; thence N87°32'30"E,
along the existing Southerly Right-of-Way of
K-150 Highway, a distance of 40.00 feet;
thence S01°59'27"E, along a line parallel to
the east line of said Section 34, a distance of 470.95 feet; thence on a curve to the left with a radius of 676.20 feet, an arc distance of 514.28 feet, an initial tangent bearing of S01° 59'27"E, and an included angle of 43° 34' 36"; thence S45° 34'02"E, a distance of 92.64 feet to a point on the existing Northwesterly Right-of-Way of Kenneth Parkway; thence S46°14'32"W, along said Existing Right-of-Way, a distance of 8.43 feet; thence continuing along said Existing Right-of-Way, on a curve to the left with a radius of 1,000.00 feet, an arc distance of 71.59 feet, an initial tangent bearing of S46°14'32"W, and an included angle of 4° 06'06"; thence N45°32'02"W, a distance of 92.68 feet; thence on a curve to the right with a radius of 756.20 feet, an arc distance of 575.13 feet, an initial bearing of N45°34'02"W, and an included angle of 43° 34'36", thence N01° 59'27"W along a line parallel to east line of said Section 34, a distance of 470.38 feet to a point on the Existing Southerly Right-of-Way of K-150 Highway; thence N87° 39'58"E, along said Existing Right-of-Way, a distance of 40.00 feet, to the true point of beginning; said tract of land containing 2.03 acres, more or less.

The proposed improvements shall be made in a manner provided by Article 61, Chapter 12, of the Kansas Statutes Annotated.

The project will generally consist of construction of a two lane undivided roadway with concrete curb and gutter. The improvement will also include all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

Section 2. That the estimated or probable cost of the total improvement is $635,834.00 or approximately $288 per abutting front foot, exclusive of the cost of right-of-way.

Section 3. That the proposed improvement district boundaries are as indicated on the attached Exhibit A which is incorporated in this resolution.

Section 4. That the extent of the proposed Improvement District to be assessed is all assessable property within the Improvement District.

Section 5. That all assessable property within the Improvement District which is not excluded and which abuts the proposed improvement will be assessed on an abutting front foot basis. The entire cost of the improvement will
be paid by the Improvement District and no cost will be paid
by the City at large.

Section 6. That the petitioners agree to provide,
without cost, to the City, the easements and right of way as
set forth in Exhibit A, attached hereto for the improvement.
Provided however, that if any property owner within the
improvement district shall refuse to provide necessary
easements and right of way without cost to the City, then
the petitioners shall not be obligated to provide said
easements and right of way without cost to the City.
Petitioners agree that any sums paid by the City to acquire
permanent rights-of-way and easements shall be assessed to
the improvement district as costs of the improvement.
Petitioners further agree that the City shall not be
required to initiate any condemnation proceedings and the
decision to initiate any condemnation proceedings shall be
in the sole discretion of the City.

Section 7. That the advisability of the improvements
set forth above is hereby established as authorized by
K.S.A. 12-6a01 et seq.

Section 8. Be it further resolved that the above
described improvement is hereby authorized and declared to
be necessary in accordance with the findings of the
Governing Body as set out in this resolution.

Section 9. The Governing Body is authorized to issue
such temporary notes, as provided by K.S.A. 12-6a14, for the
purpose of providing interim financing of such improvement
project as is deemed necessary after separate action
providing for the issuance of such notes.

Section 10. That the costs incurred in connection
with the Project shall be paid for from the proceeds of
temporary notes to be issued from time to time as said costs
are so incurred, and the Project shall be permanently
financed with the proceeds of the sale of general obligation
bonds of the City in an amount not to exceed $850,000.00.

Section 11. 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 12. 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 resolution, 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 13. That this Resolution shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Resolution 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 14. 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 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.

ADOPTED by the Governing Body this 15th day of March 1993.

(Marcia Rinehart Mayor)

Attest:

Martha Heizer City Clerk
Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS,
Tammy Schwien, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter (now called periodicals class).
That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:
RESOLUTION 1101--8/5/97

[Signature]
Legal Notices Administrator

Subscribed and sworn to before me on this date:
August 6, 1997

[Signature]
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

RES1101
Publication Fees: $90.23
RESOLUTION NO. 1101
First Published in The Local Record, Tuesday, August 5, 1997

A resolution finding as to the advisability and a resolution authorizing the Improvement of
Kenneth Road, within the City of Leawood, Kansas, connecting K-150 to Kenneth Parkway, pursuant to the provisions of K.S.A. 11-601 et seq. and authorizing the reimbursement of the project so incurred from proceeds of general obligation bonds.

Pursuant to findings of advisability made by the Governing Body of the City of Leawood, Kansas.

WHEREAS, a petition has been filed with the City Clerk of the City of Leawood, Kansas, by the owner of a major area to be included in the Improvement District described in said petition, proposing the construction of Kenneth Road in the City of Leawood, Kansas, connecting K-150 to Kenneth Parkway, as more specifically described hereinafter.

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the “Regulations”) requires that a project made by a State in connection with an Improvement District be authorized as to its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of a note or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, as follows:

Section 1. That it is necessary and in the public interest to make an improvement consisting of the following:

The construction of Kenneth Road in the City of Leawood, Kansas with a corridor described as follows:

All that part of the Northeast Quarter of Section 34, Township 13 South, Range 25 East, and the West Half of Fractional Section 35, Township 13 South, Range 25 East, both in the City of Leawood, Johnson County, Kansas, as described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 34, thence S0°00'00"W along the east line of said Section 34, a distance of 60.00 feet, to the true point of beginning; thence N0°31'50"E, along the existing Southernly Right-of-Way of K-150 Highway, a distance of 40.00 feet; thence S0°00'00"E, along a line parallel to the east line of said Section 34, a distance of 460.99 feet; thence N1°01'27"W, left with a radius of 676.20 feet, an arc tangent bearing of 15°35'00" and an included angle of 43°14'56", thence S54°34'02"W, a distance of 92.64 feet, to a point on the existing Northwesterly Right-of-Way of Kenneth Parkway; thence S46°14'32"W, along said Existing Right-of-Way, a distance of 8.43 feet; thence continuing along said Existing Right-of-Way, on a curve to the left with a radius of 71.59 feet, an initial tangent bearing of 64°35'27" and an included angle of 64°06'10", a distance of 75.75 feet; thence N0°00'00"W, along an arc distance of 75.75 feet, an initial bearing of 65°34'02"W, and an included angle of 43°34'16", thence N00°00"W along the east line of said Section 34, a distance of 470.93 feet to a point on the existing Southerly Right-of-Way of K-150 Highway; thence N07°39'58"W, along said Existing Right-of-Way, a distance of 48.00 feet, to the true point of beginning; being a portion of land containing 2.03 acres, more or less.

The proposed improvements shall be made in a manner provided by Article 61, Chapter 12, of the Kansas Statutes Annotated.

The project will generally consist of construction of a two lane undivided roadway with concrete curb and gutter. The improvement will also include all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

Section 2. That the estimated or probable cost of the total improvement is $435,834.00 or approximately $288 abutting front foot, exclusive of the cost of right-of-way.

Section 3. That the proposed improvement district boundaries are as indicated on the attached Exhibit A which is incorporated in this resolution.

Section 4. That the extent of the proposed Improvement District to be assessed is all assessable property within the Improvement District.

Section 5. That all assessable property within the Improvement District which is not excludable and which abuts the proposed improvement will be assessed on an abutting front foot basis. The entire cost of the improvement will be paid by the Improvement District and no cost will be paid by the City at large.

Section 6. That the petitioners agree to provide, without exception in the City, the easements and right of way as set forth in Exhibit A, attached hereto for the improvement. Provided, however, that if any property owner within the Improvement District is able to provide necessary easements and right of way without cost to the City, then the petitioners shall not be obligated to provide said easements and right of way without cost to the City. Petitioners agree that any sums paid by the City to acquire permanent right of way and easements shall be assessed to the Improvement District as costs of the improvement. Petitioners further agree that the City shall not be required to initiate any condemnation proceedings but that the decision to initiate any condemnation proceedings shall be in the sole discretion of the City.

Section 7. That the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 11-601 et seq.

Section 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

Section 9. The Governing Body is authorized to issue such temporary notes and bonds as are necessary in connection with the proceeds of the sale of general obligation bonds of the City in an amount not to exceed $850,000.00.

Section 10. That the costs incurred in connection with said Improvement shall be paid from the proceeds of the temporary notes to be issued from time to time as said costs are incurred; and the City shall be permitted to issue and sell general obligation bonds and the proceeds of the sale of such general obligation bonds.

This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 11. That as of the date hereof, there are no City funds reserved, allocated on a long term basis, or otherwise set aside (or reasonably expected to be reserved, allocated, and/or otherwise set aside) to provide permanent financing for the project to which the above referenced regulations relate.

Section 12. That this Resolution shall be filed within 20 days of its adoption in the publicly available official books and records of the City. This Resolution shall be available 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 13. 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 proceeds of the project to the City or the proceeds of the notes or bonds to reimburse the source of temporary financing used by the City to make payment of the proceeds of the project. Each allocation shall be accompanied by an entry on the official books and records of the City maintained for the notes or the bonds, and the City shall identify the proceeds, if any, received and the amount of the proceeds from which the reimbursement was paid, and shall be effective to relieve the proceeds of the notes or the bonds from any restriction under the ordinances authorizing the issuance of such notes or bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

ADOPTED by the Governing Body this 15th day of March, 1993.

(Signed)

[Signature]
MARCIA RINCHART MAYOR

Passed and Approved by the City Council this 15th day of March, 1993.

[Signature]
MARSHA HEIZER
City Clerk

CONTINUED ON PAGE 20

[Signature]
GARY R. LINCOLN
MARCIA RINCHART MAYOR
NOTICE OF PUBLIC HEARING
First published in The Legal Record, Tuesday, August 5, 1997.

NOTICE OF PUBLIC HEARING

It is hereby given that the Lenexa Planning Commission will hold a public hearing on the 28th day of August, 1997, at 7:00 p.m. at the City Hall, 12350 West 87th Street Parkway, Lenexa, Kansas.

All persons interested in said proposal or persons owning property in said neighborhood who desire to be heard, either for or against the above request are invited to appear at the time and place above-mentioned.

This request was filed by Ross Bierner for Land Investment Company, Owner of Record.

LENEXA PLANNING COMMISSION
Don Oppfinger, Chairman

DO:mes

RZ 97-10: CROWN BUSINESS PARK
Publication Date: August 5, 1997
P.O. Meeting Date: August 29, 1997

NOTICE OF PUBLIC HEARING
First published in The Legal Record, Tuesday, August 5, 1997.

NOTICE OF PUBLIC HEARING

It is hereby given that the Lenexa Planning Commission will hold a public hearing on the 28th day of August, 1997, at 7:00 p.m. at the City Hall, 12350 West 87th Street Parkway, Lenexa, Kansas.

At said hearing all interested parties will be heard regarding a proposal to rezone property located at the vicinity of 109th Street and Pflumm Road, from CP-2, Planned General Office Zoning District, to BP-1, Planned Business Park Zoning District, on the following described tract:

All that part in the City of Lenexa, Johnson County, Kansas, more specifically described as being located at the Southeast Corner of Pflumm Road and Eicher Drive, Lenexa, Kansas.

All persons interested in said premises and all persons owning property in said neighborhood who desire to be heard, either for or against the above request are invited to appear at the time and place above-mentioned.

This request was filed by Donna L. Lindsey, P.E., Agent for 109 PFLUMM, INC., Owner of Record.

LENEXA PLANNING COMMISSION
Don Oppfinger, Chairman

DO:mes

RZ 97-09: CROWN BUSINESS PARK
Publication Date: August 5, 1997
P.O. Meeting Date: August 29, 1997

NOTICE OF PUBLIC HEARING

It is hereby given that the Lenexa Planning Commission will hold a public hearing on the 28th day of August, 1997, at 7:00 p.m. at the City Hall, 12350 West 87th Street Parkway, Lenexa, Kansas.

At said hearing all interested parties will be heard regarding a proposal to rezone property located at the Southeast Corner of Pflumm Road and Eicher Drive, from BP-1, Planned Business Park Zoning District, to BP-2, Planned Manufacturing Zoning District, on the following described tract:

All that part of the Southwest Quarter of Section 8, Township 13, Range 24, now in City of Lenexa, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 8; thence South 2 degrees minutes 25 seconds East, along the West line of the Southwest Quarter of said Section, a distance of 310.00 feet; thence North 87 degrees 49 minutes 49 seconds East, a distance of 85.00 feet, to the point of beginning, said point being on the South right line of Eicher Drive as now established; thence continuing North 87 degrees 49 minutes 49 seconds East along said right-of-way line, a distance of 215.00 feet; thence Southwesterly, along said right-of-way line and along a curve to the right, having a radius of 470.00 feet and a central angle of 81 degrees 21 minutes 14 seconds a distance of 503.00 feet; thence South 80 degrees 49 minutes 49 seconds East along said right-of-way line, a distance of 384.25 feet; thence Southwesterly, along said right-of-way line and along a curve to the right, having a radius of 97.00 feet and a central angle of 14 degrees 03 minutes 38 seconds a distance of 230.04 feet; thence South 73 degrees 14 minutes 27 seconds West, a distance of 226.62 feet; thence South 64 degrees 56 minutes 01 seconds West, a distance of 362.55 feet; thence North 18 degrees 34 minutes 33 seconds West, a distance of 32.01 feet; thence North 33 degrees 37 minutes 76 seconds West, a distance of 478.28 feet; thence North 81 degrees 15 minutes 20 seconds West, a distance of 1561.38 feet, to a point on the Easterly right-of-way line of Eicher Road as now established; thence North 2 degrees 10 minutes 26 seconds West along said Easterly right-of-way line, a distance of 430.57 feet; thence North 42 degrees 49 minutes 35 seconds East along 1.246 feet; thence South 64 degrees 56 minutes 01 seconds West, a distance of 42.43 feet to the point of beginning, containing 13.50 acres more or less.

More specifically described as being located at the Southeast Corner of Eicher Boulevard and Eicher Drive, Lenexa, Kansas.

All persons interested in said premises and all persons owning property in said neighborhood who desire to be heard, either for or against the above request are invited to appear at the time and place above-mentioned.

This request was filed by Ross Bierner for Land Investment Company, Owner of Record.

LENEXA PLANNING COMMISSION
Don Oppfinger, Chairman

DO:mes

RZ 97-10: CROWN BUSINESS PARK
Publication Date: August 5, 1997
P.O. Meeting Date: August 29, 1997
RESOLUTION NO. 1102

The Leawood City Council has considered the request for rezoning from AG to RP-I, Preliminary plat and Preliminary plan for Tomahawk Creek Estates located north of 119th and Mission and hereby finds the following:

WHEREAS, the applicant has proposed a subdivision of 21 lots on 32.112 acres, and

WHEREAS, in the RP-I district each dwelling unit requires 12,000 square feet while lots in this subdivision range from 15,000 square feet to approximately 4 acres, and

WHEREAS, in the RP-I district the minimum front yard setback is to be 35 feet and it can be deviated down to 29.75', and

WHEREAS, the plat/plan indicates front yard setbacks less than 29.75' which can only be approved by the Board of Zoning Appeals as a variance, and

WHEREAS, the minimum side yard setback is to be 12' and the minimum rear yard setback is to be 30', and

WHEREAS, the development is to be surrounded by a spaced cedar fence 4.5' in height with gates where this subdivision connects to Hazelwood, and

WHEREAS, the main entrance to this property will be through the Hazelwood subdivision, and

WHEREAS, the streets in Tomahawk Creek Estates are to be private streets placed within a 52' easement, and

WHEREAS, there are no technical deficiencies on the plat and plan submitted, and

WHEREAS, the Plan Commission held a public hearing on this application, and

WHEREAS, no one spoke in opposition to the application at the public hearing, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 20 single family homes, deleting lot 20A.
2. The design of the entry gates will be reviewed in detail at the time of submission of final plat/plan.
3. The access to lots 19 and 20 will be approved as part of the public works elements.
4. As the drainage of this property and the street design is very sensitive, the public works elements must be submit-
ted and approved by the Director of Public Works prior to the Governing Body considering any final plat for this property.
5. As part of the final plat/plan submission, the developer must submit the legal description of the access road through Hazelwood and agreement between parties for its construction.
6. Prior to the Governing Body approving the final plat, the right-of-way for the access road through Hazelwood must be accepted by the Governing Body.
7. Any front setbacks less than 29.75' require approval of the Board of Zoning Appeals.
8. The developer of Tomahawk Creek Estates shall be responsible for the construction of one-half of the street through Hazelwood, a minimum of a 20' wide fire lane, in a location approved by the City.
9. Legal documents must be filed providing access to Pawnee prior to final plat submission.
10. A letter by the City's traffic consultant regarding the recommended location at which to access 119th Street must be submitted with the final plat/plan.
11. Access to Lots 6 and 7 must be detailed with notification to adjacent property owners (church and McCarthy).

WHEREAS, the developer agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from AG to RP-1, preliminary plat and preliminary plan for Tomahawk Creek Estates, with stipulations.

Adopted by the Governing Body this 19th day of April, 1993.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1103

A RESOLUTION RELATION TO STATE AID
FOR THE SYSTEM ENHANCEMENT PROJECT
ON THE STATE HIGHWAY SYSTEM

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 26-91 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas Authority to act for the City, and in its place and stead, to obtain for the City the benefits of State Aid and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the construction of a portion of the K-150 (Leawood) corridor on K-150, as follows: Widen K-150 (Leawood) from Nall Avenue to State Line Road to four-lanes with median and turn lanes designated as a System Enhancement Project on the State Highway System and known as Project No. 150-46 K-4427-01.

Passed by the (Council) (Commission) this 19th day of April, 1993.

(Approved)(Signed) Mayor

(SEAL)

ATTEST: City Clerk
RESOLUTION NO. 1104

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AND STATE AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Supplemental No. 1 to Agreement No. 59-91 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal and State Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for Project No. 435-46 K-3637-01 (IR-435-3(345)224), from the West city limits East to the East city limits (State Line Road) Right of Way, Utilities, and Preliminary Engineering. Construction and Construction Engineering from the West city limits East to 1500' East of Lee Boulevard. And, Project No. 435-46 K-3637-02 (IR-435-3(345)224), Construction and Construction Engineering from 1500' East of Lee Boulevard East to the East City Limits (State Line Road). City of Leawood, Kansas, designated as a city connecting link on the State Highway System and known as Project No. 435-46 K-3637-01 (IR-435-3(345)224).

Passed by the (Council) (Commission) this 19th day of April, 1993

(Approved) (Signed) Mayor

(SIGNATURE)

(SEAL)

ATTEST: City Clerk
CITY OF LEAWOOD

RESOLUTION NO. 1105

A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ADVISABILITY OF THE IMPROVEMENT OF 143RD STREET FROM MISSION ROAD TO 1,320' EAST BY CONSTRUCTING A TWO-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER.

WHEREAS, the City is authorized by K.S.A. 12-6a04 to initiate a public improvement provided that a public hearing is held to determine the advisability of the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS;

Section 1. A public hearing for the purpose of determining the advisability of improving 143rd Street from Mission Road to 1,320' east is hereby called to be held on the 10th day of May, 1993 at 6:00 o'clock P.M. in the Council Chambers of the City Hall the City of Leawood.

Section 2. Notice of the public hearing shall be given by two (2) publications in the city newspaper. The two (2) publications shall occur at least one week apart with at least three (3) days elapsing between the last publication and the public hearing. The notice shall be in substantially the following form:
CITY OF LEAWOOD

NOTICE OF PUBLIC HEARING

TO ALL RESIDENTS OF THE CITY OF LEAWOOD, KANSAS:

Pursuant to K.S.A. 12-6a01 notice is hereby given of a public hearing to be held in the Council Chambers of the City Hall of the City of Leawood on the _____ day of _____, 1993 at ______ o'clock ___ m. The purpose of the public hearing is to determine the advisability of constructing a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1,320' east.

The estimated cost of the improvement is Four Hundred Forty-Eight Thousand Dollars ($448,000.00). The proposed improvement district shall include property that abuts the following:

A tract of land 100 feet in width, across a part of the SW ¼ of the SW ¼ of Section 34, Township 13, Range 25, and across a part of the NW ¼ of the NW ¼ of Section 3, Township 14, Range 25, all now in the City of Leawood, Johnson County, Kansas, lying 50 feet on each side of the following described centerline: Beginning at the Southwest corner of the SW ¼ of said Section 34, said point also being the Northwest corner of the NW ¼ of said Section 3; thence Easterly, along the South line of the SW ¼ of the SW ¼ of said Section 34 and along the North line of the NW ¼ of the NW ¼ of said Section 3, to the Southeast corner of the SW ¼ of the SW ¼ of said Section 34, said point also being the Northeast corner of the NW ¼ of the NW ¼ of said Section 3.

All assessable property within the improvement district which is not excluded and which abuts the proposed improvement will be assessed on an abutting front foot...
The entire cost of the improvements shall be paid by the improvement district. The Blue Valley School District and John Erwig shall each pay up to $130.00 per front foot for a total of approximately 72% of the cost. The City at Large shall pay the remainder of the cost of the project for a total of approximately 28%.

The hearing may be adjourned from time-to-time and until the Governing Body shall have made findings by Resolution as to the advisability of the improvement, the nature of the improvement, the estimated cost, the boundaries of the improvement district, the method of assessment and the apportionment of costs between the improvement district and the city at-large, all as finally determined by the Governing Body.

All persons desiring to be heard with reference to the proposed improvement shall be heard at this hearing.

PASSED by the Governing Body this 26th day of April, 1993.

SIGNED by the Mayor this 26th day of April, 1993.

Marcia Rinehart, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Richard S. Wetzel, City Attorney
A RESOLUTION OF FINDING AS TO THE ADVISABILITY AND A RESOLUTION AUTHORIZING THE IMPROVEMENT AND CONSTRUCTION OF STATE LINE ROAD, PHASE II, WITHIN THE CITY OF LEAWOOD, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ. AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS.

Pursuant to findings of advisability made by the Governing Body of the City of Leawood, Kansas.

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 Improvement District described in said petition, proposing the construction of State Line Road, Phase II, within the City of Leawood, Kansas, as more specifically described hereinafter.

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, as follows:

Section 1. That it is necessary and in the public interest to make an improvement consisting of the following:

The construction of State Line Road, Phase II, in the City of Leawood, Kansas with a corridor described as follows:

All that part of Fractional Section 14, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the South 1/2 of said Fractional Section 14; Thence North 02° 05'34" West, along the East line of the South 1/2 of said Frac. Section 14 and along the West line of the Frac. Southwest 1/4 of Section 7, Township 47, Range 33, Kansas City, Jackson County, Missouri, a distance of 50.27 feet to the "True Point of Beginning" of the following line herein described; Thence North 02° 05'34" West, along the East line of the South 1/2 of said Frac. Section
14 and along the West line of said Frac. Section 7, a distance of 222.10 feet to the Northwest corner of said Frac. Section 7; Thence North 02°21'12" West, along the East line of the South 1/2 of said Frac. Section 14 and along the West line of the Frac. Northwest 1/4 of Section 7, Township 47, Range 33, Kansas City, Jackson County, Missouri, a distance of 2257.70 feet to the Northeast corner of said Frac. Section 7; Thence North 02°22'55" West, along the East line of the South 1/2 of said Frac. Section 14 and along the West line of the Frac. Southwest 1/4 of Section 6, Township 47, Range 33, Kansas City, Jackson County, Missouri, a distance of 1138.05 feet to the Northeast corner of the South 1/2 of said Frac. Section 14, said point being the point of termination of the line herein described. Representing a total property frontage from the South Right-of-Way of 119th Street of 3617.85 feet, more or less.

The proposed improvements shall be made in a manner provided by Article 61, Chapter 12, of the Kansas Statutes Annotated.

