

RESOLUTION NO. 1301

The Leawood City Council has considered the request for approval of the final plat of the Reserve at Ironhorse, located at 151st and Mission and hereby finds the following:

WHEREAS, the property contains 20.4 acres divided into 31 lots for single family homes, and

WHEREAS, the streets are to be public, and

WHEREAS, the property is zoned RP-1, and

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

1. The developer is responsible for street improvements for 151st Street as per the subdivision regulations. At the current time the assessment is \$130 per front foot, estimated cost \$273,000 for 151st Street. This assessment is reevaluated each year. The developer will pay the fee that is in effect at the time that the final plat is approved by the Governing Body, if not developed by December 31, 1996.
2. The final landscape plans must be submitted to the Planning Staff prior to installation.
3. The South Leawood Transportation Impact Fee is \$1250 per acre, estimated cost \$25,500. This fee is payable prior to submitting the plat for recording.
4. The development is limited to 31 single family lots on 20.4 acres.
5. Deed restrictions must be submitted to the staff for review and comment.
6. The final plat has been reviewed by the Golf Course Committee and the following are stipulations of approval agreeable to both parties:
 - a) The committee recommends a 25' back yard easement on all lots that abut the golf course.
 - b) The committee recommends either no fence or a continuous wrought iron fence be constructed by the developer along the golf course property, such fence being consistent with the fence constructed by the City along Mission Road.
 - c) The committee recommends that a temporary 15' easement be granted on the east property line of Lot 31, until such time as a permanent 15' unobstructed easement can be provided by the applicant from the adjacent property to the east. Such easement shall be provided to the city with all costs paid by the applicant.
7. All streets are to be public.
8. Except entry monuments, they will be submitted separately for consideration in the future.

WHEREAS, the developers/owners agree to these stipulations,

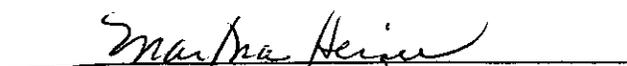
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of The Reserve at Ironhorse with stipulations.

Adopted by the Governing Body this 1st day of April, 1996.

(seal)


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

RESOLUTION NO. 1302

The Leawood City Council has considered the request for approval of rezoning from AG, Agriculture, to RP-1, Planned Single Family, Preliminary Site Plan and Preliminary Plat for Highlands Ranch located at approximately 141st and Kenneth, and hereby finds the following:

WHEREAS, the property contains 52.46 acres and it is proposed to be divided into 76 lots for a density of 1.45 dwelling units per acre, and

WHEREAS, the lots range in size from 13,484 to 35,771 square feet, and

WHEREAS, the streets are to be public, and

WHEREAS, no pool or clubhouse is proposed, and

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

1. The development is limited to 76 single family lots.
2. The developer must pay the Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$22,800.
3. The developer must supply Staff with information regarding maintenance of the lake at time of final submission.
4. An erosion control plan for both construction and long term must be a part of the final engineering plans. These plans must be approved by the City Engineer.
5. Lots 1 and 76 may not have access directly onto Kenneth Road.
6. All streets within the subdivision will be public. Any plantings or statuary within the street right-of-way will be maintained by the developer or Homes Association.
7. All sidewalks will be installed as per street construction standards.
8. The developer is required to construct 141st Street west of the property line to Canterbury Road.
9. Silt basins will be required where the storm sewers dump into the lake. Also required will be easements so that these basins can be maintained.
10. A maintenance agreement for the lake must be submitted to the city for approval and must be incorporated into the Homes Association declarations. This agreement will be submitted as part of the final plat documents.

WHEREAS, the developers/owners agree to these stipulations,

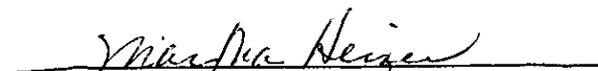
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the request for rezoning from AG to RP-1, Preliminary Plat and Preliminary Plan of Highlands Ranch with stipulations.

Adopted by the Governing Body this 1st day of April, 1996.

(seal)


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

RESOLUTION NO. 1303

The Leawood City Council has considered the request for approval of a revised preliminary plan and final plat for Phillips located at approximately 120th and Roe, and hereby finds the following:

WHEREAS, the property is zoned CP-2, and

WHEREAS, the property contains approximately one acre, and

WHEREAS, the proposed use is a convenience store, gas station and car wash, and

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

1. The signs for the canopy are to be revised to only show one on the west elevation as shown on the previously approved site plan.
2. No building permits can be issued until the plat is recorded.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary plan and final plat for Phillips located at approximately 120th and Roe, with stipulations.

Adopted by the Governing Body this 1st day of April, 1996.

(s e a l)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

A RESOLUTION IN SUPPORT OF THE NEGRO CREEK DRAINAGE
BASIN STUDY.

WHEREAS, the Governing Body of the City of Leawood, Kansas, is committed to long-range stormwater management and land use planning principles which allow for compatible and orderly land development adjacent to the 100-year floodplains within the City; and

WHEREAS, the Governing Body wishes to reduce the consequences of out dated and inaccurate information as reflected on the Federal Emergency Management Agency's (FEMA) 100-Year Floodplain Insurance Maps; and

WHEREAS, the Governing Body recognizes that the FEMA standard allows development to take place on the fringe of today's floodplain even though that development could ultimately be in the future floodplain as the drainage basin develops; and

WHEREAS, the Governing Body recognizes that the Negro Creek Drainage Basin is only partially developed and will be the next major drainage basin developed in the next several years; and

WHEREAS, the Johnson County Stormwater Management Program has funded a similar study for the Tomahawk Creek Drainage Basin and is therefore, a potential source of funding for a drainage basin study of Negro Creek; and

WHEREAS, the City of Overland Park is soliciting support for the Negro Creek Drainage Basin Study from the City of Leawood.

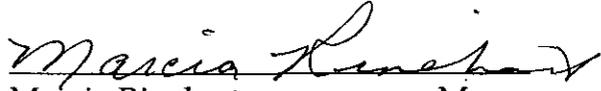
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS: That the Governing Body of the City of Leawood, Kansas, supports a stormwater management study of the Negro Creek Drainage Basin and joins in seeking funding from the Johnson County Stormwater Management Program for this study. The study will provide up-to-date, accurate information for the entire Negro Creek Drainage Basin including current 100-year floodplain boundaries and ultimate 100-year floodplain boundaries for use in determining the boundaries of development, the most effective site plan for individual developments, and the impact of individual developments on the floodplain

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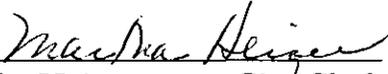
RESOLUTION NO. 1304

Adopted by the Governing Body of the City of Leawood, Kansas, the
1st day of April, 1996.

(SEAL)


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

AUTHORITY TO AWARD CONTRACT
COMMITMENT OF CITY FUNDS

2 Copies to City
46 N-0057-01
City of Leawood

March 29, 1996

WHEREAS bids were received at Topeka, Kansas on March 20, 1996 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:

CONTRACTOR	ADDRESS	TYPE OF WORK	AMOUNT
Clarkson Construction Co.	P. O. Box 34315 Kansas City, MO 64120	Grading, Bridge Bituminous Surfacing	\$5,064,397.48

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.

A Combination of the bid plus an estimated \$101,288.00 for KDOT's charges for construction engineering and contingencies less \$3,000,000.00 maximum Federal Funds = \$2,165,685.00

BE IT FURTHER RESOLVED that City funds in the amount of \$2,165,685.00 which are required for the matching of Federal funds are hereby pledged by the City to be remitted to the Chief of Fiscal Services of the Secretary of Transportation of the State of Kansas on or before May 9, 1996 for use by the SECRETARY in making payments for construction work and engineering on the above designated project with final cost being determined upon completion and audit of the project.

Adopted this 15th day of April, 19 96, at Leawood, Kansas

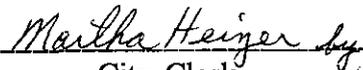
Recommended for Approval:


City Engineer

 Mayor

Attest: _____, Member

(SEAL) _____, Member


City Clerk

Asst City Clerk

RESOLUTION NO. 1306

The Leawood City Council has considered the request for approval of the revised preliminary plat and revised preliminary plan of Hallbrook Farms Patio Homes 3rd plat located at approximately 114th and Overbrook 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 in order to allow construction of 41 single family homes on 17.349 acres for a density of 2.36 units per acre, and

WHEREAS, the proposed streets are to be private, and

WHEREAS, the staff recommends approval of the application with stipulations, and

WHEREAS, the Plan Commission recommends denial of the application because the applicant had not reached an agreement with the homeowners in the first phase of the Hallbrook Villas dealing with either the creation of a single homes association for both phases of the Hallbrook Villas or for a gate between the two phases, and

WHEREAS, the applicant has since reached a written agreement with the homeowners so that the Governing Body disagrees with the recommendation of the Plan Commission,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the application for approval of the revised preliminary plat and revised preliminary plan of Hallbrook Farms Patio Homes 3rd plat with the following stipulations:

1. The development is limited to 41 single family homes.
2. The streets will be private.
3. The theme fence and entry gate will match that used in the first and second plats of Hallbrook Patio Homes.
4. Landscaping will be consistent to that used in the first two phases.

Adopted by the Governing Body this 6th day of May, 1996.

(seal)

Marcia Rinehart
Marcia Rinehart

Mayor

Attest:

Martha Heizer
Martha Heizer

City Clerk

RESOLUTION NO. 1307

The Leawood City Council has considered the request for approval of a revised preliminary site plan for John Hancock building located at 11301 Ash, and hereby finds the following:

WHEREAS, the proposed use is an office building containing 13,457 square feet, and

WHEREAS, the property is zoned CP-O, Planned Office District, and

WHEREAS, the location is lots 7 and 8, Leawood Commons, and

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

1. The building is limited to 13,457 square foot office building.
2. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
3. All alarms installed must be silent.
4. The emergency vehicle cross easement located to the west of this site is to be installed as approved by the Plan Commission, prior to issuance of a certificate of occupancy.
5. All landscaping must be installed prior to a certificate of occupancy.
6. All areas will be sodded.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for John Hancock Building at 11301 Ash with stipulations.

Adopted by the Governing Body this 6th day of May, 1996.

(s e a l)

Mayor

Attest:

Marcia Rinehart
Marcia Rinehart

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1308

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Dr. Swanson's Building located at 11413 Ash, and hereby finds the following:

WHEREAS, the proposed use is an office building containing 9550 sq.ft. on 1.532 acres, and

WHEREAS, the location is Lot 14 and part of Lot 13, Leawood Commons, and

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

1. More landscaping must be on the final landscape plans submitted for final site plan approval.
2. More parking is required by Ordinance, and must be provided prior to final site plan approval.
3. Detailed sign information must be provided prior to final site plan approval.
4. All areas are to be sodded.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Dr. Swanson's Building at 11413 Ash with stipulations.

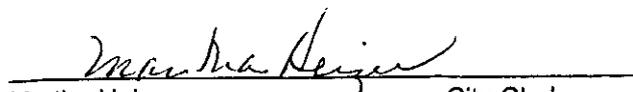
Adopted by the Governing Body this 6th day of May, 1996.

(s e a l)

Mayor


Marcia Rinehart

Attest:


Martha Heizer City Clerk

RESOLUTION NO. 1309

A RESOLUTION RELATING TO PARKS & RECREATION FEES, SUCH FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD, AND WHICH SUPERCEDE PARKS & RECREATION FEES IN THE 1996 FEE SCHEDULE RESOLUTION NO. 1278 ADOPTED BY THE GOVERNING BODY ON JANUARY 2, 1996 AND WHICH SUPERCEDE RESOLUTION NO. 1282 ADOPTED BY THE GOVERNING BODY ON FEBRUARY 20, 1996.

BE IT RESOLVED that the following fees are hereby ratified:

PARKS & RECREATION DEPARTMENT

Tennis Memberships (Resident/Non-residents)

Reinstate the use of Tennis Memberships -			Daily Fees prices -	
Family	Resident	\$70	Residents	\$2.50
	Non-resident	\$95	Non-residents	\$3.50
Individual	Resident	\$40	12 and Under	\$1.00
	Non-resident	\$55		
Senior	Resident	\$20		
	Non-resident	\$30		

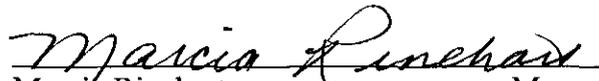
Charge a \$1 sur charge to all court users for any court use after 8:00 p.m.

Field and Facility Rental (for profitable athletic clinics)

Staff Negotiations - Flat fee plus percentage of total clinic gross
Straight percentage regardless of total gross
Departmental clinic hiring agencies as contract employees

Adopted by the Governing Body the 20th day of May, 1996.

(SEAL)


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

RESOLUTION NO. 1310

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Uptown located at Town Center Plaza Lot 2 and hereby finds the following:

WHEREAS, the proposed use is a restaurant containing 6261 square feet, 200 seats, and

WHEREAS, the building is neoclassic in design, and

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

1. The use is limited to a restaurant containing 6,261 square feet.
2. All roof top units are to be hidden by a parapet wall.
3. Drainage and other utility plans shall be approved by the Director of Public Works.
4. Parking calculations that include the maximum number of employees in a shift will be reflected on a revised set of plans.
5. All downspouts are to be enclosed.
6. All landscaping must be installed prior to Certificate of Occupancy.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Uptown Café at Town Center Plaza with stipulations.

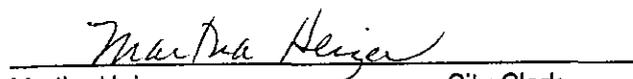
Adopted by the Governing Body this 20th day of May, 1996.

(s e a l)



Marcia Rinehart Mayor

Attest:



Martha Heizer City Clerk

RESOLUTION NO. 1311

The Leawood City Council has considered the request for approval of the preliminary site plan of the Leawood Dialysis Center located at Leawood Commons Lot 10 and hereby finds the following:

WHEREAS, the proposed use is a medical facility containing 4,750 sq.ft. on 23,072 square feet,

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

1. The building is limited to 4,750 square foot office building.
2. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
3. All alarms installed must be silent.
4. The emergency vehicle cross easement located at the north end of the development is to be installed as approved by the Plan Commission, prior to issuance of a certificate of occupancy.
5. All landscaping must be installed prior to a certificate of occupancy.
6. All areas will be sodded.
7. The applicant is to construct a temporary asphalt drive to make the drop off accessible until lot 12 is developed.
8. The design of the building must include soffits and overhangs on all four sides of the building as shown on the building plans.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan for Leawood Dialysis Center with stipulations.

Adopted by the Governing Body this 3rd day of June, 1996.

(s e a l)



Marcia Rinehart Mayor

Attest:



Fran Kessler Acting City Clerk

RESOLUTION NO. 1312

The Leawood City Council has considered the request for approval of the final plat of Hallbrook Villas, 3rd Plat, located at approximately 115th and Brookwood and hereby finds the following:

WHEREAS, the property contains 17.349 acres divided into 41 lots for single family homes, and

WHEREAS, the streets are to be private and gated, and

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

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

1. The development is limited to 41 single family homes.
2. The streets will be private.
3. The theme fence and entry gate will match that used in the first and second plats of Hallbrook Patio Homes.
4. The gate on High Drive in phase 1, must be approved prior to any building permits in the 3rd Plat.

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 Hallbrook Villas, 3rd Plat, with stipulations.

Adopted by the Governing Body this 3rd day of June, 1996.

(seal)



Marcia Rinehart Mayor

Attest:



Fran Kessler Acting City Clerk

RESOLUTION NO. 1313

The Leawood City Council has considered the request for approval of rezoning from AG to RP-1, preliminary site plan and preliminary plat of the Reserve at IronHorse located at approximately 151st and Mission Road and hereby finds the following:

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

WHEREAS, this property has 2.0 acres and a total of 2 lots, and

WHEREAS, the streets are public, and

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

1. All annexation agreements must be final prior to recording of the plat.
2. Final site plan must include the final landscape plan.
3. Pump station easement for maintaining pumps must remain.
4. All streets are to be public.
5. This plat is limited to two lots on 2 acres.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning from AG to RP-1, preliminary site plan and preliminary plat for the Reserve at IronHorse with stipulations.

Adopted by the Governing Body this 17th day of June, 1996.

(s e a l)



Marcia Rinehart Mayor

Attest:



Fran Kessler Acting City Clerk

RESOLUTION NO. 1314

**A RESOLUTION RELATING TO BENEFITS
OBTAINABLE BY CITIES UNDER 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. 106-96 between the City and 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 of 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 improvement of Mission Road in the City and known as Project No. 46 N-0042-01 (STP-N004(201)).

Passed by the (Council)(Commission) this 17 day of June, 1996

(Approved)(Signed)

Marcia R. ... Mayor

(SEAL)

ATTEST:

Mae Dee Heizer
City Clerk

RESOLUTION NO. 1315

The Leawood City Council has considered the request for approval of final plat of the Reserve at IronHorse, 2nd Plat, located at approximately 151st and Mission Road and hereby finds the following:

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

WHEREAS, this property has 2.0 acres and a total of 2 lots, and

WHEREAS, the streets are public, and

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

1. All annexation agreements must be final prior to recording of the plat.
2. Pump station easement for maintaining pumps must remain.
3. All streets are to be public.
4. This plat is limited to two lots on 2 acres.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for the Reserve at IronHorse, 2nd Plat, with stipulations.

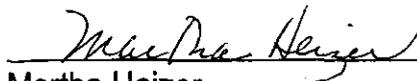
Adopted by the Governing Body this 15th day of July, 1996.

(s e a l)



Marcia Rinehart Mayor

Attest:



Martha Heizer City Clerk

RESOLUTION NO. 1316

The Leawood City Council has considered the request for approval of rezoning from AG, agriculture, to R-1, Single Family Residential, preliminary plat and final plat for Strawberry Hill located at approximately 148th and Mission Road and hereby finds the following:

WHEREAS, the zoning is R-1, Single Family Residential, and

WHEREAS, the plat consists of 2 lots on 10 acres, and

WHEREAS, the property owners have agreed not to oppose a benefit district for street improvements in exchange for the \$130 per front foot, and

WHEREAS, the applicant is responsible for the park impact fee of \$300 per lot to be paid prior to recording the plat, and

WHEREAS, the applicant is responsible for the South Leawood Transportation Impact Fee, which is $(1.25 \times \$625.00 = 781.25/ \text{gross acre})$. The project is 10 acres $\times \$781.25 = 7,812.50$, due prior to recording the plat, and

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

1. The property owners have agreed not to oppose a benefit district for street improvements in exchange for the \$130 per front foot.
2. The applicant is responsible for the park impact fee of \$300 per lot to be paid prior to recording the plat.
3. The applicant is responsible for the South Leawood Transportation Impact Fee, which is $(1.25 \times \$625.00 = 781.25/ \text{gross acre})$. The project is 10 acres $\times \$781.25 = 7,812.50$, due prior to recording the plat.
4. The plat is limited to two(2) lots.

WHEREAS, the Leawood City council following hearing and listening to the statements of the representative of the applicant determines that its action in approving this application should also include the following finding and stipulation:

At the time of platting the City Council and staff notified the applicant that the applicant's property adjoins a public park that is planned to maximize public

use as an active park. The applicant was also notified that use of the property as an active public park may subject this property to lighting for athletic fields, to noise attendant to the multiple anticipated public uses and to noise from a municipal fire station that is to be constructed in the near future.

WHEREAS, the property owner has stipulated that the property will be connected to a sewer line at such time as sewer lines become available to serve the property.

WHEREAS, the developers/owners agree to these stipulations, and

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning from AG to R-1, preliminary plat and final plat for Strawberry Hill with the stipulations, and

BE IT FURTHER RESOLVED that the stipulations as set forth herein shall be reflected on the plat.

Adopted by the Governing Body this ^{5th mk} ~~19th~~ day of August, 1996.

(seal)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

A RESOLUTION ESTABLISHING A POLICY FOR CONSIDERING AND APPROVING COMMERCIAL TAX INCREMENT FINANCED PROJECTS.

WHEREAS, the Governing Body is responsible for encouraging and promoting the economic health of the City; and

WHEREAS, the Governing Body is authorized by Kansas law (K.S.A. 12-1770 et seq.) to issue special obligation bonds for the financing of redevelopment projects; and

WHEREAS, the consideration and approval of tax increment financed projects is a complex legal and administrative matter requiring clear direction from the Governing Body;

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

SECTION 1. COMMERCIAL TAX INCREMENT FINANCING POLICY.

It shall be the policy of the City to consider requests from qualified applicants to approve tax increment financing for purposes allowed by law and to approve such financing when, in the opinion of the Governing Body, it is in the best interest of the City to do so, and providing that the proposed use and applicant meet the criteria set forth in this policy.

This policy authorizes the City to issue special obligation bonds for the financing of redevelopment projects. Any tax increment as defined by K.S.A 12-1770 et seq. resulting from a redevelopment district undertaken in accordance with this policy shall be apportioned to a special fund for the payment of the cost of redevelopment project, including the payment of principal and interest on said special obligation bonds.

Any financial risk involved in a tax increment financed project authorized under this policy will be the sole responsibility of the applicant, not the City of Leawood. No general obligations of the City, including full faith and credit tax increment bonds authorized under K.S.A. 12-1770 et seq., shall be considered as part of this policy.

SECTION 2. TAX INCREMENT FINANCING OBJECTIVES.

In reviewing requests to approve commercial tax increment financed projects, the Governing Body shall be guided by whether such a project will substantially meet the challenges outlined within the City of Leawood's Economic Development Strategic Plan, including:

- a) Preserve the City's unique character and distinctive atmosphere
- b) Insure the diversity of the City's economic base

- c) Lessen the City's dependence on property tax as a revenue source
- d) Revitalize the City's existing business climate

SECTION 3. REVIEW CRITERIA

The following criteria will be used by the Governing Body to judge the desirability and feasibility of proposals:

- a) Tax increment financing will be discouraged when the effect would be to grant the applicant an unfair advantage within the local market structure.
- b) Consideration will be given to projects that promote Leawood as a center for major local, regional and national firms.
- c) The proposed use must be in keeping with the character of Leawood, complementing the City's high standards and quality of life, non-polluting and consistent with all planning and development requirements, policies, ordinances and codes.
- d) The proposed use must have a positive impact on the community and not threaten public facilities, streets or other public improvements.
- e) Consideration will be given to redevelopment projects in areas zoned CP-1, CP-2 and/or PI. Proposed projects must promote property investment and urban renewal within existing commercial developments.