The project will generally consist of construction of a five (5) lane undivided roadway. The roadway will be an asphaltic cement concrete pavement, with curb and gutters, storm sewers, sidewalk, street lights and other appurtenances.

Section 2. That the estimated or probable cost of the total improvement is $626,000.00, exclusive of the cost of right-of-way and financing cost.

Section 3. That the proposed improvement district boundaries are as indicated on the attached Exhibit A which is incorporated in this resolution.

Section 4. That the extent of the proposed Improvement District to be assessed is all assessable property within the Improvement District.

Section 5. That all assessable property within the Improvement District which is not excluded and which abuts the proposed improvement will be assessed on an abutting front foot basis. The entire cost of the improvement will be paid by the Improvement District and no cost will be paid by the City at large.

Section 6. That the petitioners agree to provide, without cost, to the City, the easements and right of way as set forth in Exhibit A, attached hereto for the improvement. Petitioners agree that any sums paid by the City to acquire
permanent rights-of-way and easements shall be assessed to the improvement district as costs of the improvement.

Section 7. That the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq.

Section 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

Section 9. The Governing Body is authorized to issue such temporary notes, as provided by K.S.A. 12-6a14, for the purpose of providing interim financing of such improvement project as is deemed necessary after separate action providing for the issuance of such notes.

Section 10. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation bonds of the City in an amount not to exceed $850,000.00, for Phase II.

Section 11. 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 12. 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 resolution, 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 13. That this Resolution shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Resolution 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
Section 14. 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 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.

ADOPTED by the Governing Body this 3rd day of May, 1993.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1107

A RESOLUTION SETTING OUT FINDINGS AND DETERMINATIONS OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS ON THE ADVISABILITY OF IMPROVING 143RD STREET FROM MISSION ROAD TO 1,320' EAST BY CONSTRUCTING A TWO-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, WITHIN THE CITY OF LEAWOOD, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ.

WHEREAS, the Governing body of the City of Leawood, Kansas, did on the 10th day of May, 1993, hold a public hearing on the advisability of the following improvement:

Construction of a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1,320' east.

WHEREAS, notice of such hearing was duly published as required by law; and

WHEREAS, the Governing Body did on this date find and determine, and does find and determine, in accordance with K.S.A. 12-6a01 et seq., all as hereinafter set forth;

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

SECTION 1. That the Governing Body hereby finds and finally determines, that it is advisable to make the following improvement:

constructing a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1,320' east. The improvement includes storm drainage improvements necessary for the construction of said roadway but shall not include storm drainage improvements required for the development of school district property included within the improvement district.

The estimated and probable cost of the improvement is Four Hundred Forty-Eight Thousand Dollars ($448,000.00). The estimated and probable cost set forth in this Resolution includes costs of storm drainage improvements necessary for the construction of said roadway but shall not include costs associated with construction of storm drainage improvements necessary to serve school district property exclusively.
The proposed improvement district shall include property that abuts the following:

A tract of land 100 feet in width, across a part of the SW¼ of the SW¼ of Section 34, Township 13, Range 25, and across a part of the NW¼ of the NW¼ of Section 3, Township 14, Range 25, all now in the City of Leawood, Johnson County, Kansas, lying 50 feet on each side of the following described centerline: Beginning at the Southwest corner of the SW¼ of said Section 34, said point also being the Northwest corner of the NW¼ of said Section 3; thence Easterly, along the South line of the SW¼ of the SW¼ of said Section 34 and along the North line of the NW¼ of the NW¼ of said Section 3, to the Southeast corner of the SW¼ of the SW¼ of said Section 34, said point also being the Northeast corner of the NW¼ of the NW¼ of said Section 3.

The assessment shall be assessed to the benefit district by the following method of assessment:

All assessable property within the improvement district which is not excluded and which abuts the proposed improvement will be assessed on an abutting front foot basis.

The proposed apportionment of cost between the improvement district and the city at large is as follows:

The property within the improvement district described herein shall be assessed up to $130.00 per front foot for a total of approximately seventy-two percent of the cost. The City at Large shall pay the remainder of the cost of the project for a total of approximately twenty-eight percent.

SECTION 2. That the advisability of the improvement in Section 1 is hereby established after notice and hearing as authorized by K.S.A. 12-6a01 et seq., and the hearing on said improvement is hereby finally adjourned.

Section 3. This resolution shall take effect on its passage.
ADOPTED by the Governing Body this 17th day of May, 1993.

(S E A L)

Mayor

Attest:

City Clerk

Approved as to Form:

Richard S. Wetzler, City Attorney
RESOLUTION NO. 1108

A RESOLUTION AUTHORIZING THE IMPROVEMENT AND CONSTRUCTION OF 143RD STREET WITHIN THE CITY OF LEAWOOD, KANSAS FROM MISSION ROAD TO 1,320' EAST BY CONSTRUCTING A TWO-LANE UNDIVIDED ROADWAY WITH CONCRETE CURB AND GUTTER, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ., AND EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, did on May 10, 1993 hold a public hearing, as required by K.S.A. 12-6a04, on the advisability of the following improvement:

Construction of a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1,320' east.

WHEREAS, said public hearing was adjourned on the 10th day of May, 1993; and

WHEREAS, notice of such hearing was duly published as required by K.S.A. 16-6a04; and

WHEREAS, the Governing Body has heretofore on the 17th day of May, 1993, duly adopted a resolution finding and determining that said improvement was advisable; and

WHEREAS, six months have not elapsed since the final adjournment of said public hearing.

WHEREAS, Section 1.103-18 of the Income Tax Regulations issued by the Internal Revenue Service (the "Regulations") requires that the City make a prior declaration of its intent to reimburse itself for project expenditures made by the City prior to the date of issuance of notes or bonds, and the City desires to comply with the requirements of the Regulations with respect to this Project.

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

SECTION 1. That the Governing Body hereby finds and finally determines that the following improvement is hereby authorized and ordered to be made in accordance with the findings of the Governing Body upon the advisability of the improvement as follows:
(a) GENERAL NATURE OF IMPROVEMENT:

Construction of a two-lane undivided roadway with concrete curb and gutter along 143rd Street from Mission Road to 1,320' east. The improvement does not include storm drainage improvements required exclusively for drainage of school district property.

(b) PROPOSED IMPROVEMENT DISTRICT:

The proposed improvement district shall include property that abuts the following:

A tract of land 100 feet in width, across a part of the SW¼ of the SW¼ of Section 34, Township 13, Range 25, and across a part of the NW¼ of the NW¼ of Section 3, Township 14, Range 25, all now in the City of Leawood, Johnson County, Kansas, lying 50 feet on each side of the following described centerline: Beginning at the Southwest corner of the SW¼ of said Section 34, said point also being the Northwest corner of the NW¼ of said Section 3; thence Easterly, along the South line of the SW¼ of the SW¼ of said Section 34 and along the North line of the NW¼ of the NW¼ of said Section 3, to the Southeast corner of the SW¼ of the SW¼ of said Section 34, said point also being the Northeast corner of the NW¼ of said Section 3.

(c) ESTIMATED OR PROBABLE COST:

The estimated and probable cost of the improvement is Four Hundred Forty-Eight Thousand Dollars ($448,000.00). The estimated and probable cost set forth in this Resolution includes costs of storm drainage improvements associated with the construction of the street but shall not include costs associated with construction of storm drainage improvements necessary to serve school district property exclusively.

(d) METHOD OF ASSESSMENT:

The assessment shall be assessed to the benefit district by the following method of assessment:
All assessable property within the improvement district which is not excluded and which abuts the proposed improvement will be assessed on an abutting front foot basis.

(e) APPORTIONMENT OF COSTS:

The proposed apportionment of cost between the improvement district and the City at Large is as follows: The property within the improvement district described herein shall be assessed up to $130.00 per front foot for a total of approximately seventy-two percent of the cost. The City at Large shall pay the remainder of the cost of the project for a total of approximately twenty-eight percent.

Section 2. That the costs incurred in connection with the Project shall be paid for from the proceeds of temporary notes to be issued from time to time as said costs are so incurred, and the Project shall be permanently financed with the proceeds of the sale of general obligation bonds of the City in an amount not to exceed $600,000.00.

Section 3. 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").

Section 4. This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of temporary notes or the bonds. This resolution, 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 Resolution shall be filed within 30 days of its adoption in the publicly available official books and records of the City. This Resolution 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 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 8. The improvement shall not be commenced if, within 20 days after publication of this resolution, written protests signed by both 51% or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of said district are filed with the City Clerk.

Section 9. This resolution shall take effect after its passage and publication once in the official city newspaper.

ADOPTED by the Governing Body this 17th day of May, 1993.

(S E A L)

Martha Heizer
City Clerk

Attest:

Marcia Rinehart
Mayor
RESOLUTION NO. 1109

The Leawood City Council has considered the request for revised preliminary site plan for Leawood South Tracts G and H, Parcel 1, located on Cambridge Road and hereby finds the following:

WHEREAS, preliminary plan was approved quite a few years ago (date uncertain) which would allow construction of 11 units in 3 buildings on tracts G and H, and

WHEREAS, the property is zoned RP-4, Planned Cluster Residential District, and

WHEREAS, the applicant is requesting approval of a revised preliminary site plan to allow the construction of one duplex on Parcel 1 with the balance of tracts G and H to be considered at a later time, and

WHEREAS, Parcel 1 is located at the southerly end of the property and contains 17,412 square feet measuring approximately 108 feet wide and 132 feet deep, and

WHEREAS, Parcel 1 does not contain any property that is adjacent to State Line Road that may be affected by future right-of-way acquisition, and

WHEREAS, this property is already platted and the developer does not intend to replat the property, and

WHEREAS, a preliminary landscape plan has been submitted proposing a berm with pine trees and flowering trees along the back lot line, and

WHEREAS, the building elevations include stucco on the front, board and batt on the sides and rear and 40 year composition roofing, and

WHEREAS, this development is responsible for a Park Impact Fee in the amount of $300 per dwelling unit payable at the time of consideration of the final site plan,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Leawood South, Tracts G and H, Parcel 1, with the following stipulations:

1. The development of Parcel 1 is limited to a maximum of 2
dwelling units.
2. Landscaping, especially as it screens these units from State Line Road, will be reviewed in detail at the final site plan review.
3. This development is responsible for a Park Impact Fee in the amount of $300 per dwelling unit payable at the time of consideration of the final site plan.
4. The developer is to grant a temporary construction easement and permanent drainage easements as needed for the improvement of State Line Road.

Adopted by the Governing Body this 7th day of June, 1993.

(S E A L) 

Marcia Rinehart Mayor

Attest:

Martina Heizer City Clerk
RESOLUTION NO. 1110

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 109-92 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the construction of State Line Road, described as follows: State Line Road; from I-435 north to 103rd Street. Work includes replacement of the Indian Creek bridges. Project No. 435-46 K-3637-02 (CMQ-K 363(702)).

Passed by the (Council) (Commission) this 7th day of June, 1993

(Approved) (Signed)  Mayor

(SEAL)

ATTEST:  City Clerk
RESOLUTION NO. 1111

The Leawood City Council has considered the request for final plat approval for Tomahawk Creek Estates, located north of 119th and Mission and hereby finds the following:

WHEREAS, the property is zoned RP-1, Planned Single Family Residential, Ordinance No. 1337, and

WHEREAS, the Governing Body has approved a preliminary plat and preliminary site plan for this property, Resolution No. 1102, and

WHEREAS, the Plan Commission approved the final site plan May 25, 1993, and

WHEREAS, the final plat proposes 20 single family homes on 32.112 acres, and

WHEREAS, the final plat is in accordance with the approved preliminary plat, and

NOW, THEREFORE BE IT RESOLVED that the Plan Commission does hereby recommend approval of the final plat and hereby approves the final site plan of Tomahawk Creek Estates, with the following stipulations:

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 20 single family homes.

2. The access to lots 19 and 20 will be approved as part of the public works elements.

3. The connecting street through Hazelwood, to be known as Pawnee, is to be a public street, the design to be approved by the Director of Public Works, and

WHEREAS, the owner/developer agrees to these stipulations.
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Tomahawk Creek Estates with stipulations.

Adopted by the Governing Body this 6th day of July, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1112

A RESOLUTION OPPOSING THE ADOPTION OF UNFUNDED MANDATES
BY THE UNITED STATES CONGRESS AND KANSAS LEGISLATURE

WHEREAS, the effective functioning of city government requires the maximum amount of local self-determination by locally elected officials of the city; and

WHEREAS, in the last ten years the U.S. Congress and the Kansas Legislature have enacted an increasing number of unfunded mandates on cities and counties, leading to increases in local property taxes and user fees; and

WHEREAS, the enactment of such unfunded mandates undermines the ability of cities and counties to finance the delivery of essential local services and imposes an unreasonable tax burden on the taxpayers of Kansas; and

WHEREAS, the Congress is considering the enactment of a tax on energy consumption that will phase in $10 billion in costs for state and local governments nationwide; and

WHEREAS, the City commends recent actions by the Kansas Legislature to remove the mandate on fees for the disposal of municipal construction and demolition waste and narrow the impact of the victims' rights constitutional amendment on municipal courts; and

WHEREAS, the Kansas Legislature is currently considering HCR 5018, an amendment to the Kansas Constitution that would put limitations on the practice of imposing unfunded state mandates on cities and counties; and

WHEREAS, Congressman Gary A. Condit has introduced HR 140, which would prohibit unfunded federal mandates on local and state governments; and

WHEREAS, the failure of Congress and the Kansas Legislature to adopt limitations on the practice of imposing unfunded federal and state mandates will cause widespread voter dissatisfaction with all levels of government;

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

Section 1. Federal Mandate Relief. The City strongly urges the members of the Kansas Congressional Delegation to oppose proposals for new unfunded federal mandates and to work aggressively to reduce the fiscal impact of existing unfunded mandates. Any proposal for a federal Balanced Budget Amendment should protect the state and local governments from new unfunded federal mandates. The Congressional Delegation also is urged to support HR 140, sponsored by Congressman Gary A. Condit, to end the practice of imposing unfunded federal man-
RESOLUTION NO. 1112

dates on state and local governments. The City reaffirms its continued support for the principle of intergovernmental tax immunity--the principle that one level of government should not tax another.

Section 2. State Mandate Relief. (a) The City strongly urges the Kansas Legislature to support the adoption of HCR 5018, prohibiting the imposition of new or expanded mandates on cities and counties without full state funding unless approved by a 2/3 vote of the legislature. This constitutional amendment proposal will provide important protection to local taxpayers and communities. The legislature also should be commended for the enactment of HB 2428, concerning solid waste, and HB 2459, concerning victims' rights, as these measures reduce the impact of two unfunded state mandates on local governments.

(b) The City also urges Governor Finney to direct all executive branch agencies of state government to review all possible alternatives and consider the financial impacts on local taxpayers and units of government before implementing any new regulatory mandates on city and county governments. All Cabinet agencies should work in partnership with cities and counties in addressing unfunded federal mandates that are administered by state government.

Section 3. The City urges Governor Finney and the state legislative leadership to make relief from unfunded federal and state mandates a major priority in 1993 and 1994, and to work cooperatively with the League of Kansas Municipalities and the Kansas Association of Counties to address this critical concern with members of the Kansas Congressional Delegation.

Section 4. The City Clerk shall send copies of this Resolution to members of the Kansas Congressional Delegation, Governor Joan Finney, Senator Bud Burke (President of the Kansas Senate), Representative Bob Miller (Speaker of the Kansas House of Representatives), members of the local legislative delegation, the League of Kansas Municipalities and the Kansas Association of Counties.

Adopted by the Governing Body of the City of Leawood, Kansas, this 6th day of July, 1993.

(SEAL)

Attest:

[Signature]

Martha Heizer
City Clerk
RESOLUTION NO. 1113

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS the City of Leawood intends to make certain necessary improvements to K-150 Highway, also known as 135th Street from State Line Road to Nall Avenue.

WHEREAS it appears that certain easements and right of way necessary for the improvement of said K-150 cannot be obtained other than through condemnation.

NOW THEREFORE, be it resolved by the City of Leawood, Kansas, that the City does hereby declare it to be necessary to appropriate certain private property for the use of the City for purposes of making necessary improvements to K-150 Highway from State Line Road to Nall Avenue.

That the Director of Public Works is hereby authorized and directed to obtain a survey and description of the land and interest to be condemned.

That said survey shall be made by some competent engineer and filed with the City Clerk.

That this Resolution shall be published once in the official city newspaper.


(S E'AL)

Maria Plachak
Mayor

ATTEST:

Marcia Heizer
City Clerk
RESOLUTION NO. 1114

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS, the City of Leawood, Kansas intends to make certain necessary improvements to 85th Terrace and High in Leawood, Kansas.

WHEREAS, all necessary rights of way and easements have been obtained by the City with the exception of portions of two tracts of ground described as:

Lot 214, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof.

All of Lot 220 and that part of Lot 219 described as follows: Beginning at the Southwest corner of Lot 219; thence Easterly along the South line of said Lot 219, 87 feet to a point; thence Northerly and parallel to the East line of said lot to a point at the intersection with the Westerly line of said lot; thence Southwesterly along said Westerly line to the place of Beginning, in Leawood, a subdivision in the City of Leawood, Johnson County, Kansas.

WHEREAS it appears that said necessary right of way and easements cannot be obtained other than through condemnation.

NOW THEREFORE, be it resolved by the City of Leawood, Kansas,

That the City does hereby declare it to be necessary to appropriate certain private property for the use of the city for purposes of making certain improvements to 85th Terrace and High, Leawood, Kansas;
That the Director of Public Works is hereby authorized and directed to obtain a survey and description of the land and interest to be condemned.

That said survey shall be made by some competent engineer and filed with the City Clerk.

That this Resolution shall be published once in the official city newspaper.


[Signature]
Mayor

ATTEST:

[Signature]
City Clerk
RESOLUTION NO. 1115

WHEREAS, Martha Heizer was first employed by the City of Leawood as Assistant to the City Clerk July 16, 1973; and

WHEREAS, Martha Heizer progressed through the City Clerk's office, serving as Assistant City Clerk January 19, 1987 to July 1, 1987 and became City Clerk July 1, 1987; and

WHEREAS, Martha Heizer has undertaken the task of bringing professionalism to her office through her certification by the International Institute of Municipal Clerks; and

WHEREAS, Martha Heizer has demonstrated her talents through a variety of administrative, informational and human services which are vital to providing effective, efficient and responsible government services; and

WHEREAS, Martha Heizer has strived continually to improve the operations of her office, and has demonstrated the same degree of commitment to her co-workers and the citizens of Leawood, and has proven herself a capable and caring public official; and

WHEREAS, Martha Heizer has served faithfully, loyally and honorably, and made valuable contributions to the Leawood City Government;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood commend and express its gratitude to her for the vital services she has performed and her outstanding dedication to the City; and

BE IT FURTHER RESOLVED that the Governing Body extend to her sincere congratulations and appreciation on her 20th Anniversary of Service to the City.

Adopted by the Governing Body this 2nd day of August, 1993.

Marcia Rinehart, Mayor

Attest:

Fran Kessler, Assistant City Clerk
RESOLUTION NO. 1116

The Leawood City Council has considered the request for approval of a final plat which is a replat of a plat formerly known as Executive Hills West, located at 2020 West 89th Street, and hereby finds the following:

WHEREAS, the plat contains 7.029 acres and replats 3 lots into 1 lot, and

WHEREAS, the plat also adds a small strip of property, approximately 30 feet wide to straighten out the westerly lot line, and

WHEREAS, there are no technical deficiencies on the plat,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Knight-Ridder Financial with no stipulations.

Adopted by the Governing Body this 2nd day of August, 1993.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1117

The Leawood City Council has considered the request for approval of a revised preliminary plat and plan for Leawood Falls, Fifth Plat, located at approximately 138th and Manor, and hereby finds the following:

WHEREAS, the property contains 24.79 acres and is zoned RP-4, and

WHEREAS, the developer has revised the previously approved plan to include 8 units of townhomes on tract H, 21 patio homes in Block 1 and 33 single family homes in Block 2 for a total of 62 dwelling units yielding a density of 2.5 dwelling units per acre for this phase, and

WHEREAS, this phase is located west of the Fourth plat and north of the Second plat, and

WHEREAS, the applicant is proposing a front setback of 25', side setback of 10' and rear setback of 25', and

WHEREAS, all lots exceed the minimum lot size in RP-4 and the average lot is larger than those in the Fourth plat, and

WHEREAS, the property is exempt from impact fees as it received zoning and preliminary plat and plan approval prior to the initiation of impact fees, and

WHEREAS, the plat and plan submitted have no technical deficiencies, and

WHEREAS, the 1993 Master Plan indicates this area as Medium Density Residential - Single Family Attached and Low density Residential, and
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 8 attached and 54 detached single family dwellings.
2. The front setback is to be 25', the rear setback is to be 25' and sideyards are to be 10'.
3. The homes are to incorporate a variety of materials to include lap siding, stucco with brick accents and board and batt. The roofing is to be class "A".
4. All landscaping and street trees must be comparable to that used in Plats 1 through 4.

WHEREAS, the developer/owner agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary plat and plan of Leawood Falls, Fifth Plat with stipulations.

Adopted by the Governing Body this 2nd day of August, 1993.

(M E A L)
Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1118

The Leawood City Council has considered the request for amendment of the Master Development Plan, rezoning from AG to SDD, preliminary plat and preliminary plan of Leawood Place, located at approximately K-150 and Mission, and hereby finds the following:

WHEREAS, the applicant is requesting to amend the Master Development Plan in order to realign the frontage road to the north and to increase the amount of land that is designated as Planned Business District, and

WHEREAS, the applicant is requesting to rezone approximately 115 acres from AG to SDD with an overlay district of SD(C-R) Commercial - Retail Trade and Business Services, to allow construction of 419,000 square feet of retail space and 488,400 square feet of office space, and

WHEREAS, the Plan Commission held a public hearing on the application,

NOW, THEREFORE BE IT RESOLVED that the Plan Commission does hereby recommend approval of the request for an amendment of the Master Development Plan to increase the amount of Planned Business District, rezoning from AG to SDD, a preliminary plat and plan of Leawood Place with the following stipulations:

1. Plans will be revised and resubmitted to the staff with corrections on the required right-of-way of the frontage road, Fontana and Briar.

2. This plan will be subject to any restrictions that may be part of the K-150 Corridor Design Guidelines.

3. The development is limited to 488,400 square feet of office space and 419,000 square feet of retail space.

4. This development is responsible for the construction of the frontage Road and Fontana. This development is responsible for one-half of the construction of Briar and an assessment for Roe Avenue for $260 per foot ($130 per foot per side).
5. The owner/developer agrees to establish a 75 foot setback from the north property line for the location of the frontage road between Roe and proceeding east at least 1250 feet and proceeding westerly as far west as the geometrics of the street will allow. The purpose of this setback area is to preserve existing areas of dense trees that shall not be disturbed except for utility crossings. Where trees do not exist, the owner/developer shall construct, concurrently with construction of the frontage road, berms and tree plantings in conformance with typical plans submitted with this application. Any subsequent plan revision shall not be allowed to reduce the 75 foot buffer strip without the written consent of the majority of the abutting residential property owners within this portion of Wilshire and the concurrence of the City of Leawood.

6. The owner/developer agrees to establish a 60 foot setback from the north property line to the edge of the parking lots within Block 4 at the northeast corner of the plan and proceeding west a minimum of 550 feet to the existing tree line. The purpose of this setback area is to allow the construction of a screening berm and tree plantings in conformance with the preliminary landscape plan submitted with this application. Construction of the berm and plantings shall occur concurrent with the development of the buildings within Block 4. Any subsequent plan revision shall not be allowed to reduce this 60 foot buffer strip without the written consent of the majority of the abutting residential property owners within this portion of Wilshire and the concurrence of the City of Leawood.

7. In moving the frontage road approximately 75 feet to the south of the property line shared with Wilshire, the developer agrees to maintain the existing trees in this area.

8. On the south side of the frontage road, the developer agrees to maintain or install, if necessary, trees so that there is a 25 foot wide planting strip.

9. Final landscaping and all final plan elements including storm drainage, building materials, colors and signage will be reviewed in detail at final development plan submission.

10. The Plan Commission is not in favor of waiving the Park Impact Fee as requested by the applicant.
11. A plan will be prepared for the proposed landscape and berm treatment for those areas within the 75’ buffer disturbed by utilities or void of natural tree cover and provided to the Wilshire Homes Association, Inc. for their review prior to submission of revised preliminary plans or final site plans.

12. In addition, the Plan Commission requires a conceptual landscape/berm plan of what the north property line buffer space shall look like prior to Governing Body action. Any areas that are void of natural trees will be covered in this plan, and

WHEREAS, the applicant/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for amendment of the Master Development Plan, rezoning from AG to SDD, preliminary plat and preliminary plan of Leawood Place, located at approximately K-150 and Mission, with stipulations.

Adopted by the Governing Body this 16th day of August, 1993.

(S E A L)

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk
RESOLUTION NO. 1119

The Leawood City Council has considered the request for Special Use Permit for a church, preliminary plat, preliminary plan, and final plat for Church of the Resurrection located at approximately 137th and Roe and hereby finds the following:

WHEREAS, the entire development will include religious/worship, fellowship, education and preschool areas, utilizing 74,807 square feet with 11,117 square feet in the first phase, and

WHEREAS, the site contains 21.7 acres, and

WHEREAS, the buildings will be constructed of earth-tone acrylic stucco, stone pilasters, curtain wall glazing and concrete roof tiles, and

WHEREAS, this property is responsible for a Park Impact Fee in the amount of 10 cents per square foot of floor area, with the sanctuary area exempt from this fee, and

WHEREAS, this site is responsible for $130 per front for improvement of 137th Street, estimated to be $142,039 (1092.61' X $130), and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. The use is limited to church and ancillary facilities including a preschool subject to a separate special use permit for the preschool to be obtained at a later date.
2. The church must pay a Park Impact Fee in the amount of 10 cents per square foot of floor area to be collected at the time of issuance of a building permit in Phase II. The sanctuary will be exempt from this fee.
3. The church is responsible for $130 per front foot for improvement of 137th Street. This is estimated to be $142,039 for 137th Street (1092.61 X $130). This either is to be paid in cash or a one-year letter of credit prior to recording the final plat or constructed.
4. At time of consideration of each final site plan, drainage, signs and landscaping will be reviewed in detail, such landscaping and lighting will respect the adjoining residential property to the south, and

WHEREAS, the applicant agrees to these stipulations,
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for Special Use Permit for a church, preliminary site plan, preliminary plat and final plat approval for Church of the Resurrection with stipulations.

Adopted by the Governing Body this 16th day of August, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1120

The Leawood City Council has considered the request for rezoning from CP-1 to CP-2, revised preliminary site plan and final site plan approval for McDonald’s at Camelot Court and hereby finds the following:

WHEREAS, the property under consideration is Lot 6, Camelot Court, located at the northeast corner of 119th and Roe, and

WHEREAS, the applicant is requesting approval for rezoning from CP-1 to CP-2, Planned General Retail and approval of preliminary and final site development plans in order to construct a McDonald’s restaurant with drive up window, and

WHEREAS, the restaurant will contain approximately 1300 square feet and will include 50 parking spaces which exceeds the number required by the Leawood Development Ordinance, and

WHEREAS, the building materials will include brick and roof tiles to match existing Camelot Court, and

WHEREAS, the signage on the site will include 1 “welcome” sign and 1 “thank you” sign located on the north side while on the south side there will be 1 menu sign with monument sign (7’x 5’) located at the corner of 119th and Roe Avenue, and

WHEREAS, the building signs on the west and south sides of the building will be 2 integral McDonald’s fascia signs consisting of an internally illuminated sign with white letters, gold arches, red background and dark bronze enclosures, and

WHEREAS, the Plan Commission has held a public hearing on the application and recommends the following stipulations of approval:

A) Landscape median on the west side of the drive-up to be extended to 10'-0" wide instead of the 5'-0" shown.
B) No signage will be allowed on the north and east side of the building.
C) Brick and roof materials to match Camelot Court.
D) Low plantings are to be added on the west and south sides of the parking area to block car lights, and

WHEREAS, the owner/applicant agrees to these stipulations,
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from CP-1 to CP-2, revised preliminary site plan and final site plan approval for McDonald's at Camelot Court with stipulations.

Adopted by the Governing Body this 16th day of August, 1993.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1121

The Leawood City Council has considered the request for rezoning from AG to RP-1, preliminary plat and preliminary plan approval for Worthington, located at approximately 143rd and Roe and hereby finds the following:

WHEREAS, the applicant is requesting RP-1 to divide the property into 159 lots on 80.82 acres, equaling 1.9875 units per acre, and

WHEREAS, the 1993 Master Plan indicates this property as Low Density Residential, and

WHEREAS, the plan includes a pool and clubhouse that will be constructed in the second phase of development,

WHEREAS, the streets in the subdivision are to be public with the medians to be maintained by the Homes Association, and

WHEREAS, the Plan Commission held a public hearing on the application,

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. This property is responsible for a Park Impact Fee of $300 per dwelling unit for a total of $47,700, collected prior to final plat approval.
2. The South Leawood Transportation Impact Fee is $781.25 per acre X 80 acres equalling $62,500 to be collected prior to final plat approval.
3. The street assessment for 143rd Street is $130 per front foot for a total of $172,680.30 (1328.31’ X $130).
4. The street assessment for Roe Avenue will be made in two phases. Construction of Roe Avenue is required to the southern limits of the first phase of the subdivision. An assessment of $130.00 per front foot for the remaining lineal footage south to 143rd Street is required to be paid upon final plat of Phase II.
5. Ranch homes are to be a minimum of 2400 square feet; story and one-half homes to be a minimum of 2600 square feet;
6. The clubhouse and pool be relocated to a more central location within the context of the property making it more accessible for all parties.
7. Construction vehicle traffic is to be restricted from using Fontana until 80% of Phase I building permits are released.

8. The construction of 140th Drive is not required at this time, but the right-of-way is to be dedicated on the plat.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from AG to RP-1, preliminary plat and preliminary plan approval for Worthington with stipulations.

Adopted by the Governing Body this 7th day of September, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1122

The Leawood City Council has considered the request for approval of a revised preliminary plan for the new activity center, cafeteria, outdoor storage area and deck, for Church of the Nativity located at 119th and Mission and hereby finds the following:

WHEREAS, there is an approved site plan for the church and the school, and

WHEREAS, the proposed activity center is a one story building containing 15,542 square feet, and

WHEREAS, the activity center is to be located west of the school with a parking area to the south that is entered from the internal road system, and

WHEREAS, the cafeteria expansion will be on the southwest side of the existing school and will contain 1107 square feet, and

WHEREAS, the new activity center will utilize the materials that are used on the school, mainly acrylic stucco, and

WHEREAS, the new parking area for the activity center will contain 52 parking spaces, and

WHEREAS, this property is responsible for a Park Impact Fee in the amount of 10 cents per square foot of floor area of all new structures to be collected at the time of issuance of a building permit, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. All development is to be in accordance with the site plans submitted.
2. The addition to the school and the activity center will utilize the same exterior materials as that used on the first phase of the school and as specified on the plans.
3. The existing trash enclosure at the north end of the parking lot is to remain but may be subject to relocation or removal when the property to the north is developed.
4. A complete lighting plan is to be submitted for staff review and approval.
5. This property is responsible for a Park Impact Fee in the amount of 10 cents per square foot of floor area of all new structures. This fee is collected at the time of issuance of a building permit.
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan of the Church of the Nativity with stipulations.

Adopted by the Governing Body this 7th day of September, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martina Heizer
City Clerk
RESOLUTION NO. 1123

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 81-93 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for the grading and surfacing of Mission Road from 95th Street to 103rd Street and known as Project No. 46 U-1401-01.

Passed by the (Council) (Commission) this 7th day of September, 1993

(Approved) (Signed) Mayor

(SEAL)

ATTEST: City Clerk
RESOLUTION NO. 1124

The Leawood City Council has considered the request for rezoning from AG to RP-I, preliminary plat and plan approval for Leawood Pavilions located at the northwest corner of 151st and Mission and hereby finds the following:

WHEREAS, the applicant is requesting rezoning from AG to RP-I to divide the property into 283 lots on 177.49 acres, equaling 1.5945 units per acre, and

WHEREAS, the 1993 Master Plan indicates this property as Low Density Residential, and

WHEREAS, the plan includes a pool and clubhouse that will be constructed in the latter stages of the first phase of development, and

WHEREAS, the streets in the subdivision are to be public with the medians to be maintained by the Homes Association, and

WHEREAS, the Plan Commission held a public hearing on the application, and

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 283 single family homes on 177.49 acres.
2. This property is responsible for a Park Impact Fee of $300 per dwelling unit for a total of $84,900, collected prior to final plat approval.
3. The South Leawood Transportation Impact Fee is $1000 per acre X 177.49 acres equalling $177,490 to be collected prior to final plat approval.
4. This property is responsible for dedicating 50' of right-of-way for the improvement of Mission Road and an assessment of $130 per front foot for a total of $258,632.40 (1989.48' X $130).
5. For 151st Street the assessment is also $130 per front foot for a total of $304,928.00 (2345.60' X $130) and the right-of-way requirement is 60'.
6. Additional parking for the pool will be considered at time of consideration of the final site plan, and

WHEREAS, the developer agrees to these stipulations,
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council
does hereby approve the request for rezoning from AG to
RP-1, preliminary plat and plan approval for Leawood
Pavilions located at the northwest corner of 151st and
Mission Road with stipulations.

Adopted by the Governing Body this 20th day of September,
1993.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1125

The Leawood City Council has considered the request for approval of the final plat for Leawood Falls, Fifth Plat, located at approximately 138th and Manor, and hereby finds the following:

WHEREAS, the property contains 11.869 acres, is zoned RP-4, and the applicant is requesting approval of a final plat to divide the property into 2 tracts with 8 multifamily units and 19 single family units, and

WHEREAS, the property is exempt from impact fees as it received zoning and preliminary plat and plan approval prior to the initiation of impact fees, and

WHEREAS, the plat submitted has no technical deficiencies,

WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:
1. The development is limited to 8 attached and 19 detached single family dwellings.
2. In the multifamily units the front setback is to be 25', the rear setback is to be 25' and sideyards are to be 10'. The single family lots will have a front yard setback of 30' with 22.5' on the corner lots. The side yards will be 10' and the rear yard will be 20'.
3. The homes are to incorporate a variety of materials to include lap siding, stucco with brick accents and board and batt. The roofing is to be class "A".
4. All landscaping and street trees must be comparable to that used in Plats 1 through 4.

WHEREAS, the developer/owner agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Leawood Falls, Fifth Plat with stipulations.

Adopted by the Governing Body this 4th day of October, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1126

The Leawood City Council has considered the request for approval of the revised preliminary plat and plan for Leawood Falls, Sixth Plat, located at approximately 138th and Fairway, and hereby finds the following:

WHEREAS, the property contains 58.25 acres and is zoned RP-4 in the northwest corner (7.8 acres) and RP-1 on the balance of the property (50.45 acres), and

WHEREAS, in this plat the developer has revised the plan to include 48 units of townhomes on tract I and 114 single family homes on the remainder of the property for a total of 162 dwelling units, and

WHEREAS, the property is exempt from impact fees as it received zoning and preliminary plat and plan approval prior to the initiation of impact fees, and

WHEREAS, the Plan Commission does hereby recommend approval with the following stipulations:
1. The development is limited to 162 dwellings.
2. In the RP-4 district, the front and rear setback is to be 25', and sideyard setback is to be 10'. In the RP-1 district, minimum front setback is 30', minimum side setback is 12' and the minimum rear setback is 25.5'.
3. The homes are to incorporate a variety of materials to include lap siding, stucco with brick accents and board and batt. The roofing is to be class "A".
4. All landscaping and street trees must be comparable to that used in Plats 1 through 4.

WHEREAS, the developer/owner agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary plat and plan of Leawood Falls, Sixth Plat with stipulations.

Adopted by the Governing Body this 4th day of October, 1993.

(S E A L)

Marcia Rinehart    Mayor

Attest:

Martha Heizer    City Clerk
WHEREAS, MISSOURI PACIFIC RAILROAD COMPANY has tendered to the CITY OF LEAWOOD an agreement covering one irrigation water pipeline at Redel, Kansas; and

WHEREAS, the City Council of the CITY OF LEAWOOD has given the agreement careful review and consideration; and

WHEREAS, it is considered that the best interests of the City will be served by the acceptance of said agreement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood:

That the terms of the agreement submitted by MISSOURI PACIFIC RAILROAD COMPANY as aforesaid be, and the same are hereby accepted on behalf of said City; and

That the Mayor of said City is hereby authorized, empowered and directed to execute said agreement on behalf of said City, and that the City Clerk of said City is hereby authorized and directed to attest said agreement and to attach to each duplicate original of said agreement a certified copy of this Resolution.

Adopted by the Governing Body this 18th day of October, 1993.

(SEAL)

Marcia Rinehart, Mayor
John R. Campbell, Jr., Presiding Officer

Attest:

Martha Heizer, City Clerk
RESOLUTION NO. 1128

WHEREAS, Ron L. Anderson was first employed by the City as a Police Officer on October 15, 1973; and

WHEREAS, Captain Anderson has progressed through the Police Department, serving as an Officer, Master Officer, Sergeant, and finally as a Captain since March 15, 1982; and

WHEREAS, Captain Anderson has throughout his career demonstrated a deep commitment to the law enforcement profession; and

WHEREAS, Captain Anderson has demonstrated the same degree of commitment to his co-workers and the community, and has proven himself to be a capable and competent law enforcement executive; and

WHEREAS, Captain Anderson has served faithfully, loyally, and honorably, and made valuable contributions to the City government and the welfare of the community;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood commend and express its gratitude to him for the vital services he has performed and his outstanding dedication to the City; and

BE IT FURTHER RESOLVED that the Governing Body extend to him sincere congratulations on his 20th Anniversary of uninterrupted service in the Leawood Police Department.

ADOPTED by the Governing Body this 1st day of November, 1993.

Marcia Rinehart
Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1129

The Leawood City Council has considered the request for approval of a final plat of Leawood Country Manor, Tenth Plat and hereby finds the following:

WHEREAS, this is a plat of property that is currently street right-of-way for 115th Street located between Cedar and Rosewood, and

WHEREAS, this street will be vacated by separate instrument and a 30' wide strip of right-of-way will be turned over to the adjoining property owners to the north, and

WHEREAS, the plat divides the property from the right-of-way into tracts which will be added to the corresponding lot to the north, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the replat with no stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for final plat approval of Leawood Country Manor, Tenth Plat with no stipulations.

Adopted by the Governing Body this 1st day of November, 1993.

(SEAL)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk
RESOLUTION NO. 1130

A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AID ON HIGHWAY CONSTRUCTION

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

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Agreement No. 134-93 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the City, and in its place and stead, to obtain for the City such benefits as are obtainable under the program of the Federal Aid Plan of Highway Construction, and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation for Bituminous Surfacing, Bridge and Grading and known as Project No. 46 N-0009-01.

Passed by the (Council) (Commission) this 1st day of November, 1993

(Approved) (Signed) Mayor

(SEAL)

ATTEST: City Clerk
RESOLUTION NO. 1131

A RESOLUTION DECLARING THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, a tract of land was annexed to the City of Leawood by Ordinance No. 1336 which took effect at 12:01 a.m., April 7, 1993; and

WHEREAS, K.S.A. 12-517 states that before the last day of December in any year in which any territory has been added to or excluded from any city, the governing body of such city shall declare by resolution the entire boundary of the city;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, hereby declares that the area described in Exhibit A attached hereto is the entire boundary of the City of Leawood as of the date hereof; and

BE IT FURTHER RESOLVED that in accordance with K.S.A. 12-518, the City Clerk of the City of Leawood shall file a certified copy of this resolution with the County Clerk, the Register of Deeds, and the Election Commissioner of Johnson County, Kansas. She shall also file a certified copy of this resolution with the state transportation engineer.

Adopted by the Governing Body this 1st day of November, 1993.

(SEAL)

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk
October 12, 1993

EXHIBIT A

LEGAL DESCRIPTION FOR
CITY OF LEAWOOD BOUNDARY
JOHNSON COUNTY, KANSAS

Beginning at the Northeast corner of fractional Section 11, Township 13, Range 25, Johnson County, Kansas; thence South, along the East line of said fractional Section 11 and the East line of fractional Section 14, Township 13, Range 25 of said Johnson County and the East line of fractional Section 23, Township 13, Range 25 of said Johnson County and the East line of fractional Section 26, Township 13, Range 25, of said Johnson County, and the East line of fractional Section 35, Township 13, Range 25 of said Johnson County, and the East line of fractional Section 2, Township 14, Range 25 of said Johnson County to the Southeast corner of the North 20 acres of said fractional Section 2; thence West, along the South line of the North 20 acres of said fractional Section 2, to the Southwest corner thereof; thence South, along the West line of said fractional Section 2, to the Southeast corner of the N½ of the SE¼ of Section 3, Township 14, Range 25 of said Johnson County; thence West, along the South line of the N½ of the SE¼ of said Section 3, to the West line thereof; thence South, along the West line of the SE¼ of said Section 3, to the Southwest corner thereof; thence South, along the East line of the North fifty acres of the NW¼ of Section 10, Township 14, Range 25, of said Johnson County, to the Southeast corner of said fifty acres; thence West, along the South line of said fifty acres, to a point 2409.6 feet East of the West line of the NW¼ of said Section 10; thence South, along a line parallel to the West line of the NW¼ of said Section 10, to a point 1320 feet South of the North line of the South 110 acres of the NW¼ of said Section 10; thence
LEGAL DESCRIPTION FOR
CITY OF LEAWOOD BOUNDARY
JOHNSON COUNTY, KANSAS
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West, a distance of 1465.8 feet; thence North, a distance of 600 feet; thence West, a distance of 943.8 feet, to a point on the West line of the NW¼ of said Section 10 and 720 feet South of the North line of the South 110 acres of the NW¼ of said Section 10; thence South, along the West line of said Section 10, to the Southeast corner of the NE¼ of Section 9, Township 14, Range 25 of said Johnson County; thence West, along the South line of said NE¼, to the Southwest corner thereof; thence West, along the South line of the NW¼ of said Section 9, to a point 230 feet East of the Southwest corner of said NW¼; thence North, parallel to the West line of said NW¼, a distance of 189 feet; thence West, parallel to the South line of said NW¼, a distance of 230 feet, to the West line of said NW¼; thence North, along the West line of said NW¼ to the Northwest corner thereof, said corner being also the Southwest corner of Section 4, Township 14, Range 25 of said Johnson County; thence North, along the West line of said Section 4, to the Northwest corner thereof; thence continuing North, along the West line of Section 33, Township 13, Range 25, Johnson County, Kansas, to the Northwest corner of the S½ of the SW¼ of said Section 33; thence East, along the North line of the S½ of the SW¼ of said Section 33, to the East line of the SW¼ of said Section 33; thence North, along the East line of the SW¼ of said Section 33, to the Northeast corner thereof; thence West, along the South line of the East 68 acres of the NW¼ of said Section 33, to the Southwest corner of said East 68 acres; thence North, along the West line of said East 68 acres, to the Southeast corner of the East 375 feet of the North 813 feet of the West 92 acres of the NW¼ of said Section 33; thence West, parallel to the North line of said Section 33, a distance of 375 feet; thence North, parallel to the East line of the West 92 acres
of the NW¼ of said Section 33, a distance of 813 feet, to the North line of said Section 33, said point also being the South line of Section 28, Township 13, Range 25, Johnson County, Kansas; thence West, along the South line of said Section 28, to the Southwest corner of the E½ of the SW¼ of the SW¼ of said Section 28; thence North, along the West line of the E½ of the SW¼ of the SW¼ of said Section 28, to the Northwest corner thereof; thence East, along the North line of said E½ to the Northeast corner thereof; thence North along the West line of the E½ of the SW¼ of said Section 28, to the Northwest corner of the E½ of the SW¼ of said Section 28; thence West, along the South line of the NW¼ of said Section 28, to the Southwest corner of the NW¼ of said Section 28; thence North, along the West line of the NW¼ of said Section 28, to the Northwest corner thereof; thence continuing North, along the West line of the S½ of the SW¼ of Section 21, Township 13, Range 25, Johnson County, Kansas, to the Northwest corner thereof; thence East, along the North line of the S½ of the SW¼ of said Section 21, to a point on the centerline of Tomahawk Creek; thence Northeasterly, along the centerline of said Tomahawk Creek, to its intersection with the East line of the NW¼ of said Section 21, said point being 170 feet North of the Southeast corner of the NW¼ of said Section 21; thence East, along a line perpendicular to the West line of the NE¼ of Section 21, a distance of 150 feet; thence continuing along a line that deflects 18° to the left from the last described course, a distance of 115.51 feet; thence continuing along a line that deflects 44° to the left from the last described course, a distance of 198.8 feet; thence continuing along a line that deflects 47° 20' to the right from the last described course, a distance of 460.14 feet; thence continuing along a line that deflects...
57° 10' 30" to the left from the last described course, a distance of 605.19 feet; thence continuing along a line that deflects 18° 05' 30" to the left from the last described course, a distance of 537.85 feet; thence continuing along a line that deflects 90° to the left from the last described course, a distance of 74.13 feet; thence continuing West, along an extension of the last described course a distance of 418.72 feet; thence continuing along a line that deflects 81° 05' 26" to the right from the last described course, a distance of 176.0 feet; thence continuing along a line that deflects 83° 51' 01" to the left from the last described course a distance of 470.65 feet, to a point on the West line of the NE¼ of said Section 21, said point being 1762.6 feet North of the SW corner of the NE¼ of said Section 21; thence North, along the West line of the NE¼ of said Section 21, to the NW corner of said Section 21, said point also being on the South line of Section 16, Township 13, Range 25 of said Johnson County, Kansas; thence West, along the South line of said Section 16, to the Southwest corner thereof; thence North, along the West line of said Section 16, to the Northwest corner thereof; thence East, along the North line of said Section 16, to a point 1097 feet, more or less, East of the Northwest corner of the NE¼ of said Section 16, said point being in the right-of-way of a public road, as said road is now constructed and used; thence Northerly, Northeasterly and Easterly, along the right-of-way of a public road, as said road is now constructed and used, to a point on the East line of the SE¼ of Section 9, Township 13, Range 25 of said Johnson County, Kansas, said point being 1293.01 feet North of the Southeast corner thereof; thence North, along the West line of Section 10 and 3, Township 13, Range 25 of said Johnson County, Kansas, to the Southwest corner of the NW¼ of said Section 3; thence East, along the
South line of the NW¼ of said Section 3, to the Southeast corner thereof; thence North, along the East line of the NW¼ of said Section 3, to the Northeast corner thereof; thence West, along the North line of said Section 3, to the Northwest corner thereof; thence North, along the West line of Sections 34 and 27, Township 12, Range 25 of said Johnson County, Kansas, to the Northwest corner of the S½ of the SW¼ of said Section 27; thence East, along the North line of the S½ of the SW¼ of said Section 27; thence East, along the North line of the S½ of the SW¼ of said Section 27, to the Southwest corner of the NE¼ of the SW¼ of said Section 27; thence North, along the West line of the NE¼ of the SW¼ of said Section 27, to the Northwest corner thereof; thence North, along the West line of the SE¼ of the NW¼ of said Section 27, to the Northeast corner thereof; thence North, along the East line of said Section 27, said line also being the West line of NEL-ARO a subdivision of land in Johnson County, Kansas to its intersection with the North line of the S½ of the NE¼ of said Section 27; thence East, along the North line of the S½ of the NE¼ of said Section 27, to the East line of fractional Section 26, Township 12, Range 25 of said Johnson County, Kansas; thence South, along the East line of said fractional Section 26 and the East line of fractional Section 35, Township 12, Range 25 of said Johnson County, Kansas and
LEGAL DESCRIPTION FOR
CITY OF LEAWOOD BOUNDARY
JOHNSON COUNTY, KANSAS
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the East line of fractional Section 2, Township 13, Range 25
of said Johnson County, Kansas, said line also being the
common line between the States of Kansas and Missouri, to the
point of beginning.