SECTION 4. APPROVAL CONDITIONS

Prior to the approval of tax increment financing, the Governing Body must be satisfied that the objectives and criteria for review established in this policy have been met. Further, all proposals shall be subject to the following conditions:

- a) The proceeds of special obligation bonds issued under this policy may be used to implement the redevelopment plan as outlined in K.S.A. 12-1773(b) and amendments thereto. As defined by law, none of the proceeds from the sale of such bonds shall be used for the construction of buildings or other structures to be owned by the applicant.
- b) Any special obligation bond issued under this policy will utilize a maturity schedule payable over a period as short as financially practicable.
- c) With regard to any special obligation bond issued under this policy, if the bond is offered to the public, an investment grade rating must be assigned to the issue; if the bond is privately placed, it may be issued without a rating, but must be sold to an accredited investor as that term is defined by securities industry standards.
- d) As outlined in K.S.A. 12-1774, should the City issue a special obligation bond to finance the undertaking of a redevelopment project in accordance with state law and this policy, such special obligation bonds shall be made payable, both as to principal and interest, from:

- i) property tax increment allocated to and paid into a special fund of the city;
 - ii) revenues of the City derived from or held in connection with the undertaking and carrying out the redevelopment project;
 - iii) any private sources, contributions or financial assistance from the state or federal government;
 - iv) a pledge of a portion or all increased revenue received by the city from franchise fees collected from utilities and other businesses using public right-of-way within the redevelopment district;
 - v) a pledge of a portion or all of the revenue received by the City from sales taxes;
 - vi) or any combination of these methods.
- e) Should the annual increment fall short of the amount necessary to pay the principal and interest of the special obligation bonds issued under this policy, the remaining amount payable is the responsibility of the applicant, not the City.
- f) Annual monitoring to insure that the criteria for review established in this policy continue to be met will be required. Should monitoring indicate that the criteria established in this policy are not being met, the tax increment financing of the project will default and the repayment of the special obligation bond will become the full responsibility of the applicant.
- g) The applicant shall pay to the Leawood Economic Development Council an economic development fee equal to ten percent (10%) of the tax increment for the first two years of the TIF project.
- Said fee will be required in lieu of a performance bond to insure the successfulness of the project. Should the developer cease to operate and/or abandon the project, said funds will be used to assist in redeveloping the property.
- h) The applicant must agree to and reimburse the City for all costs related to the issuing of the bond, including any legal, financial or administrative research, any costs related to the feasibility study required by Kansas law, any work done in reviewing the proposal, writing the leases or other necessary documents and researching the qualifications and financial soundness of the proposal and applicant, as well as any costs associated with presentation of the notice of bond sale with the Kansas Board of Tax Appeals as required by law. The City bond counsel will prepare related documents. The City or its designee will perform a financial evaluation of the applicant.
- i) The applicant shall comply with all laws of the City as well as zoning and building regulations.
- j) The City will request a Sales Tax Exemption Certificate for the project under conditions established by the State of Kansas.

- k) The Resolution of Intent shall be effective for a period of one year from the date of issue. An extension may be granted by the Governing Body. The applicant is responsible for all related costs if the bonds are not issued.
- l) An application for a tax increment financed project must be submitted at least twenty (20) days in advance of the Governing Body's consideration of such proposal.

SECTION 5. AUTHORITY OF GOVERNING BODY.

The Governing Body, by its inherent authority, reserves the right to reject any tax increment financing proposal when it considers such action to be in the best interest of the City.

Passed by the Governing Body this, the 5th day of August, 1996.

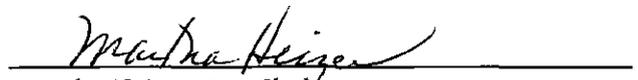
Approved by the Mayor this, the 5th day of August, 1996.

(SEAL)



Marcia Rinehart, Mayor

Attest:



Martha Heizer, City Clerk

RESOLUTION NO. 1318

The Leawood City Council has considered the request for approval of a Master Development Plan change, rezoning from AG to CP-0, preliminary site plan and preliminary plat for Tomahawk Creek Office Park located at approximately the southwest corner of College Boulevard and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the property contains 8.2 acres and is to be developed into 4 two story buildings and 1 single story building for a maximum of 76,100 square feet of office space, and

WHEREAS, the current zoning is AG, agriculture, and

WHEREAS, the property is located at the southwest corner of College and Tomahawk Creek Parkway, and

WHEREAS, the Master Plan Designation change is from Medium Density Residential - Single Family Attached to Office, and

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

1. The applicant is responsible for \$130.00 per front foot of College Boulevard.
2. The development is limited to 5 lots with 76,100 square feet of building area.
3. Stormwater plans will be submitted and approved by the Public Works director prior to submission of the final site plan.
4. At the time of final site plan, a sign concept, full landscape plans, and covenant/deed restrictions must be submitted.
5. All development must be built 1'-0" above the new 100 year floodplain as determined by the flood study expected to be completed in December 1996.
6. Sidewalks must be installed along Tomahawk Creek Parkway at the same time as construction of the first building.
7. Final plan approvals shall not be considered prior to receiving the results of the Tomahawk Creek Basin Study results.
8. The applicant is to provide an architectural/landscaped "gateway" along the perimeter of the property, College Boulevard as well as Tomahawk Creek Parkway, to be in concert with the Tomahawk Creek Parkway, i.e. large trees, berms, monumentation, etc.
9. An architectural control criteria is to be presented and approved by the Plan Commission as a part of the final site plan.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the amendment of the Master Development Plan, Rezoning from AG to CP-0, Preliminary Site Plan and Preliminary Plat for Tomahawk Creek Office Park with stipulations.

Adopted by the Governing Body this 19th day of August, 1996.

(s e a l)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1319

The Leawood City Council has considered the request for approval of a Special Use Permit to allow a cellular monopole tower located at approximately 135th and Nall, and hereby finds the following:

WHEREAS, the property is zoned AG, agriculture, and

WHEREAS, the Special Use Permit is for a maximum of 10 years, and

WHEREAS, the tower will be a monopole, and

WHEREAS, the road will be on the west side of the property and of gravel, and

WHEREAS, the wall will be of compatible material to any future development, and

WHEREAS, the landscaping will be 5'-6' staggered pines around the base of the wall, and

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

1. The Special Use Permit be limited to a maximum of 10 years.
2. The applicant must obtain a building permit prior to construction.
3. One set of revised final plans with all changes shall be submitted prior to building permit.
4. Prior to City Council approval a lease agreement shall be submitted to the City Attorney for approval, allowing police and fire access to the tower for the purpose of locating necessary communication equipment.
5. The said tower shall be removed upon vacation of the property or at the termination of the Special Use Permit.
6. Emergency vehicle access to the site shall be provided in accordance with the Fire Marshal's instructions.
7. The applicant is responsible for up keep and maintenance of the access road.

WHEREAS, the developers/owners agree to these stipulations,

WHEREAS, the Governing Body added the following stipulation of approval:

1. The existing monopole be removed from the property at the end of the property owner's lease with Cellular One. (Letter on file)

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the Special Use Permit for the Sprint Cellular Tower with stipulations.

Adopted by the Governing Body this 16th day of September, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1320

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Outlot #7, Town Center Plaza, located at approximately 117th and Roe Avenue and hereby finds the following:

WHEREAS, the building contains 9,000 square feet, and

WHEREAS, the zoning is SD sub-district (C-R), and

WHEREAS, the building is constructed of brick, and

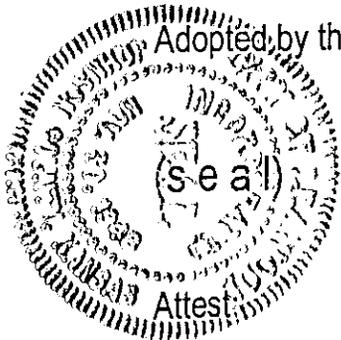
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. All roof top units are to be hidden by a parapet wall.
2. Drainage and other utility plans shall be approved by the Director of Public Works.
3. All downspouts are to be enclosed.
4. More landscaping must be included on west side of the building. All landscaping is to be installed prior to issuance of final occupancy.
5. Sign permits must be obtained prior to installation.
6. One set of final approved copies with all changes must be submitted prior to issuance of a building permit.
7. Signs must be an average height for all tenants.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan with stipulations.

Adopted by the Governing Body this 16th day of September, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1321

The Leawood City Council has considered the request for approval of the replat of the Estates of Ironhorse located at approximately Bell Drive and Ironhorse Drive and hereby finds the following:

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

WHEREAS, the replat has 28 lots on 15.05 acres, and

WHEREAS, the name is changed to "The Estates of Ironhorse", and

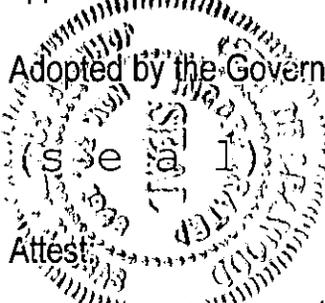
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The applicant must plant two street trees per lot in the right-of-way along Iron Horse Circle and Iron Horse Drive.
2. Iron Horse Estates re-plat will contain 28 lots on 15.05 acres.
3. One set of approved drawings with all additions and changes must be submitted to the Planning Department prior to issuance of a building permit.
4. "Tract A" design must remain the same as approved in the original, final plan.
5. A 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, etc.
6. Only 5' wrought iron fences which match the golf course fence are allowed along the rear property line.
7. Deviation to the front setback approved at 30'.

WHEREAS, the developers/owners agree to these stipulations,

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

Adopted by the Governing Body this 7th day of October, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1322

The Leawood City Council has considered the request for approval of a Special Use Permit for an off-site sign for Steeplechase located at the southwest corner of 135th and Mission and hereby finds the following:

WHEREAS, the proposed sign is double sided, 6' X 8' in area, and

WHEREAS, the sign is a total of 10' in height, and

WHEREAS, the City Council held a Public Hearing on this application, and

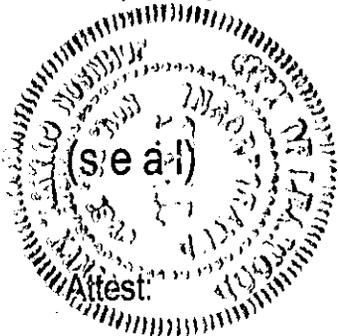
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The permit is limited to one year starting on the date of Council approval of the sign.
2. The sign is to be located outside of the right-of-way and construction easements for both K-150 and Mission Road.
3. The sign is to be a maximum of 48 square feet and 10' in height.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the Special Use Permit for an off-site temporary sign for Steeplechase with stipulations.

Adopted by the Governing Body this 21st day of October, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1323

The Leawood City Council has considered the request for approval of a final plat for Cherry Creek, 4th Plat, located at approximately 127th Street and Mission Road and hereby finds the following:

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

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

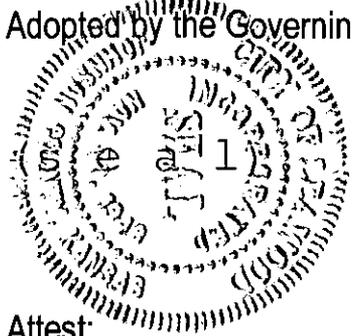
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The 4th Plat of Cherry Creek will contain 10 lots on 5.61 acres.
2. The owner must pay a Park Impact Fee of \$300.00 per lot prior to recording of the plat.
3. The boundary line between Lots 12 and 13 should be adjusted to allow lot 13 a minimum of 15, 000 square feet.
4. The correct Plan Commission chairman should be included on the signature block, and the "City of Leawood" should be incorporated into the title block.
5. All homes must front on Alhambra or 128th Street, and no access is to be allowed to 127th Street or Mission Road.
6. The sanitary sewer easement must be vacated prior to issuance of building permits.
7. The 4th phase must be a part of the established homes association.

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 Cherry Creek, 4th Plat, with stipulations.

Adopted by the Governing Body this 18th day of November, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1324

The Leawood City Council has considered the request for approval of revised preliminary site plan for Ranchmart Shopping Center located at approximately 95th and Mission Road and hereby finds the following:

WHEREAS, the property is zoned CP-2, Planned General Retail, and

WHEREAS, a public hearing was held, and

WHEREAS, the building is 63,320 square feet and is mostly of brick and concrete tile roofing, and

WHEREAS, the existing building will be removed, and

WHEREAS, the parking is to be perpendicular to the building with islands and landscaping, and

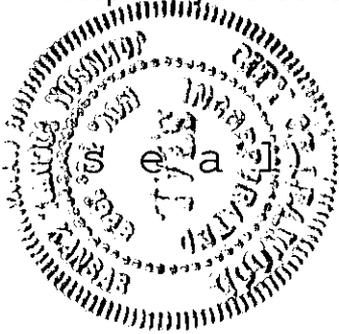
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 63,320 square feet.
2. Roof top units on the building must be screened.
3. Revised landscape plan must be presented at the time of final site plan.
4. The developer will construct a continuous full height screen wall to match and extend the adjacent pedestrian canopy at the north face of the Center and dock.
5. The developer will address landscaping and buffering at the north property line, from Mission Road east to the 50 foot buffer area (wide buffer area along the north property line).
6. Developer to address landscape buffering of the dock from the north entrance to the west mall of the Center and the church property.
7. Developer will adjust the radius of the north terminal of the main 95th Street entrance lane to accommodate trucks turning.
8. Remove existing monument sign on 95th Street.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Ranchmart Shopping Center with stipulations.

Adopted by the Governing Body this 18th day of November, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1325

The Leawood City Council has considered the request for approval of a preliminary and final plat for Collina de Vita located at approximately 145th and Mission Road and hereby finds the following:

WHEREAS, the property is zoned RP-A10, Planned Rural Density Residential, and

WHEREAS, the plat contains one lot on 10 acres, and

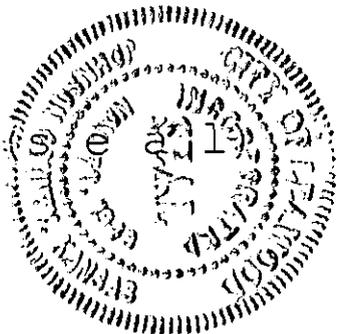
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Final plat must be recorded prior to issuance of a building permit.
2. The applicant will not oppose a future benefit district for Mission Road improvements.
3. The applicant is responsible for a \$300 Park Impact Fee to be paid prior to recording of the plat.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary and final plat for Collina de Vita with stipulations.

Adopted by the Governing Body this 18th day of November, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1326

RESOLUTION APPROVING A STORM WATER PROJECT WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF, PURSUANT TO THE PROVISIONS OF K.S.A. 14-523 ET. SEQ. AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF GENERAL OBLIGATION BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, it has been proposed that the City of Leawood, Kansas (the "City") build and construct storm water sewers and/or drains beginning on the Southeast corner of 119th Street and Ensley Road (11901 Ensley Road), thence southerly for a distance of approximately 662 feet stopping at 11919 Windsor Road, to include improvements along 120 feet of Windsor Road, all within the City of Leawood (the "Project") for the purpose of carrying off storm water from the streets, avenues and alleys of the City, and the City Engineer has caused preliminary plans therefor to be prepared and the estimated cost of the Project has been determined to be approximately \$500,000; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with the Project and to provide for the issuance of general obligation bonds of the City not to exceed an amount of \$300,000.00, for the purpose of financing the costs of the Project and for the issuance of temporary notes of the City pending the issuance of said bonds;

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 determines that it is necessary and desirable to build and construct storm water sewers and/or drains beginning on the Southeast corner of 119th Street and Ensley Road (11901 Ensley Road), thence southerly for a distance of approximately 662 feet stopping at 11919 Windsor Road, to include improvements along 120 feet of Windsor Road, all within the City of Leawood and hereby authorizes and approves the Project. The City Engineer is hereby authorized and directed to proceed with development of definitive plans and construction of the Project.

Section 2. That the City hereby authorizes the issuance of general obligation bonds of the City not to exceed an amount of \$300,000 to pay the costs of the Project. The said bonds shall be issued by the City subject to compliance with the conditions set forth in Section 3 of this resolution.

Section 3. The City Clerk is hereby authorized and directed to cause this resolution to be published once in the official City newspaper. Notwithstanding the provisions of Section 2 hereof, no bonds shall be issued by the City as aforesaid in the principal amount in excess of \$50,000 if, within 30 days of publication of this resolution as aforesaid, there shall be filed with the City Clerk a petition in opposition to the issuance of such bonds signed by not less than two percent (2%) of the qualified voters in the City.

Section 4. Pending issuance of the bonds of the City as hereinbefore provided and in order to pay the costs of the Project, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 5. 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 6. This declaration is a declaration of official intent adopted pursuant to Section 1.103-18 of the Regulations.

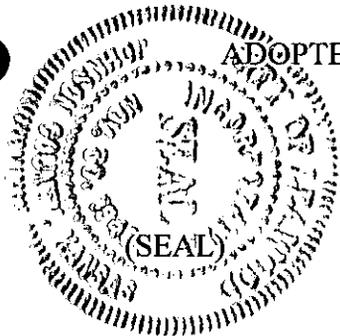
Section 7. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other 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 8. 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 bonds.

Section 9 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 10. This resolution shall take effect after its passage and publication once in the official city newspaper.

ADOPTED by the Governing Body this 18th day of November, 1996.





Marcia Rinehart Mayor

Attest:



Martha Heizer City Clerk

RESOLUTION OF APPRECIATION

WHEREAS, the Kansas City metropolitan area was struck by an unexpected heavy snow storm on October 22, 1996; and

WHEREAS, the entire Leawood community was devastated by the total or partial loss of many of its beautiful trees; and

WHEREAS, the storm created a massive cleanup operation of downed trees and limbs which Leawood's Public Works and Parks Maintenance Departments undertook with dedication, timeliness and diligence;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Leawood commend and express their gratitude to the following members of the Public Works and Parks Maintenance Departments for their outstanding on-the-job performance and service to the residents of the City:

Public Works Department

Howard Mann
Wade Broussard
Dan Turner
Jack Hern
Curtis Frame
Calvin Burgess
Mike Galloway
Gene Green
Jeff Peevler
Jeff Hall
Walt Huff
Kelly Cooper
Joel Sirna
Robert Perry
Trevor Davis
Danny Chadwick
Candace Phillips
Ron Hunke
Bobby Blue
Clint Walker
John Winger
Kyle Fisher

Parks Maintenance Department

Steve Lamb
Jana Heuer
Tamara Fitzgerald
Craig Miller
Scott Fanning
Eric Hubenett
Bill Porter
Richard Fauss
Randy Baer
Troy Donehey
Ed Rutter

Adopted by the Governing Body the 16th day of December, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1327

A RESOLUTION DESIGNATING HOLIDAYS FOR THE YEAR 1997 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 1997, staff recommends that the following schedule be adopted;

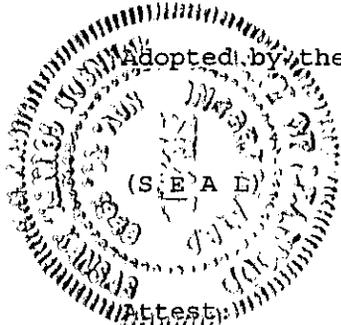
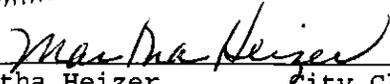
NOW, THEREFORE, BE IT RESOLVED that the City Hall of Leawood, Kansas, shall be closed on the following holiday dates in 1997:

New Year's Day	January 1
President's Day (3rd Monday-February)	February 17
Memorial Day (last Monday-May)	May 26
Independence Day	July 4
Labor Day (1st Monday-September)	September 1
Thanksgiving (4th Thurs./(5th) Fri.-November)	November 27/28
Christmas	December 25

Adopted by the Governing Body this 16th day of December, 1996.



Marcia Rinehart Mayor


Attest:


Martha Heizer City Clerk

RESOLUTION NO. 1328

A RESOLUTION DECLARING THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS.