By: [Signature]

Tex L. New, Ks. 1874431
RESOLUTION NO. 1132

The City Council has considered the request for approval of the request for rezoning from AG to RP-4, Preliminary plat and plan for Villas of Iron Horse located at approximately 151st and Nall and hereby finds the following:

WHEREAS, the property contains 6.8 acres and the developer is proposing 20 single family homes for a density of 2.94 units per acre, and

WHEREAS, the proposed setbacks are 25' front yard, 10' side yards and 20' rear yards, and

WHEREAS, the Park Impact Fee has been met with the dedication of the golf course property, and

WHEREAS, the Plan Commission held a public hearing on the application, and

WHEREAS, the Plan Commission does hereby recommend approval with the following stipulations:
1. The development is limited to 20 single family homes as amended by the developer.
2. The Golf Course Impact fee is to be paid at application for building permits.
3. The developer is responsible for $130 per foot for 151st and Nall frontage. This is to be paid in cash or in a one year letter of credit. It is to be paid prior to recording a final plat.
4. As this property abuts the golf course, prior to final plan and final plat approval the Golf Course Committee is to review design criteria, restrictive covenants and/or deed restrictions to ensure compatibility with the golf course.
5. A twenty foot clear unobstructed open space easement shall be established on all golf course lots. This easement shall prohibit all structures including play structures, dog houses, fences, etc.
6. A South Leawood Transportation Impact Fee in the amount of $937.50 per acre for the residential is to be paid at the time of final plat.

WHEREAS, the Golf Course Advisory Group, as required, has reviewed the request for RP-4 development including the preliminary plat, restrictive covenants and builders' (developers') agreements and recommends approval with the stipulations found in "Golf Course Committee Recommendation" dated October 25, 1993 incorporated by reference and attached hereto as "Attachment A", and
WHEREAS, the City shall have the right to enforce all covenants, conditions and restrictions, related to lots abutting the golf course, more specifically Section 2.9, Lots Abutting the Golf Course of the Declaration of Covenants, Conditions and Restrictions for the Villas of Iron Horse Residential Development incorporated by reference and attached hereto as "Attachment B", and

WHEREAS, the separate agreements as listed in "2. Additional Agreement" as found in Attachment A attached hereto, shall be signed by Bell Development and City prior to submittal of final plat approval, and

WHEREAS, the review comments from the City's engineering consultant dated November 15, 1993, as amended in hand writing, are hereby incorporated by reference and attached hereto as "Attachment C", and

WHEREAS, the developer has agreed to changes in the plat and plan and the application now reflects these changes in street alignment and lowering the number of lots to 20, and

WHEREAS, the developer/owner agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from AG to RP-4, Preliminary plat and plan for Villas of Iron Horse with stipulations.

Adopted by the Governing Body this 15th day of November, 1993.

(S E A L) 

Marcia Rinehart  Mayor

Attest:

Martha Heizer  City Clerk
GOLF COURSE COMMITTEE RECOMMENDATION

Date: October 25, 1993

Subject Plat:
Brittany Villas (Now known as The Villas of Iron Horse)
Request for rezoning from AG to RP-4
Preliminary Plat
Located Southeast corner of 151st and Nall
Case 33-93

Committee Members:
Donald Bell, Jr., Bobby Davidson, James Dickson,
Kevin Gilmore, Joy Hays, J. Calvin Spradley

According to the Agreement to Convey Ground for Development of a Publicly Owned Golf Course between Bell Development, Inc. and the City of Leawood dated July 30, 1992, as amended November 27, 1992, the Golf Course Committee was appointed by the Mayor. The Committee serves "as an advisory group with regard to promoting harmonious development of the course and surrounding properties" (Agreement, paragraph 7.e., page 21).

In carrying out its advisory function, and at the request of the City of Leawood, the Committee has reviewed the plat and related restrictive covenants, builders agreement, and the City Engineer's recommendations. The Committee has discussed issues of density of the Plat, lot sizes and golf course frontages and finds this Plat to be compatible with the area and harmonious with the golf course.

The Committee recommends the Brittany Villas Preliminary Plat to the City of Leawood for approval based on its full review, and with special emphasis on the following features:

1. Ongoing influence.

   The City of Leawood will have ongoing influence over this development through two main mechanisms -- construction/maintenance easements and restrictive covenants.

   A. Construction and maintenance easements.

      Bell Development agrees to grant to the City its request for an easement on the back 20 feet of all lots which abut the golf course. This easement will allow the City to grade and perform earth moving and shaping to blend with course, and install and maintain any required drainage facilities.

   B. Restrictive covenants.

   The restrictive covenants on the property include the following requirements and powers of special importance to the City.
-- An open space requirement on the back 20 feet of all lots abutting the golf course. No structures of any kind allowed in this space.
-- Requirement that rear and sides of all homes on lots abutting the golf course be finished (i.e. concrete foundation covered) to a minimum of one foot from ground level.
-- Prohibitions against watering or drainage of any kind causing excessive drainage on to the golf course from abutting lots.
-- Prohibitions against nuisances such as lack of maintenance on lots and dumping of any kind, including yard clippings, on the golf course.
-- Maximum preservation of trees and natural land features.
-- Home size requirements ensuring high quality, upscale homes in a maintenance free single family residential community.
-- Prohibitions against certain undesirable outside structures on all lots.

The City of Leawood will have the right to enforce these, and all restrictive covenants applicable to lots abutting the golf course.

2. Additional agreement.

In addition to the above, Bell Development is willing to enter into a separate agreement or agreements with the City of Leawood regarding the following:
-- silt/erosion control during construction.
-- additional utility easements as needed by the City.
-- extension of a water line from Bell property to provide potable water to the west end rest station on the golf course.
-- easements to the City to maintain any retaining walls constructed between the course and adjoining lots.
-- design of entrance sign.
-- parking for course players.

---parking for course players.

[Signatures]

Joy D. Hays

Donald H. Bell, Jr.

James W. Dickson

Joy D. Hays

Bobby Davidson

Kevin P. Gilmore

J. Calvin Spradley
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR THE VILLAS OF IRON HORSE
RESIDENTIAL DEVELOPMENT

THIS DECLARATION is made this _____ day of __________, 1994,
by LMV Associates, a General Partnership (hereafter "Developer").

WHEREAS, Developer has heretofore executed a plat of lots
through __, both inclusive, known as THE VILLAS OF IRON
HORSE, which plat was recorded in Plat Book ___ at Page ___,
in the office of the Register of Deeds of Johnson County, Kansas,
and has dedicated to the public all of the streets, roads, avenues
and terraces, as are shown on said plat; and

WHEREAS, Developer is the owner of the lots shown on said plat
of THE VILLAS OF IRON HORSE, and intends to develop the property
shown on said plat for residential purposes; and

WHEREAS, Developer desires to submit and subject the lots
owned by it and shown on the plat, together with all buildings,
improvements and permanent fixtures of whatever kind now or
hereafter located thereon, to the easements, covenants, conditions,
restrictions, liens, assessments, and rights contained herein, all
of which shall be for the use and benefit of the present owner and
its future grantees in enhancing and protecting the value and
attractiveness of this residential development; and

WHEREAS, Developer deems it desirable for the harmonious
development and efficient management of this residential
development to create a homes association which shall have the
responsibilities and powers of (i) owning, administering and
maintaining the common areas within the residential development;
(ii) maintaining certain parts and aspects of the improvements on
all lots within the residential development; (iii) administering
and enforcing the covenants, conditions and restrictions set forth
herein; (iv) collecting and disbursing funds, pursuant to the
assessments, spending procedures and charges hereinafter created
and pursuant to its by-laws; (v) coordinating the activities of the
members; and (vi) performing such other acts as are provided for
herein or in its by-laws which generally benefit its members; and

WHEREAS, in furtherance of the foregoing the homes association
has been, or will be, incorporated as a not-for-profit corporation
under the laws of the State of Kansas for the purpose of exercising
such powers and responsibilities;

NOW THEREFORE, in consideration of the property for itself and
for developer's successors, assigns, and future grantees, developer
hereby declares that lots contained in THE VILLAS OF IRON HORSE as shown on the aforesaid plat shall be and the same are hereby restricted in the manner hereinafter set forth.

ARTICLE I

1.1 PERSONS BOUND BY THESE RESTRICTIONS.

All persons and corporations who now own or shall hereafter acquire any interest in the above enumerated lots hereby restricted shall be taken to hold and agree and covenant with the owners of said lots, and with their successors and assigns, to conform to and observe the following covenants, restrictions, and stipulations as to the use thereof for a period of time ending December 1, 2018, except as provided in Article V of these restrictions, provided however, that each of said restrictions shall be renewed in the manner hereinafter set forth. All of the provisions of this Declaration shall be deemed to be covenants running with the land and shall be binding upon Developer and upon its successors and assigns.

1.2 MEMBERSHIP IN ASSOCIATION.

The owners of all of the lots, together with the owners of any other land that may from time to time be made subject to all of the terms and provisions of this Declaration in the manner hereinafter provided for, shall be the members of an association which shall be created and established pursuant hereto, to be known as the THE VILLAS OF IRON HORSE HOMES ASSOCIATION (hereafter "Association"). The Association shall be incorporated under the laws of the State of Kansas as a not-for-profit corporation.

1.3 ADDITION OF OTHER LANDS.

Developer may, but is not obligated to, unilaterally and without the consent of any owner or other person or entity annex additional real property to the residential development referenced herein, and thereby subject such property to this Declaration, and bind the owners of any interests in real property annexed to the covenants, conditions and restrictions contained in this Declaration.

ARTICLE II

2.1 USE OF LAND - TYPE OF RESIDENCE.

None of the lots hereby restricted may be improved, used or occupied for other than single family residence purposes. Any residence erected or maintained on any of the lots hereby restricted shall be designed for occupancy by a single family only. No building shall be erected, placed, altered or externally improved on any property hereby restricted until the building design, plans, specifications, materials, grading, ground
excavations, plot plan and residence location have been approved in writing by Developer, or by the Association in the event that Developer falls under the provisions of Article III, Section 3.1 hereafter. Developer, or the Association if Article III, Section 3.1 applies, shall review all aspects of design, including but not limited to drainage, landscaping, external building design, and other features to ensure conformity and harmony with the development and the golf course.

2.2 WAIVER OF BUILDING LINE.

Developer reserves the right to waive building lines established on the aforesaid plat by filing a waiver. Said waiver must comply with the City of LEAWOOD, KANSAS development ordinances.

2.3 SIZE OF RESIDENCES.

Any residence erected on property hereby restricted shall not be more than two and one-half stories in height. Any single story ranch residence erected on property hereby restricted shall contain a minimum of 1600 square feet of enclosed floor area. Any 1 1/2 story or tri-level residence erected on property hereby restricted shall contain a minimum of 1700 square feet of enclosed floor area. Any 2 or 2 1/2 story residence erected on any property hereby restricted shall contain a minimum of 2000 square feet of enclosed floor area. The words "enclosed floor area" as used herein shall mean and include in all cases, areas on the first and above floors of the residences which are enclosed and finished for all-year occupancy, computed on outside measurements of the residence, and shall not mean or include any areas in basements, garages, porches, or attics.

2.4 OUTBUILDINGS PROHIBITED.

No outbuilding or other detached structure of any nature or design may be erected, nor any trailers, trucks, mobile homes, boats, motor homes, buses, equipment or machinery shall ever be parked, located or otherwise maintained on any property, parking area or street adjoining property hereby restricted.

2.5 OIL TANKS PROHIBITED.

No tanks for the storage of fuel may be maintained on any of the property hereby restricted, above the surface of the ground. Home heating fuel tanks, and only home heating fuel tanks, shall be permitted below the ground.

2.6 NUISANCES.

No noxious or offensive activity shall be carried out upon any property, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood, including
mechanical work on automotive or other equipment of any kind. All development common areas and lot lawns must be mowed and maintained in a neat and orderly manner. No dumping of grass clippings or yard waste or any other material from any property herein restricted shall be allowed, either on any lot, common area, or golf course area.

2.7 OUTSIDE STRUCTURES.

No structure of a temporary or permanent character, trailer, bus, basement, tent, shack, garage, barn or other outbuildings shall be used on any property at any time as a residence or otherwise, either temporarily or permanently. No swimming pools of any kind may be constructed or installed without approval in writing from Developer, or the Association in the event that Developer falls under the provisions of Article III, Section 3.1 hereinafter. No satellite dishes may be constructed on any property subject to these restrictions. No clothes lines or clothes hangers may be constructed or used outside of any residence. No dog houses may be constructed or placed outside of any residence. Any retaining walls constructed must be of stone, brick or similar decorative masonry.

2.8 FENCES.

On all lots not subject to the provisions of paragraph 2.9 below and where fences are allowed, no fence shall be erected without prior written consent by Developer, or the Association in the event that Developer falls under the provisions of Article III, Section 3.1 hereinafter. The maximum height of any fence shall be six feet (6') and the material shall be limited to wood, wrought iron or decorative masonry. Such fencing must be finished on both sides. No other metal, chain link or other similar fences shall be permitted. No dog or animal pens or runs of any kind shall be permitted. Fences shall not be erected in the front or side yards of the property and shall not be placed farther toward the front of a residence than a straight line extended from the rear building line of the residence.

Owner(s) shall be responsible for maintaining all fencing on their lot. Owner(s) shall be responsible for mowing and otherwise maintaining grass inside of all fences. If such area inside of fences becomes unsightly and the owner refuses to maintain the area as required herein and/or by the Association, the Association may undertake the maintenance and make additional assessments to the owner responsible for the same.

2.9 LOTS ABUTTING THE GOLF COURSE.

In addition to all other restrictions, conditions and covenants contained herein, all lots which abut the golf course, said lots being lots five (5) through fifteen (15), both inclusive, on the
above-referenced plat of THE VILLAS OF IRON HORSE (hereafter referred to as "Golf Course Lots"), shall be required at all times to maintain a twenty foot unobstructed open space on the rear portion of the lot. No structures of any kind shall be placed in this open space, including but not limited to fences, decks, patios, gazebos, play structures, nets, screens, television antennae, storage structures, or similar structures. No gardens, truck patches or similar areas shall be kept in this open space. The twenty foot open space shall be measured as beginning from the property line which abuts the golf course and progressing toward the opposite property line for twenty feet, and shall cover the full width of the lot to each property line which is perpendicular to the property line which abuts the golf course.

No structures of any kind may be placed on the sides or rear of Golf Course Lots, even if outside the twenty foot open space area, without prior approval from the City of Leawood.

All residences constructed on Golf Course Lots shall be finished on the rear and both sides with materials compatible with the front and in such manner as to provide coverage of the concrete foundation to a minimum of one foot from ground level.

Golf Course Lots shall not be watered or drained in such a manner as to cause water puddles or excessive drainage onto the abutting golf course area.

Land surveys shall be required before any building or improvements on Golf Course Lots may be commenced. Said survey shall include iron stake pins on the property, marking each boundary, and shall indicate all existing natural land features such as trees greater than 3" in diameter, water courses, water falls, rock formations, or similar land features. Said survey shall be submitted to Developer, or to the Association in the event that Article III, Section 3.1 applies, prior to any construction. Approval of construction will be contingent on preservation of as many natural land features as possible while maintaining conformity and harmony with the development and the golf course.

Owners of Golf Course Lots shall be required to spend at least Five Hundred Dollars ($500.00) worth of the required landscaping expenditure specified in paragraph 2.14 below for landscaping on the rear portion of the lot.

Lots 1 through 4, both inclusive, and lots 16 through 20, both inclusive, on the above-referenced plat of THE VILLAS OF IRON HORSE shall not be subject to the requirements contained in this section 2.9 because they do not abut the golf course.

2.10 ANIMALS PROHIBITED.

No poultry, cows, swine, rabbits, sheep, goats or similar domestic
animals, and not more than two pets per residence, shall be kept or maintained at any time on any of the property, or parts thereof. All property and the buildings and appurtenances thereon, shall be kept clean, neat and in proper sanitary condition. No such pets will be kept, bred or maintained for commercial purposes.

2.11 BILLBOARDS PROHIBITED.

No signs, advertisements, billboards, or advertising structure or media of any kind, may be erected or maintained on any of the property hereby restricted, provided, however, that permission is hereby granted for the erection and maintenance of not more than one advertising board on each lot or tract as sold and conveyed, which advertising board shall not be more than five (5) square feet in size and may be used for the sole and exclusive purpose of advertising for sale or lease the lot or tract upon which it is erected.

2.12 POWER LINES AND TELEPHONE WIRES OR CABLES.

No overhead power lines or overhead telephone wires or cables may be erected or maintained upon any of the property hereby restricted.

2.13 DRIVEWAYS.

All driveways must be improved with hard surface consisting of a minimum of 4" reinforced concrete or other materials approved in writing by Developer or the Association in the event that Developer falls under the provisions of Article III, Section 3.1 hereinafter. Gravel driveways or driveways consisting of crushed rock base with asphalt prime and seal coat will not be permitted.

2.14 LANDSCAPING.

Each owner shall be responsible for minimum landscaping as set forth herein. Each owner shall, prior to occupancy of a residence on a lot (or in the event weather does not permit within forty-five (45) days after weather permits) expend a minimum total of One Thousand Five Hundred Dollars ($1,500.00) on landscaping. This shall include plantings of shrubery and plants along the front elevation of the residence, and at least one (1) ornamental tree on the lot.

Owner shall be responsible for all such plantings, including maintenance and watering, both inside or outside of any fences on the lot. If such plantings die, Owner shall remove and replace them. Regarding trees planted by Developer, or Developer's subcontractors, the Association will provide replacement trees in accordance with any guarantees provided by supplier(s) of the trees.
2.15 INSURANCE.

Each owner shall be required to obtain and maintain in force a policy of fire and casualty insurance in reasonable amounts and with coverage adequate to cover the full replacement cost of any repair or reconstruction work on the owner's lot.

In the event of damages or destruction by fire or other casualty the owner shall, upon receipt of insurance proceeds, repair or rebuild any damaged or destroyed portion of the exterior of the residence in a good, workmanlike manner and in the same fashion and manner as the original plans and specifications of the residence.

If the owner refuses or fails to repair such exterior damage or destruction within thirty (30) days after its occurrence, the Association may repair or rebuild such exterior. The owner shall reimburse the Association for the full amount expended for repair and reconstruction and the Association shall have a lien securing such payment in the same manner provided for herein for assessments.

ARTICLE III

3.1 ASSOCIATION FORMATION.

Developer shall perform the duties and assume the obligations of the Association until such time as (i) ninety percent (90%) of the lots within the development (including lots within any annexed property) are occupied for single family residential purposes and (ii) Developer owns less than one acre of land hereby restricted. At such time as (i) and (ii) above are fulfilled, or earlier if Developer so determines in its sole discretion, it shall be the duty of the owners in the development to assume the duties, powers and obligations of the Association as set forth herein, and according to the Association by-laws.

3.2 POWERS AND DUTIES OF THE ASSOCIATION.

The Association shall have the following powers and duties which it may exercise and perform in its discretion.

(a) To hold fee simple title to all real estate constituting development common areas, along with all improvements thereon.

(b) To enforce all restrictions, conditions and covenants contained herein, by any proceeding at law or in equity.

(c) To mow, care for, maintain, and do any other things necessary or desirable in the judgment of the officers of the Association to keep any vacant and unimproved property, right of way, development entrance, development common area, and the
parking in front of any property herein restricted, neat in appearance and in good order.

(d) To care for, maintain, repair or replace any and all improvements on development common areas as they exist from time to time.

(e) To provide exterior maintenance upon each lot subject to assessment hereunder as follows:

1. Paint and repair exterior trim on all residences.
2. Provide lawn maintenance and mowing.
3. Provide maintenance of lawn sprinkler systems, and to control the use and timing of such systems.
4. Provide for trash hauling.
5. Provide for snow removal.

In the event that any maintenance or repair provided by the Association hereunder is necessitated by willful or negligent acts of the owner, or the owner's family, guests or invitees, the cost of such maintenance or repairs shall be added to the owner's lot assessment. This obligation does not include any maintenance or repairs caused by fire or other casualty.

Exterior maintenance shall not include maintenance or repair of any exterior surfaces of the residences (except for the trim as set forth above), gutters, downspouts, glass surfaces or doors, screens and screen doors, door and window fixtures, concrete surfaces (such as walks, garage floors, patios, aprons, driveways, or decorative structures), decks or screened-in porches.

Exterior maintenance shall not include maintenance or replacement of roofs unless, by majority vote of the owners pursuant to association by-laws, a resolution is passed authorizing the Association to replace roofs. Such resolution may also require an additional assessment upon all lots.

Should any owner fail to assume their obligation under this section for exterior maintenance not assumed by the Association, or under sections 2.8 and 2.14 herein, then the Association may perform such required maintenance. The cost of this maintenance shall be charged directly to the owner responsible and may be billed directly or added to the owner's general assessment as provided hereinafter.

(f) To appoint committees, coordinate activities and perform such other acts as needed to carry out its powers and duties as stated herein, and as provided for in its by-laws, including but not limited to the establishment of a design review committee for purposes of approval of proposed improvements and construction on property herein restricted.
(g) To levy and collect the assessments which are provided for in this Declaration including those collected to permit the Association to perform the duties and powers set forth herein, and in accordance with its by-laws.

(h) To employ such agents, employees, or independent contractors as will enable it to adequately and properly carry out the provisions of this Declaration; subject, however, to the limitations set forth in its by-laws.

3.3 ASSESSMENTS.

(a) Each owner of property herein restricted covenants and agrees to pay to the Association:

(1) General assessments or charges;
(2) Special assessments for capital improvements;
(3) Tax assessments for property taxes on common areas;

such assessments to be established and collected as hereinafter provided.

(b) The Association may annually establish and levy assessments for the upcoming fiscal year. Each fiscal year shall begin on September 1 and end on August 31. The first fiscal year shall be September 1, 1993 to August 31, 1994.

(c) General assessments shall be used exclusively for the exercise of the Association’s powers and duties as outlined in section 3.2 above, and pursuant to its by-laws. The general assessment for the first fiscal year shall not exceed Ninety Dollars ($90.00) per month per lot.

(d) Special assessments shall be applicable only to a single year and shall be for the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the common areas, or to fund any prior year’s budget shortfall, or for special improvements or activities authorized by the Association pursuant to this declaration or its by-laws.

(e) Tax assessments shall be used for the payment of taxes owed by the Association, including but not limited to taxes on common areas and improvements thereon.

(f) All assessments shall be collected monthly.

(g) A lot will not be assessable before and until the construction of a residence meeting all applicable restrictions is complete and the residence is occupied. Any and all model homes used for marketing purposes will not be assessed until sold for residential single family occupancy and are occupied.
(h) Assessments for the first year of ownership will be due at closing of the purchase of a residence, based on a pro-rated amount for the portion of the fiscal year from date of closing through the end of the forthcoming fiscal year.

(i) It shall be the duty of the Association to notify all owners whose addresses are then listed with the Association giving the amount of the assessment on each lot owned by them and the date when such assessment is due. Failure of the Association to levy an assessment for any time period shall in no way affect the right of the Association to do so for any subsequent time period.

(j) Any and all assessments shall become a lien on the real estate against which they are levied as soon as they are due and payable as set forth above, provided however, that such lien shall be inferior and subordinate to the lien of any valid first mortgage which now exists or which may hereafter be placed on said real estate.

(k) In the event of failure of any member to pay an assessment within thirty (30) days from the date due, such assessment shall accrue a late fee of $15.00 per month, and such assessment shall bear interest at the rate of ten percent (10%) per annum from the due date until payment in full is received by the Association. If any assessment remains unpaid at the end of thirty (30) days from the date due, it shall become delinquent. Payment of the delinquent assessment plus any interest and costs of collection including related fees and expenses, may be enforced as a lien on said real estate, or by any other proceeding at law or equity to collect payment.

(l) The Association shall notify all owners whose addresses are listed with the Association, of the official address of the Association and the place where payments shall be made and any other business in connection with the Association may be transacted. The Association shall notify the owners of any change of Association address.

3.5 ASSOCIATION TO OBSERVE ALL LAWS.

The Association shall at all times observe all state, county, city and other laws. If at any time any of the provisions of this Declaration are found to be in conflict with any applicable laws, then such parts of this Declaration as are in conflict with any applicable laws shall become null and void, but no other part of this Declaration shall be affected.

ARTICLE IV

4.1 EASEMENT TO ASSOCIATION.

An easement is hereby granted to the Association, its officers,
agents, contractors and employees (including any employees of any management company having a contract with the Association) to enter upon any residence or lot to perform the duties of maintenance and repair to residences or land or common areas as assumed by the Association.

4.2 EASEMENT TO DEVELOPER.

An easement is hereby reserved to Developer, its officers, agents and employees to enter the common areas for construction of improvements thereon.

ARTICLE V

5.1 DURATION OF THESE RESTRICTIONS.

The restrictions herein set forth shall run with the land and bind the present owner, its successors or assigns, and all persons claiming by, through or under it shall be taken to hold, agree and covenant with said owners, its successors and assigns with each of them to conform to and observe said restrictions as to the use of the property and the construction of improvements thereon until December 1, 2018 and shall automatically continue thereafter for successive periods of 25 years each; provided, however, that the owners of the fee simple title to 75% or more of the total property area herein restricted may release any of the land hereby restricted from any one or more of said restrictions at the end of the first 25 year period, or at the end of any successive 25 year period thereafter, by executing and acknowledging an appropriate agreement in writing for such purposes, and filing the same for record at least one year prior to the expiration of the 25 year period; and provided further that said restrictions and each of them may be changed, modified or removed at any time by agreement in writing duly executed and acknowledged by the owners of 75% or more of the total property area hereby restricted, and filing the same for record in the Office of the Register of Deeds of Johnson county, Kansas, but no restrictions herein set forth shall be personally binding on any corporation, person or persons, except in respect of breaches committed during its, his, hers or their seizing of title to said land.

5.2 DEVELOPER'S RIGHT TO AMEND.

Notwithstanding any other provision herein, until (i) 90% of all the lots hereby restricted, including any annexed property, are occupied for single family residential purposes; and (ii) Developer owns less than one acre of land hereby restricted, the Developer reserves the right to amend this Declaration, excepting Section 2.9 above which shall require the approval of the City of Leawood to amend, without the approval of the Association or any owner or other person; provided, however that no such amendment shall have the effect of changing the plat of an owner's lot without the
consent of the owner.

5.3 ACTIONS TO ENFORCE.

The Association, or any owner of any property herein restricted, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. In addition to the Association, or any owner of property herein restricted, the City of Leawood, Kansas shall have the right to enforce all restrictions, conditions, covenants, reservations, liens and charges applicable to Golf Course Lots which are identified in paragraph 2.9 herein. The Failure by the Association or by any owner or by the City of Leawood to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

IN WITNESS WHEREOF, LMV Associates has caused this Declaration to be executed this ______ day of ____________, 1994.

LMV ASSOCIATES

By: _____________________________
    Donald H. Bell
    President of
    Bell Development, Inc.
    Managing Partner

State of Kansas )
                 ) ss.
County of Johnson )

BE IT REMEMBERED, that on this ______ day of ____________, 1994, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Donald H. Bell, President of Bell Development, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas, which corporation is Managing Partner of LMV Associates, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within Declaration on behalf of said corporation and general partnership, and such person duly acknowledged the execution of the same to be the act and deed of said corporation and general partnership.
IN WITNESS WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year last above written.

TERESA HENRE
Notary Public - State of Kansas
My Appt. Expires 4-29-91

My Commission expires:
4-29-91

Notary Public
EASEMENT CONVEYANCE

THIS CONVEYANCE is made this ___ day of __________, 1994, by LMV Associates, a General Partnership (hereafter "Developer").

WHEREAS, Developer has heretofore executed a plat of lots known as THE VILLAS OF IRON HORSE, which plat was recorded in Plat Book ____ at Page _____, in the office of the Register of Deeds of Johnson County, Kansas, and has dedicated to the public all of the streets, roads, avenues and terraces, as are shown on said plat; and

WHEREAS, Developer is the owner of the lots shown on said plat of THE VILLAS OF IRON HORSE, and intends to develop the property shown on said plat for residential purposes; and

WHEREAS, Developer desires to convey an easement on certain lots shown on said plat, for the purpose of establishing and maintaining compatible development with the adjoining golf course;

NOW THEREFORE, in consideration of the property for itself and for Developer’s successors, assigns, and future grantees, Developer hereby grants and conveys to The City of Leawood, Kansas, a municipal corporation, an easement over, along, across and under the lands hereafter described, including the right and privilege at any time and from time to time to enter on said lands to perform earth moving, grading and shaping to blend with the golf course, and to install and maintain any required drainage facilities to ensure drainage compatible with the golf course. Said easement being over, along, across and under the following described land in the County of Johnson, State of Kansas, to wit:

Lots 5 through 15, both inclusive, on the above-referenced plat of THE VILLAS OF IRON HORSE,
Johnson County, Leawood, Kansas.

This easement conveyance shall run with the land and shall be binding upon Developer, its successors and assigns.

IN WITNESS WHEREOF, LMV Associates has signed this Conveyance through its Managing Partner, Bell Development, Inc. by its President Donald H. Bell, and attested by its Secretary, Kevin P. Gilmore, and affixed its corporate seal this ___ day of __________, 1994.
LMV ASSOCIATES

By:

Donald H. Bell
President of
Bell Development, Inc.
Managing Partner

Attest:

Kevin P. Gilmore
Secretary of
Bell Development, Inc.

STATE OF KANSAS )
COUNTY OF JOHNSON )

On this ___ day of __________, 1994, before me, a Notary Public, appeared Donald H. Bell, to me personally known, who, being by me duly sworn, did say that he is the President of Bell Development, Inc., which corporation is Managing Partner of LMV Associates, described in and which executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation as Managing Partner of LMV Associates, and the said Donald H. Bell acknowledged said deed to be the free act and deed of said corporation and general partnership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

TERESA HENRE
Notary Public - State of Kansas
My Appt. Expires 4-24-97

My Commission Expires: 4-29-97
November 15, 1993

Mr. Robert McKay
Director of Planning
9617 Lee Boulevard
Leawood, Kansas 66206

Re: REVIEW COMMENTS—RESTRICTIONS AND COVENANTS:
IRON HORSE (RP-4)
IRON HORSE ESTATES (RP-1)

Dear Mr. McKay:

Per your request we have reviewed the referenced items received, Friday, November 12, 1993. Our comments generally apply for both Developments.

VILLAS OF IRON HORSE, RP-4 development comments

RESOLUTION

ITEM 1. (20 single family homes)
ITEM 3. (How many linear feet? Development is only on Mall.)
PARAGRAPH 7 (RP-1 SHOULD READ RP-4)

ATTACHMENT "A"

RESTRICTIVE COVENANTS

— All residences constructed adjacent to golf course property shall be finished with similar to front side or better materials on rear and both sides in such a manner as to provide coverage of concrete foundation to a minimum of one foot from adjacent ground level.

— Major drainage systems (street and storm) shall be extended to major creek channel in golf course with prior approval of the golf course review committee.

2. ADDITIONAL AGREEMENT.

— Use of cart paths without permission of the golf review committee (not to be used as a jogging path).

— Use of golf course lakes without permission of the golf review committee (not to be used for fishing, or swimming).
City of Leawood may construct an architectural continuous fence around the perimeter of the golf course.

Prior approval from the golf-review committee on location of playground equipment.

ATTACHMENT "B"

ARTICLE II

SECTION 2.1

— Include erosion control (silt fencing, straw bales) as part of aspects of design. Also by separate agreement

SECTION 2.14

— $750.00 appears to be too low. Consider requiring landscape costs as a percentage of the house construction costs. $3,000.00 on a $100,000.00 house (3%) seems more reasonable as a minimum requirement. Do you want to insure a portion of this is spent in the back yard?

BRITANNY VILLAS
SINGLE FAMILY RESIDENTIAL COMMUNITY:

PAGE 1

— First paragraph should read "20 lots".
— First paragraph should read "11 of 20 lots".

IRON HORSE ESTATES
RP-1 DEVELOPMENT COMMENTS

Where applicable, all the above statements should apply to the IRON HORSE ESTATES DEVELOPMENT.

Should you have any questions please call me or Brett Haugland.

Sincerely,

CONTINENTAL CONSULTING ENGINEERS, INC.

Philip D. Gibbs, P.E.
President

PDG/kd
RESOLUTION NO. 1133

The City Council has considered the request for approval of rezoning from R-1 to RP-1, Planned Single Family Residential, and preliminary plat and plan approval for Iron Horse Estates, located at approximately 154th and Mission and hereby finds the following:

WHEREAS, the property contains two tracts, both of which are requesting rezoning, preliminary plat and preliminary plan approval, divided into a western tract of 21.78 acres and eastern tract of 18.17 acres, and

WHEREAS, the entire property will contain 87 dwellings, and

WHEREAS, as this property abuts the Golf Course, the Golf Course Committee Advisory Group, in an effort to serve and promote harmonious development of the course and surrounding properties, is to review and make recommendations on golf course related properties including the plat, restrictive covenants and builders' agreements, and

WHEREAS, the Park Impact Fee has been met with the dedication of the golf course property, and

WHEREAS, the South Leawood Transportation Impact Fee is $1484.38 per acre, and

WHEREAS, a site erosion control plan must be submitted and approved by the City prior to selling any lots and all lots must adhere to said plan, and

WHEREAS, the Plan Commission held a public hearing on the application, and

WHEREAS, the Plan Commission does hereby recommend approval with the following stipulations:
1) The development is limited to 87 single family lots in total.
2) As this is a planned district, a final site plan is required. This will include detailed information on the pool area, landscaping, and entry features such as monument signs.
3) As this property abuts the golf course, prior to final plan submission and subsequent final plat submissions the Golf Course Committee is to review design criteria, restrictive covenants and/or deed restrictions to ensure compatibility with the golf course.
4) Twenty five foot clear unobstructed open space easement shall be established on all golf course lots. This easement shall prohibit all structures including play structures, dog houses, fences, etc.
5) A South Leawood Transportation Impact Fee in the amount of $1484.38 per acre is to be paid at the time of final plat.
6) Golf Course Impact Fee is to be paid at the time of building permit issuance.
WHEREAS, the Golf Course Advisory Group, as required, has reviewed the request for RP-I development including the preliminary plat, restrictive covenants and builders' (developers') agreements and recommends approval with the stipulations found in "Golf Course Committee Recommendation" dated October 25, 1993 incorporated by reference and attached hereto as "Attachment A", and

WHEREAS, the City shall have the right to enforce all covenants, conditions and restrictions, related to lots abutting the golf course, more specifically Section 2.9, Lots Abutting the Golf Course of the Declaration of Covenants, Conditions and Restrictions for the Brittwood Estates Residential Development incorporated by reference and attached hereto as "Attachment B", and

WHEREAS, the separate agreements as listed in "2. Additional Agreement" as found in Attachment A attached hereto, shall be signed by Bell Development and City prior to submittal of final plat approval, and

WHEREAS, the review comments from the City's engineering consultant dated November 15, 1993, as amended in hand writing, are hereby incorporated by reference and attached hereto as "Attachment C", and

WHEREAS, the developer/owner agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for approval of rezoning from R-I to RP-I, Planned Single Family Residential, preliminary plat and plan approval for Iron Horse Estates, with stipulations.

Adopted by the Governing Body this 15th day of November, 1993.

(S E A L)

Mayor

Marcia Rinehart

Attest:

City Clerk

Martha Heizer
ATTACHMENT A

GOLF COURSE COMMITTEE RECOMMENDATION

Date: October 25, 1993

Subject Plat:
Brittwood Estates, First Plat (Now known as Iron Horse Estates)
Request for rezoning from R1 to RP-1
Preliminary and Final Plat
Located approximately 154th & Mission Road
Case 33-93

Committee Members:
Donald Bell, Jr., Bobby Davidson, James Dickson,
Kevin Gilmore, Joy Hays, J. Calvin Spradley

According to the Agreement to Convey Ground for Development of a Publicly Owned Golf Course between Bell Development, Inc. and the City of Leawood dated July 30, 1992, as amended November 27, 1993, the Golf Course Committee was appointed by the Mayor. The Committee serves "as an advisory group with regard to promoting harmonious development of the course and surrounding properties" (Agreement, paragraph 7.e., page 21).

In carrying out its advisory function, and at the request of the City of Leawood, the Committee has reviewed the plat and related restrictive covenants, builders agreement, and the City Engineer’s recommendations.

The Committee recommends the Brittwood Estates First Plat to the City of Leawood for approval based on its full review, and with special emphasis on the following features:

1. Ongoing influence.

The City of Leawood will have ongoing influence over this development through two main mechanisms -- construction/maintenance easements and restrictive covenants.

A. Construction and maintenance easements.

Bell Development agrees to grant to the City its request for an easement on the back 25 feet of all lots which abut the golf course. These easements will allow the City to grade and perform earth moving and shaping to blend with course, and install and maintain any required drainage facilities.

B. Restrictive covenants.

The restrictive covenants on the property include the following requirements and powers of special importance to the City.
-- An open space requirement on the back 25 feet of all lots abutting the golf course. No structures of any kind allowed in this space.
-- Requirement that rear and sides of all homes on lots abutting the golf course be finished (i.e. concrete foundation covered) to a minimum of one foot from ground level.
-- Prohibitions against watering or drainage of any kind causing excessive drainage on to the golf course from abutting lots.
-- Prohibitions against nuisances such as lack of maintenance on lots and dumping of any kind, including yard clippings, on the golf course.
-- Maximum preservation of trees and natural land features.
-- Home size requirements ensuring high quality, upscale homes.
-- Prohibitions against certain undesirable outside structures on all lots.

The City of Leawood will have the right to enforce these, and all restrictive covenants applicable to lots abutting the golf course.

2. Additional agreement.

In addition to the above, Bell Development is willing to enter into a separate agreement or agreements with the City of Leawood regarding the following:

--silt/erosion control during construction.
--additional utility easements as needed by the City.
--extension of a water line from Bell property to provide potable water to the west end rest station on the golf course.
--easements to the City to maintain any retaining walls constructed between the course and adjoining lots.
--design of entrance sign.
--parking for course players.

The Committee fully recommends the Brittwood Estates First Plat as compatible and harmonious with the golf course.
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE IRON HORSE ESTATES
RESIDENTIAL DEVELOPMENT

THIS DECLARATION is made this _____ day of ________, 19____, by Bell Development, Inc., a Kansas corporation (hereafter "Developer").

WHEREAS, Developer has heretofore executed a plat of lots _____ through _____, both inclusive, known as IRON HORSE ESTATES, which plat was recorded in Plat Book _____ at Page _____, in the office of the Register of Deeds of Johnson county, Kansas, and has dedicated to the public all of the streets, roads, avenues and terraces, as are shown on said plat; and

WHEREAS, Developer is the owner of the lots shown on said plat of IRON HORSE ESTATES, and intends to develop the property shown on said plat for residential purposes; and

WHEREAS, Developer desires to submit and subject the lots owned by it and shown on the plat, together with all buildings, improvements and permanent fixtures of whatever kind now or hereafter located thereon, to the covenants, conditions, restrictions, liens, assessments, and rights contained herein, all of which shall be for the use and benefit of the present owner and its future grantees in enhancing and protecting the value and attractiveness of this residential development; and

WHEREAS, Developer deems it desirable for the harmonious development and efficient management of this residential development to create a homes association which shall have the responsibilities and powers of (i) owning, administering and maintaining the common areas within the residential development; (ii) administering and enforcing the covenants, conditions and restrictions set forth herein; (iii) collecting and disbursing funds, pursuant to the assessments, spending procedures and charges hereinafter created and pursuant to its by-laws; (iv) coordinating the activities of the members; and (v) performing such other acts as are provided for herein or in its by-laws which generally benefit its members; and

WHEREAS, in furtherance of the foregoing the homes association has been, or will be, incorporated as a not-for-profit corporation under the laws of the State of Kansas for the purpose of exercising such powers and responsibilities;

NOW THEREFORE, in consideration of the property for itself and for developer's successors, assigns, and future grantees, developer hereby declares that lots contained in IRON HORSE ESTATES as shown
on the aforesaid plat shall be and the same are hereby restricted in the manner hereinafter set forth.

ARTICLE I

1.1 PERSONS BOUND BY THESE RESTRICTIONS.

All persons and corporations who now own or shall hereafter acquire any interest in the above enumerated lots hereby restricted shall be taken to hold and agree and covenant with the owners of said lots, and with their successors and assigns, to conform to and observe the following covenants, restrictions, and stipulations as to the use thereof for a period of time ending December 1, 2018, except as provided in Article III of these restrictions, provided however, that each of said restrictions shall be renewed in the manner hereinafter set forth. All of the provisions of this Declaration shall be deemed to be covenants running with the land and shall be binding upon Developer and upon its successors and assigns.

1.2 MEMBERSHIP IN ASSOCIATION.

The owners of all of the lots, together with the owners of any other land that may from time to time be made subject to all of the terms and provisions of this Declaration in the manner hereinafter provided for, shall be the members of an association which shall be created and established pursuant hereto, to be known as the IRON HORSE ESTATES HOMES ASSOCIATION (hereafter "Association"). The Association shall be incorporated under the laws of the State of Kansas as a not-for-profit corporation.

1.3 ADDITION OF OTHER LANDS.

Developer may, but is not obligated to, unilaterally and without the consent of any owner or other person or entity annex additional real property to the residential development referenced herein, and thereby subject such property to this Declaration, and bind the owners of any interests in real property annexed to the covenants, conditions and restrictions contained in this Declaration.

ARTICLE II

2.1 USE OF LAND - TYPE OF RESIDENCE.

None of the lots hereby restricted may be improved, used or occupied for other than single family residence purposes. Any residence erected or maintained on any of the lots hereby restricted shall be designed for occupancy by a single family only. No building shall be erected, placed, altered or externally improved on any property hereby restricted until the building design, plans, specifications, materials, grading, ground excavations, plot plan and residence location have been approved in
writing by Developer, or by the Association in the event that Developer falls under the provisions of Article IV, Section 4.1 hereafter. Developer, or the Association if Article IV, Section 4.1 applies, shall review all aspects of design, including but not limited to drainage, landscaping, external building design, and other features to ensure conformity and harmony with the development and the golf course.

2.2 WAIVER OF BUILDING LINE.

Developer reserves the right to waive building lines established on the aforesaid plat by filing a waiver. Said waiver must comply with the City of LEAWOOD, KANSAS development ordinances.

2.3 SIZE OF RESIDENCES.

Any residence erected on property hereby restricted shall not be more than two and one-half stories in height. Any single story ranch residence erected on property hereby restricted shall contain a minimum of 2000 square feet of enclosed floor area. Any 1 1/2 story or tri-level residence erected on property hereby restricted shall contain a minimum of 2200 square feet of enclosed floor area. Any 2 or 2 1/2 story residence erected on any property hereby restricted shall contain a minimum of 2500 square feet of enclosed floor area. The words "enclosed floor area" as used herein shall mean and include in all cases, areas on the first and above floors of the residences which are enclosed and finished for all-year occupancy, computed on outside measurements of the residence, and shall not mean or include any areas in basements, garages, porches, or attics.

2.4 OUTBUILDINGS PROHIBITED.

No outbuilding or other detached structure of any nature or design may be erected, nor any trailers, trucks, mobile homes, boats, motor homes, buses, equipment or machinery shall ever be parked, located or otherwise maintained on any property, parking area or street adjoining property hereby restricted.

2.5 OIL TANKS PROHIBITED.

No tanks for the storage of fuel may be maintained on any of the property hereby restricted, above the surface of the ground. Home heating fuel tanks, and only home heating fuel tanks, shall be permitted below the ground.

2.6 NUISANCES.

No noxious or offensive activity shall be carried out upon any property, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood, including
mechanical work on automotive or other equipment of any kind. All development common areas and lot lawns must be mowed and maintained in a neat and orderly manner. No dumping of grass clippings or yard waste or any other material from any property herein restricted shall be allowed, either on any lot, common area, or golf course area.

2.7 OUTSIDE STRUCTURES.

No structure of a temporary or permanent character, trailer, bus, basement, tent, shack, garage, barn or other outbuildings shall be used on any property at any time as a residence or otherwise, either temporarily or permanently. No swimming pools of any kind may be constructed or installed without approval in writing from Developer, or the Association in the event that Developer falls under the provisions of Article IV, Section 4.1 hereinafter. No satellite dishes may be constructed on any property subject to these restrictions. No clothes lines or clothes hangers may be constructed or used outside of any residence. No dog houses may be placed or constructed outside of any residence. Any retaining walls constructed must be of stone, brick or similar decorative masonry.

2.8 FENCES.

On all lots not subject to the provisions of paragraph 2.9 below and where fences are allowed, no fence shall be erected without prior written consent by Developer, or the Association in the event that Developer falls under the provisions of Article IV, Section 4.1 hereinafter. The maximum height of any fence shall be six feet (6') and the material shall be limited to wood, wrought iron or decorative masonry. No other metal, chain link or other similar fences shall be permitted. No dog or animal pens or runs of any kind shall be permitted. Fences shall not be erected in the front or side yards of the property and shall not be placed farther toward the front of a residence than a straight line extended from the rear building line of the residence.

2.9 LOTS ABUTTING THE GOLF COURSE.

In addition to all other restrictions, conditions and covenants contained herein, all lots which abut the golf course, said lots being lots 1 through 30, both inclusive, and lots 49 through 70, both inclusive, on the above-referenced plat of Iron Horse Estates (hereafter referred to as "Golf Course Lots"), shall be required at all times to maintain a twenty-five foot unobstructed open space on the rear portion of the lot. No structures of any kind shall be placed in this open space, including but not limited to fences, decks, patios, gazebos, play structures, nets, screens, television antennas, storage structures, or similar structures. No gardens, truck patches, or similar areas shall be kept in this open space. The twenty-five foot open space shall be measured as beginning from
the property line which abuts the golf course and progressing toward the opposite property line for twenty feet, and shall cover the full width of the lot to each property line which is perpendicular to the property line which abuts the golf course.

No structures of any kind may be placed on the sides or rear of Golf Course Lots, even if outside the twenty foot open space area, without prior approval from the City of Leawood.

All residences constructed on Golf Course Lots shall be finished on the rear and both sides with materials compatible with the front and in such manner as to provide coverage of the concrete foundation to a minimum of one foot from ground level.

Golf Course Lots shall not be watered or drained in such a manner as to cause water puddles or excessive drainage onto the abutting golf course area.