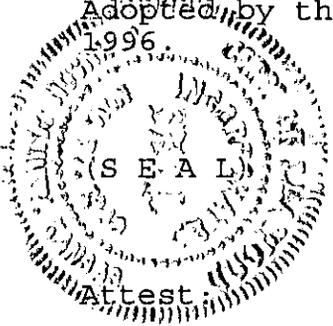
WHEREAS, tracts of land were annexed to the City of Leawood by Ordinance No. 1594 which took effect at 12:01 a.m., June 20, 1996; and

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 16th day of December, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk



October 12, 1993
(Revised November 30, 1995)
(Revised November 25, 1996)

EXHIBIT A

REVISED
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 N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 3, Township 14, Range 25, of said Johnson County; thence West, along the South line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 3, to the Southwest corner thereof; thence South, along the West line of the SE $\frac{1}{4}$ of said Section 3, to the Southwest corner thereof; thence East, along the South line of the SE $\frac{1}{4}$ of said Section 5 and along the North line of the NE $\frac{1}{4}$ of Section 10, Township 14, Range 24, to a point 156.30 feet East of the West line of Lot 31, MASTIN GARDENS, a subdivision of land (now vacated), of said Johnson County; thence South, along a line 156.30 feet East of and parallel to the West line and its extension of said Lot 31, to a point on the

- Civil Engineers
- Electrical Engineers
- Mechanical Engineers
- Landscape Architects
- Land Surveyors
- Land Planners

Shaffer, Kline & Warren, P.A.
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REVISED
LEGAL DESCRIPTION FOR
CITY OF LEAWOOD BOUNDARY
JOHNSON COUNTY, KANSAS
OCTOBER 12, 1993
(REVISED NOVEMBER 30, 1995)
(REVISED NOVEMBER 25, 1996)
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centerline of the abandoned right-of-way of the St. Louis and San Francisco Railway Company, as formerly established; thence Southwesterly, along the centerline of said railway, to its intersection with the West line of the NE $\frac{1}{4}$ of said Section 10, said point also being on the East line of the NW $\frac{1}{4}$ of said Section 10; thence South, along the East line of the North fifty acres of the NW $\frac{1}{4}$ of said Section 10, to the Southeast corner thereof; thence West, along the South line of the North fifty acres of the NW $\frac{1}{4}$ of said Section 10, to a point 2409.6 feet East of the West line of the NW $\frac{1}{4}$ of said Section 10; thence S 0° 09' 53" W, along a line parallel to the West line of the NW $\frac{1}{4}$ of said Section 10, to a point 1320 feet South of the North line of the South 110 acres of the NW $\frac{1}{4}$ of said Section 10; thence S 89° 53' 15" W, a distance of 1411.14 feet; thence N 23° 31' 14" W, a distance of 174.61 feet; thence Northeasterly, on a curve to the left having an initial tangent bearing of N 66° 28' 46" E and a radius of 325 feet, for a distance of 91.68 feet; thence Northwesterly, on a curve to the right having an initial tangent bearing of N 47° 40' 05" W and a radius of 225 feet, for a distance of 50.13 feet; thence Southwesterly, on a curve to the right having an initial tangent bearing of S 50° 36' 32" W and a radius of 275 feet, for a distance of 203.94 feet; thence N 00° 54' 18" E, a distance of 137.61 feet; thence N 15° 30' 00" W, a distance of 113.00 feet; thence N 44° 12' 00" W, a distance of 105.00 feet; thence N 73° 30' 00" W, a distance of 116.00 feet; thence S 65° 00' 00" W, a distance of 115.00 feet; thence N 08° 00' 00" W, a distance of 83.00 feet; thence N 00° 09' 53" E, parallel with the West line of said NW $\frac{1}{4}$, a distance of 129.93 feet;

thence N 89° 50' 07" W, a distance of 225.32 feet; thence Southwesterly, on a curve to the left having a radius of 225 feet, for a distance of 63.85 feet; thence Southwesterly, on a curve to the right having an initial tangent bearing of S 73° 54' 16" W and a radius of 200 feet, for a distance of 56.76 feet; thence N 89° 50' 07" W, a distance of 110.00 feet, to a point on the West line of the NW $\frac{1}{4}$ of said Section 10 and 632 feet South of the North line of the South 110 acres of the NW $\frac{1}{4}$ of said Section 10; thence South, along the West line of said Section 10, to the Southeast corner of the NE $\frac{1}{4}$ of Section 9, Township 14, Range 25 of said Johnson County; thence West, along the South line of the NE $\frac{1}{4}$ of said Section 9, to the Southwest corner thereof; thence West, along the South line of the NW $\frac{1}{4}$ of said Section 9, to a point 230 feet East of the Southwest corner thereof; thence North, parallel to the West line of the NW $\frac{1}{4}$ of said Section 9, a distance of 189 feet; thence West, parallel to the South line of the NW $\frac{1}{4}$ of said Section 9, a distance of 230 feet, to a point on the West line thereof; thence North, along the West line of the NW $\frac{1}{4}$ of said Section 9, to the Northwest corner thereof, said point also being 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 S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 33; thence East, along the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 33, to the East line of the SW $\frac{1}{4}$ of said Section 33; thence North, along the East line of the SW $\frac{1}{4}$ of said Section 33, to the Northeast corner thereof;

thence West, along the South line of the East 68 acres of the NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ 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 E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28; thence North, along the West line of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28, to the Northwest corner thereof; thence East, along the North line of said E $\frac{1}{2}$ to the Northeast corner thereof; thence North along the West line of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 28, to the Northwest corner of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 28; thence West, along the South line of the NW $\frac{1}{4}$ of said Section 28, to the Southwest corner of the NW $\frac{1}{4}$ of said Section 28; thence North, along the West line of the NW $\frac{1}{4}$ of said Section 28, to the Northwest corner thereof; thence continuing North, along the West line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 13, Range 25, Johnson County, Kansas, to the Northwest corner thereof; thence East, along the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of said Section 21, said point being 170 feet North of the Southeast corner of the

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NW $\frac{1}{4}$ of said Section 21; thence East, along a line perpendicular to the West line of the NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ of said Section 21, said point being 1762.6 feet North of the Southwest corner of the NE $\frac{1}{4}$ of said Section 21; thence North, along the West line of the NE $\frac{1}{4}$ of said Section 21, to the N $\frac{1}{4}$ 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

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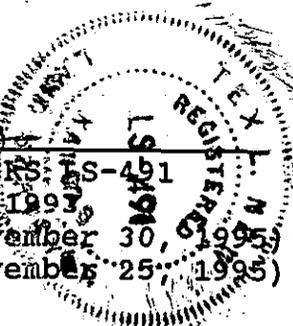
line of said Section 16, to a point 1097 feet, more or less, East of the Northwest corner of the NE $\frac{1}{4}$ of said Section 16, said point being in the right-of-way of a public road, as said road is now constructed and used; thence Northerly, Northeasterly and Easterly, along the right-of-way of a public road, as said road is now constructed and used, to a point on the East line of the SE $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of said Section 3; thence East, along the South line of the NW $\frac{1}{4}$ of said Section 3, to the Southeast corner thereof; thence North, along the East line of the NW $\frac{1}{4}$ 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 S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 27; thence East, along the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 27; thence East, along the North line of the S $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27, to the Southwest corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27; thence North, along the West line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27, to the Northwest corner thereof; thence North, along the West line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27, to the Northwest corner thereof; thence East, along the North line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27, to the Northeast corner thereof; thence North, along the West line of the NE $\frac{1}{4}$ of said Section 27, to the centerline of Somerset Drive, as

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now located; thence Northeasterly and Easterly, along the centerline of said Somerset Drive, to its intersection with the North line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 27; thence East, along the North line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 27, to the East line of said Section 27; 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 Westerly extension of the South line of Lot 3, of said NEL-ARO; thence East, along the South line of said Lot 3 and its extensions, 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 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:


Tex L. New, KS S-461
October 12, 1993
(Revised November 30, 1995)
(Revised November 25, 1996)



RESOLUTION NO. 1329

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Dean & Deluca located on Outlot #1 of Town Center Plaza (northwest corner of 119th and Roe), and hereby finds the following:

WHEREAS, the zoning is SD(C-R), Special Development District (Commercial Retail), and

WHEREAS, the project consist of a 8,998 square foot, one story gourmet grocery store, and

WHEREAS, the building requires 45 parking spaces and 75 are provided, and

WHEREAS, the landscaping on the northwest corner is to include the jute mesh at installation to insure the stability of the 3:1 slope, and

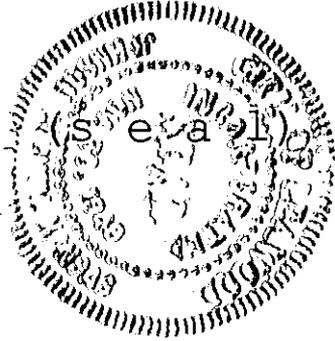
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The use is limited to a restaurant containing 8,998 square feet.
2. Landscape plan is to be revised prior to final plan approval.
3. Building materials and colors are to be shown prior to final plan approval.
4. Drainage and other utility plans shall be approved by the Director of Public Works.
5. No access shall be granted to Roe Avenue directly from the site.
6. Final grading plans are required as part of the final site plan submission.
7. The downspouts must be internal.
8. Outside music will be subject to the previously approved shopping center agreement.
9. Roof top mechanical units to be screened from all views.
10. No lighting of the stucco sign.
11. Sign on the north side on the canopy must be deleted.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Dean & Deluca with stipulations.

Adopted by the Governing Body this 16th day of December, 1996.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1330

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 along 97th Street and Sagamore Road on the Johnson County Storm water Project JB-04-003.

WHEREAS it appears that certain easements and right of way necessary for the Storm water project along 97th Street cannot be obtained other than through condemnation.

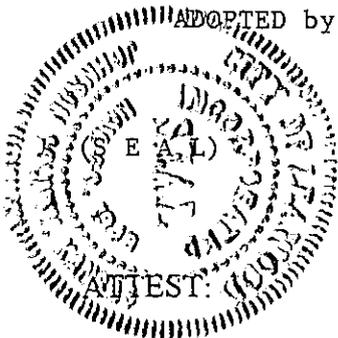
NOW THEREFORE, be it resolved by the City of Leawood, Kansas, that the City does hereby declare it to be necessary to appropriate certain private property for the use of the City for purposes of making necessary Storm water improvements along 97th Street and Sagamore Road.

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.

ADOPTED by the Governing Body this 16th day of December, 1996.



Marcia Rinehart
Marcia Rinehart, Mayor

Martha Heizer
Martha Heizer, City Clerk

The Legal Record

600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

RES1330

Publication Fees: \$17.09

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

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwiens, 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 NO. 1330--12/17/96

Tammy Schwiens
Legal Notices Administrator

Subscribed and sworn to before me on this date:
December 18, 1996

Debra Dziadura
Notary-Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

RESOLUTION NO. 1330

First published in The Legal Record, Tuesday, December 17, 1996.

RESOLUTION NO. 1330

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 along 97th Street and Sagamore Road on the Johnson County Storm water Project JB-04-003.

WHEREAS it appears that certain easements and right of way necessary for the Storm water project along 97th Street 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 Storm water improvements along 97th Street and Sagamore Road.

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.

ADOPTED by the Governing Body this 16th day of December, 1996.

(S E A L)

Marcia Rinehart
Marcia Rinehart, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

\$17.09

City of Leawood, Kansas

4800 Town Center Drive Resolution No. 1331

Leawood, Kansas 66211

A RESOLUTION ESTABLISHING THE 1997 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 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 1997 is hereby ratified:

1997 FEE SCHEDULE

CITY OF LEAWOOD

City-wide

Fire

Planning and Development

Finance

Public Works

Police

Parks and Recreation

1997 FEE SCHEDULE

CITY OF LEAWOOD

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1997 FEE SCHEDULE

CITY OF LEAWOOD

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1997 FEE SCHEDULE

CITY OF LEAWOOD

CITY-WIDE

MISCELLANEOUS CITY-WIDE FEES

Department Publications/Report Fees

Publications/reports (Other than those specifically mentioned herein) 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 /Fire Department copy fee \$1.50 per page

All other departments copy fee \$0.50 per page

FINANCE DEPARTMENT

LICENSING OF DOGS AND CATS

Sexually altered dog/cat \$5.00 each

Unaltered dog/cat \$15.00 each

Lost tag replacement \$2.00 each

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 the 1st of each delinquent month 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 \$30.00

FIRE DEPARTMENT

FEES FOR PERMITS

Open Burning Permit \$100.00

Reissuance of Blasting Permit \$100.00

All other permits as listed in the Uniform Fire Code \$50.00

1997 FEE SCHEDULE

CITY OF LEAWOOD

PLANNING AND DEVELOPMENT DEPARTMENT FEES FOR CONSTRUCTION, ALTERATIONS AND REMODELING

New Building Construction Permits

Permit Fees.....	Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 1A
Subcontractor Fees (mechanical, electrical, and plumbing).....	\$100.00 each
Residential Plan Review Fee.....	10% of the <u>total</u> building permit fee (including permit fees and subcontractor fees above)

Existing Building Construction Permits - Residential

Building alterations, remodeling, additions, decks, sports courts.....	\$0.15 per square foot calculated on the area being added or improved (\$30 minimum)
Single wall or ceiling installation or replacement.....	\$0.06 per square foot (\$30 minimum)
Mechanical, electrical, and plumbing associated with building alterations, remodeling, additions, decks, sports courts.....	\$40.00
Plumbing, electrical or mechanical on a single wall.....	\$40.00 each
Plan review for residential remodel.....	10% of the <u>total</u> 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 (\$30 minimum)
Mechanical, electrical, and plumbing associated with interior finish for new construction; building alterations, remodeling.....	\$100.00 each
Plumbing, electrical or mechanical on a single wall.....	\$40.00 each
Plan review for commercial tenant space.....	10% of the <u>total</u> building permit fee including the above

Miscellaneous Construction, Alterations and Remodeling fees

Demolition, each unit or building.....	\$60.00 each
Structure moving.....	\$150.00 each
Reissuance of expired permit.....	1/2 the original fee

FEES FOR IMPROVEMENTS

Swimming Pools

Residential - single family.....	\$75.00
Other than residential - single family.....	\$200.00 each

Hot tubs, etc.

Hot tubs, spas, whirlpools, hydro pools, etc.....	\$50.00 each
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Electrical

Minor; residential pools, garages, tennis court lighting, etc.....	\$25.00 each
Service upgrade only.....	\$35.00 each
Spas.....	\$20.00 each

Mechanical

Furnace/Air Conditioner replacement.....	\$25.00 each
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1997 FEE SCHEDULE

CITY OF LEAWOOD

Plumbing

Water heater replacement	\$20.00 each
Gas line/water line replacement	\$20.00 each
Residential pools	\$20.00 each

Reroofing

Residential - new or more than 50% roof replacement or more than 20 squares	\$30.00 plus \$1.50/square for every square over 20 squares
Roof repair up to 50% of roof replacement	\$20.00 up to 20 squares
Commercial	0.1% of construction cost (minimum \$50.00)

Fences

Privacy fences exceeding 3 feet in height encompassing patios	\$20.00 each
Lot perimeter fences exceeding 3 feet in height on lots up to 22,000 square feet	\$50.00 each
Lot perimeter fences exceeding 3 feet in height on lots greater than 22,000 square feet up to 1 acre	\$100.00 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. 1A
Fence replacement sections exceeding 3 feet in height and up to 10 feet in length	\$20.00 each
Fence replacement sections exceeding 3 feet in height and greater than 10 feet in length up to an including 100 feet	\$25.00 each
Fence replacement section exceeding 3 feet in height and greater than 100 feet in length	\$50.00 each
Fences around perimeter of swimming pools and tennis courts 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. 1A
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. 1A (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
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Foundation Repair

Up to \$5,000 valuation	\$25.00 each
Over \$5,000 valuation	\$50.00 each

Lawn Sprinkler Systems

Residential (s.f. - single lot)	\$50.00 each
Residential (multi units - single lot)	\$50.00 each s.f. unit or \$50.00 multi unit building
Backflow replacement	\$25.00 each
Commercial	Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 1A

Structural Fire Sprinkler

Structural fire sprinkler	\$0.01 per square foot (\$25.00 minimum)
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Towers, Satellite Dish Equipment (over 1 m), Solar Equipment

Single family	\$25.00 each
Commercial	\$100.00 each

Street Curb Cut

Street curb cut	\$15.00 each
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Elevators

Residential	\$40.00 each
Commercial	\$50.00 per car

1997 FEE SCHEDULE

CITY OF LEAWOOD

FEEES 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.

Residential (RP-A to RP-4)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$300.00	\$300.00	\$200.00	\$100.00
Tract size 5+ acres	\$400.00	\$300.00	\$200.00	\$100.00

Office (CP-0)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$300.00	\$300.00	\$200.00	\$150.00
Tract size 5+ acres	\$400.00	\$300.00	\$200.00	\$150.00

Commercial (CP-1 to CP-2)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$300.00	\$300.00	\$200.00	\$150.00
Tract size 5+ acres	\$400.00	\$300.00	\$200.00	\$150.00

Recreation

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Any tract size	\$300.00	\$300.00	\$200.00	\$150.00

Conditional Use Permits

Conditional Use Permit.....\$300.00 each

Special Use Permits

Except oil and gas permits

Tract size 0 - 5 acres.....\$300.00 each

Tract size 5+ acres.....\$400.00 each

Temporary short term, not longer than 10 days\$50.00 each

Industrial (PI)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$400.00	\$300.00	\$200.00	\$150.00
Tract size 5+ acres	\$500.00	\$300.00	\$200.00	\$150.00

Business Park (BP)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$400.00	\$300.00	\$200.00	\$150.00
Tract size 5+ acres	\$500.00	\$300.00	\$200.00	\$150.00

Special Development (SD)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$300.00	\$300.00	\$200.00	\$150.00
Tract size 5+ acres	\$400.00	\$300.00	\$200.00	\$150.00

Mixed Zoning

Combination of any two or more districts

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 10 acres	\$500.00	\$300.00	\$200.00	\$150.00
Tract size 10+ acres	\$600.00	\$300.00	\$200.00	\$150.00

1997 FEE SCHEDULE

CITY OF LEAWOOD

Leawood Development Ordinance

Text amendment.....\$300.00 each

Other Plan Approvals

Landscape plan.....\$200.00 each

Sign plan approval (commercial).....\$150.00 each

Streets, Utility Vacation

Utility vacation.....\$200.00 each

FEEES FOR SUBDIVISION REGULATION PROCEDURES

Submission

Preliminary Plat Submission.....\$400.00 minimum plus \$2.00 per lot/tract

Final Plat Submission.....\$200.00 minimum plus \$2.00 per lot/tract

Costs 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.

FEEES FOR SIGN PERMITS

3 Month Permit Temporary Sign

Small (5 square feet to 32 square feet).....\$40.00 each

Large (over 32 square feet).....\$100.00 each

10 Day Permit Temporary Sign (Banners)

maximum 4 times a year

Small (up to 32 square feet).....\$20.00 each

Large (over 32 square feet).....\$30.00 each

Monument Signs/Structures

All sizes.....\$50.00 (additional electrical permit required)

Permanent Sign - Wall Sign

All sizes.....\$2.00 per square foot (minimum of \$25.00) (additional electrical permit required)

FEEES FOR DEPARTMENT PUBLICATIONS

Planning and Development

Comprehensive Plan Book.....\$25.00 each

Leawood Development Ordinance.....\$10.00 each

Subdivision Regulations.....\$10.00 each

Zoning Map - black and white.....\$1.00 each

Subdivision Map - black and white.....\$1.00 each

Comprehensive Plan Map - color, 2-sided.....\$5.00 each

Comprehensive Plan Map - color, 1-sided.....\$3.00 each

Comprehensive Plan Map - black and white, 1-sided.....\$1.00 each

Leawood Street Plan Map - black and white.....\$1.00 each

Economic Development

Prospect Packet with Comprehensive Plan Map.....\$22.50 each

Prospect Packet without Comprehensive Plan Map.....\$20.00 each

1997 FEE SCHEDULE

CITY OF LEAWOOD

FEES FOR MISCELLANEOUS PLANNING AND DEVELOPMENT ACTIVITIES

Occupancy of commercial Space or Building

Application fee.....	\$20.00 each
Inspection fee.....	\$30.00 each

Reinspection Fees

Residential.....	\$42.00 each
Office/Commercial.....	\$42.00 each
Temporary occupancies.....	\$30.00 each (after second inspection)

Annual License Fees for Rental Dwellings

Single family dwelling.....	\$75.00 each dwelling
Apartment units.....	\$20.00 each unit

Rental Inspection Fees

Rental Inspection Fees.....	\$10.00 per inspection
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Appeals Board Fees

Board of Zoning Appeals.....	\$75.00 each
Building Code Board of Appeals.....	\$50.00 each

Mowing Fees

Code enforcement initiated.....	\$100.00 per hour (minimum of \$100.00)
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Estate Sales

Estate sale.....	\$25.00 each
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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

1997 FEE SCHEDULE

PUBLIC WORKS DEPARTMENT FEES FOR SIDEWALKS AND STREET ACTIVITIES

Sidewalks

For any permit issued under the provisions of Article 1A of Chapter 13 \$20.00 each

Streets

For any permit issued under the provisions of Article 2 of Chapter 13 \$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 (minimum of \$20.00)

Lane closure permit (in addition to open cut or right-of-way) \$25.00 each

Street name signs material and installation \$110.00 per intersection

All other miscellaneous street signs 100% of material and installation

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 two hour minimum charge. Transportation to the job site will be charged at the same rate.*

Activities

Worker with hand tool only \$20.00 per hour

Pick-up truck with driver \$35.00 per hour

Dump truck with driver \$55.00 per hour

Sweeper with operator \$100.00 per hour

Jet rodder with operator \$100.00 per hour

Back hoe with operator \$80.00 per hour

Mowing tractor with operator \$65.00 per hour

Bobcat, pick-up, trailer and hand tools with operator \$80.00 per hour

Loader with operator \$90.00 per hour

Outside Contractors

Outside contractors \$65.00 per hour (minimum of 3 hours)

Additional Labor

Maintenance Worker I (per person) \$20.00 per hour

Maintenance Worker II (per person) \$20.00 per hour

Maintenance Worker III (per person) \$20.00 per hour

Crew Leader (per person) \$25.00 per hour

Supervisor (per person) \$35.00 per hour

1997 FEE SCHEDULE

FEES FOR MISCELLANEOUS PUBLIC WORKS ACTIVITIES

Pre-Blast Application

Pre-blast application.....	\$200.00 each
Sewer Connection	
Sewer connection charge.....	\$1,500.00 each
Inspection fee.....	\$50.00 each

Publications Fees

Construction Standards Book.....	\$20.00 each
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POLICE DEPARTMENT

ALARM SYSTEM FEES

System Registration Fees

Alarm System Registration Fee.....	\$16.00 annually
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False alarms - Residential Systems

0-3 false alarms.....	No charge
4-6 false alarms.....	\$25.00 each
7-9 false alarms.....	\$50.00 each
10-12 false alarms.....	\$75.00 each
13 and each subsequent alarm.....	\$100.00 each

False alarms - Commercial Systems

0-3 false alarms.....	No charge
4-6 false alarms.....	\$50.00 each
7-9 false alarms.....	\$100.00 each
10-12 false alarms.....	\$150.00 each
13 and each subsequent alarm.....	\$200.00 each

MISCELLANEOUS FEES

Records Copying

Copy fee.....	\$1.50 per page
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1997 FEE SCHEDULE



PARKS AND RECREATION DEPARTMENT FEES FOR LESSONS, LEAGUES AND CLASSES

	Resident Fees	Non-resident Fees
Swim lessons	\$28.00	\$35.00
Competitive swim (USS fee not included)	\$70.00	\$90.00
Water exercise	\$30.00	\$35.00
Camp	\$105.00	\$130.00
Tennis lessons	\$25.00	\$30.00
Softball league.....		\$280.00
Volleyball league.....		\$75.00
Triathlon (Advanced).....		\$12.00
Triathlon (Race Day).....		\$15.00
Races (Advanced).....		\$12.00
Races (Late).....		\$15.00
Races (Race Day).....		\$20.00
Soccer.....		\$40.00 (late fee \$5.00)
T-Ball.....		\$45.00 (late fee \$5.00)

Other classes for adults & children are determined by staff, based on supplies & facility cost

FEES FOR PARK FACILITY RENTAL

	Resident Fees	Non-resident Fees
Soccer and baseball field use	\$3.50 per hr	\$5.00 per hr
Tennis court rental (singles)	\$4.00 per hr	\$4.00 per hr
Tennis court rental (doubles)	\$6.00 per hr	\$6.00 per hr
Volleyball court rental	\$7.00 per hr	\$10.00 per hr
	\$30.00 per 5 hrs	\$45.00 per 5 hrs
Regular Shelter reservations	\$10.00 per 5 hrs	\$15.00 per 5 hrs
Large Shelter reservations	\$30.00 per 5 hrs	\$40.00 per 5 hrs
Soccer clinic.....		\$125.00 Negotiated
Picnic table moving.....		\$10.00
Volleyball Court rental.....		\$5.00 per hour/\$25.00 per day

FEES FOR COMMUNITY CENTER RENTAL

\$100.00 refundable deposit required on all room rentals

	Resident Fees	Non-resident Fees
Oak Room rental (l&ll)	\$30.00 per hr	\$40.00 per hr
Oak Room rental (l&ll) plus kitchen	\$40.00 per hr	\$50.00 per hr
Kitchen	\$20.00 per hr	\$25.00 per hr
Maple Room rental	\$15.00 per hr	\$20.00 per hr
Pine Room rental	\$15.00 per hr	\$20.00 per hr
Elm Room rental	\$15.00 per hr	\$20.00 per hr
Walnut Room rental	\$15.00 per hr	\$20.00 per hr
TV/VCR rental	\$10.00 per day	\$10.00 per day

MISCELLANEOUS PARK AND RECREATION FEES

	Resident Fees	Non-resident Fees
Cancellation/Transfer Fee	To be determined	To be determined

FEES FOR POOL AND TENNIS MEMBERSHIP

Daily Fees

	Resident Fees	Non-resident Fees
Pool	\$4.00	\$4.00
Tennis	\$3.50 after 8:00 PM	\$4.50 after 8:00 PM

Pool Only

	Resident Fees	Non-resident Fees
Family	\$82.00	\$115.00
Individual	\$45.00	\$60.00
Senior Citizen (60+)	\$25.00	\$30.00
Patch	\$2.50	\$2.50
Replacement Patches	\$10.00	\$10.00
5 Visit Ticket	\$17.50	\$18.75
10 Visit Ticket	\$32.50	\$35.00

1997 FEE SCHEDULE

Tennis Only

	Resident Fees	Non-resident Fees
Family	\$70.00	\$95.00
Individual	\$40.00	\$55.00
Senior Citizen (60+)	\$15.00	\$20.00
Membership Sticker	\$2.00	\$2.00
Replacement Sticker	\$10.00	\$10.00
5 Visit Ticket	\$10.00	\$15.00
10 Visit Ticket	\$17.50	\$27.50

IRONHORSE GOLF COURSE

GOLF COURSE FEES

Daily Fees

"Non-Prime Time" includes Monday through Thursday; "Prime Time" includes Friday, Saturday and Sunday.