Land surveys shall be required before any building or improvements on Golf Course Lots may be commenced. Said survey shall include iron stake pins on the property, marking each boundary, and shall indicate all existing natural land features such as trees greater than 3" in diameter, water courses, water falls, rock formations, or similar land features. Said survey shall be submitted to Developer, or to the Association in the event that Article IV, Section 4.1 applies, prior to any construction. Approval of construction will be contingent on preservation of as many natural land features as possible while maintaining conformity and harmony with the development and the golf course.

Lots 31 through 48, both inclusive, and lots 71 through 87, both inclusive, on the above-referenced plat of IRON HORSE ESTATES, shall not be subject to the requirements contained in this section 2.9 because they do not abut the golf course.

2.10 ANIMALS PROHIBITED.

No poultry, cows, swine, rabbits, sheep, goats or similar domestic animals, and not more than two pets per residence, shall be kept or maintained at any time on any of the property, or parts thereof. All property and the buildings and appurtenances thereon, shall be kept clean, neat and in proper sanitary condition. No such pets will be kept, bred or maintained for commercial purposes.

2.11 BILLBOARDS PROHIBITED.

No signs, advertisements, billboards, or advertising structure or media of any kind, may be erected or maintained on any of the property hereby restricted, provided, however, that permission is hereby granted for the erection and maintenance of not more than one advertising board on each lot or tract as sold and conveyed, which advertising board shall not be more than five (5) square feet
in size and may be used for the sole and exclusive purpose of advertising for sale or lease the lot or tract upon which it is erected.

2.12 POWER LINES AND TELEPHONE WIRES OR CABLES.

No overhead power lines or overhead telephone wires or cables may be erected or maintained upon any of the property hereby restricted.

2.13 DRIVEWAYS.

All driveways must be improved with hard surface consisting of a minimum of 4" reinforced concrete or other materials approved in writing by Developer or the Association in the event that Developer falls under the provisions of Article IV, Section 4.1 hereinafter. Gravel driveways or driveways consisting of crushed rock base with asphalt prime and seal coat will not be permitted.

ARTICLE III

3.1 DURATION OF THESE RESTRICTIONS.

The restrictions herein set forth shall run with the land and bind the present owner, its successors or assigns, and all persons claiming by, through or under it shall be taken to hold, agree and covenant with said owners, its successors and assigns with each of them to conform to and observe said restrictions as to the use of the property and the construction of improvements thereon until December 1, 2018 and shall automatically continue thereafter for successive periods of 25 years each; provided, however, that the owners of the fee simple title to 75% or more of the total property area herein restricted may release any of the land hereby restricted from any one or more of said restrictions at the end of the first 25 year period, or at the end of any successive 25 year period thereafter, by executing and acknowledging an appropriate agreement in writing for such purposes, and filing the same for record at least one year prior to the expiration of the 25 year period; and provided further than said restrictions and each of them may be changed, modified or removed at any time by agreement in writing duly executed and acknowledged by the owners of 75% or more of the total property area hereby restricted, and filing the same for record in the Office of the Register of Deeds of Johnson County, Kansas, but no restrictions herein set forth shall be personally binding on any corporation, person or persons, except in respect of breaches committed during its, his, hers or their seizing of title to said land.

3.2 DEVELOPER'S RIGHT TO AMEND.

Notwithstanding any other provision herein, until (i) 90% of all the lots hereby restricted, including any annexed property, are
occupied for single family residential purposes; and (ii) Developer owns less than two acres of land hereby restricted, the Developer reserves the right to amend this Declaration, excepting Section 2.9 above regarding Golf Course Lots which shall require the approval of the City of Leawood to amend, without the approval of the Association or any owner or other person; provided, however that no such amendment shall have the effect of changing the plat of an owner’s lot without the consent of the owner.

3.3 ACTIONS TO ENFORCE.

The Association, or any owner of any property herein restricted, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. In addition to the Association, or any owner of property herein restricted, the City of Leawood, Kansas shall have the right to enforce all restrictions, conditions, covenants, reservations, liens and charges applicable to Golf Course Lots which are identified in paragraph 2.9 herein. Failure by the Association or by any owner or by the City of Leawood to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

ARTICLE IV

4.1 ASSOCIATION FORMATION.

Developer shall perform the duties and assume the obligations of the Association until such time as (i) ninety percent (90%) of the lots within the development (including lots within any annexed property) are occupied for single family residential purposes and (ii) Developer owns less than two acres of land hereby restricted. At such time as (i) and (ii) above are fulfilled, or earlier if Developer so determines in its sole discretion, it shall be the duty of the owners in the development to assume the duties, powers and obligations of the Association as set forth herein, and according to the Association by-laws.

4.2 POWERS AND DUTIES OF THE ASSOCIATION.

The Association shall have the following powers and duties which it may exercise and perform in its discretion.

(a) To hold fee simple title to all real estate constituting development common areas, along with all improvements thereon.

(b) To enforce all restrictions, conditions and covenants contained herein, by any proceeding at law or in equity.

(c) To mow, care for, maintain, and do any other things
necessary or desirable in the judgment of the officers of the Association to keep any vacant and unimproved property, right of way, development entrance, development common area, and the parking in front of any property herein restricted, neat in appearance and in good order.

(d) To care for, maintain, repair or replace any and all amenities on development common areas as they exist from time to time, which may, but are not required to include, a pool, tennis court(s) and playground area(s).

(e) To appoint committees, coordinate activities and perform such other acts as needed to carry out its powers and duties as stated herein, and as provided for in its by-laws, including but not limited to the establishment of a design review committee for purposes of approval of proposed improvements and construction on property herein restricted.

(f) To levy and collect the assessments which are provided for in this Declaration including those collected to permit the Association to perform the duties and powers set forth herein, and in accordance with its by-laws.

4.3 ASSESSMENTS AND GENERAL FUNDS.

The Association may, from year to year, fix and determine the total amount required in a general fund and may levy and collect an annual assessment at the beginning of each fiscal year for the upcoming year. Each fiscal year shall begin on September 1 and end on August 31. The first fiscal year shall be September 1, 1993 to August 31, 1994.

The annual assessment for the first fiscal year shall not exceed three hundred dollars ($300.00) for each assessable lot. A lot will not be assessable before and until the construction of a residence meeting all applicable restrictions is complete and the residence is occupied. Any and all model homes used for marketing purposes will not be assessed until sold for residential single family occupancy and are occupied.

An annual assessment will be due at closing of the purchase of a residence, based on a pro-rated amount for the portion of the fiscal year from date of closing through the end of the forthcoming fiscal year.

It shall be the duty of the Association to notify all owners whose addresses are then listed with the Association giving the amount of the assessment on each lot owned by them and the date when such assessment is due. Failure of the Association to levy an assessment for any one year shall in no way affect the right of the Association to do so for any subsequent year.
In addition to the annual assessment authorized above, the Association may levy in any year a special assessment applicable to that year only, for the purpose of defraying in whole or in part any prior year’s budget deficit, exceptional item of expense, or the cost of any construction, reconstruction, repairs or replacement of any capital improvement or development amenity, including any fixtures or personal property related thereto, to be completed, maintained or cared for by the Association pursuant to the terms hereof, or the Association by-laws. Any special assessments shall be due and payable at the time and in the manner determined by the Association.

Any and all assessments shall become a lien on the real estate against which they are levied as soon as they are due and payable as set forth above, provided however, that such lien shall be inferior and subordinate to the lien of any valid first mortgage which now exists or which may hereafter be placed on said real estate. In the event of failure of any member to pay an assessment within thirty (30) days from the date due, such assessment shall accrue a late fee of $15.00 per month, and such assessment shall bear interest at the rate of ten percent (10%) per annum from the due date until payment in full is received by the Association.

If any assessment remains unpaid at the end of thirty (30) days from the date due, it shall become delinquent. Payment of the delinquent assessment plus any interest and costs of collection including related fees and expenses, may be enforced as a lien on said real estate, or by any other proceeding at law or equity to collect payment.

4.4 ADDRESS NOTIFICATION.

The Association shall notify all owners whose addresses are listed with the Association, of the official address of the Association and the place where payments shall be made and any other business in connection with the Association may be transacted. The Association shall notify the owners of any change of Association address.

4.5 ASSOCIATION TO OBSERVE ALL LAWS.

The Association shall at all times observe all state, county, city and other laws. If at any time any of the provisions of this Declaration are found to be in conflict with any applicable laws, then such parts of this Declaration as are in conflict with any applicable laws shall become null and void, but no other part of this Declaration shall be affected. The Association shall have the right to make such agents as will enable it to adequately and properly carry out the provisions of this Declaration; subject, however, to the limitations set forth in its by-laws.
IN WITNESS WHEREOF, BELL DEVELOPMENT, INC. has caused this Declaration to be executed this ___ day of __________, 19_____

BELL DEVELOPMENT, INC.

By: ________________________________
    Donald H. Bell
    President

State of Kansas )
    ss.

County of Johnson )

BE IT REMEMBERED, that on this ___ day of __________, 19______, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Donald H. Bell, President of Bell Development, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within Declaration on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

[Notary Public Signature]

My Commission expires: 4-29-97

10
EASEMENT CONVEYANCE

THIS CONVEYANCE is made this _____ day of __________, 19____, by Bell Development, Inc., a Kansas Corporation (hereafter "Developer").

WHEREAS, Developer has heretofore executed a plat of lots known as IRON HORSE ESTATES, which plat was recorded in Plat Book _____ at Page _____, in the office of the Register of Deeds of Johnson County, Kansas, and has dedicated to the public all of the streets, roads, avenues and terraces, as are shown on said plat; and

WHEREAS, Developer is the owner of the lots shown on said plat of IRON HORSE ESTATES, and intends to develop the property shown on said plat for residential purposes; and

WHEREAS, Developer desires to convey an easement on certain lots shown on said plat, for the purpose of establishing and maintaining compatible development with the adjoining golf course;

NOW THEREFORE, in consideration of the property for itself and for Developer's successors, assigns, and future grantees, Developer hereby grants and conveys to The City of Leawood, Kansas, a municipal corporation, an easement over, along, across and under the lands hereafter described, including the right and privilege at any time and from time to time to enter on said lands to perform earth moving, grading and shaping to blend with the golf course, and to install and maintain any required drainage facilities to ensure drainage compatible with the golf course. Said easement being over, along, across and under the following described land in the County of Johnson, State of Kansas, to wit:

Lots _____ through _____, both inclusive, and lots _____ through _____, both inclusive, on the above-referenced plat of IRON HORSE ESTATES, Johnson County, Leawood, Kansas.

This easement conveyance shall run with the land and shall be binding upon Developer, its successors and assigns.

IN WITNESS WHEREOF, Bell Development, Inc. has signed this Conveyance through its President Donald H. Bell, and attested by its Secretary, Kevin P. Gilmore, and affixed its corporate seal this _____ day of ____________, 19____.
BELL DEVELOPMENT, INC.

By: [Signature]
Donald H. Bell
President

Attest:

Kevin P. Gilmore
Secretary

STATE OF KANSAS )
COUNTY OF JOHNSON )

On this ______ day of ______, 19____, before me, a Notary Public, appeared Donald H. Bell, to me personally known, who, being by me duly sworn, did say that he is the President of Bell Development, Inc., described in and which executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation and the said Donald H. Bell acknowledged said deed to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

[Signature]
Teresa Henre
Notary Public

My Commission Expires:
4-29-97
Attest:

Kevin P. Gilmore
Secretary

STATE OF KANSAS  }  
COUNTY OF JOHNSON  }

On this ____ day of ____, 19____, before me, a Notary Public, appeared Donald H. Bell, to me personally known, who, being by me duly sworn, did say that he is the President of Bell Development, Inc., described in and which executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation and the said Donald H. Bell acknowledged said deed to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

Notary Public

My Commission Expires:
November 15, 1993

Mr. Robert McKay
Director of Planning
9617 Lee Boulevard
Leawood, Kansas 66206

Re: REVIEW COMMENTS—RESTRICTIONS AND COVENANTS:
IRON HORSE (RP-4)
IRON HORSE ESTATES (RP-1)

Dear Mr. McKay:

Per your request we have reviewed the referenced items received, Friday, November 12, 1993. Our comments generally apply for both Developments.

VILLAS OF IRON HORSE, RP-4 development comments

RESOLUTION

ITEM 1. (20 single family homes)
ITEM 3. (How many linear feet? Development is only on Nall.)
PARAGRAPH 7 (RP-1 SHOULD READ RP-4)

ATTACHMENT "A"

RESTRICTIVE COVENANTS

-- All residences constructed adjacent to golf course property shall be finished with similar to front side or better materials on rear and both sides in such a manner as to provide coverage of concrete foundation to a minimum of one foot from adjacent ground level.

-- Major drainage systems (street and storm) shall be extended to major creek channel in golf course with prior approval of the golf course review committee.

2. ADDITIONAL AGREEMENT.

-- Use of cart paths without permission of the golf review committee (not to be used as a jogging path).

-- Use of golf course lakes without permission of the golf review committee (not to be used for fishing, or swimming).
OK  -- City of Leawood may construct an architectural continuous fence around the perimeter of the golf course.

OK  -- Prior approval from the golf review committee on location of playground equipment.

ATTACHMENT "B"

ARTICLE II

SECTION 2.1

OK  -- Include erosion control (silt fencing, straw bales) as part of aspects of design. Also by separate agreement

SECTION 2.14

-- $750.00 appears to be too low. Consider requiring landscape costs as a percentage of the house construction costs. $3,000.00 on a $100,000.00 house (3%) seems more reasonable as a minimum requirement. Do you want to insure a portion of this is spent in the back yard?

BRITTANY VILLAS
SINGLE FAMILY RESIDENTIAL COMMUNITY:

PAGE 1

No  -- First paragraph should read "20 lots".

No  -- First paragraph should read "11 of 20 lots".

IRON HORSE ESTATES
RP-1 DEVELOPMENT COMMENTS

Where applicable, all the above statements should apply to the IRON HORSE ESTATES DEVELOPMENT.

Should you have any questions please call me or Brett Haugland.

Sincerely,

CONTINENTAL CONSULTING ENGINEERS, INC.

Philip D. Gibbs, P.E.
President

PDG/kd
RESOLUTION NO. 1134

A RESOLUTION DESIGNATING HOLIDAYS FOR THE YEAR 1994 IN ACCORDANCE WITH THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, Section 9-2 of the "Personnel Rules and Regulations", as published in December, 1992, and as from time to time amended, requires that holidays for all regular employees of the City of Leawood be confirmed by resolution of the City Council each year; and

WHEREAS, after review of the holiday dates in 1994, staff recommends that the following schedule be adopted;

NOW, THEREFORE, BE IT RESOLVED that the City Hall of Leawood, Kansas, shall be closed on the following holiday dates in 1994:

- New Year's Day December 31, 1993 (Friday)
- President's Day February 21 (3rd Monday-February)
- Memorial Day May 30 (last Monday-May)
- Independence Day July 4
- Labor Day September 5 (1st Monday-September)
- Thanksgiving November 24/25 (4th Thurs. & Friday-November)
- Christmas December 26 (Monday)

Adopted by the Governing Body this 15th day of November, 1993.

(S E A L)

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk
RESOLUTION NO. 1135

The Leawood City Council has considered the request for final plat approval for Villas of Iron Horse located at approximately 152nd and Nall and hereby finds the following:

WHEREAS, the property contains 6.8 acres, and

WHEREAS, the property is zoned RP-4 and the approved preliminary plat allowed the construction of 20 single family homes, and

WHEREAS, the final plat has been modified to include 20 single family homes, and

WHEREAS, the Plan Commission has considered the application and recommends the following stipulations of approval:

1. All separate agreements and attachments per preliminary plat Resolution No. 1132 as adopted by the Governing Body 11-15-93, dealing with the golf course must be approved by the Golf Course committee prior to submission to the Governing Body for action.
2. The Golf Course Impact Fee is to be paid at application for building permits.
3. The developer is responsible for $130 per foot for Nall frontage for a total of $84,500. This is to be paid in cash or in a one year letter of credit. It is to be paid prior to recording a final plat.
4. A twenty foot clear unobstructed open space easement shall be established on all golf course lots. This easement shall prohibit all structures including play structures, dog houses, fences, etc. on golf course lots. Lots abutting the south property line in common with Brittany Woods shall also be restricted to a 20' building line setback.
5. A South Leawood Transportation Impact Fee in the amount of $937.50 per acre for a total of $6375 is to be paid at the time of final plat approval, and

WHEREAS, the developer/owner agrees to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Villas of Iron Horse with stipulations.

Adopted by the Governing Body this 6th day of December, 1993.

(S E A L)  

Marcia Rinehart  
Mayor

Attest:

Martha Heizer  
City Clerk
RESOLUTION NO. 1136

The City Council has considered the request for approval of the final plat of Iron Horse Estates, located at approximately 154th and Mission and hereby finds the following:

WHEREAS, the property contains 21.78 acres and is platted into 39 single family homes and Tract A which will contain the pool and cabana, and

WHEREAS, before construction can begin on the pool and clubhouse, the Plan Commission must approve the final site plan, and

WHEREAS, as this property abuts the Golf Course, the Golf Course Committee Advisory Group, in an effort to serve and promote harmonious development of the course and surrounding properties, is to review and make recommendations on golf course related properties including the plat, restrictive covenants and builders' agreements, and

WHEREAS, the Park Impact Fee has been met with the dedication of the golf course property, and

WHEREAS, the South Leawood Transportation Impact Fee is $1484.38 per acre for a total of $32,329.80. This is to be paid in cash or in a one year letter of credit prior to recording the final plat, and

WHEREAS, a site erosion control plan must be submitted and approved by the City prior to selling any lots and all lots must adhere to said plan, and

WHEREAS, the Plan Commission has considered the application and recommends approval with the following stipulations:
1) The development is limited to 39 single family lots in this first plat.
2) As this is a planned district, a final site plan is required. This will include detailed information on the pool area, landscaping, and entry features such as monument signs.
3) As this property abuts the golf course, prior to final plan submission and subsequent final plat submissions the Golf Course Committee is to review design criteria, restrictive covenants and/or deed restrictions to ensure compatibility with the golf course.
4) Twenty five foot clear unobstructed open space easement shall be established on all golf course lots. This easement shall prohibit all structures including play structures, dog houses, fences, etc.
5) A South Leawood Transportation Impact Fee in the amount of $1484.38 per acre for a total of $59,300.98, is to be paid at the time of final plat.
6) Golf Course Impact Fee is to be paid at the time of building permit issuance.
WHEREAS, All separate agreements and attachments per preliminary plat Resolution No. 1133 as adopted by the Governing Body 11/15/93, dealing with the golf course must be approved by the Golf Course Committee prior to submission to the Governing Body for final action, and

WHEREAS, the developer/owner agrees to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for approval of the final plat of Iron Horse Estates, with stipulations.

Adopted by the Governing Body this 6th day of December, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1137

The Leawood City Council has considered the request for final plat approval for Worthington, located at approximately 143rd and Roe and hereby finds the following:

WHEREAS, the final plat contains 74 single family lots and a tract for a pool and cabana on 35.8432 acres,

WHEREAS, the streets in the subdivision are to be public with the medians to be maintained by the Homes Association, and

WHEREAS, the final plat as submitted is complete, and

NOW, THEREFORE BE IT RESOLVED that the Plan Commission recommends approval of the final plat of Worthington with the following stipulations:

1. The final plat is limited to 74 single family homes and a pool and cabana.
2. The property for the pool and cabana should be called out as a tract.
3. This property is responsible for a Park Impact Fee of $300 per dwelling unit for a total of $22,200, to be collected prior to recording the final plat.
4. The South Leawood Transportation Impact Fee is $318.75 per acre x 35.8432 acres equalling $11,425.02 to be collected prior to recording the final plat.
5. Construction of Roe Avenue is required to the southern limits of the first phase of the subdivision.
6. Construction vehicle traffic is to be restricted from using Fontana until 80% of Phase I building permits are released.
7. The construction of 140th Drive is not required at this time, but the right-of-way is to be dedicated on the plat.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Worthington with stipulations.

Adopted by the Governing Body this 6th day of December, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
A Resolution Identifying an Official Representative of the City of Leawood, Kansas, for a 1994 Community Development Block Grant Application

WHEREAS, the Governing Body of the City of Leawood, Kansas has declared it to be the policy of the City to comply both in spirit and intent with the Americans with Disabilities Act; and

WHEREAS, the City has identified several City buildings and facilities which are inaccessible to individuals with disabilities and which require the removal of architectural or transportation barriers to the site; and

WHEREAS, the City of Leawood intends to apply for a Community Development Block Grant to assist in funding the structural compliance measures necessary under the Act; and

WHEREAS, the regulations of the Community Development Block Grant program require an official act by the Governing Body authorizing the identification of an official representative of the grantee;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Leawood, Kansas, that:

the City Administrator for the City of Leawood, Richard Garofano, be identified as the official representative of the City under the Community Development Block Grant program; and

BE IT FURTHER RESOLVED, by the Governing Body of the City of Leawood, Kansas, that:

I. As official representative, Mr. Garofano is authorized to submit the final statement and all understandings and assurance contained therein to the Community Development Block Grant review committee;
II. As official representative, Mr. Garofano is directed and authorized to act in connection with the submission of the final statement and to provide such additional information as may be required.

Adopted by the Governing Body, this the 6th day of December, 1993.

(Seal)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1139

A RESOLUTION RELATING TO SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, has determined upon the basis of an engineering and traffic investigation that the speed limit permitted under State law and Section 33 of the "Standard Traffic Ordinance for Kansas Cities," 1993 Edition, is greater or less than is reasonable under the conditions found to exist upon certain streets within the City.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby determines and declares that the reasonable and safe speed limit on said portion of said streets is as listed below; and

BE IT FURTHER RESOLVED that the Chief of Police is hereby directed to cause to have erected appropriate signs giving notice of such speed limit along said streets in the City.

<table>
<thead>
<tr>
<th>STREET</th>
<th>PORTION CONTROLLED</th>
<th>APPLICABLE SPEED LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee Blvd.</td>
<td>81st Street to 103rd Street</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>State Line Road</td>
<td>North City Limits to Carondelet Drive</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>State Line Road</td>
<td>Carondelet Drive to 113th Street</td>
<td>40 m.p.h.</td>
</tr>
<tr>
<td>Mission Road</td>
<td>North City limits to 330 ft. South of I-435</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>Mission Road</td>
<td>119th Street to 151st Street</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>College to Tomahawk Creek bridge</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>Tomahawk Creek bridge to 131st Street</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>131st Street to K-150</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Roe Avenue</td>
<td>K-150 to End of Roadway</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>83rd Street</td>
<td>Within City Limits</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>89th Street</td>
<td>Lee Blvd. to Road Termination</td>
<td>20 m.p.h.</td>
</tr>
<tr>
<td>89th Street</td>
<td>Mission Road to Lee Blvd.</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>95th Street</td>
<td>Within City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>STREET</td>
<td>PORTION CONTROLLED</td>
<td>APPLICABLE SPEED LIMIT</td>
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<tr>
<td>--------------------------</td>
<td>------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>103rd Street</td>
<td>Within City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>College Blvd.</td>
<td>Between Roe Avenue &amp; Nall Avenue</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>College Blvd.</td>
<td>Roe to Road Termination</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>I-435</td>
<td>Within City Limits</td>
<td>55 m.p.h.</td>
</tr>
<tr>
<td>Town Center Drive</td>
<td>Within City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>117th Street</td>
<td>Roe to Tomahawk Creek Parkway</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>119th Street</td>
<td>State Line Road to Roe Avenue</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>119th Street</td>
<td>Roe Avenue to Nall Avenue</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>123rd Street</td>
<td>State Line Road to Mission Road</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>127th Street</td>
<td>Mission Road to Nall Avenue</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>K-150</td>
<td>Westbound from State Line Road to a point .10 miles West of intersection of K-150 and State Line Road</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>K-150</td>
<td>Westbound from .10 miles West of State Line Road to City Limits</td>
<td>55 m.p.h.</td>
</tr>
<tr>
<td>K-150</td>
<td>Eastbound from a point .30 miles West of State Line Road to State Line Road</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>K-150</td>
<td>Eastbound from City Limits to a point .30 miles West of State Line Road</td>
<td>55 m.p.h.</td>
</tr>
<tr>
<td>143rd Street</td>
<td>Kenneth Road to Nall Avenue</td>
<td>30 m.p.h.</td>
</tr>
<tr>
<td>151st Street</td>
<td>Within City Limits</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Kenneth Road</td>
<td>Within City Limits</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Kenneth Parkway</td>
<td>Within City Limits</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Nall Avenue</td>
<td>College Blvd to 119th Street</td>
<td>45 m.p.h.</td>
</tr>
<tr>
<td>Nall Avenue</td>
<td>Tomahawk Creek to 13000 block</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>Nall Avenue</td>
<td>K-150 to South City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>STREET</td>
<td>PORTION CONTROLLED</td>
<td>APPLICABLE SPEED LIMIT</td>
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<tr>
<td>------------------</td>
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<td>------------------------</td>
</tr>
<tr>
<td>Tomahawk Creek</td>
<td>Within City Limits</td>
<td>35 m.p.h.</td>
</tr>
<tr>
<td>Parkway</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted by the Governing Body this 6th day of December, 1993.

(SEAL)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
RESOLUTION NO. 1140

The Leawood City Council has considered the request for approval of rezoning from AG to RP-I, preliminary plat and preliminary plan of Quail Crest located at approximately 139th and Roe and hereby finds the following:

WHEREAS, this proposal will allow construction of 47 single family homes on 20.94 acres, a density of 2.24 dwellings per acre, and

WHEREAS, the 1993 Master Plan indicates this property as Medium Density Residential - Single Family Detached, and

WHEREAS, the internal streets will be public, and

WHEREAS, the developer is proposing a front setback of 30’, side setback of 12’ and rear setback of 30’ with the front setback on corner lots 22.5’, and

WHEREAS, the Plan Commission held a public hearing on the application,

NOW, THEREFORE BE IT RESOLVED that the Plan Commission does hereby recommend approval of the request for rezoning from AG to RP-I, Preliminary plat and plan with the following stipulations:

1. This property is responsible for a Park Impact Fee of $300 per dwelling unit for a total of $14,100, collected prior to final plat approval.
2. The South Leawood Transportation Impact Fee is $130.62 per acre X 20.94 acres equaling $2735.18 and is collected prior to final plat approval.
3. The homes are to utilize a variety of exterior materials including stucco, stone and brick.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from AG to RP-I, Preliminary plat and plan of Quail Crest with stipulations.

Adopted by the Governing Body this 20th day of December, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

[Signature]

Martha Helzer
City Clerk
RESOLUTION NO. 1141


WHEREAS, the City Council of the City of Leawood, Kansas has adopted the "Highway K-150 Corridor Transportation Impact Fee" Ordinance, to wit Chapter XIII, Article 5 of The Code of the City of Leawood, Kansas, in order to assure that Highway K-150 corridor transportation improvements are available and provide adequate transportation capacity to support new development in the corridor while maintaining levels of transportation service on Highway K-150 deemed adequate by the City; and

WHEREAS, Section 13-506 of said ordinance requires the City Council to establish, by Resolution, an "impact fee rate" (the amount of the applicable impact fee per trip generated by new development in the Highway K-150 corridor); and

WHEREAS, Section 13-506 of said ordinance requires the City Council to establish, by Resolution, the amount of the impact fee per dwelling unit for residential development and per square foot of floor area, finished for nonresidential development (by type); and

WHEREAS, Section 13-509 requires an annual report and provides for changes in the impact fee rate; and

WHEREAS, a review of the existing impact fee rate has been compared to the revised K-150 estimated construction cost; and

WHEREAS, due to inflation and land acquisition cost increases it has been determined that the existing impact fee rate must be amended; and

WHEREAS, the City has reviewed the comprehensive study, including consideration of the Highway K-150 transportation amended improvement costs, the share of said costs reasonably attributable to new development in the corridor, the amount of development permissible in the corridor, and the anticipated type of development and traffic generation characteristics of same; and

...
WHEREAS, the City Council has reviewed, the proposed amendment to the impact fee and accepted the results thereof, which indicates the appropriate, fair and equitable impact fee rate and amount of fee by type of development;

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

Section 1. Pursuant to Section 13-506 of Chapter XIII, Article 5 of THE CODE OF THE CITY OF LEAWOOD, KANSAS, the impact fee rate shall be set at

$26.45 per trip

Section 2. Pursuant to Section 13-506 of Chapter XIII, Article 5, of THE CODE OF THE CITY OF LEAWOOD, KANSAS, the amount of the impact fee, by land use type, shall be set as follows:

Non-Residential Development
- Office and Non Retail Commercial Development $0.40 per square foot of floor area, finished
- Retail Commercial Development $1.32 per square foot of floor area, finished

Section 3. For land use types not reasonably included within the categories listed above, the City shall rely upon trip generation rates as listed in the Institute of Traffic Engineers (ITE) Trip Generation Manual (4th Edition, 1987).

Section 4. This Resolution shall be effective upon its adoption by the City Council.

ADOPTED by the Governing Body this 3rd day of January, 1994.

MARGIE LINNARD
MAYOR

ATTEST:

MARTHA HEISER
CITY CLERK (Seal)
RESOLUTION NO. 1142

A RESOLUTION DIRECTING AND ORDERING A PUBLIC HEARING ON THE ADVISABILITY OF IMPROVING K-150 HIGHWAY IN THE CITY OF LEAWOOD, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ.

BE IT RESOLVED By the Governing Body of the City of Leawood, Kansas:

That a public hearing shall be held by the Governing Body of the City of Leawood, Kansas on the advisability of the following improvements:

The K-150 System Enhancement Project, for K-150 Highway in the City of Leawood which includes improving the existing two lane facility to a four lane, divided arterial roadway between Nall Avenue and State Line Road, a distance of approximately 2.2 miles, in accordance with plans on file in the office of the Director of Public Works for the City of Leawood, Kansas,

on the 7th day of February, 1994, at Leawood City Hall, 9617 Lee Boulevard, Leawood, Kansas at 6:30 o'clock p.m. as provided by K.S.A. 12-6a01 et seq.

The City Clerk shall publish the following notice of such public hearing in the official city newspaper.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Leawood, Kansas, will meet for the purpose of holding a public hearing as provided by K.S.A. 12-6a01 et seq., at Leawood City Hall, 9617 Lee Boulevard, Leawood, Kansas, at 6:30 o'clock p.m. on February, 7, 1994, to consider the advisability of the following proposed improvement, to-wit:

(a) GENERAL NATURE OF IMPROVEMENT: The K-150 System Enhancement Project, for K-150 Highway in the City of Leawood which includes improving the existing two lane facility to a four lane, divided arterial roadway between Nall Avenue and State Line Road, a distance of approximately 2.2 miles, in accordance with plans on file in the office of the Director of Public Works for the City of Leawood, Kansas.
(b) PROPOSED IMPROVEMENT DISTRICT:

The proposed improvement district will include all privately owned property which abuts the right of way for the proposed improvement and which is located within the City of Leawood, Kansas. Specifically the proposed improvement district includes:

a. All privately owned property located within the City of Leawood, Kansas, which abuts and is north of a line described as follows: a line which is 60 feet north of and parallel to a line commencing at the northwest corner of Section 33, Township 13, Range 25 in the City of Leawood; thence east along the north line of said Section 33 a distance of 665.83 feet to the true point of beginning; thence east along the north line of said Section 33 to the northwest corner of the NE 1/4 of said Section 33; thence east along the north line of said Section 33 to the northwest corner of Section 34, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas; thence east along the north line of said Section 34 to the northwest corner of the NE 1/4 of said Section 34, thence east along the north line of said Section 34 to the northwest corner of fractional Section 35, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas; thence east along the north line of said fractional Section 35 to the northeast corner of said fractional Section 35, said point being on the state line between Kansas and Missouri; and

b. All privately owned property located within the City of Leawood, Kansas, which abuts and is south of a line described as follows: a line which is 60 feet south of and parallel to a line commencing at the northwest corner of Section 33, Township 13, Range 25 in the City of Leawood; thence east along the north line of said Section 33 a distance of 665.83 feet to the true point of beginning; thence east along the north
line of said Section 33 to the northwest corner of the NE 1/4 of said Section 33; thence east along the north line of said Section 33 to the northwest corner of Section 34, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas; thence east along the north line of said Section 34 to the northwest corner of the NE 1/4 of said Section 34, thence east along the north line of said Section 34 to the northwest corner of fractional Section 35, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas; thence east along the north line of said fractional Section 35 to the northeast corner of said fractional Section 35, said point being on the state line between Kansas and Missouri.

(c) ESTIMATED OR PROBABLE COST: The total cost of the improvement is estimated to be $9,761,250. The estimated or probable cost of the portion of the cost of the improvement to be assessed to the improvement district proposed to be created is $2,914,400. The cost not paid for by the improvement district shall be paid for by the Kansas Department of Transportation, Johnson County CARS Program, ISTEA Landscape/Beautification and the City at Large.

(d) METHOD OF ASSESSMENT: That cost to be levied against the improvement district shall be assessed on a front foot basis.

(e) APPORTIONMENT OF COSTS: Approximately 30% of the cost of the improvement shall be assessed against the improvement district. Approximately 7.5% of the cost of the improvement shall be assessed against the City at large.

The hearing may be adjourned from time-to-time and until the Governing Body shall have made findings by Resolution as to the advisability of the improvement, the nature of the improvement, the estimated cost, the boundaries of the improvement district, the method of assessment and the apportionment of costs between the
improvement district and the city at-large, all as finally determined by the Governing Body.

All persons desiring to be heard with reference to the proposed improvement shall be heard at this hearing.

The City clerk is directed to publish the foregoing notice twice at least one week apart. At least three (3) days shall elapse between the last publication and the hearing.

ADOPTED by the Governing Body this 3rd day of January, 1994.

Mascia Linebarger
Mayor

Attest:

[Signature]
City Clerk
City of Leawood, Kansas

1994
FEE
SCHEDULE

City-wide
Planning and Development Department
Finance Department
Public Works Department
Police Department
Parks and Recreation Department
WHEREAS, the Code of the City of Leawood omits certain fee schedules for reasons of economy and expediency; and

WHEREAS, the City Administrator is, by Section 1-701 of the Code of the City of Leawood, authorized to make fee adjustments as necessary from time to time, and annually report to the Council amounts at which such fees are established;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, that the following fee schedule for 1994 is hereby ratified:
<table>
<thead>
<tr>
<th>Service</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation</td>
<td>10</td>
</tr>
<tr>
<td>Industrial (PI)</td>
<td>10</td>
</tr>
<tr>
<td>Business Park (BP)</td>
<td>11</td>
</tr>
<tr>
<td>Special Development (SD)</td>
<td>11</td>
</tr>
<tr>
<td>Mixed Zoning</td>
<td>11</td>
</tr>
<tr>
<td>Special Use Permits</td>
<td>11</td>
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<tr>
<td>Leawood Development Ordinance</td>
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<tr>
<td>Other Plan Approvals</td>
<td>11</td>
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<tr>
<td>Streets, Utility Vacation</td>
<td>11</td>
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<tr>
<td>Fees for Subdivision Regulation Procedures</td>
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<tr>
<td>Cost estimates to Develop Arterial and Collector Streets</td>
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<tr>
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<td>Monument Signs/Structures</td>
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<tr>
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<td>Finance Charges</td>
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<td>Worthless Check Fees</td>
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<td>Fees for Sidewalks and Street Activities</td>
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<td>Streets</td>
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<td>Fees for Back Charge Recovery Costs - Mud Ordinance</td>
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<td>Existing Building Construction Permits - Commercial, Office, Industrial</td>
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<td>Fees for Improvements</td>
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<td>Swimming Pools</td>
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</tr>
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<td>7</td>
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<td>Mechanical</td>
<td>7</td>
</tr>
<tr>
<td>Plumbing</td>
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<td>Fences</td>
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<td>Patio Covers</td>
<td>9</td>
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<tr>
<td>Foundation Repair</td>
<td>9</td>
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<tr>
<td>Elevators</td>
<td>9</td>
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<tr>
<td>Fees for Zoning Procedures</td>
<td>10</td>
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<tr>
<td>Residential (RP-A to RP-4)</td>
<td>10</td>
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<tr>
<td>Office (CP-0)</td>
<td>10</td>
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<tr>
<td>Commercial (CP-1 to CP-2)</td>
<td>10</td>
</tr>
</tbody>
</table>
CITY-WIDE

Miscellaneous City-wide Fees

DEPARTMENT PUBLICATIONS/REPORT FEES
Other than those specifically mentioned herein.

| Publications/reports | individually determined based on printing costs |

OPEN RECORDS ACT FEES

| Record search/record inspection | $10.00 per hour per employee engaged in record search (minimum of $10.00) |
| Police Department copy fee | $1.50 per page |
| All other departments copy fee | $0.50 per page |

POLICE DEPARTMENT

False Alarms

FALSE ALARMS

| Seven through ten false alarms | $25.00 each |
| Eleven through fourteen false alarms | $50.00 each |
| Fifteen through eighteen false alarms | $75.00 each |
| Nineteen and each subsequent alarm | $100.00 each |

Miscellaneous Fees

RECORDS COPYING

| Copy fee | $1.50 per page |
Outside Contractors ...............................................................16
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Fees for Miscellaneous Public Works Activities .........17
    Pre-Blast Application ..................................................17
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    Fees for Lessons, Leagues and Classes ..................18
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        Tennis Only .....................................................19
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    Miscellaneous Park and Recreation Fees ............19
## City of Leawood, Kansas
9617 Lee Boulevard
Leawood, Kansas 66202

### 1994 FEE SCHEDULE

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical or mechanical on a single wall</td>
<td>$40.00 each</td>
</tr>
<tr>
<td>Plan review for commercial tenant space</td>
<td>5% of the total building permit fee including the above</td>
</tr>
<tr>
<td>DEMOLITION</td>
<td></td>
</tr>
<tr>
<td>Demolition, each unit or building</td>
<td>$60.00 each</td>
</tr>
<tr>
<td>STRUCTURE MOVING</td>
<td></td>
</tr>
<tr>
<td>Structure moving</td>
<td>$150.00 each</td>
</tr>
<tr>
<td>REISSUANCE OF BUILDING PERMIT</td>
<td></td>
</tr>
<tr>
<td>Reissuance of expired permit</td>
<td>1/2 the original fee</td>
</tr>
</tbody>
</table>

### Fees for Improvements

#### SWIMMING POOLS

- Residential - single family: $80.00 each
- Other than residential - single family: $200.00 each

#### HOT TUBS, ETC.

- Hot tubs, spas, whirlpools, hydropools, etc.: $50.00 each

#### ELECTRICAL

- Minor; residential pools, garages, etc.: $25.00 each
- Service upgrade only: $35.00 each
- Spas: $20.00 each

#### MECHANICAL

- Furnace/Air Conditioner replacement: $25.00 each

#### PLUMBING

- Water heater replacement: $20.00 each
- Gas line/water line replacement: $20.00 each
- Residential pools: $20.00 each
## PLANNING AND DEVELOPMENT DEPARTMENT

### Fees for Construction, Alterations and Remodeling

#### NEW BUILDING CONSTRUCTION PERMITS

<table>
<thead>
<tr>
<th>Permit Fees</th>
<th>Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcontractor Fees (mechanical, electrical, and plumbing)</td>
<td>$75.00 each</td>
</tr>
<tr>
<td>Residential Plan Review Fee</td>
<td>5% of the total building permit fee (including permit fees and subcontractor fees above)</td>
</tr>
</tbody>
</table>

#### EXISTING BUILDING CONSTRUCTION PERMITS - RESIDENTIAL

| Building alterations, remodeling, additions, decks, sports courts         | $0.12 per square foot calculated on the area being added or improved ($30 minimum)                  |
| Single wall or ceiling installation or replacement                       | $0.05 per square foot                                                                               |
| Mechanical, electrical, and plumbing associated with building alterations, remodeling, additions, decks, sports courts | $40.00 each                                                                                         |
| Plan review for residential remodel                                      | 5% of the total building permit fee including the above                                              |

#### EXISTING BUILDING CONSTRUCTION PERMITS - COMMERCIAL, OFFICE, INDUSTRIAL

| Interior finish for new construction; building alterations, remodeling    | $0.15 per square foot calculated on the interior area                                               |
| Single wall or ceiling installation or replacement                       | $0.10 per square foot calculated on the area being added or improved                                |
| Mechanical, electrical, and plumbing associated with interior finish for new construction; building alterations, remodeling | $75.00 each                                                                                         |
| Subdivision perimeter fences and lot perimeter fences exceeding 3 feet in height on lots greater than 1 acre | Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 3A |
| Fence replacement sections exceeding 3 feet in height and 10 feet in length | $20.00 each |
| Pool fences around perimeter of pool only | $25.00 each |

**WALLS**

| Privacy walls over 3 feet in height encompassing patios | $50.00 each |
| Lot and subdivision perimeter walls over 3 feet in height | Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 3A |
| Retaining walls over 4 feet in height - building permit | Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 3A (minimum $25.00) |
| Retaining walls over 4 feet in height - plan review fee | Actual cost of review ($50.00 minimum) |

**PATIO COVERS**

| Patio covers | $25.00 each |

**FOUNDATION REPAIR**

| Up to $5,000 valuation | $25.00 each |
| Over $5,000 valuation | $50.00 each |

**ELEVATORS**

| Residential | $40.00 each |
| Commercial | $50.00 per car |
### Reroofing

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - new or more than 50% roof replacement or more than 20 squares</td>
<td>$30.00 plus $1.50/square for every square over 20 squares</td>
</tr>
<tr>
<td>Roof repair up to 50% of roof replacement</td>
<td>$20.00 up to 20 squares</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.1% of construction cost (minimum $100.00)</td>
</tr>
</tbody>
</table>

### Lawn Sprinkler Systems

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (s.f. - single lot)</td>
<td>$50.00 each</td>
</tr>
<tr>
<td>Residential (multi units - single lot)</td>
<td>$50.00 each s.f. unit or $50.00 multi unit building</td>
</tr>
<tr>
<td>Backflow replacement</td>
<td>$25.00 each</td>
</tr>
<tr>
<td>Commercial</td>
<td>Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 3A</td>
</tr>
</tbody>
</table>

### Structural Fire Sprinkler

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural fire sprinkler</td>
<td>$0.01 per square foot ($25.00 minimum)</td>
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</table>

### Towers, Satellite Dish Equipment, Solar Equipment

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>$25.00 each</td>
</tr>
<tr>
<td>Commercial</td>
<td>$100.00 each</td>
</tr>
</tbody>
</table>

### Street Curb Cut

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street curb cut</td>
<td>$15.00 each</td>
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### Fences

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy fences exceeding 3 feet in height encompasing patios</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Lot perimeter fences exceeding 3 feet in height on lots up to 22,000 square feet</td>
<td>$50.00 each</td>
</tr>
<tr>
<td>Lot perimeter fences exceeding 3 feet in height on lots greater than 22,000 square feet up to 1 acre</td>
<td>$100.00 each</td>
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</table>
## BUSINESS PARK (BP)

<table>
<thead>
<tr>
<th>Tract size</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 5 acres</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>5+ acres</td>
<td>$500.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
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</table>

## SPECIAL DEVELOPMENT (SD)

<table>
<thead>
<tr>
<th>Tract size</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 5 acres</td>
<td>$300.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>5+ acres</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
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## MIXED ZONING

Combination of any two or more districts

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<tr>
<th>Tract size</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 10 acres</td>
<td>$500.00</td>
<td>$300.00</td>
<td>$200.00</td>
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<tr>
<td>10+ acres</td>
<td>$600.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
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## SPECIAL USE PERMITS

Except oil and gas permits

<table>
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<tr>
<th>Tract size</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 5 acres</td>
<td>$300.00</td>
<td>n/a</td>
<td>n/a</td>
<td>$150.00</td>
</tr>
<tr>
<td>5+ acres</td>
<td>$400.00</td>
<td>n/a</td>
<td>n/a</td>
<td>$150.00</td>
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<tr>
<td>Temporary short term, not longer than 10 days</td>
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<td></td>
<td></td>
<td>$50.00 each</td>
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## LEAWOOD DEVELOPMENT ORDINANCE

Text amendment $300.00 each

## OTHER PLAN APPROVALS

<table>
<thead>
<tr>
<th>Plan</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Landscape plan</td>
<td>$200.00 each</td>
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<tr>
<td>Sign plan approval (commercial)</td>
<td>$150.00 each</td>
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## STREETS, UTILITY VACATION

<table>
<thead>
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<th>Utility vacation</th>
<th>Fee</th>
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<tr>
<td></td>
<td>$200.00 each</td>
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</table>
Fees for Zoning Procedures

Applicant is responsible for the cost of publishing rezoning, preliminary plat or special use permit Notice of Hearing.
Applicant is responsible for the cost of publishing rezoning, special use permit, or vacation ordinance following City Council approval, and for the cost of recording plats.
Applicant shall be responsible for paying a late fee in the amount of $500.00 if an application for action by the Plan Commission is submitted to the City after the deadline for submissions has expired.

<table>
<thead>
<tr>
<th>Residential (RP-A to RP-4)</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract size 0 - 5 acres</td>
<td>$300.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>Tract size 5+ acres</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office (CP-0)</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract size 0 - 5 acres</td>
<td>$300.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>Tract size 5+ acres</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial (CP-1 to CP-2)</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract size 0 - 5 acres</td>
<td>$300.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>Tract size 5+ acres</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreation</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any tract size</td>
<td>$300.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial (PI)</th>
<th>Rezoning Fee</th>
<th>Prelim. Plan</th>
<th>Final Plan</th>
<th>Revised Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract size 0 - 5 acres</td>
<td>$400.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>Tract size 5+ acres</td>
<td>$500.00</td>
<td>$300.00</td>
<td>$200.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>
### Fees for Planning and Development Documents

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Book</td>
<td>$25.00 each</td>
</tr>
<tr>
<td>Leawood Development Ordinance</td>
<td>$10.00 each</td>
</tr>
<tr>
<td>Subdivision Regulations</td>
<td>$5.00 each</td>
</tr>
<tr>
<td>Zoning Map - black and white</td>
<td>$1.00 each</td>
</tr>
<tr>
<td>Subdivision Map - black and white</td>
<td>$1.00 each</td>
</tr>
<tr>
<td>Comprehensive Plan Map - color, 2-sided</td>
<td>$5.00 each</td>
</tr>
<tr>
<td>Comprehensive Plan Map - color, 1-sided</td>
<td>$3.00 each</td>
</tr>
<tr>
<td>Comprehensive Plan Map - black and white, 1-sided</td>
<td>$1.00 each</td>
</tr>
<tr>
<td>Leawood Street Plan Map - black and white</td>
<td>$1.00 each</td>
</tr>
</tbody>
</table>

### Fees for Miscellaneous Planning and Development Activities

#### OCCUPANCY OF SPACE OR BUILDING
<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application fee</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Inspection fee</td>
<td>$30.00 each</td>
</tr>
</tbody>
</table>

#### REINSPECTION FEES

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$30.00 each</td>
</tr>
<tr>
<td>Office/Commercial</td>
<td>$30.00 each</td>
</tr>
<tr>
<td>Occupancy</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Temporary occupancies</td>
<td>$30.00 each (after second inspection)</td>
</tr>
</tbody>
</table>

#### ANNUAL LICENSE FEES FOR RENTAL DWELLINGS

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family dwelling</td>
<td>$75.00 each dwelling</td>
</tr>
<tr>
<td>Apartment units</td>
<td>$20.00 each unit</td>
</tr>
</tbody>
</table>

#### RENTAL INSPECTION FEES

<table>
<thead>
<tr>
<th>Fees Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Inspection Fees</td>
<td>$10.00 per inspection</td>
</tr>
</tbody>
</table>

#### PROPERTY MAINTENANCE BOARD OF APPEALS

<table>
<thead>
<tr>
<th>Appeal Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal</td>
<td>$50.00 each</td>
</tr>
</tbody>
</table>

#### BOARD OF ZONING APPEALS

<table>
<thead>
<tr>
<th>Appeal Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal</td>
<td>$75.00 each</td>
</tr>
</tbody>
</table>
### Fees for Subdivision Regulation Procedures

#### SUBMISSION

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Plat Submission</td>
<td>$400.00 minimum plus $2.00 per lot/tract</td>
</tr>
<tr>
<td>Final Plat Submission</td>
<td>$200.00 minimum plus $2.00 per lot/tract</td>
</tr>
</tbody>
</table>

#### COST ESTIMATES TO DEVELOP ARTERIAL AND COLLECTOR STREETS

Fifty percent (50%) of the cost to develop a local or collector street (residential collector) is established at one hundred ten dollars ($110.00) per foot.