The Junior/Senior rates apply only during non-prime time.

The Twilight rates begin at 4:00 PM.

A Tournament Fee includes green fee, golf car and an \$8.00 prize fee.

Non-Prime Time

	Resident Fees	Non-resident Fees
18 Hole	\$25.00	\$29.00
Junior/Senior 18 Hole	\$17.00	\$20.00
Twilight Rate	\$15.00	\$18.00

Prime Time

	Resident Fees	Non-resident Fees
18 Hole	\$33.00	\$35.00
Twilight Rate	\$19.00	\$21.00

Golf Car

18 Hole Golf Car.....	\$13.00
Twilight Golf Car.....	\$7.00
Senior Golf Car.....	\$11.00

LEARNING CENTER FEES

Practice tee

Regular Size Bag.....	\$4.00
Large Size Bag.....	\$6.50

Practice Holes

3 Hole Round.....	\$3.00
Practice Tee Card (30 large bags; 10 rounds on practice course).....	\$150.00

IRONHORSE GOLF ASSOCIATION

The IRONHORSE Golf Association signs the player up on the GHIN handicap system. The player will also receive a reduced entry fee to all IRONHORSE sponsored events.

1997 Membership	\$30.00
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1997 FEE SCHEDULE

IRONHORSE CONDUCTORS CLUB

The IRONHORSE Conductors Club is limited to 125 members. The fee is due at the beginning of the year; benefits end November 30.

The members will receive 1) Seven (7) day advance privileges for starting time reservations; 2) handicap service; 3) 25% discount on Clubhouse rentals; 4) IRONHORSE windshirt; 5) reduced fees to all IRONHORSE sponsored events; and 6) Conductor's Club sale.

Non-residents may only sign up if the 125 memberships are not filled by residents.

1997 Resident Membership	\$400.00
1997 Non-Resident Membership	\$500.00

SPECIAL EVENTS

Starting Time Tournaments - 4 to 20 Players

\$10.00 in addition to applicable daily fee.

Starting Time Tournaments - 20 or more Players

Includes 18 hole fee, golf car and professional services. A merchandise allowance of \$8.00 per player will be returned to each group for use in the Golf Shop.

Monday - Thursday.....	\$57.00
Friday - Sunday	\$65.00

Shotgun Start Tournaments

Includes 18 hole fee, golf car and professional services. A merchandise allowance of \$1,000.00 will be returned to the group for use in the Golf Shop.

Monday - Thursday.....	\$8,750.00
Friday - Sunday	\$9,250.00

1997 FEE SCHEDULE

Adopted by the Governing Body this 6th day of January, 1997.

Marcia Rinehart
Marcia Rinehart Mayor



Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION APPROVING A LEASE PURCHASE BY THE CITY OF LEAWOOD, KANSAS TO FINANCE CERTAIN FIREFIGHTING AND PUBLIC WORKS EQUIPMENT; PROVIDING FOR THE ISSUANCE OF CITY OF LEAWOOD, KANSAS CERTIFICATES OF PARTICIPATION, SERIES 1997-A (EQUIPMENT LEASE PURCHASE PROJECT) TO THE AMOUNT OF \$680,000 TO PROVIDE FUNDS TO PAY THE COST OF SUCH EQUIPMENT; PROVIDING FOR A BASE LEASE AGREEMENT AND AN EQUIPMENT LEASE PURCHASE AGREEMENT BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, AS TRUSTEE; AUTHORIZING THE UNDERWRITER TO OFFER THE CERTIFICATES FOR SALE; AND AUTHORIZING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, and K.S.A. 10-1116b, the Governing Body of the City of Leawood, Kansas (the "City"), has determined that it is necessary and desirable to enter into a lease purchase financing arrangement as hereinafter described to finance the cost of certain firefighting and public works equipment necessary to the governmental functions of the City (the "Equipment") as more fully described in the Trust Agreement herein described; and

WHEREAS, it is hereby found and determined to be in the best interest of the City that the City enter into a Base Lease Agreement (the "Base Lease") with Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation organized under the laws of the State of Kansas, not individually, but in its capacity as trustee (the "Trustee"), whereby the City will lease the Equipment to the Trustee for a term commencing on or about March 1, 1997, and ending upon the payment of all Basic Lease Payments and other amounts due and payable under the Series 1997 Lease (herein described); and

WHEREAS, it is hereby further found and determined to be in the best interest of the City that the City enter into an Equipment Lease Purchase Agreement (the "Series 1997 Lease") whereby the Trustee will sublease the Equipment back to the City for a term commencing on or about March 1, 1997, and terminating upon the payment of all Basic Lease Payments and other amounts due under the Series 1997 Lease; and

WHEREAS, it is hereby further found and determined to be in the best interest of the City that the City enter into a Trust Agreement with the Trustee providing for the issuance of certificates of participation in the aggregate principal amount of \$680,000 as described therein (the "Certificates") to provide funds to pay a portion of the cost of acquiring the Equipment, upon the terms and conditions set forth therein.

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

Section 1. That the Governing Body of the City hereby approves the acquisition and financing of the Equipment by the execution and delivery by the City of the Base Lease in favor of the Trustee, the execution and delivery by the Trustee of the Series 1997 Lease in favor of the City (the "Series 1997 Lease") and the issuance of City of Leawood, Kansas

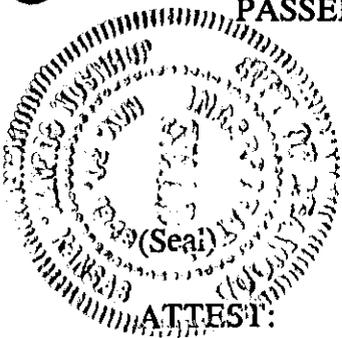
Certificates of Participation, Series 1997-A (Equipment Lease Purchase Project), to the amount of \$680,000 (the "Series 1997 Certificates") pursuant to the Trust Agreement to provide funds to pay the cost of the Equipment. The Series 1997 Certificates shall be payable solely from and shall represent proportionate, undivided interests in Basic Lease Payments to be made by the City under the Series 1997 Lease and not from any other funds or source (except in certain circumstances provided in the Series 1997 Lease and the Trust Agreement). The Series 1997 Certificates and the Series 1997 Lease shall conform generally to the descriptions thereof contained in the Preliminary Official Statement attached hereto as Exhibit A and approved hereby.

Section 2. That the Governing Body of the City hereby authorizes George K. Baum & Company (the "Underwriter") to offer the Series 1997 Certificates for sale upon and subject to the terms set forth in the Preliminary Official Statement.

The Governing Body of the City approves the Preliminary Official Statement and the use thereof by the Underwriter in offering the Series 1997 Certificates for sale as herein provided, and the Governing Body of the City hereby deems the Preliminary Official Statement final as of its date for purposes of S.E.C. Rule 15c2-12, except for the omission of certain terms and details permitted to be omitted therefrom by said Rule.

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

PASSED AND ADOPTED this 20th day of January, 1997.



Marcia Rinehart
Mayor

Martha Heizer
City Clerk

RESOLUTION NO. 1333

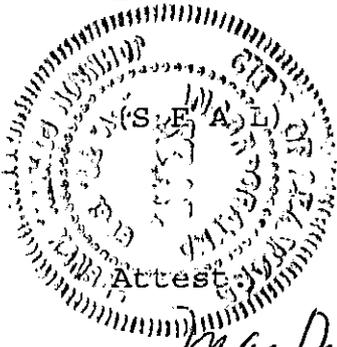
WHEREAS, Resolution No. 872 was adopted by the Governing Body on November 2, 1987, as a policy for naming city sites, facilities, streets and access roads or drives in an orderly manner; and

WHEREAS, the Governing Body has determined that the newly constructed access roadway between Mission Road and the junction of Lee Boulevard and Constitution Court in Leawood Park should be appropriately named; and

WHEREAS, the Governing Body has considered Resolution No. 872, and believes it to be in the best interest of the City that the access roadway be a continuation of the existing Lee Boulevard that passes over I-435 and enters Leawood Park;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, that the access roadway herein described be named Lee Boulevard.

ADOPTED by the Governing Body this 3rd day of February, 1997.



Marcia Rinehart
Marcia Rinehart, Mayor

Martha Heizer

Martha Heizer, City Clerk

RESOLUTION NO. 1334

A RESOLUTION ESTABLISHING THE CITY'S POSITION IN REGARDS TO THE
FEDERAL INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.

WHEREAS, the Federal Intermodal Surface Transportation Efficiency Act
(ISTEA) is set to expire in September 1997; and

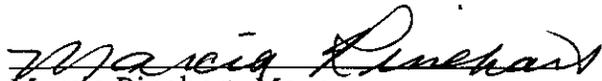
WHEREAS, this Act gives local communities a role in transportation
planning and access to federal transportation dollars to address local and regional
needs related to transportation; and

WHEREAS, there is discussion to make changes to ISTEA that may
eliminate or reduce the level of funding used by local communities to address
transportation needs;

NOW, THEREFORE, BE IT RESOLVED by the City of Leawood, Kansas, that
the City hereby declares its support for maintaining the Intermodal Surface
Transportation Efficiency Act as currently written or in a form that retains the
current funding level used by local communities for local and regional
transportation needs.

ADOPTED by the Governing Body this 18th day of February, 1997.




Marcia Rinehart, Mayor


Martha Heizer, City Clerk

RESOLUTION NO. 1335

WHEREAS, it is the desire of the Governing Body of the City of Leawood to provide for an efficient and effective Municipal Court operation for the benefit of the general public; and

WHEREAS, the activity level and case load of the Municipal Court will continue to escalate in proportion to the population growth in and around Leawood; and

WHEREAS, upon moving to City Hall, the Municipal Court will be able to increase the number of court sessions to provide for a more efficient use of time and resources both for those who appear before and for those who administer the Court; and

WHEREAS, more frequent court sessions will require an additional time commitment beyond which the current Judges are able to provide;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood hereby directs the staff to initiate the process to recruit a part-time Municipal Judge to be employed by the City; and

BE IT FURTHER RESOLVED that a Judicial Selection Committee, to be facilitated by Councilmember John Campbell, shall be appointed to review candidates and recommend the appointment of a Municipal Judge in accordance with the provisions of Section 9-106 of the Code of the City of Leawood.

ADOPTED by the Governing Body this 18th day of Feb., 1997.



Marcia Rinehart
Marcia Rinehart, Mayor

Martha Heizer
Martha Heizer, City Clerk

RESOLUTION NO. 1336

A RESOLUTION REQUESTING JOHNSON COUNTY, KANSAS,
PARTICIPATION IN THE CITY OF LEAWOOD'S FIVE-YEAR CAPITAL
IMPROVEMENT PROGRAM THROUGH THE COUNTY'S ASSISTED ROAD
SYSTEM (C.A.R.S.) 1998-2002

WHEREAS, the Governing Body of the City of Leawood has reviewed and approved the submittal of the attached five-year road and bridge improvement program and,

WHEREAS, pursuant to the Johnson County Commissioners' commitment to hold Leawood harmless from any loss, 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. 0881-91.

ADOPTED by the governing body this 3rd day of March, 1997.

ATTEST:


Marcia Rinehart
Marcia Rinehart, Mayor

Martha Heizer
Martha Heizer, City Clerk

County Assistant Road System 1998-2002 Program Summary Sheet

Participating City:

Priority	Project Location	Proposed Start/ Finish	Project Type	CARS Route Classification		CARS Program Funding Request	Total Project Cost
				Major	Minor		
*Continuation--1998	College Boulevard Elmonte to State Line Road	July 95 July 97	Capacity	X		2,470,815.00	13,065,000
*Continuation--1999	College Boulevard Elmonte to State Line Road	July 95 July 97	Capacity	X		1,375,000.00	13,065,000
2000	Roe Avenue 124th St. South to 135th St.	May 00 Sept 02	Capacity	X		1,100,000.00	4,040,725
2001	119th Street and Mission Road Intersection	May 01 Sept 02	System Management	X		1,058,610.00	3,367,220
2002	State Line Road 79th Street South to 103rd St.	June 02 Oct. 02	Major Maintenance	X		725,000.00	2,100,920
*	CARS Program request is estimate net of City collected sales tax, in accordance with interlocal. Each year will be reconciled at year end with final settlement at year end 1999. Total funds equal 5,500,000.00. Amendment to interlocal agreement attached.						

Instructions for Completing Five-Year Program Summary Sheet

Column	Instructions
Priority:	Projects must be listed in order of priority based on the five year needs of your City. Each project should be preceded by a priority number (i.e. 1, 2, 3, etc.)
Project Location:	Project name generally consists of the major street on which the project is located and the limiting streets on each end of the project (i.e. State Line Road - 112th Street Terrace to Carondelet Drive).
Proposed Start/Finish:	The estimated month and year for the start of construction and completion of construction should be entered in this column.
Project Type:	Note the project type using the following descriptions: Capacity, Major Maintenance, System Management, Bridge Replacement, Bridge Rehabilitation, or Route Enhancements. Definitions for the project types are attached.
CARS Route Classification:	Note the route's classification by checking the appropriate box.
CARS Program Funding Request:	The total amount of funding for the project proposed to be furnished by the CARS Program. This can be any amount up to but not exceeding 25% of the eligible, local share of construction costs for the project.
Total Project Cost:	The total cost of design, right-of-way, utility relocation construction and construction engineering for the project. This figure should be identical to that shown on CARS Form A.

Also included for your use in preparing your city's 5-year plan is CARS Form A. This form must be completed for each project and returned with your 5-year plan submittal.

CITY OF LEAWOOD

RESOLUTION NO. 1337

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, CONSENTING TO THE ENLARGEMENT OF CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS, BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO JOHNSON COUNTY CHARTER RESOLUTION NO. 29-92.

WHEREAS, there comes before the Governing Body for the City of Leawood, Kansas, the matter of the enlargement of Consolidated Main Sewer District of Johnson County, Kansas. The tract to be included within the sewer district governed by the County is described on Exhibit "A" attached hereto and made a part of this Resolution. The provisions of Charter Resolution No. 29-92, Johnson County, Kansas, and any amendments thereto, provide that when any such sewer district extends into the city limits of any incorporated city, the Board of County Commissioners shall not have power to create or extend such sewer district within the city limits without consent of the governing body of the city:

NOW, 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 a sewer district which is governed by the Board of County Commissioners of Johnson County, Kansas.

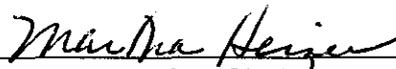
ADOPTED by the Governing Body this 10 day of March, 1997.

APPROVED AND SIGNED by the Mayor this 10 day of March, 1997.

City of Leawood, Kansas

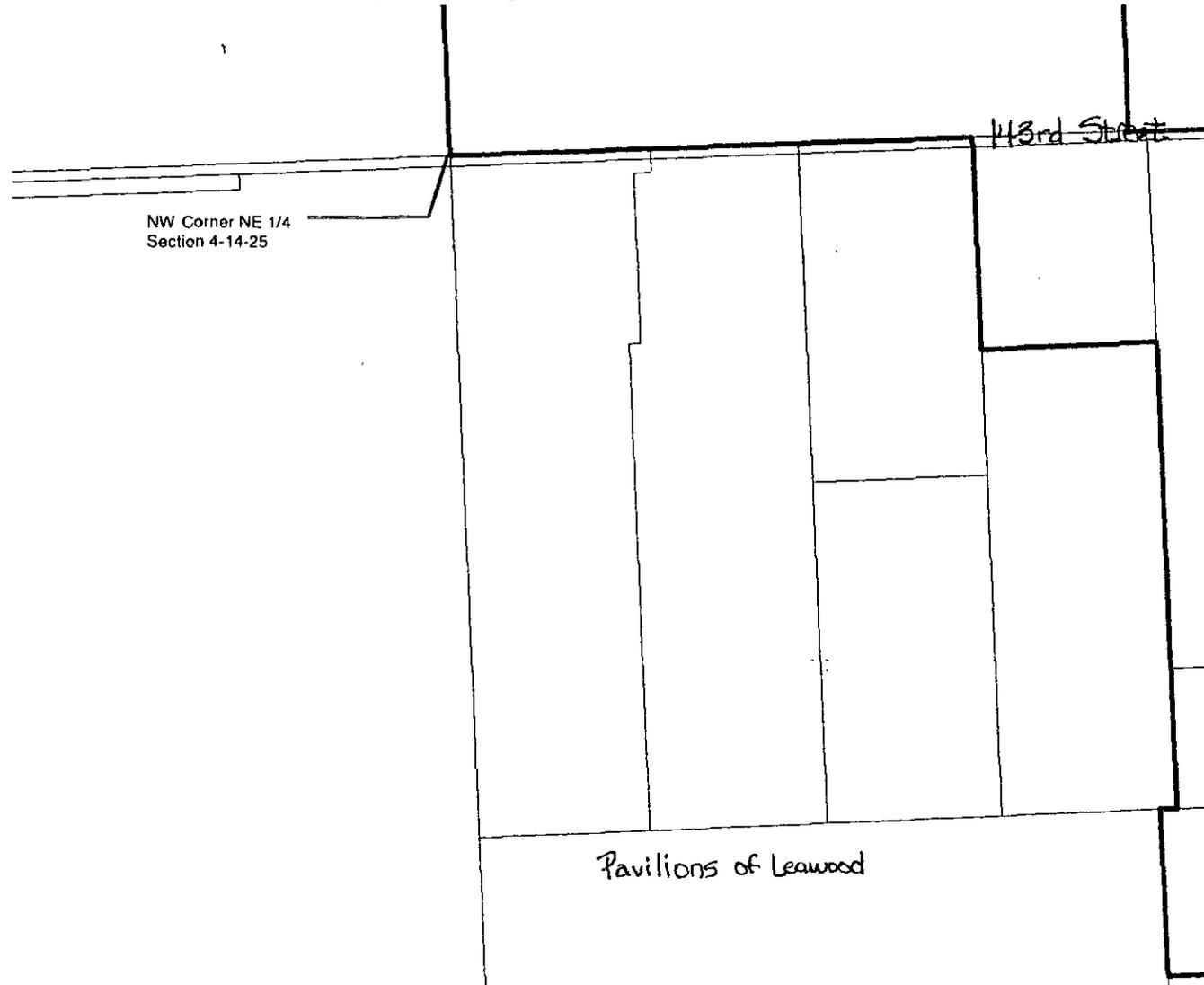

Marcia Rinehart, Mayor

ATTEST:


Martha Heizer, City Clerk

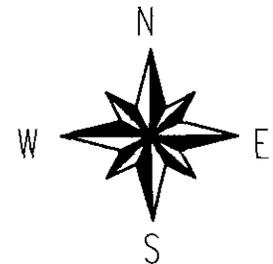
PROPOSED ENLARGEMENT TO CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS

All the North 1/2 of the East 341 feet of the West
1021 feet of the North 1/2 of the Northeast 1/4 of
Section 4, Township 14, Range 25



Pavilions of Leawood

EXHIBIT "A"



RESOLUTION NO. 1338

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Yahooz located at approximately Town Center Drive and Roe Avenue and hereby finds the following:

WHEREAS, a public hearing was held, and

WHEREAS, the use is limited to a restaurant with 6,213 square feet, and

WHEREAS, a variance has been allowed for a 30' setback from Town Center Drive and Roe Avenue, and

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

1. The building is limited to a one story restaurant to contain 6,213 square feet
2. A sign permit must be obtained prior to installation. Color of the sign to be approved by Plan Commission at a later date.
3. No access shall be granted to Town Center Plaza or Roe Avenue directly from the site.
4. All landscaping shall be installed prior to issuance of a certificate of occupancy.
5. All downspouts are to be enclosed.
6. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan with stipulations.

Adopted by the Governing Body this 31st day of March, 1997.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1339

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Leawood Commons Lot 13 located at approximately Town Center Drive and Ash and hereby finds the following:

WHEREAS, a public hearing was held, and

WHEREAS, the building consists of 5,044 square feet, and

WHEREAS, the property is zoned CP-0, Planned Office, and

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

1. The office building is limited to 5,044 square feet.
2. A revised landscape plan and parking plan must be submitted with final documents.
3. All signs require a permit prior to installation.
4. All landscaping must be installed prior to final approval.
5. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
6. All alarms installed must be silent.
7. The trash enclosure location must be reviewed and moved prior to final site plan submittal.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Lot 13 Leawood Commons with stipulations.

Adopted by the Governing Body this 31st day of March, 1997.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1340

WHEREAS, The Alter Group has identified and American Academy of Family Physicians has expressed a desire to locate their headquarters on a site in the area of 114th and Tomahawk Creek Parkway; and

WHEREAS, the City of Leawood owns a 4+-acre tract contiguous to the site proposed for the American Academy of Family Physician headquarters building; and

WHEREAS, the American Academy of Family Physicians has expressed an interest in siting their building as close as possible to Tomahawk Creek Parkway; and

WHEREAS, the Mayor and Councilmembers expressed support for proposed land trade of land currently owned by the City for a like amount of land outside of the floodplain in the same general vicinity; and

WHEREAS, this trade is contingent upon the ultimate approval by the City of American Academy of Family Physician's application to construct their headquarters building; and

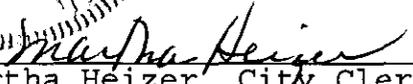
WHEREAS, the City agrees to the American Academy of Family Physician's request for input into the planning process for the Judicial Center to be located on the City's new tract by providing plans for review and comment;

NOW, THEREFORE, BE IT RESOLVED that the Leawood City Council does hereby agree that the trade of land with the American Academy of Family Physicians is in the best interests of the City of Leawood and does hereby formally express its support; this support is contingent upon the approval of a mutually satisfactory agreement by The Alter Group and the City of Leawood.

Adopted by the Governing Body this 31st day of March,




Marcia Rinhardt, Mayor


Martha Heizer, City Clerk

RESOLUTION NO. 1341

A RESOLUTION AUTHORIZING THE SALE OF \$6,945,000 GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS, TO PROVIDE FUNDS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS WITHIN SAID CITY, INCLUDING MAKING IMPROVEMENTS TO THE MUNICIPAL POOL COMPLEX, CITY HALL AND CERTAIN ROADS AND BRIDGES WITHIN THE 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. 12-685, et. seq., as amended, and other provisions of the laws of the State of Kansas (the "State") applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to Mission Road between 95th Street and 103rd Street including necessary appurtenances, as authorized by and provided in Ordinance No. 1330 (the "Mission Road Improvement");

WHEREAS, the Mission Road Improvement has been completed and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$340,000 to be paid by the City at large; and

WHEREAS, pursuant to K.S.A. 12-685, et. seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to Nall Avenue between 119th Street and 135th Street including necessary appurtenances, as authorized by and provided in Ordinance No. 1433 (the "Nall Avenue Improvement");

WHEREAS, the Nall Avenue Improvement has been completed and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$900,000 to be paid by the City at large; and

WHEREAS, pursuant to K.S.A. 12-685, et. seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to 83rd Street between State Line Road and Wenonga Road including the necessary appurtenances, as authorized by and provided in Ordinance No. 1424 (the "83rd Street Improvement");

WHEREAS, the 83rd Street Improvement has been completed, and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$2,300,000 to be paid by the City at large; and

WHEREAS, pursuant to K.S.A. 12-1736 et. seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has authorized reconstruction, remodeling, replacement and repair of the pool, bathhouse and related facilities at Leawood Park, as authorized by and provided in Ordinance No. 1527 (the "Municipal Pool Improvement"); and

WHEREAS, the Municipal Pool Improvement has been completed, and the governing body of the City now finds and determines that the total cost of the Municipal Pool Improvement including construction financing and related expenses is not less than \$1,830,000 with the entire cost to be paid by the City at large; and

WHEREAS, pursuant to K.S.A. 12-1736 et. seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has authorized interior reconstruction, remodeling and renovation, equipment and furnishings, site improvements and additional parking facilities at City Hall, as authorized by and provided in Ordinance No. 1580 (the "City Hall Improvement"); and

WHEREAS, the City Hall Improvement has been completed, and the governing body of the City now finds and determines that the total cost of the City Hall Improvement including interior reconstruction, remodeling and renovation, equipment and furnishings, site improvements and additional parking facilities is not less than \$1,575,000 with the entire cost to be paid by the City at large; and

WHEREAS, the governing body hereby finds and determines that it is necessary and desirable at this time that the City offer for sale its general obligation bonds for the purpose of providing funds to pay the cost of the Mission Road Improvement, the Nall Avenue Improvement, the 83rd Street Improvement, the Municipal Pool Improvement and the City Hall Improvement (collectively, the "City Improvement Projects");

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

Section 1. That the Director of Finance on behalf of the City of Leawood, Johnson County, Kansas, is hereby authorized and directed to offer for public sale in the manner required by law, the general obligation bonds of the City in the aggregate principal amount of not to exceed \$6,945,000, for the purpose of financing the costs of the City Improvement Projects described herein pursuant to the laws and the general obligation bond authority of the State of Kansas.

Section 2. That the official Notice of Sale shall be substantially in the following form, provided that published notice of sale may be in abbreviated form incorporating the terms of the official Notice of Sale by reference:

NOTICE OF BOND SALE
 \$6,945,000
 GENERAL OBLIGATION IMPROVEMENT BONDS
 SERIES 1997-A
 LEAWOOD, JOHNSON COUNTY, KANSAS

Sealed bids will be received by the undersigned City Finance Director of Leawood, Johnson County, Kansas, at City Hall, 4800 Town Center Drive, Leawood, Johnson County, Kansas, until 11:00 a.m. local time on Monday, April 21, 1997, 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 certain public 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 1997-A, in the aggregate principal amount of \$6,945,000. The Bonds will consist of fully registered bonds without coupons in the denominations of \$5,000 and any integral multiple thereof, will be dated April 15, 1997, and will mature serially on September 1 of each year and in the principal amounts, as follows:

Series 1997-A Bonds

<u>Maturity</u>	<u>Amount</u>	<u>Maturity</u>	<u>Amount</u>
1997	\$145,000	2007	\$375,000
1998	500,000	2008	375,000
1999	500,000	2009	375,000
2000	500,000	2010	375,000
2001	500,000	2011	375,000
2002	500,000	2012	85,000
2003	500,000	2013	85,000
2004	500,000	2014	85,000
2005	500,000	2015	85,000
2006	500,000	2016	85,000

A bidder may elect to have all or a portion of the Bonds issued as term bonds scheduled to mature in 2016 subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above, subject to the following conditions: serial bonds selected for conversion to

term bonds with mandatory redemption requirements shall be chosen in inverse order of maturity, beginning with Bonds scheduled to mature in 2016; and all Bonds selected as term bonds shall bear the same rate of interest. Not less than all Bonds of the same serial maturity shall be converted to term bonds with mandatory redemption requirements. A bidder shall make such an election by completing the applicable paragraph on the Official Bid Form.

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 September 1, 1997.

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 book-entry only form as one fully registered bond for each maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry-only form in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased.

At the option of the City, Bonds maturing on September 1, 2007 and thereafter will be subject to redemption and payment prior to maturity, on September 1, 2006, and on any interest payment date thereafter, in whole or in part (in integral multiples of \$5,000 within a single maturity) selected by the City in its sole discretion at the redemption price of 100% of the principal amount so redeemed, plus accrued interest to the date fixed for redemption, without premium.

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 the State 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 from ad valorem taxes which may be levied without limitation as to rate or amount upon all 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 The Bond Buyer, 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 the 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. The best bidder will be the bidder whose bid will result in the lowest "true interest cost" ("TIC"), determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Bonds, from the payment dates to April 15, 1997 (the dated date of the Bonds), produces an amount equal to the price bid, including premium, if any. Payments of principal and interest on the Bonds will be based on the principal amounts set forth in this Notice of Bond Sale and the interest rates specified by each bidder. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months.

Bidders are requested to supply an estimate of the TIC for the Bonds on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the City.

If there is any discrepancy between said true interest cost and the rates specified in said bid the stated interest rates shall govern and the true interest cost shall be adjusted accordingly. In the event that two or more bidders offer bids at the same TIC, the Governing Body of the City will determine, by lot, which bidder will be designated as the low bidder.

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 Bryan Cave LLP, Kansas City, Missouri, Bond Counsel, whose services will be paid for by the City. The opinion of Bond Counsel will state the 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 May 14, 1997, through the facilities of the Depository Trust Company, New York, New York. 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 purchaser 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 26,394. The 1996 assessed valuation of all taxable tangible property within the City of Leawood, Kansas is \$326,180,001, including motor vehicle valuation of \$51,761,195. The total general obligation bonded indebtedness of Leawood, Kansas, at the date hereof, including the issue of bonds herein offered for sale, is \$33,065,000. The City of Leawood has temporary notes outstanding in the total amount of \$23,600,000, of which 6,700,000 will be redeemed and canceled from the proceeds of the Bonds herein offered for sale and other available funds of the City.

A good faith deposit by cashier's or certified check or financial surety bond in the amount of 2% of the total amount of the bid for the Bonds shall accompany each bid. If a financial surety bond is used it must be from an insurance company licensed to issue such a bond in the State of Kansas and must be submitted to the City prior to the opening of the bids. If the Bonds are awarded to a bidder utilizing a financial surety bond, that successful bidder shall be required to submit its deposit to the City by cashier's or certified check or wire transfer not later than 11:00 a.m. local time or the next business day following the award.

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 from George K. Baum & Company, Twelve 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, 4800 Town Center Drive, Leawood, Kansas 66211, and marked "Bid for purchase of \$6,945,000 General Obligation Improvement Bonds, Series 1997-A, Leawood, Johnson County, Kansas." Bids may also be delivered to the said officer at City Hall, Leawood, Kansas, at or immediately prior to 11:00 a.m. on the sale date.

DATED at Leawood, Kansas, this 31st day of March, 1997.

HARRY MALNICOF,
City Finance Director

Section 3. That proposals for the purchase of said bonds shall be submitted in the form of the Official Bid Form attached hereto as Exhibit A which form is hereby approved for use by bidders or prospective purchasers of said bonds.

Section 4. That the governing body of the City hereby approves the Preliminary Official Statement in substantially the form attached hereto as Exhibit B and the use thereof in offering the bonds for sale as herein provided, and the governing body of the City hereby deems the Preliminary Official Statement final as of its date for purposes of S.E.C. Rule 15c2-12, except for the omission of certain terms and details permitted to be omitted therefrom by said Rule.

The Director of Finance is authorized and directed to cause said preliminary official statement, the notice of bond sale and form for proposals to be printed and/or published as required by law and mailed or otherwise distributed to known interested prospective bidders and purchasers.

George K. Baum & Company, financial advisor to the City, is hereby authorized to submit a bid for the purchase of said bonds.

Section 5. This Resolution shall take effect and be in force from and after its passage and approval by the governing body of the City.

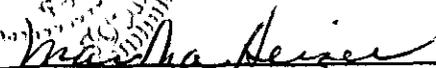
PASSED by the Governing Body this 31st day of March, 1997.

SIGNED by the Mayor this 31st day of March, 1997.



Marcia Rinehart, Mayor





Martha Heizer, City Clerk

EXHIBIT A

OFFICIAL BID FORM

OF

THE CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 1997-A

TO THE CITY OF LEAWOOD, KANSAS:

For \$6,945,000 principal amount of General Obligation Improvement Bonds, Series 1997-A, of the City of Leawood, Kansas, to be dated April 15, 1997, as described in your Notice of Bond Sale, dated March 31, 1997, said bonds to bear interest as follows:

SERIES 1997-A BONDS

<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u> <u>Per Annum</u>	<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u> <u>Per Annum</u>
1997	\$145,000		2007	\$375,000	
1998	500,000		2008	375,000	
1999	500,000		2009	375,000	
2000	500,000		2010	375,000	
2001	500,000		2011	375,000	
2002	500,000		2012	85,000	
2003	500,000		2013	85,000	
2004	500,000		2014	85,000	
2005	500,000		2015	85,000	
2006	500,000		2016	85,000	

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

We hereby elect to have \$ _____ principal amount of the bonds shown above to mature in the years _____ to 2016 issued as term bonds scheduled to mature in 2016 and subject to mandatory redemption requirements in amounts and at the times shown above; all bonds selected as term bonds shall bear the same rate of interest.

The following information is provided on the basis of this bid:

Total interest cost to maturity on
the rates specified above \$ _____

Total premium \$ _____

True interest cost _____%

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, or financial surety bond, in the amount of \$138,900 payable to the order of the City of Leawood, Kansas, accompanies this proposal as a good faith deposit. Said deposit 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 deposit shall be delivered to the undersigned. If the bid herein contained is accepted, then the deposit 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 deposit shall be applied to the purchase price of the Bonds. 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.

Dated: _____, 1997.

(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.

Pursuant to action duly taken by the Governing Body of the City of Leawood, Kansas, the above proposal is hereby accepted this _____ day of _____, 1997.

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 City Hall, 4800 Town Center Drive, Leawood, Johnson County, Kansas, sealed at or prior to 11:00 a.m. local time, on Monday, April 21, 1997, or delivered to said officer at City Hall in Leawood, Kansas at or immediately prior to that time on said date.)

RESOLUTION NO. 1342

The Leawood City Council has considered the request for approval of rezoning from AG, agriculture to SD (C-R), Special Development sub-district (commercial - retail), preliminary site plan and preliminary plat for Price Chopper located at approximately the northeast corner of 135th and Mission Road and hereby finds the following:

WHEREAS, the development will consist of 190,035 square feet limited to 161,435 of retail space, a 5,000 square foot bank site, and 23,600 square feet for offices on a total of 23.05 acres, and

WHEREAS, a public hearing was held, and

WHEREAS, a park impact fee of \$19,003.50 shall be paid at the time of building permit application, and

WHEREAS, the K-150 impact fee will be paid prior to platting, and

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

1. The development will be limited to 190,035 square feet to consist of 161,435 square feet of retail space, 5,000 square feet for a bank site, and 23,600 square feet for offices on a total of 23.05 acres.
2. Office site "A" and shops "B" in the northeast corner of the site are restricted to office use as shown in the SDO sub-district. A reduced copy of the project site plan is attached hereto and made a part hereof (Exhibit A). Office site "A" and shops "B" and the supermarket as shown on the approved preliminary development site plan (Exhibit A), must all be constructed simultaneously as a part of Phase 1 of the project.
3. The Developer will be responsible for the following street improvements:
 - a. Construction of the full width of 133rd Street east from Mission Road to Pawnee and the construction of Pawnee Street adjacent to the Developer's property.
 - b. Additional street improvements as required by the traffic study will be constructed by this Developer. A list of the required traffic improvements as set forth in the traffic study prepared by TEC Engineering, which traffic study is made a part hereof as if fully set forth in length herein. Provided the entrance shown on the TEC traffic study, which is at approximately the midway point between 133rd and 135th on Mission Road shall be limited to right-in right-out turns only.
 - c. An additional lane shall be constructed on the north side of 135th Street, adjacent to the development for a total of 3 lanes. In addition, the developer shall construct a taper lane in order to facilitate deceleration and acceleration in and out of the project.

- d. Traffic signals are required at the intersection of 133rd and Mission Road and 135th Street and Pawnee. Developer will deposit the estimated and probable cost of such signalization into escrow with the City. The City shall administer the traffic signal project for the subject intersections. The City shall take all actions necessary to insure that the traffic signals are installed, activated and coordinated prior to the opening of the development. If this project proceeds before the development of Leawood Place to the west, or development of the intersection of 135th and Pawnee, then the City, as a condition precedent to final development plan for Leawood Place, or any development at 135th and Pawnee, will require Leawood Place or the Developer of 135th and Pawnee to reimburse this Developer for the proportionate cost of the signalization project that would otherwise have been the responsibility of the Developer of Leawood Place or the Developer of 135th and Pawnee.
- e. The Developer shall extend 133rd Street west of Mission Road as shown on Exhibit A as a 28 foot roadway from the southernmost school parking lot onto 133rd Street, thus allowing northbound traffic to exit the school and utilize the future signal at 133rd and Mission Road. The City shall be responsible for acquiring the necessary right-of-way for the roadway, but the Developer shall be responsible for constructing the 28 foot wide roadway. The future Developer of the northwest corner of 135th and Mission Road shall be required, as a part of its final development plan, to improve 133rd Street west of Mission Road to the City's permanent major collector specifications. The current southerly access drive from the school parking lot onto Mission Road will be removed and replaced with sod by the Blue Valley School District at the time that the new drive to 133rd Street has been completed by the Developer.
- f. As stated above, the Developer shall construct the complete width of proposed 133rd Street from Mission Road to Pawnee and Pawnee from 135th Street to 133rd Street and this street and the related traffic signals must be fully constructed and operational prior to the opening of the neighborhood shops, offices and supermarket. The construction of the proposed 133rd street from Mission to Pawnee and the Developer's commitment to the above-referenced park improvements will fully satisfy Developer's financial obligations under a proposed Improvement District to be constructed for 133rd Street from Mission Road to State Line. Developer shall, however, execute the petition and covenant referred to below. Developer may be required to construct 133rd Street from Mission Road to Pawnee as a part of the Improvement District but shall receive credit for construction done by the Developer of 133rd from Mission Road to Pawnee as long as the construction is according to plans and specifications approved by the City and is authorized under the terms under which the Improvement District is established.
- g. Supermarket Developers has secured the agreement of Ranchmart, Inc. to create an improvement district for the construction of 133rd Street from Mission Road to State Line and a covenant not to oppose such a petition, if such is initiated by the City. Under the terms of the Petition and Covenant, Ranchmart, however, shall have input into the selection of the final route for 133rd Street and as a condition precedent to Ranchmart's support, it is agreed that when this section of 133rd Street is constructed, it will be constructed as one project from Mission Road to State Line. Completion of construction of 133rd from Pawnee to State

Line shall not be a condition precedent to the issuance of a Building Permit for Developer's project. Provided, however, no Building Permit shall be issued for Developer's project until the City has in its possession the legal documents that are required in order to create or guarantee the creation of the 133rd Street improvement district. The City, as a part of the creation of the 133rd Street improvement district, may allow the entire section of 133rd Street from Mission to State Line to be constructed as a part of the Developer's construction process by the Developer's contractor, based on plans approved by the City and designed by the Developer's civil engineer. The City, however, shall administer the project by separate contract with the Developer according to the provisions of K.S.A. 12-6a 01 et seq. The project will be planned and constructed in a manner that will ensure not only shall 133rd Street be constructed and operational prior to the opening of the project, but that the traffic signals that are required under this Agreement shall be operational and coordinated prior to project opening.

4. Mission Road shall be posted and enforced by the City with a "no truck route" sign north of 133rd Street and, additionally, right or left turns on southbound Mission Road at 119th Street will be prohibited by trucks. In addition, the City may add any additional signs in and around the development that would prohibit turning movements that would be contrary to the intent of this section which is to prohibit thru truck traffic all together on Mission Road from 133rd to 119th Street.
5. The 135th Street design guidelines have been considered and reviewed in terms of the preliminary site plan, and such guidelines, except where indicated, continue to govern the final site plan consideration for the project. A copy of the Professional Staff findings in this regard is attached and made a part hereof. Developer has submitted a specific design plan for its entrance feature consistent with the 135th Street Corridor Design Guidelines. A copy of the plan containing the 135th Street elements is attached hereto as Exhibit "B" and made a part hereof. The Developer and the City believe the plan to be in substantial compliance with the Bucher Willis & Ratliff plan for such entrance features, a copy and a depiction of which is attached hereto and made a part hereof. These features and their compliance with the guidelines and report shall be considered at final plan submission.
6. The landscaping approved as a part of the preliminary development plan and as more specifically approved and delineated on the final development plan on the south side of 133rd Street must be installed prior to the release of an occupancy permit for any portion of Phase 1 of the proposed project.
7. The Developer is responsible for the payment of the 135th street corridor impact fee. The current fee is \$1.32/ square foot for retail and \$.40/ square foot for office (finished floor area). These fees may be adjustable from time to time. The fees are to be paid at the time of building permit application.
8. The Developer is responsible for the payment of the park impact fee of \$0.10/ square foot of finished floor to be collected at the time of building permit application.
9. The Developer shall withdraw the pending application for a duplex development on the approximate 11 acres north of 133rd Street and east of Mission Road and immediately south of the Waterford subdivision. In lieu thereof, the Developer shall acquire this acreage and then donate the same to

the City of Leawood so that the City of Leawood may use the property as a passive park to be developed as provided in the following paragraph.

10.

- a) With respect to the park donation, the Developer has submitted to the City as a part of the approved preliminary site development plan a detailed park site plan setting forth the amenities proposed within the park. A copy of said detailed park site plan is attached hereto as Exhibit "C" and made a part hereof. In this conjunction, the Developer will submit for the City's approval a proposed grading plan for the park, which will show a general layout of the park including the location and height of the proposed berms to be constructed in the park, which are specifically designed to provide line of sight relief to adjacent property owners on the south side of the Waterford subdivision. The park property will be finish graded by the Developer at the time that Phase 1 of the shopping center is constructed. Prior to the issuance of final development plan, the City shall provide assurances that the completion of the park improvements shown on Exhibit "C" will be approved by the City Park Department and by the City Council. The City shall take such legal action as is necessary to ensure the completion of the park improvements shown on the approved park development plan. This approval shall include a specific resolution as to the financing of the park, improvement plans, including the proposed wrought iron fence, including a gate adjacent to Pawnee on the north side of the park, seeding or sodding, and the plant materials called for on the park development plan. The plan shall also include a proposed alignment for the construction of a walking trail and any other sidewalks or paved area to be constructed as a part of the public park.
- b) The estimated and probable cost of the park improvements, including design, is approximately \$119,000.00. The cost estimate does not include relocation of the existing old a schoolhouse to the proposed park and/or the associated vehicle drive, parking and pedestrian parking and security gate. However, the park development plan shall show the schoolhouse location as a proposed Phase 2 of the park development plan and shall provide an adequate area in which the schoolhouse and any related improvements could be situated if it is the final decision of the City to so provide at its cost.
- c) The City and the Developer agree that with respect to the park improvements set out in paragraph 10 (b) above the Developer will execute a petition for improvement district pursuant to K.S.A. 12-6a 01 et seq. that will commit the Developer to paying the estimated and probable cost of the park improvements including design in an amount estimated to be \$119,000 as set out above. The City shall prepare the petition in a manner that would also allow for the possibility of the City joining the Improvement District for the purposes of paying for possible Phase II improvements to the park, including but not limited to, the relocation of the existing one-room school from its present location.
- d) The city, for its part, agrees that the park fee to be paid by the Developer shall be applied to assist in the capital costs associated with the Phase 1 of the new park. The balance of the expense required to complete Phase 1 of the park plan shall be borne entirely by the Developer, but shall be included in the 133rd Street improvement district and shall be assessed 100% to the Developer's property. The City and the developer will prepare a master construction schedule in order to coordinate construction activity for the proposed park, the construction of the berm and

the construction of 133rd Street so that, to the maximum extent possible, there will only be one primary disruptive construction season of activity.