Fifty percent (50%) of the cost to develop a major collector street (primary collector) is established at one hundred thirty dollars ($130.00) per foot.

### Fees for Sign Permits

#### 90-DAY PERMIT TEMPORARY SIGN

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small (5 square feet to 32 square feet)</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Large (over 32 square feet)</td>
<td>$50.00 each</td>
</tr>
</tbody>
</table>

#### 7-DAY PERMIT TEMPORARY SIGN

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small (5 square feet to 32 square feet)</td>
<td>$10.00 each</td>
</tr>
<tr>
<td>Large (over 32 square feet)</td>
<td>$30.00 each</td>
</tr>
<tr>
<td>Inflatables (special use)</td>
<td>$30.00 each</td>
</tr>
</tbody>
</table>

#### MONUMENT SIGNS/STRUCTURES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>All sizes</td>
<td>$50.00 (additional electrical permit required)</td>
</tr>
</tbody>
</table>

#### PERMANENT SIGN - WALL SIGN

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>All sizes</td>
<td>$2.00 per square foot (minimum of $25.00) (additional electrical permit required)</td>
</tr>
</tbody>
</table>
City of Leawood, Kansas  
9617 Lee Boulevard  
Leawood, Kansas 66202

1994 FEE SCHEDULE

FINANCE DEPARTMENT

Licensing of Dogs and Cats

DOG/CAT LICENSE

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexually altered dog/cat</td>
<td>$5.00 each</td>
</tr>
<tr>
<td>Unaltered dog/cat</td>
<td>$15.00 each</td>
</tr>
<tr>
<td>Lost tag replacement</td>
<td>$2.00 each</td>
</tr>
</tbody>
</table>

PENALTIES

License renewal fees are due January 1 and payable without penalty before March 1. A $5.00 penalty will be assessed on March 1 and for every thirty days delinquent thereafter.

The owner of any dog or cat reaching six months of age on or after March 1 shall have ten days from the day the animal becomes six months old to license the animal. If the animal is not licensed within the time required, a penalty of $5.00 for every thirty days delinquent will be assessed in addition to the normal license fee.

Any person bringing a dog or cat over six months old into the City on or after March 1 shall have thirty days from the day the animal is brought into the City to license the animal. If the animal is not licensed within the time required, a penalty of $5.00 for every thirty days delinquent will be assessed in addition to the normal license fee.

Finance Charges

WORTHLESS CHECK FEES

| Fee for worthless check | $10.00 each |
City of Leawood, Kansas  
9617 Lee Boulevard  
Leawood, Kansas 66202  

1994 FEE SCHEDULE

**BUILDING CODE BOARD OF APPEALS**

| Appeal | $50.00 each |

**MOWING FEES**

| Code enforcement initiated | $100.00 per hour  
(minimum of $100.00) |

**ESTATE SALES**

| Estate sale | $25.00 each |

**OIL AND GAS DRILLING AND PRODUCTION**

| Special use permit | $400.00 each  
Permit for one well | $100.00 each  
Blanket permit for multi wells | $300.00 each |
### ADDITIONAL LABOR

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance Worker I (per person)</td>
<td>$20.00 per hour</td>
</tr>
<tr>
<td>Maintenance Worker II (per person)</td>
<td>$20.00 per hour</td>
</tr>
<tr>
<td>Crew Leader (per person)</td>
<td>$25.00 per hour</td>
</tr>
<tr>
<td>Supervisor (per person)</td>
<td>$35.00 per hour</td>
</tr>
</tbody>
</table>

### Fees for Miscellaneous Public Works Activities

**PRE-BLAST APPLICATION**

- Pre-blast application: $100.00 each

**SEWER CONNECTION**

- Sewer connection charge: $1,500.00 each
- Inspection fee: $50.00 each

**DOCUMENT FEES**

- Construction Standards Book: $20.00 each
PUBLIC WORKS DEPARTMENT

Fees for Sidewalks and Street Activities

**SIDEWALKS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For any permit issued under the provisions of Article 1A of Chapter 13</td>
<td>$20.00 each</td>
</tr>
</tbody>
</table>

**STREETS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For any permit issued under the provisions of Article 2 of Chapter 13</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Maintenance bond</td>
<td>100% of construction cost for 2 years</td>
</tr>
<tr>
<td>Right-of-way permit (trenching, tunneling or boring)</td>
<td>$20.00 each</td>
</tr>
<tr>
<td>Open cut in pavement permit</td>
<td>length x width x $2.00 (minimum of $15.00)</td>
</tr>
<tr>
<td>Lane closure permit (in addition to open cut or right-of-way)</td>
<td>$25.00 each</td>
</tr>
</tbody>
</table>

**Fees for Back Charge Recovery Costs - Mud Ordinance**

This is not a service. Back charge work will be done only with the approval of the Director or the Assistant Director of Public Works. Costs for workers and/or equipment. There will be a one hour minimum charge. Transportation to the job site will be charged at the same rate.

**ACTIVITIES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worker with hand tool only</td>
<td>$20.00 per hour</td>
</tr>
<tr>
<td>Pick-up truck with driver</td>
<td>$35.00 per hour</td>
</tr>
<tr>
<td>Dump truck with driver</td>
<td>$55.00 per hour</td>
</tr>
<tr>
<td>Sweeper with operator</td>
<td>$100.00 per hour</td>
</tr>
<tr>
<td>Jet rodder with operator</td>
<td>$100.00 per hour</td>
</tr>
<tr>
<td>Back hoe with operator</td>
<td>$80.00 per hour</td>
</tr>
<tr>
<td>Mowing tractor with operator</td>
<td>$65.00 per hour</td>
</tr>
<tr>
<td>Bobcat, pick-up, trailer and hand tools with operator</td>
<td>$80.00 per hour</td>
</tr>
<tr>
<td>Grader with operator</td>
<td>$90.00 per hour</td>
</tr>
<tr>
<td>Loader with operator</td>
<td>$90.00 per hour</td>
</tr>
</tbody>
</table>

**OUTSIDE CONTRACTORS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside contractors</td>
<td>$65.00 per hour (minimum of 3 hours)</td>
</tr>
</tbody>
</table>
# 1994 Fee Schedule

## City of Leawood, Kansas
9617 Lee Boulevard
Leawood, Kansas 66202

## Pool Only

<table>
<thead>
<tr>
<th></th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>$70.00</td>
<td>$95.00</td>
</tr>
<tr>
<td>Individual</td>
<td>$40.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>Senior Citizen (60+)</td>
<td>$20.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>ID Card</td>
<td>$3.00</td>
<td>$3.00</td>
</tr>
<tr>
<td>Renewal Card</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
</tbody>
</table>

## Tennis Only

<table>
<thead>
<tr>
<th></th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>$60.00</td>
<td>$80.00</td>
</tr>
<tr>
<td>Individual</td>
<td>$35.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>Senior Citizen (60+)</td>
<td>$15.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>ID Card</td>
<td>$3.00</td>
<td>$3.00</td>
</tr>
<tr>
<td>Renewal Card</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
</tbody>
</table>

## Pool and Tennis

<table>
<thead>
<tr>
<th></th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>$100.00</td>
<td>$125.00</td>
</tr>
<tr>
<td>Individual</td>
<td>$55.00</td>
<td>$70.00</td>
</tr>
<tr>
<td>Senior Citizen (60+)</td>
<td>$25.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>ID Card</td>
<td>$3.00</td>
<td>$3.00</td>
</tr>
<tr>
<td>Renewal Card</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
</tbody>
</table>

## Miscellaneous Park and Recreation Fees

<table>
<thead>
<tr>
<th></th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration Change</td>
<td>$5.00</td>
<td>$5.00</td>
</tr>
<tr>
<td>Call-in Registration</td>
<td>$2.00</td>
<td>$2.00</td>
</tr>
<tr>
<td>Replacement membership card</td>
<td>$5.00</td>
<td>$5.00</td>
</tr>
</tbody>
</table>
# 1994 Fee Schedule

**Parks and Recreation Department**

## Fees for Lessons, Leagues and Classes

<table>
<thead>
<tr>
<th>Activity</th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swim lessons</td>
<td>$25.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>Competitive swim (includes USS fee)</td>
<td>$60.00</td>
<td>$70.00</td>
</tr>
<tr>
<td>Water exercise</td>
<td>$30.00</td>
<td>$35.00</td>
</tr>
<tr>
<td>Camp</td>
<td>$100.00</td>
<td>$125.00</td>
</tr>
<tr>
<td>Fishing Derby</td>
<td>$4.00</td>
<td>$5.00</td>
</tr>
<tr>
<td>Softball league</td>
<td>$280.00</td>
<td>$280.00</td>
</tr>
<tr>
<td>Triathlon</td>
<td>$15.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>Races</td>
<td>$15.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>Volleyball leagues</td>
<td>$75.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>Tennis lessons</td>
<td>$25.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>Other classes for adults and children</td>
<td>determined by staff, including supplies and facility cost</td>
<td>determined by staff, including supplies and facility cost</td>
</tr>
</tbody>
</table>

## Fees for Facility Rental

<table>
<thead>
<tr>
<th>Facility</th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soccer and baseball field use</td>
<td>$3.50 per hour</td>
<td>$3.50 per hour</td>
</tr>
<tr>
<td>Pool rental</td>
<td>$50.00 per hour + guards</td>
<td>$50.00 per hour + guards</td>
</tr>
<tr>
<td>Shelter reservations</td>
<td>$8.00 per each 5 hours</td>
<td>n/a</td>
</tr>
<tr>
<td>Tennis court rental</td>
<td>$3.50 per hour</td>
<td>$3.50 per hour</td>
</tr>
</tbody>
</table>

## Fees for Pool and Tennis Membership

**Daily Fees**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Resident Fees</th>
<th>Non-resident Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pool</td>
<td>$2.50</td>
<td>$3.50</td>
</tr>
<tr>
<td>Tennis</td>
<td>$2.50</td>
<td>$3.50</td>
</tr>
</tbody>
</table>
Adopted by the Governing Body this 17th day of January, 1994.

Mayor

(S E A L)

Attest:

City Clerk
RESOLUTION NO. 1144

AUTHORITY TO AWARD CONTRACT
COMMITMENT OF COUNTY/CITY FUNDS

2 Copies to City Date: December 23, 1993
Project Number 435-46 K-3637-02
CMQ-IM-435-3(347)
Johnson County; City of Kansas City

WHEREAS bids were received at Topeka, Kansas on December 16, 1993 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>ADDRESS</th>
<th>TYPE OF WORK</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarkson Construction Co.</td>
<td>Box 34315 Kansas City, MO</td>
<td>Gr., Surfacing and Bridges</td>
<td>$17,997,035.39</td>
</tr>
</tbody>
</table>

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance by the City, now therefore:

BE IT RESOLVED, that after due consideration by the Mayor, this bid or these bids are acceptable and said SECRETARY is hereby authorized to award and execute the necessary contracts for completion of the work on this project as covered by such bid or bids.

The City’s participation will be for improvements to State Line Road as described in City-State Agreement No. 59-91 and Supplemental No. 1 and Agreement No. 109-92. The estimated cost for the construction of State Line Road under I-435 between the ramp terminals is $1,398,135 and the estimated cost for construction work on State Line Road from I-435 north to 103rd Street is $3,557,739.

Adopted this 17th day of January, 1994, at Leawood, Kansas

Recommended for Approval:

__________________________
City Engineer

Attest:

__________________________
(SEAL)
City Clerk

__________________________
Member

__________________________
Member

Revised 2/86
D.O.T. FORM No. 1309
CITY OF LEAWOOD, KANSAS
9617 LEE BOULEVARD
LEAWOOD, KANSAS 66211

RESOLUTION NO. 1145


WHEREAS, the City of Leawood is presently a city of second class according to the ordinances of the City and laws of the State of Kansas;

WHEREAS, with the continuing growth that the City is experiencing it is anticipated that within the next several years the population of the City will be certified to be in excess of 25,000;

WHEREAS, at such time as the population of the City is certified to exceed 25,000 residents, the City will transition in status to that of a city of the first class;

WHEREAS, the Governing Body believes that the transition to status of a first class city is likely to occur and it is the desire of the Governing Body that the transfer to a city of first class be accomplished with a minimum of disruption to the services and functions of the City;

WHEREAS, the Governing Body has determined that the transition of the City to a city of the first class should not occur until the transition process has been reviewed by the staff of the City and a report made to the Governing Body;

WHEREAS, the staff should be directed to review and report to the Governing Body regarding the process for transition to a city of the first class with a view towards minimizing any disruption to the services and functions of the City; and

WHEREAS, K.S.A. 13-101 permits a City of the second class with a population of more than 15,000 and less than 25,000 to remain a city of the second class upon a determination by the Governing Body that it is more advantageous for the City to continue to operate as a city of the second class.
NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood,

The Governing Body of the City of Leawood does hereby determine that it is more advantageous and in the best interests of the City to continue to operate as a city of the second class and that the laws relating to cities of the second class should continue to be applicable to the City;

BE IT FURTHER RESOLVED by the Governing Body of the City of Leawood that the staff of the City is hereby directed to review the steps necessary for transition of the City to a city of the first class and that upon completion of said review a report be submitted to the Governing Body for appropriate action.

PASSED AND APPROVED BY THE CITY OF LEAWOOD, KANSAS on the 17th day of January, 1994.

Attest:

[Signature]

Martha Heizer, City Clerk
RESOLUTION NO. 1146

The Leawood City Council has considered the request for final plat approval of Leawood Falls, Sixth Plat located at 137th Street, West of Manor, and hereby finds the following:

WHEREAS, the proposed plat is in accordance with the approved preliminary plat, and

WHEREAS, the plat contains 36 lots on 11.633 acres for a density of 3.09 lots per acre, and

WHEREAS, the property is zoned RP-4, and

WHEREAS, the final plat submitted is complete, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the application with the following stipulations:

1. The development is limited to 36 single family homes on 11.633 acres.
2. The front yard setback will be 30' with 22.5' on the corner lots. The side yards will be 10' and the rear yard will be 20'.
3. The homes are to incorporate a variety of materials to include lap siding, stucco with brick accents and board and batt.
4. All landscaping and street trees must be comparable to that used in Plats 1 through 5.

WHEREAS, the owners/developers agree to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Leawood Falls, Sixth Plat with stipulations.

Adopted by the Governing Body this 7th day of February, 1994.

(S E A L) 

Marzia Rinehart 
Mayor

Attest:

Martha Heizer 
City Clerk
RESOLUTION NO. 1147

The Leawood City Council has considered the request for final plat approval of Quail Crest located at 138th and Roe, and hereby finds the following:

WHEREAS, the proposed plat is in accordance with the approved preliminary plat, and

WHEREAS, the plat contains 47 lots on 20.936 acres for a density of 2.24 lots per acre, and

WHEREAS, the property is zoned RP-1, and

WHEREAS, the final plat submitted is complete, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the application with the following stipulations:
1. A final site plan for the entry monuments and landscape areas must be submitted and approved by the Plan Commission prior to the release of any building permits.
2. All technical deficiencies must be corrected prior to submitting recording copies.
3. This property is responsible for a Park Impact Fee of $300 per dwelling unit for a total of $14,100, to be collected prior to final plat recording.
4. The South Leawood Transportation Impact Fee is $130.62 per acre X 20.936 acres equalling $2734.66, to be collected prior to final plat recording.
5. The homes are to utilize a variety of exterior materials including stucco, stone and brick.
6. The front setback will be of 30' with 22.5' on the corner lots. The side setback will be 12' and rear setback will be 30'.

WHEREAS, the owners/developers agree to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Quail Crest with stipulations.

Adopted by the Governing Body this 7th day of February, 1994.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk
CITY OF LEAWOOD, KANSAS
9617 LEE BOULEVARD
LEAWOOD, KANSAS 66206

RESOLUTION NO. 1148


WHEREAS, the City of Leawood desires to encourage residents to participate actively in providing certain amenities for the Leawood community; and

WHEREAS, provision of these amenities can be expedited by a Leawood Foundation; and

WHEREAS, the City of Leawood desires that the Leawood Foundation develop, operate and maintain amenities for the benefit, use and enjoyment of Leawood residents; and

WHEREAS, the City of Leawood desires to cooperate with the Leawood Foundation in order for the Foundation to achieve its mission of developing, operating and maintaining amenities in the City; and

WHEREAS, to further the achievement of the Foundation's mission, the City of Leawood shall, from time to time, accept certain projects, developed by the Leawood Foundation, for purposes of maintenance and continued operation; and

WHEREAS, the City of Leawood may, from time to time, permit the Leawood Foundation to construct, operate and maintain certain projects and facilities upon property owned by the City of Leawood, subject to all applicable laws, codes, rules and regulations;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, that

The City of Leawood supports and encourages the Leawood Foundation in its activities and shall cooperate with its efforts to develop, construct, maintain, and operate certain amenities within the City; and that

The City of Leawood shall, from time to time, accept ownership of selected properties transferred from the Leawood Foundation and shall maintain and operate such projects and facilities for the use, benefit and enjoyment of the citizens of Leawood; and that

The Governing Body of the City of Leawood shall encourage and foster the development of the projects proposed and adopted by the Leawood Foundation.
PASSED AND APPROVED BY THE CITY OF LEAWOOD, KANSAS on the 7th day of February, 1994.

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk
RESOLUTION NO. 1149

The Leawood City Council has considered the request for final plat approval of The Pavilions of Leawood, 1st Plat located at approximately 148th and Mission and hereby finds the following:

WHEREAS, the proposed final plat is in accordance with the approved preliminary plat, and

WHEREAS, the plat contains 73 lots on 54.158 acres for a density of 1.34 lots per acre, and

WHEREAS, the property is zoned RP-I, and

WHEREAS, the Plan Commission has reviewed the application and recommends approval of the application with the following stipulations:

1. A final site plan for the pool, cabana, entry monuments, landscape areas, and medians must be submitted and approved by the Plan Commission prior to the release of any building permits for this plat.

2. All technical deficiencies must be corrected prior to submitting recording copies.

3. For Mission Road the assessment is $130 per front foot for a total of $65,616.20 (504.74' X $130) and will be collected prior to recording the plat.

4. The South Leawood Transportation Impact Fee is $1000 per acre to be collected prior to recording the final plat. This plat contains 54.158 acres and $54,158 will be collected prior to recording the final plat.

5. The Park Impact Fee is $300 per dwelling collected prior to recording the final plat. This plat contains 73 building lots and $21,900 will be collected prior to recording the final plat.

6. The front setback will be 30' on Lots 23-27, 58, and Lots 69-73, with the balance having a front setback of 35' with 25' on the corner lots in the area of smaller lots. The estate lots will have a front setback of 50'. The entire property will utilize 12' sideyards and 30' rear yards, and
WHEREAS, the owners/developers agree to these stipulations.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of The Pavilions of Leawood, 1st Plat with stipulations.

Adopted by the Governing Body this 7th day of February, 1994.

(S E A L)  
Margia Rinehart  Mayor

Attest:

Martha Heizer  City Clerk
Policy Resolution No. 1150

EQUAL EMPLOYMENT OPPORTUNITY POLICY
City of Leawood, Kansas

Resolution #539 as adopted May 19, 1980 is hereby repealed.

The Governing Body of the City of Leawood, Kansas hereby declares it to be the policy of the City of Leawood, Kansas to provide equal opportunity with respect to any term, condition or privilege of City employment and advancement, and to administer City employment practices and procedures without regard to race, ethnicity, national origin, color, religion, sex, age, medical condition or disability.

This policy of no discrimination will prevail throughout every aspect of City employment practices, including, but not limited to, the following:

1) **Recruiting.** Recruiting in all job classifications will be done without regard to race, ethnicity, national origin, color, religion, sex, age (except where age is a bona fide occupational qualification), medical condition or disability (where that person is otherwise qualified to perform essential job functions with or without reasonable accommodation). To insure compliance with Section 44-1032 of the Contract Compliance provisions of the Kansas Act against Discrimination (1978), the City of Leawood expands its recruitment sources to include, but not be limited to, the Employment Service Agency, CETA, women's organizations, NAACP, American G.I. Forum, Human Relations Commission, Community Action Agency, etc.

2) **Hiring and Promoting.** All decisions for hiring or promoting shall be based solely upon the qualifications of each individual with respect to performing the essential job functions of the position to be filled.

3) **Other Actions.** All other personnel actions (such as compensation, benefits, transfers, layoffs, returns from layoff, City-sponsored training programs, education, tuition assistance, social events and recreation programs, etc.) will be administered without regard to race, ethnicity, national origin, color, religion, sex, age, medical condition or disability.

The City of Leawood, Kansas in its efforts to comply with the requirements and promote the spirit of the various federal and state laws concerned with equal employment opportunity, will undertake a program of affirmative action designed

- a) to make widely known that equal employment opportunities based on individual merit are available in City positions,

and

- b) to actively encourage all qualified persons to seek employment and strive for advancement on this basis.
EQUAL EMPLOYMENT OPPORTUNITY POLICY
City of Leawood, Kansas

Further, the City of Leawood, in its desire to address the problem of discrimination, has identified an Equal Employment Opportunity Officer for the City. Responsibilities and duties of the Equal Employment Opportunity Officer consist of coordinating implementation of appropriate Civil Rights legislation by advising and assisting City staff and by serving as ombudsman for any complaints. In his or her efforts to perform these duties, the official is charged with monitoring the following:

(1) Reviewing all policies relating to equal opportunity and non-discrimination in order to guarantee effective implementation of the affirmative action program.
(2) Designing and implementing record-keeping systems for the preservation of minority employment information.
(3) Serving as liaison between contractors and employment agencies, including the Kansas Human Rights Commission and the Federal Equal Employment Opportunity Commission, and minority organizations.
(4) Cooperation with unions in the development of programs to assure equal opportunity for qualified minority persons in the contract grades.
(5) Encouragement of minority employees to increase their skills and job potential through participating in training and educational programs.
(6) A periodic analysis of the present City workforce to determine the percentage of minority, female and disabled employees within the City's departments, and preparation and submission of goals for improving the availability of employment opportunities for minority, female and disabled workers.

The Equal Employment Opportunity Officer in the City of Leawood, Kansas is:

Human Resources Director

It is the intent of the City of Leawood, Kansas that the standards and criteria of this Equal Employment Opportunity Policy shall be enforced with the same diligence as any other policy of the City. Any deliberate attempt to thwart or to circumvent this policy shall be grounds for disciplinary action, including demotion or discharge.

Adopted by the Governing Body this 7th day of February, 1994.

Marcia Rinehart, Mayor

(SEAL)

Attest:

Martha Heizer, City Clerk