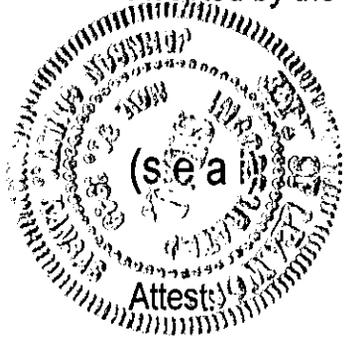
11. The City shall favorably consider a deviation from the general guidelines set forth in the K-150 study which deviation will allow a median cut properly signalized at Pawnee.
12. The City will not review the Developer's final plan until the City has received the results of a traffic study described hereafter. The City agrees to retain the firm of Bucher, Willis & Ratliff to address four primary issues of concern:
 - i) Bucher, Willis & Ratliff will determine what, if any, impacts the proposed level of development in the K-150 corridor would have with reference to Mission Road so that the City can consider the possible impact on student safety issues and determine if any other proposed developments in the area should be reconsidered, modified or in any way taken into consideration;
 - ii) Whether the Developer's plan, as modified, and including the median cut at Pawnee will cause a material adverse impact in traffic at Mission Road and surrounding area; and
 - iii) Whether the Developer's plan, as modified, will create a need for future widening of Mission Road. In connection with this issue, Bucher Willis & Ratliff will attempt to determine at what level of development in the K-150 corridor the widening of Mission Road would need to be considered so that the City can consider the possible impact on student safety issues and determine if other proposed developments in the area should be reconsidered, modified or in any way taken into consideration.
 - iv) Whether there are any other improvements, whether proposed or not at this time, that would mitigate against adverse impacts of the development or improve the general traffic situation in and around the area of the development.
13. In addition to the stipulations set forth above that were proposed by the City Professional Planning Staff, Developer further agrees that there shall only be one facility in the entire proposed neighborhood shops and offices that will constitute a so-called fast-food facility and that this facility may only be situated on K-150 between Pawnee and the ingress-egress point between Mission and Pawnee.
14. Developer will not accept any restaurant tenants that do not satisfy the requirements of the Kansas laws that more than 50% of an establishment's sale be from the sale of food.
15. Pavers will be provided and installed at the crosswalk locations on Mission Road at 135th Street, on Mission Road at 133rd Street, on 133rd at Mission road, and on Pawnee Street at 133rd Street.

16. All parking and landscaping for pad sites will be reviewed at the time of individual pad site applications. The approval of the preliminary site plan does not in all cases delineate the final configuration of individual pad site locations.
17. The service court walls will be bricked a minimum of 25 feet back from the entry into the service court.
18. The Developer will be responsible for the berm in the park to the north which berm shall be a minimum of 12 feet in height and shall be configured and aligned to provide the maximum line of site benefit to the property owners along the south property line of the Waterford subdivision. The applicant will be responsible for the grading and the seeding of the donated park land.
19. Pawnee Street as located in the Waterford subdivision shall be modified as suggested in the attached concept plan, incorporated herein as Exhibit "D". A cul-de-sac will not be placed where Pawnee stops at the north end of the proposed park. The suggested improvements shall be constructed at the developer's cost.
20. The buildings will be built of brick.
21. All downspouts are to be internal.
22. All utility boxes in the parking lot will be screened appropriately.
23. All roof top units will be screened from public view with a parapet wall.
24. The Developer shall use its best efforts in its contractual relations with suppliers and vendors and delivery companies of all kind, including but not limited to the waste disposal companies, to ensure that deliveries occur to the site not earlier than 6:30 a.m. and not later than 10:30 p.m.
25. The Developer, as a condition precedent to final development plan, shall present a detailed lighting study to the City staff for its review and the study and lighting plan shall be generally in conformance with the City's lighting standards.
26. A building permit is required prior to construction.
27. This development agreement shall be included as a part of the zoning application and shall be made a part of the approved preliminary and final development plans.
28. The final development plans shall not only be approved by the Plan Commission in the conformance with Kansas law, but shall also be reviewed and must secure the approval of the governing body.
29. The City Attorney is directed to review the most recent draft of the proposed stipulations and make any other changes or corrections necessary in the opinion of the City Attorney to make the document a complete development agreement which can be attached and become a part of the final development plan.

WHEREAS, the developers/owners agree to these stipulations,

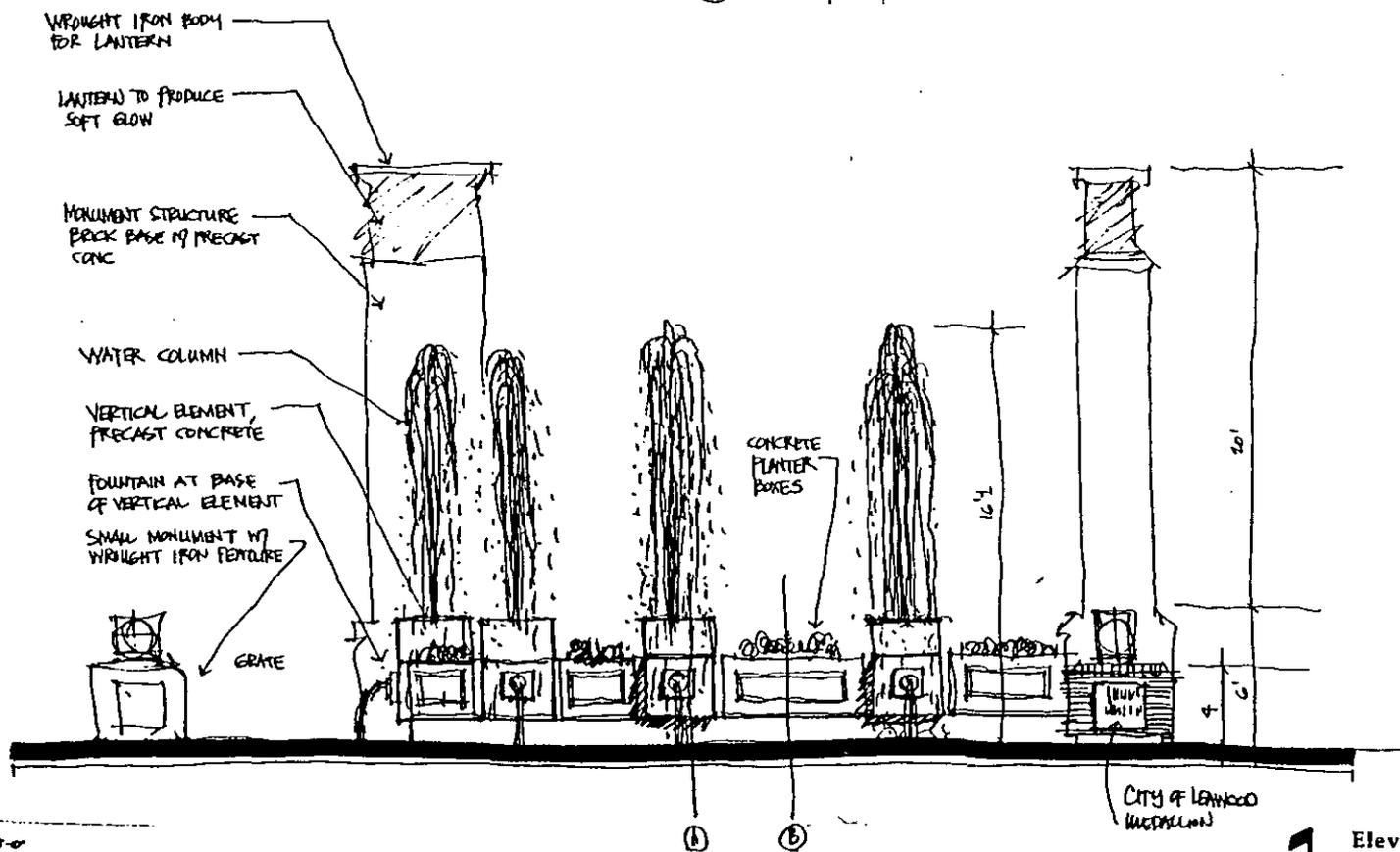
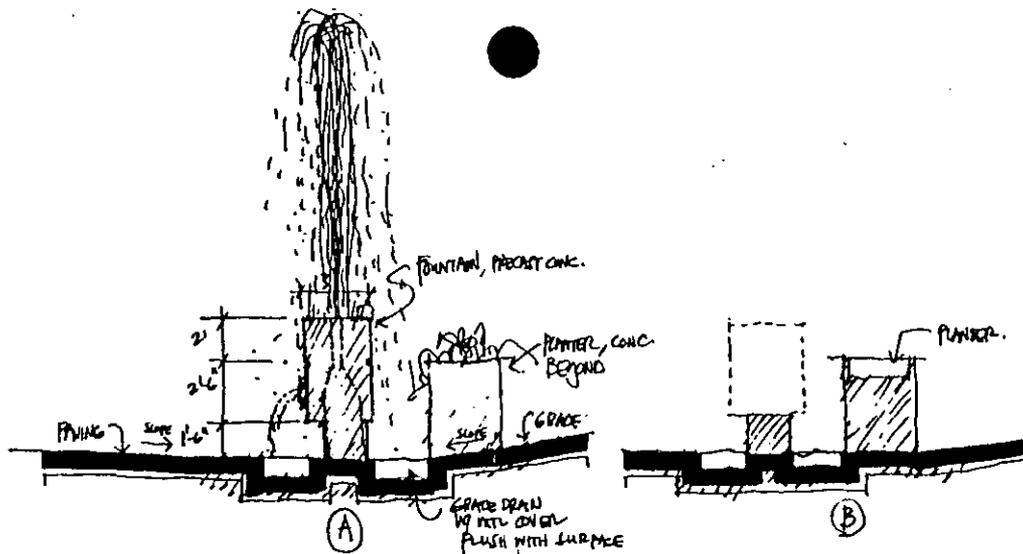
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning from AG, agriculture to SD (C-R), Special Development sub-district (commercial - retail), preliminary site plan and preliminary plat for Price Chopper with stipulations.

Adopted by the Governing Body this 7th day of April, 1997.



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk



WROUGHT IRON BODY FOR LANTERN
 LANTERN TO PRODUCE SOFT GLOW
 MONUMENT STRUCTURE BRICK BASE W/ PRECAST CONC.
 WATER COLUMN
 VERTICAL ELEMENT, PRECAST CONCRETE
 FOUNTAIN AT BASE OF VERTICAL ELEMENT
 SMALL MONUMENT W/ WROUGHT IRON FENCE

CONCRETE PLANTER BOXES

CITY OF LEANWOOD
 WASHINGTON

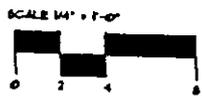


EXHIBIT "B"

Elevation
 Water Column
MARKET SQUARE

GENERAL NOTE:

WATER COLUMN/FOUNTAIN PLAN IS PRESENTED AS 1. WROUGHT STRUCTURE TO HAVE SIMILAR PLAN AND TO BE LOCATED ON CORNER 2.

LANDSCAPE NOT SHOWN FOR CLARITY, REFER TO SITE PLAN

MONUMENT STRUCTURE BACK PAGE W/ PRECAST CONC. LANTERN LOCATED AT TOP.

CONCRETE PLANTER BOX

VERTICAL ELEMENT / PRECAST CONCRETE W/ WATER COLUMN

METAL GRATE BOTH SIDES OF LOW CONC WALL

LOW CONC WALL CONTINUOUS

MONUMENT STRUCTURE

LANDSCAPE

WALK

SMALL MONUMENT W/ WROUGHT IRON FEATURE

GRASS

SCALE 1/4" = 1'-0"

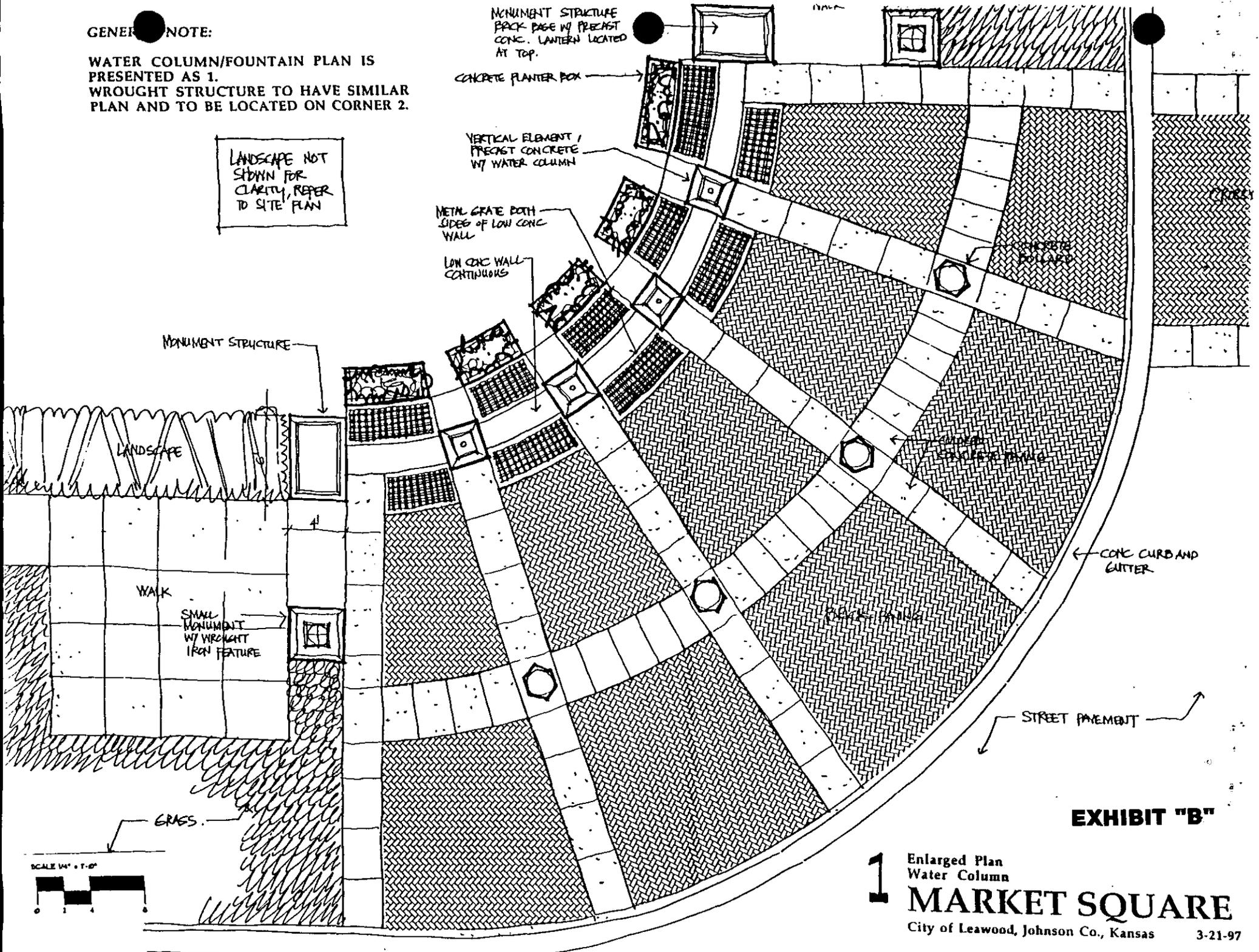


EXHIBIT "B"

1 Enlarged Plan
Water Column
MARKET SQUARE
City of Leawood, Johnson Co., Kansas 3-21-97

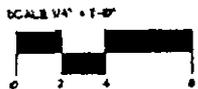
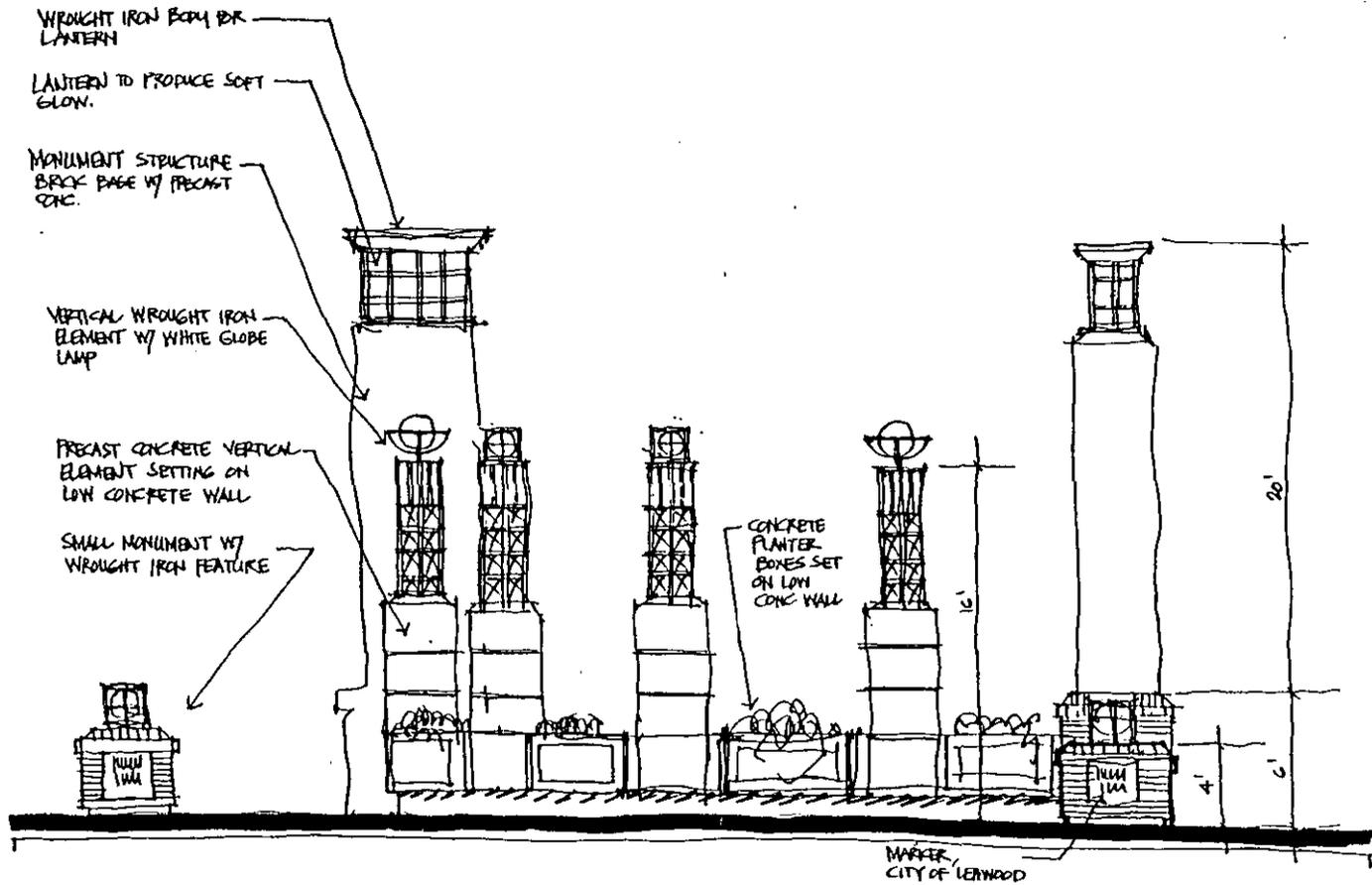
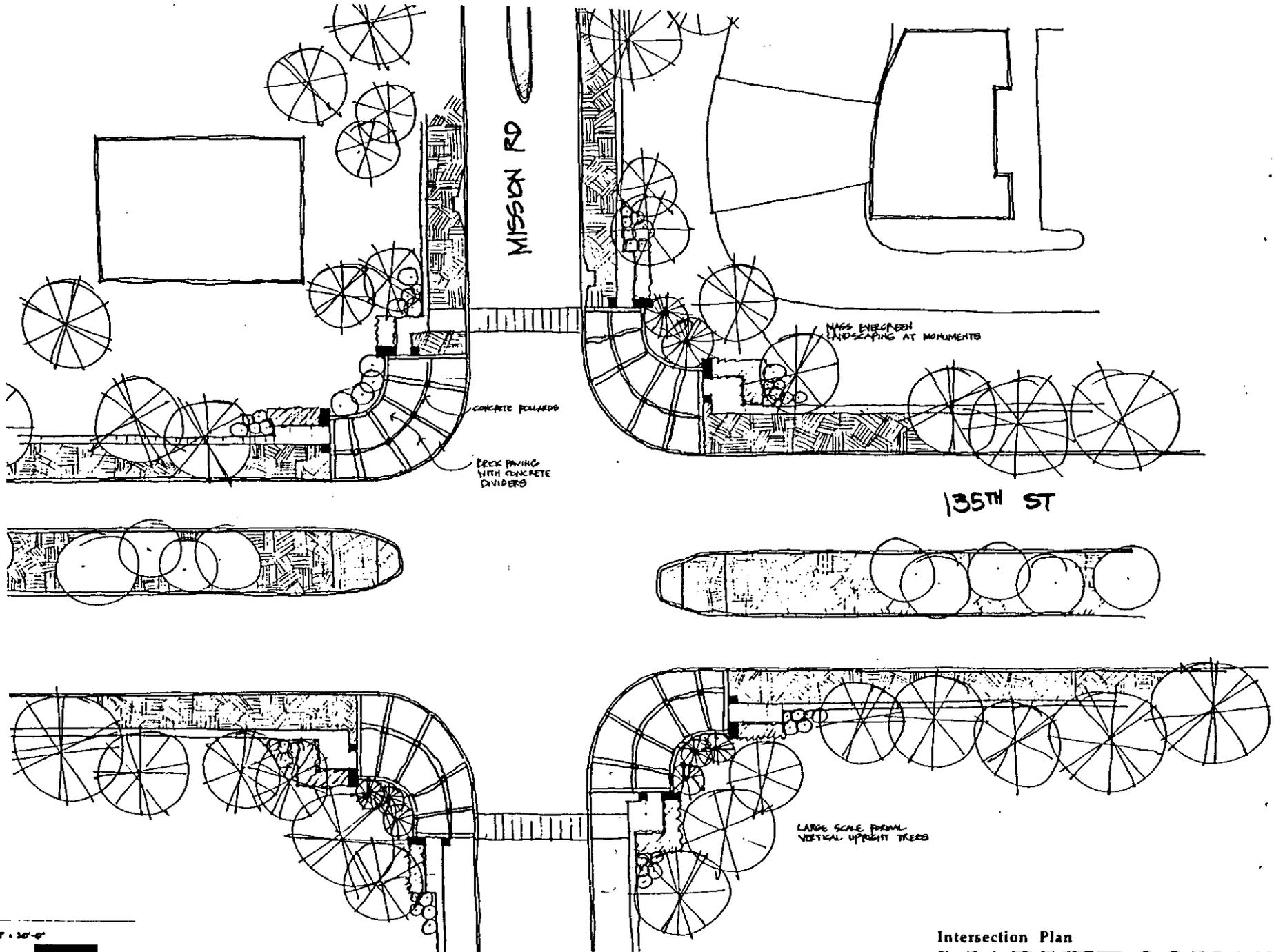


EXHIBIT "B"

2 Enlarged Plan
 Wrought Iron Structure
MARKET SQUARE
 City of Leawood, Johnson Co., Kansas 3-21-97



SCALE 1" = 30'-0"



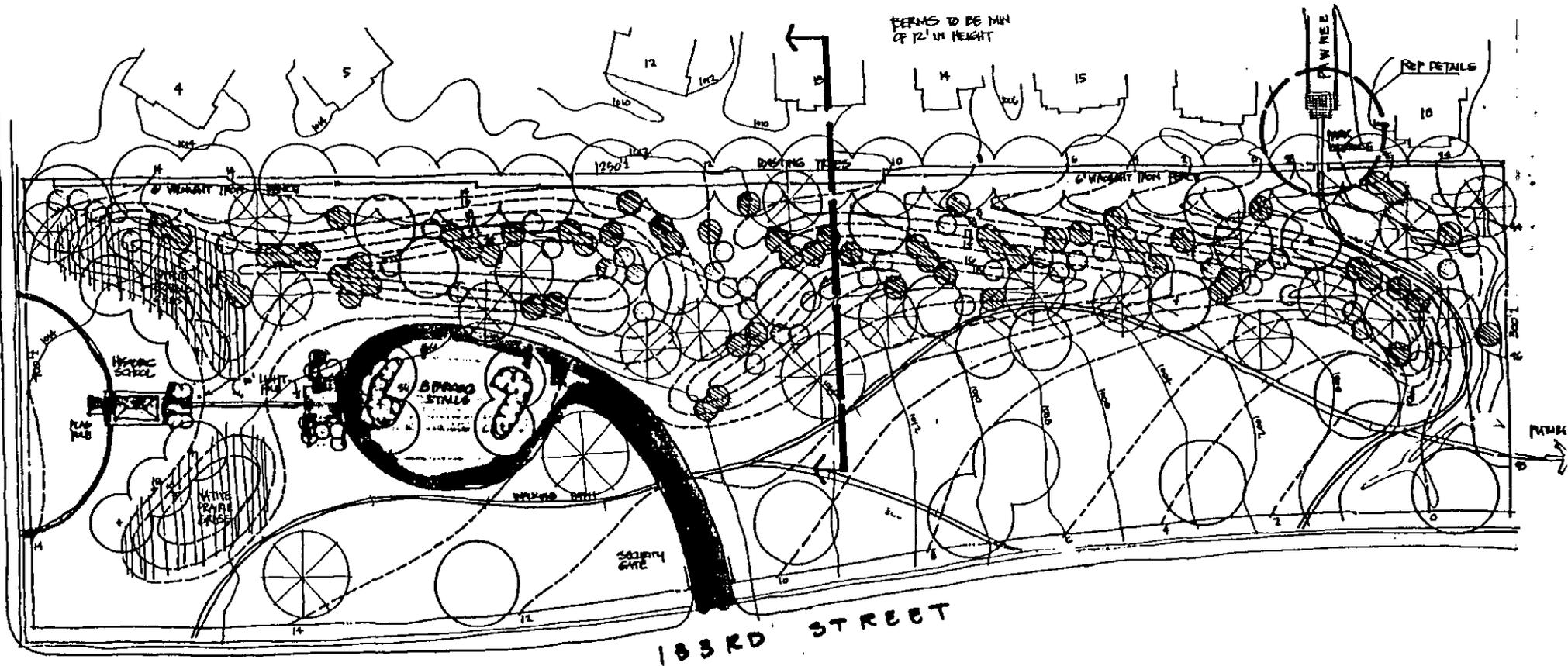
EXHIBIT "B"

Intersection Plan
MARKET SQUARE

City of Leawood, Johnson Co., Kansas

3-21-97

MISSION RD



NOTE: SHADED AREA IS PHASE II DEVELOPMENT
 PHASE II IS NOT INCLUDED IN PHASE ONE PARK CONSTRUCTION

SCALE 1" = 60'


PHASE ONE PROPOSED PARK

133 RD AND MISSION ROAD LEAWOOD, KS.
 3/21/97



EXHIBIT "C"

EXISTING DRIVE

STREET

28'

EXISTING STREET CONST

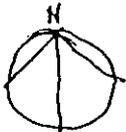
NEW CURB INLET

NEW INTERLOCKING CONC PAVERS

6" ASPHALT PATH

ENTRY TO PARK FROM PAWNEE

SCALE 1" = 10'



3/21/97



KANE AND JOHNSON ARCHITECTS, INC.

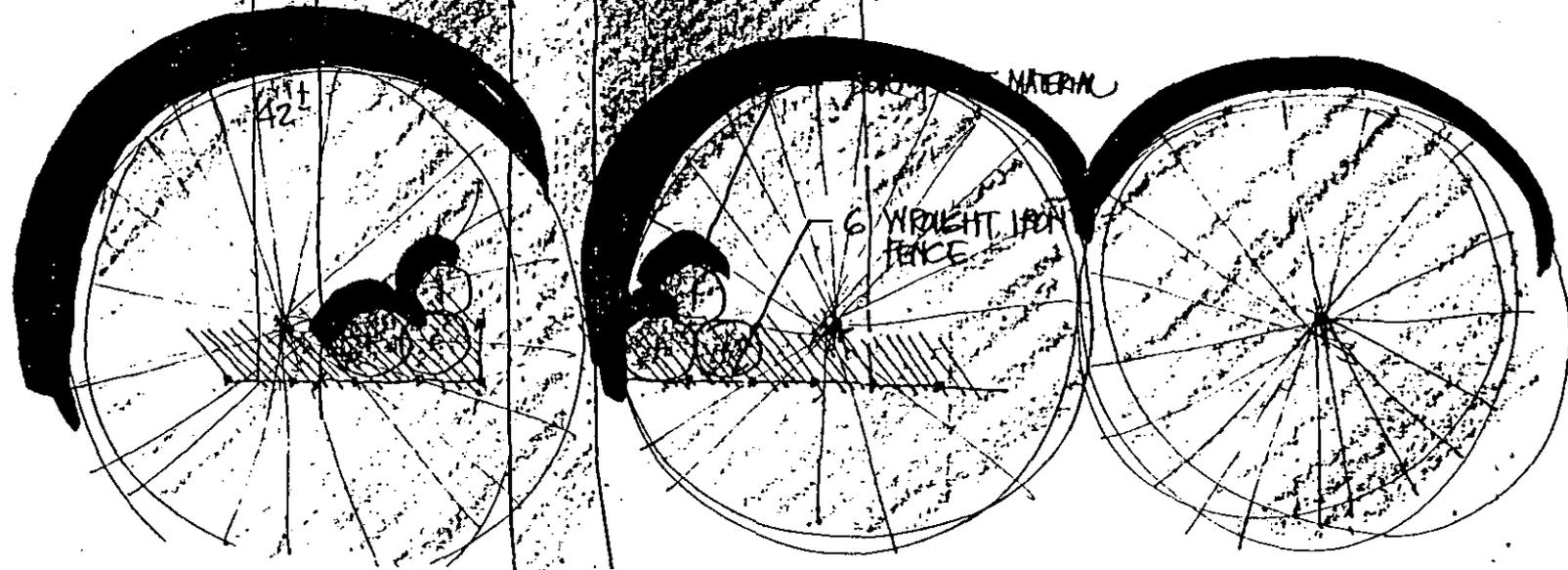
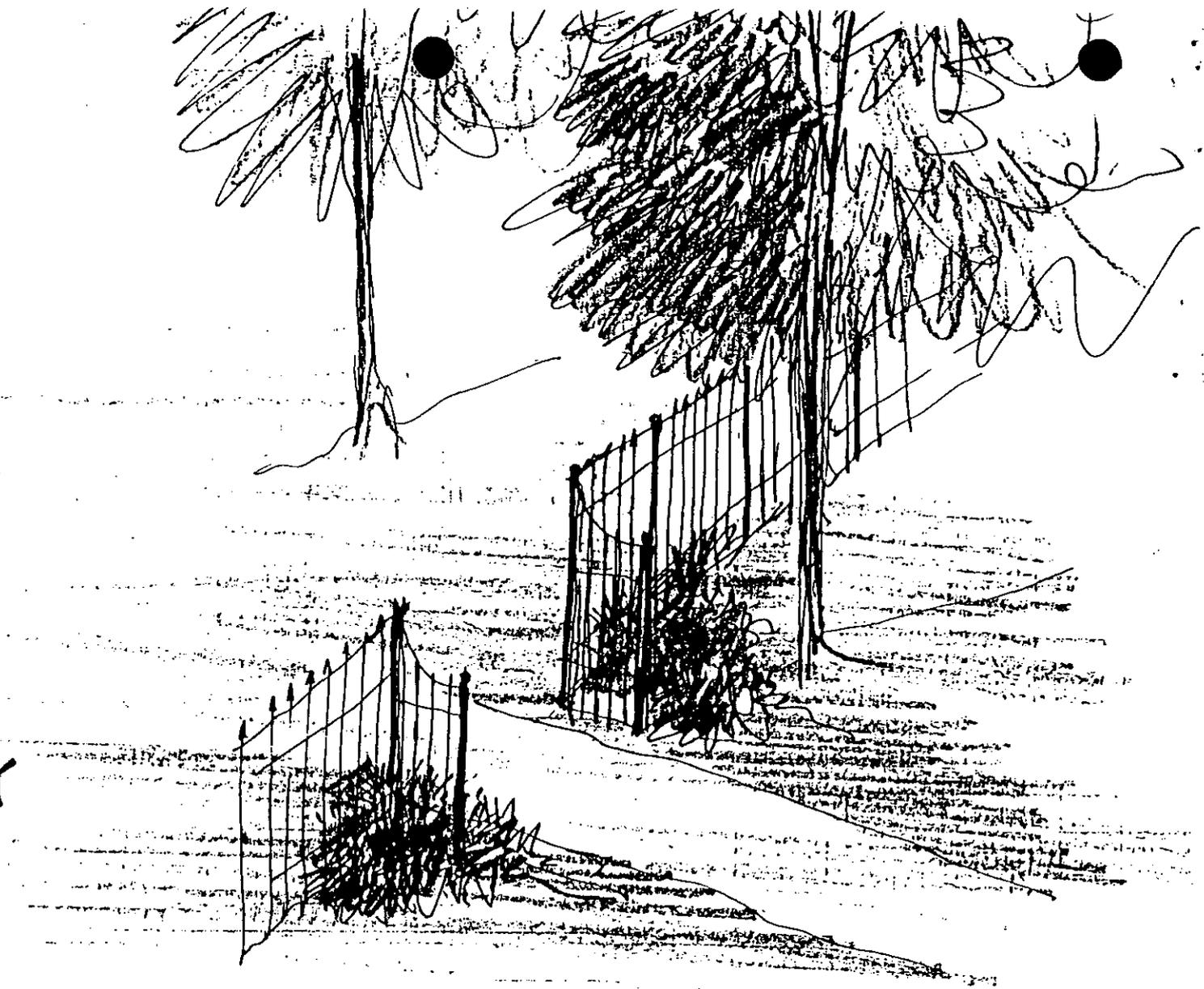


EXHIBIT "D"



PAWNEE
PARK ENTRY

NO SCALE
3/21/97



KANE AND JOHNSON ARCHITECTS, INC.

EXHIBIT "D"

- To the west of this site, bounded by Mission, 135th Street, Briar and 133rd Street, is an area commonly referred to as Leawood Place. This property was zoned SD (C-R) in 1993. The approved preliminary plan allows for 488,400 square feet of office space and 419,000 square feet of retail space on approximately 115 acres.
- To the south across 135th Street is zoned AG.
- To the east is zoned AG.

SITE PLAN COMMENTS:

- This property is located at the northeast corner of Mission and 135th Street.
- The tract contains 23.05 acres net (28.578 acres gross). It is not directly adjacent to any residential development.
- The Waterford subdivision is 450' from the end of Pawnee to the center line of 133rd Street and 560' from the southwest corner of lot 4 block 18 to the center line of 133rd Street.
- The Waterford property line is 570' from the closest retail building, and 540' from the Waterford property line to the closest office building.
- The closest home is 580' to the nearest office site. The closest retail to any house is 620'.
- The northern boundary (after development) will be the new street, 133rd Street. This is part of the reverse frontage road system that will eventually start at State Line Road and travel to the city's western boundary where it will connect with a reverse frontage road in Overland Park.
- The site is situated with the Price Chopper oriented toward Mission Road. On the north end are attached shops and offices that will face 133rd Street. To the east are additional attached offices that are shown to be part of the first phase. To the southeast is a major tenant retail shop which is included in a second phase.
- There are three (3) pad sites along Mission Road (one at the corner of Mission and 135th Street) and three (3) pad sites that front onto 135th Street.
- To the north of the site is a proposed park which will be donated to the City. Although this is not part of this application, the berm on the north side of the proposed park will be from 8' to 12' in height.
- There are two points of access to 133rd Street on the north side of the development.
- One right in/right out on Mission, two access points on Pawnee, and one right in/right out on 135th Street.

135th STREET CORRIDOR DESIGN GUIDELINES:

- The applicant has reviewed the guidelines and has revised the plan to include:
 - Ornamentation at the corner of 135th and Mission. Although the design shown at this time is just a concept that will be reviewed at final plan.
 - Pavers across the major intersections to encourage pedestrian linkages.
 - All landscaping has been brought to the guideline standards.
 - Signage will be within the regulations - this will be reviewed in depth at final.
- The one area that does not meet the design guidelines is the percentage of office in the mixed use area. The numbers do not meet the guidelines because the application was made prior to the 135th Street Design Guidelines being prepared. The area numbers are as follows:
 - Retail is 57% of the land. (23.05 acres)
 - Office is 12% of the land. (4.0 acres)
 - Open Space (Park) is 31% of the land. (10.34 acres)

TRAFFIC:

RESOLUTION NO. 1343

The Leawood City Council has considered the request for approval of a final plat for Highlands Ranch located at approximately 141st & Kenneth Road and hereby finds the following:

WHEREAS, the subdivision will consist of 76 single family lots on 52.29 acres, and

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

WHEREAS, a maintenance agreement between the Highlands Group and the adjoining lake property owners has been signed, and

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

1. The development is limited to 76 single family lots.
2. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$22,800.
3. An erosion control plan for both construction and long term usage must be a part of final engineering plans. These plans must be approved by the City Engineer.
4. Lots 1 and 76 are not to access directly onto Kenneth Road.
5. All streets within the subdivision will be public. Any plantings, paver bricks, or statuary within the street right-of-way will be maintained by the developer or Homes Association.
6. All sidewalks will be installed as per street construction standards.
7. The developer is required to construct 141st Street west of the property line to Canterbury Road.
8. Silt basins will be required where storm sewers dump into the lake. Also required will be easements so that these basins can be maintained.
9. A maintenance agreement for the lake must be submitted to the city for approval and must be incorporated into the Homes Association declarations. This agreement will be submitted prior to recording of the plat.
10. The applicant will provide a corrected landscape plan prior to issuance of a building permit to include notes detailing: 1) trees to receive three steel stakes each, 2) landscape areas and islands shall have a lawn irrigation system designed and installed by a qualified landscape contractor, 3) all planting beds to be mulched with hardwood mulch 3" minimum depth installed over weed preventing drainage landscaping mat.
11. The applicant will provide corrected plats, including street names and proper signature block, prior to plat recording.
12. Street trees must also be included along Kenneth Road frontage.
13. A monument sign permit and building permit will be secured prior to construction.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Highlands Ranch with stipulations.

Adopted by the Governing Body this 21st day of April, 1997.



Peggy Dunn

Peggy Dunn

Mayor

Attest:

Martha Heizer

Martha Heizer

City Clerk

RESOLUTION NO. 1344

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ESTABLISHING THE TERMS AND CONDITIONS FOR EXCHANGE OF REAL PROPERTY BETWEEN THE CITY OF LEAWOOD AND THE ALTER GROUP, LTD. SAID PROPERTY BEING LOCATED ON TOMAHAWK CREEK PARKWAY BETWEEN 114TH AND 115TH STREETS IN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the City is the legal title holder in and to certain real property located in Johnson County, Kansas, that is located adjacent to Tomahawk Creek Parkway between 114th and 115th Street in the City of Leawood.

WHEREAS, The Alter Group, Ltd., an Illinois corporation ("Alter"), is the contract purchaser of property that adjoins the property owned by the City of Leawood and referred to in the preceding paragraph.

WHEREAS, the City and Alter have determined that it is in their respective best interest to exchange the property owned by the City for a similar portion of the property that Alter has contracted to purchase;

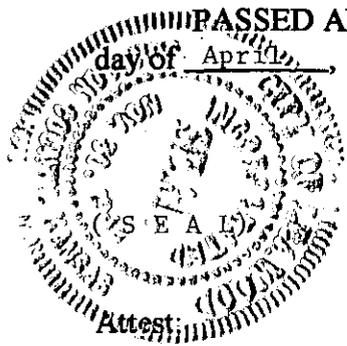
WHEREAS, the City and Alter have set forth their understanding of the terms and conditions for exchange of the property in the agreement that is attached hereto and incorporated herein as Exhibit A.

WHEREAS, the Governing Body of the City of Leawood has determined that it is in the best interests of the City of Leawood to accept said agreement and to authorize its Mayor to execute the agreement to exchange property

NOW THEREFORE be it resolved by the Governing Body of the City of Leawood, that the Mayor is hereby authorized to execute the agreement attached hereto and incorporated herein as Exhibit A providing for the exchange of property between the City of Leawood and Alter. This resolution is conditioned on final approval of the agreement setting forth the specific terms and conditions of the exchange in a form acceptable to the City Attorney. The agreement authorized by this Resolution is entirely contingent on approval by the City of zoning and plans for the property referred to in the agreement of the City and Alter. In authorizing this agreement the Governing Body specifically reserves the right to approve or reject any and all plans that may be presented to the City by Alter for this property. The City affirmatively states that it does not by this resolution express any

judgment as to the appropriateness of any plan or zoning application that may be presented to the City by Alter.

PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 21st day of April, 1997.



Peggy Duhn
Peggy Duhn Mayor

Martha Neizer
Martha Neizer, City Clerk

Richard S. Wetzler
Richard S. Wetzler, City Attorney

KFAAGREECTYLEAWD.ALT

EXHIBIT A

cc: City Admin. 5/8/97
City Atty. (faxed)
Planning Dir.
The Alter Group - 2nd orig.

AGREEMENT

THIS AGREEMENT made and entered into this 21ST day of April, 1997 by and between THE ALTER GROUP, LTD., an Illinois corporation, ("Alter") and THE CITY OF LEAWOOD, ("City").

W I T N E S S E T H:

WHEREAS, Alter or its nominee is the contract purchaser of certain property located in Johnson County, Kansas, legally described on Exhibit "A" attached hereto and specifically incorporated by reference herein ("Alter Property"); and

WHEREAS, City is the legal title holder in and to certain adjacent real estate legally described on Exhibit "B" attached hereto and specifically incorporated by reference herein ("City Property"); and

WHEREAS, the parties have determined that it is in their mutual interest to exchange a portion of the Alter Property and the City Property upon the terms and conditions as are more fully hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto, it is hereby agreed as follows:

1. Alter agrees to convey or cause to be conveyed to City that portion of the Alter Property described on Exhibit "C"

attached hereto and specifically incorporated by reference herein ("Alter Conveyance").

- 2. City agrees to convey or cause to be conveyed to Alter or its nominee ~~that~~ the City Property. *WCP*
- 3. Closing of the aforesaid conveyances shall be simultaneous and shall occur on July 23, 1997 or on such other date as may be mutually agreed by the parties at the office of Columbian National Title Insurance Company ("the Title Company"), 4701 West 110th Street, Overland Park, KS 66211.
- 4. At or prior to closing, each party shall, at its respective sole cost and expense, furnish to the other party a current plat of survey of the respective property being conveyed, made and so certified in accordance with ALTA survey standards. The parties agree that said surveys shall be prepared by Story Enterprises.
- 5. At or prior to closing, each party shall deliver or cause to be delivered to the other party the aforesaid plats of survey and title commitments for an owners title insurance policies issued by the Title Company, each in ^{an} ~~the~~ amount ^{to} ~~of~~ *WCP*
be mutually agreed upon. ~~(\$ _____)~~ DOLLARS, *WCP*
 covering title to the respective parcels of real estate ~~on~~
 or after the date hereof insuring title in the intended
 respective grantees, subject only to: general taxes not
 yet due and payable; current assessments of the Johnson
 County Consolidated Waste Water District; the right-of-way

of Tomahawk Creek Sewer Subdistrict No. 5; creation of Tomahawk Creek Main Sewer District No. 1; ("Permitted Exceptions") and the resolution authorizing the improvement of Tomahawk Creek Parkway. Each party shall also furnish the other an affidavit of title in customary form covering the date of closing and showing title in each respective party subject only to the Permitted Exceptions and unpermitted exceptions or defects in title disclosed by such title policy or survey, as to which the Title Company commits to extend insurance in a manner acceptable to the insured party.

6. General taxes and other similar items shall be adjusted ratably at the time of closing. The amount of current general taxes not then ascertainable shall be adjusted on the basis of the most recent ascertainable taxes and shall be reprorated upon the issuance of actual tax bills. City further agrees to pay to Alter, City's prorata share of costs of extension of the water main necessary to service the subject properties, which agreement shall survive closing hereunder. The parties agree to apportion the payment of any stamp taxes imposed by state or local law on the transfer of title, and shall furnish and sign all required real estate transfer declarations.
7. The parties further agree, which agreement shall survive closing and conveyances of title hereunder, as follows:
 - A. The parties shall execute any and all required

applications, plats, or other documents necessary to effectuate the transfer of properties contemplated hereunder, as well as the development of such properties. The parties agree to cooperate to mutually establish proposed land elevations for the Alter Property and the City Property in order to allow Alter to properly grade the Alter Property and to provide fill to the extent necessary from the City Property to be distributed on the Alter Property in compliance with approved engineering plans. City agrees that the existing 100 year flood plane elevation of the date of execution hereof shall be utilized as the regulatory flood elevation for purposes of the development of the Alter Property, provided however that the first floor elevation of any buildings constructed on the Alter Property shall be not less than one foot above the existing 500 year flood plane elevation as of the date hereof.

- B. Prior to the development of the City Property or any portion thereof, City agrees to allow Alter to review and comment on plans for the development thereof, and to reasonably cooperate with implementing such comments in its plans for development.
- C. Alter agrees to dedicate the southern one-half of the eighty (80') foot right-of-way required for 114th Street adjacent to the Alter Property (excluding the

Alter Conveyance). Alter agrees to either construct or pay for fifty (50%) percent of the cost of installation of 114th Street (based upon the lineal feet of frontage of the Alter Property excluding the Alter Conveyance). Until such time as such street is constructed, City agrees to allow Alter to construct and maintain a driveway on the right-of-way as a secondary access to and from the Alter Property.

- D. City agrees to coordinate the development of the City Property with Alter. City agrees, however, that Alter may proceed with the development of the Alter Property or any portion thereof independent of the time schedule for development of the City Property or any portion thereof.
- E. Alter agrees, at its expense to provide City with any soil borings on the Alter Conveyance as well as to provide the City with a Phase I environmental assessment for the City Property, as well as wetland studies on the Alter Property and City Property. City agrees to fund any further wetland delineation or other necessary mitigation studies required for any wetlands permitting with respect to the City Property.
- F. City agrees to vacate any right-of-way and/or easements on the City Property.
8. This Agreement and Alter's obligations hereunder are specifically contingent upon the following:

- A. Alter's closing of its acquisition of the Alter Property.
 - B. City's approval of rezoning, subdivision, site plan, architectural, and any other approvals required for the development of the Alter Property pursuant to plans therefor acceptable to Alter. By entering into this Agreement, the City does not agree to rezone the Alter Property or approve any plan therefor, and specifically reserves the right to approve or disapprove any plan or application submitted by Alter.
9. This transaction will be closed through an escrow with the Title Company in accordance with the general provisions of the usual form of deed and money escrow instructions then in use by said company with such special provisions inserted therein as may be required to conform with this Agreement. Upon creation of such an escrow, anything herein to the contrary notwithstanding, payment of all monies and delivery of all documents shall be made through the escrow.
10. The City further agrees at closing to deliver to Alter an instrument in recordable form and reasonably acceptable to Alter providing for:
- A. the right of first refusal on the Alter Conveyance in the event the City elects to transfer the Alter Conveyance to a third party;
 - B. a restriction on the Alter Conveyance prohibiting the

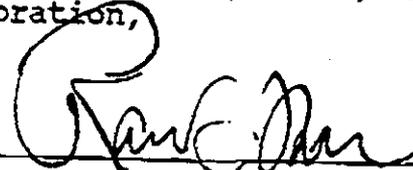
use thereof for public works facilities, vehicle or construction storage, and jails, other than short term holding facilities accessory to police offices; and

C. reasonable architectural standards for any improvements to be constructed on the Alter Conveyance to ensure compatibility with the architecture to be developed on the Alter Property.

- 11. Time is of the essence of this Agreement.
- 12. All notices herein required shall be in writing and shall be served upon the parties at the addresses following their signatures. The mailing of notices by registered, certified mail, return receipt requested shall be sufficient service.
- 13. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals upon the date first written.

THE ALTER GROUP, LTD., an Illinois corporation,

BY: 

7303 North Cicero Avenue
 Lincolnwood, IL 60646
 Attention: Mr. Randolph Thomas
SR Vice Pres

with a copy to:

Mr. Lawrence M. Freedman, Esq.
Ash, Anos, Freedman & Logan
77 West Washington Street
Suite 1211
Chicago, IL 60602

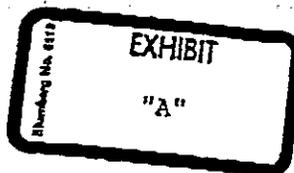
THE CITY OF LEAWOOD,

BY: Peggy J. Dunn

Peggy J. Dunn, Mayor
4800 Town Center Drive
Leawood, KS 66211
Attn: Mr. Bob McKay
Planning & Development Director

with a copy to:

Mr. Richard Wetzler
Bennett, Lytle, Wetzler, Martin
and Pishny
5000 West 95th Street
Prairie Village, KS 66207



All that part of the Northwest Quarter of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows:
 Commencing at the Northwest corner of the Northwest Quarter of Section 15;
 thence North 87 degrees 50 minutes 04 seconds East, along the North line of the Northwest Quarter of said Section 15, 450.04 feet, to a point 450 feet East of the West line thereof;
 thence South 1 degree 27 minutes 33 seconds East along a line 450 feet, East of and parallel to the West line of the Northwest Quarter of said Section 15, 1499.46 feet, to a point 1499.35 feet South of the North line thereof;
 thence North 87 degrees 50 minutes 04 seconds East along a line 1499.35 feet, South of and parallel to the North line of the Northwest Quarter of said Section 15, 331.14 feet, to a point on the West right-of-way line of Tomahawk Creek Parkway, as now established;
 thence Southerly along the West right-of-way line of said Tomahawk Creek Parkway being a curve to the left, having a radius of 1100.00 feet, a central angle of 5 degrees 15 minutes 30 seconds and whose initial target bearing is South 5 degrees 13 minutes 20 seconds West, 100.95 feet, to a point of tangency;
 thence South 0 degrees 02 minutes 10 seconds East, along the West right-of-way line of said Tomahawk Creek Parkway, 185.02 feet to a point of curvature;
 thence Southwesterly along the West right-of-way line of said Tomahawk Creek Parkway, being a curve to the right having a radius of 650 feet and a central angle of 74 degrees 39 minutes 40 seconds West, 847.00 feet to a point of tangency;
 thence South 74 degrees 37 minutes 30 seconds West, along the Northwesterly right-of-way line of said Tomahawk Creek Parkway, 284.25 feet to a point on the West line of the Northwest Quarter of said Section 15;
 thence North 1 degree 27 minutes 33 seconds West, along the West line of the Northwest Quarter of said Section 15, 859.14 feet, to a point 1499.35 feet South of the North line thereof;
 thence North 87 degrees 50 minutes 04 seconds East, along a line 1499.35 feet South of and parallel to the North line of the Northwest Quarter of said Section 15, 450.03 feet to the True Point of Beginning.

EXHIBIT

"B"

A tract of land being a part of Tract "C", LEAWOOD GREENWAY AND PARKS and a part of the right-of-way dedicated for Tomahawk Creek Parkway in the plat of LEAWOOD GREENWAY AND PARKS, a subdivision of land in the City of Leawood, Johnson County, Kansas, being described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 15, Township 13 South, Range 25 East of the 6th Principal Meridian, City of Leawood, Johnson County, Kansas;

thence North 01 degrees 27 minutes 33 seconds West, along the West line of said Northwest Quarter of Section 15-13-25, 69.14 feet, to the True Point of Beginning of the herein described tract of land;

thence North 01 degree 27 minutes 33 seconds West, continuing along said West line of the Northwest Quarter of Section 15-13-25, 136.91 feet, to a point on the Northwesterly right-of-way line of Tomahawk Creek Parkway, as said right-of-way was established by the plat of LEAWOOD GREENWAY AND PARKS;

thence North 74 degrees 37 minutes 30 seconds East, along said Northwesterly right-of-way line of Tomahawk Creek Parkway, 284.25 feet;

thence Northeasterly and Northerly continuing along said Northwesterly right-of-way line of Tomahawk Creek Parkway, on a tangent curve to the left, having a radius of 650.00 feet, a central angle of 74 degrees 39 minutes 40 seconds and a chord bearing of North 37 degrees 17 minutes 40 seconds East, an arc distance of 847.00 feet, to a point of tangency;

thence North 00 degrees 02 minutes 10 seconds West, continuing along said Northwesterly right-of-way line of Tomahawk Creek Parkway, 183.02 feet;

thence Northeasterly, continuing along said Northwesterly right-of-way line of Tomahawk Creek Parkway on a tangent curve to the right, having a radius of 1100.00 feet, a central angle of 5 degrees 15 minutes 54 seconds and a chord bearing of North 2 degrees 35 minutes 47 seconds East, an arc distance of 101.03 feet;

thence Southeasterly along a nontangent curve to the left, having a radius of 1100.00 feet, a central angle of 21 degrees 44 minutes 11 seconds, a chord bearing of South 7 degrees 35 minutes 07 seconds East, an arc distance of 417.31 feet, to a point of tangency;

thence South 18 degrees 27 minutes 12 seconds East, 163.25 feet;

thence Southwesterly along a tangent curve to the right, having a radius of 364.00 feet, a central angle of 100 degrees 01 minutes 36 seconds and a chord bearing of South 31 degrees 33 minutes 38 seconds West, an arc distance of 635.47 feet, to a point of tangency;

thence South 81 degrees 34 minutes 26 seconds West, 573.38 feet, to the True Point of Beginning.

Contains 242,576.045 Square Feet or 5.5688 Acres.

EXHIBIT

"C"

All that part of the Northwest Quarter of Section 15, Township 13 South, Range 23 East of the 6th Principal Meridian, in the City of Leawood, Johnson County, Kansas, more particularly described as follows,

Commencing at the Northwest corner of the Northwest Quarter of said Section 15;
thence North 87 degrees 50 minutes 04 seconds East, along the North line of the Northwest Quarter of said Section 15, 450.04 feet;
thence South 1 degree 27 minutes 33 seconds East, along a line 450.00 feet East of and parallel to the West line of the Northwest Quarter of said Section 15, 1499.46 feet;
thence South 87 degrees 50 minutes 04 seconds West, parallel to the North line of said Northwest Quarter of said Section 15, 18.00 feet, to the True Point of Beginning of the herein described tract of land;
thence South 1 degree 27 minutes 33 seconds East, parallel to said West line of the Northwest Quarter of Section 15, 249.60 feet;
thence South 56 degrees 53 minutes 17 seconds West, 242.00 feet;
thence South 1 degree 27 minutes 33 seconds East, parallel to said West line of the Northwest Quarter of Section 15, 176.00 feet;
thence South 88 degrees 32 minutes 27 seconds West, perpendicular to said West line of the Northwest Quarter of Section 15, 226.00 feet, to a point on said West line of the Northwest Quarter;
thence North 1 degree 27 minutes 33 seconds West, along said West line of the Northwest Quarter of Section 15, 547.27 feet;
thence North 87 degrees 50 minutes 04 seconds East, parallel to said North line of the Northwest Quarter of Section 15, 432.03 feet, to the True Point of Beginning.
Contains 188,232.0773 Square Feet or 4.3212 Acres.
Subject to any and all easements, restrictions and covenants recorded or unrecorded.

RESOLUTION NO. 1345

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Bristol Bar & Grill located at 5400 W. 119th Street and hereby finds the following:

WHEREAS, a public hearing was held, and

WHEREAS, the addition will match the existing materials and architectural design, and

WHEREAS, the site has more parking than is required by ordinance, and

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

1. Final plan approval will be applied for and approved prior to application for a building permit;
2. All downspouts will be enclosed;
3. Additional landscaping will be placed at the north end of the building. Revised plans shall be submitted for final site plan approval.

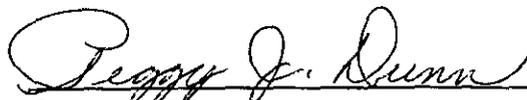
WHEREAS, the developers/owners agree to these stipulations,

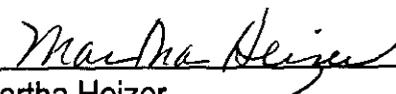
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Bristol Bar & Grill with stipulations.

Adopted by the Governing Body this 5th day of May, 1997.



Attest:


Peggy J. Dunn Mayor


Martha Heizer City Clerk

RESOLUTION NO. 1346

The Leawood City Council has considered the request for approval of a revised preliminary site plan and preliminary plat for Covenant Chapel located at approximately 133rd and Pembroke and hereby finds the following:

WHEREAS, the total square footage for all six buildings is 95,560 square feet, and

WHEREAS, the total parking is 625 spaces, and

WHEREAS, a public hearing was held, and

WHEREAS, the current zoning is AG, agriculture, with a Special Use Permit (Ordinance 1213), and

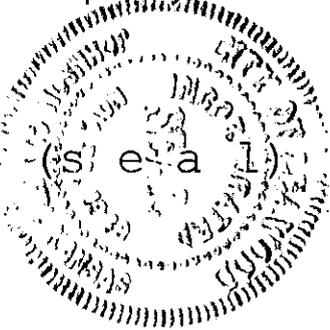
WHEREAS, the Plan Commission has reviewed the application and recommends approval with the following stipulations:

1. The development is limited to a six-phased development which includes the following:
 - Phase I - 19,000 sq. foot Nurture Center.
 - Phase II - 24,200 sq. foot Fellowship Hall.
 - Phase III - 10,800 sq. foot Youth Center.
 - Phase IV - 37,000 sq. foot Worship Center.
 - Phase V - 2,760 sq. foot Chapel.
 - Phase VI - 1,800 sq. foot Office.
2. The use is limited to a church and ancillary facilities.
3. The Special Use Permit is allowed for an indefinite amount of time.
4. All phases of development must come before the Plan Commission for approval prior to issuance of building permit.
5. The church is responsible for \$130 per front foot for the unimproved section of 133rd Street (Eaton) for the remaining improvements. This price is based on the 1994 numbers and it may increase. This is to be paid in either cash or a letter of credit prior to recording the final plat.
6. The church must submit altered plats and plans reflecting the dedication of 40 feet of right-of-way on their eastern property line subject to an easement reserved to the applicant to grade and remove soil from the right-of-way based on a grading plan approved by the city engineer.
7. The church is responsible for \$130 per front foot for the construction of the north/south street along their eastern border. This is to be paid in either cash or a letter of credit prior to recording of the final plat.

8. The applicant is responsible for the K-150 Corridor Impact Fee in the amount of 40 cents per square foot finished floor area to be collected at the time of issuance of the building permit. The fee may be paid as each phase is approved for final.
9. 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 will be exempt from this fee.
10. At the 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 north and west.
11. No building permit for phase 1 will be secured until actual construction has commenced on 133rd Street with respect to a segment that connects to State Line Road and/or 135th Street or Mission Road.
12. The developer/property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the City of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan and preliminary plat.

Adopted by the Governing Body this 5th day of May, 1997.



Peggy J. Dunn

Mayor

Attest:

Martha Heizer

City Clerk

RESOLUTION NO. 1347

The Leawood City Council has considered the request for approval of a final plat for the first phase of Covenant Chapel located at approximately 133rd and Pembroke and hereby finds the following:

WHEREAS, the total square footage for all six buildings is 95,560 square feet, and

WHEREAS, the total parking is 625 spaces, and

WHEREAS, a public hearing was held, and

WHEREAS, the current zoning is AG, agriculture, with a Special Use Permit (Ordinance 1213), and

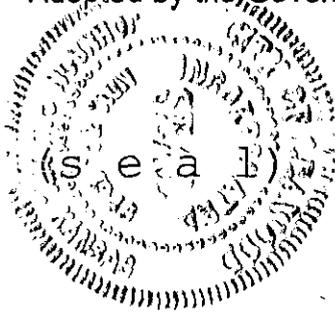
WHEREAS, the Plan Commission has reviewed the application and recommends approval with the following stipulations:

1. The development is limited to a six-phased development which includes the following:
 - Phase I - 19,000 sq. foot Nurture Center.
 - Phase II - 24,200 sq. foot Fellowship Hall.
 - Phase III - 10,800 sq. foot Youth Center.
 - Phase IV - 37,000 sq. foot Worship Center.
 - Phase V - 2,760 sq. foot Chapel.
 - Phase VI - 1,800 sq. foot Office.
2. The use is limited to a church and ancillary facilities.
3. The Special Use Permit is allowed for an indefinite amount of time.
4. All phases of development must come before the Plan Commission for approval prior to issuance of building permit.
5. The church is responsible for \$130 per front foot for the unimproved section of 133rd Street (Eaton) for the remaining improvements. This price is based on the 1994 numbers and it may increase. This is to be paid in either cash or a letter of credit prior to recording the final plat.
6. The church must submit altered plats and plans reflecting the dedication of 40 feet of right-of-way on their eastern property line subject to an easement reserved to the applicant to grade and remove soil from the right-of-way based on a grading plan approved by the city engineer.
7. The church is responsible for \$130 per front foot for the construction of the north/south street along their eastern border. This is to be paid in either cash or a letter of credit prior to recording of the final plat.

8. The applicant is responsible for the K-150 Corridor Impact Fee in the amount of 40 cents per square foot finished floor area to be collected at the time of issuance of the building permit. The fee may be paid as each phase is approved for final.
9. 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 will be exempt from this fee.
10. At the 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 north and west.
11. No building permit for phase 1 will be secured until actual construction has commenced on 133rd Street with respect to a segment that connects to State Line Road and/or 135th Street or Mission Road.
12. The developer/property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the City of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for the first phase.

Adopted by the Governing Body this 5th day of May, 1997.




Peggy J. Dunn

Mayor

Attest:


Martha Heizer City Clerk

RESOLUTION NO. 1348

AN RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER REGARDING REPAYMENT OF CONDEMNATION PROCEEDS IN THE EVENT OF DEFAULT.

WHEREAS the City by Ordinance No. 1471 authorized a lease purchase agreement for the acquisition of certain property located generally in the vicinity of 147th and Mission Road in the City of Leawood to be used and developed for future use by the City as a public park;

WHEREAS, a portion of the property that is subject to the lease purchase agreement was the subject of a condemnation action by KN Interstate Gas Transmission Company to acquire an easement for the purposes of constructing a gas line;

WHEREAS, under the terms of the lease purchase agreement, as long as the City is not in default under the terms of the lease purchase agreement, the City is entitled to receive proceeds from any condemnation and the property owner has agreed that said funds should be paid to the City;

WHEREAS, the lease purchase agreement does not address the rights and responsibilities of the City and the owner with respect to said proceeds in the event of default by the City;

WHEREAS, the property owner has requested a letter from the City acknowledging the obligation of the city to repay condemnation proceeds to the property owner in the event that the City defaults and does not purchase the property that is the subject of the lease purchase agreement;

Whereas, in the event of default by the City, the property owner would take back the property subject to the easement;

Whereas, there is no likelihood of default by the City and the request of the property owner is a reasonable, the Governing Body upon consideration of the matter has determined that the letter as requested should be authorized.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Leawood:

Section 1. That the Governing Body of the City of Leawood does hereby authorize the Mayor to execute a letter to the Richard McMorris as attorney for Merlyn P. McMorris and Larry D. Parsons as Trustees under a Trust Agreement dated December 13, 1997, stating that, if the City of Leawood does not purchase the property that is subject of the lease purchase agreement, that the City of Leawood will refund any monies received by the City as a result of condemnation over the term of the lease authorized by Ordinance 1471.

PASSED by the Council the 5th day of May, 1997.

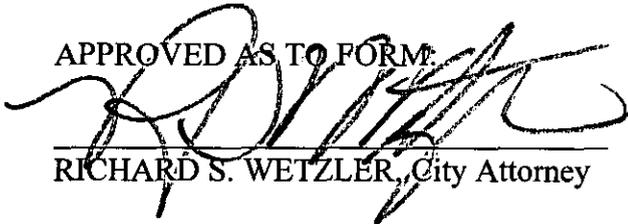
APPROVED by the Mayor the 5th day of May, 1997.




PEGGY DUNN, Mayor


MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:


RICHARD S. WETZLER, City Attorney

RESOLUTION NO. 1349

The Leawood City Council has considered the request for approval of a preliminary site plan and preliminary plat located at approximately 142nd and Kenneth Road and hereby finds the following:

WHEREAS, the property will be used for a church with a maximum of 69,896 square feet of building, and

WHEREAS, 239 parking spaces will be provided for the first phase and 502 spaces will be provided for the second phase, and

WHEREAS, the Special Use Permit was renewed, and

WHEREAS, the existing buildings will be removed at the time of the second phase, and

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

1. The development will be limited to two phases: Phase I - 33,000 sq. ft. (600 seat) multipurpose building, Phase II - 36,896 sq. ft. (1200 seat) worship center and 7,600 sq. ft. chapel;
2. All phases will apply for final plan approval prior to application for a building permit;
3. Existing temporary buildings at the northeast corner of the site will be removed at the time of Phase II construction;
4. The church must pay a park impact fee in the amount of 10 cents per square foot of finished floor area (not to include the sanctuary) to be collected at the time of issuance of building permits. The fee may be paid at the time of each phase.
5. The church agrees to provide any necessary right of way adjacent to Kenneth Road should the Director of Leawood Public Works deem this to be necessary.
6. The special use permit is limited to church and ancillary facilities.
7. The developer/property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the City of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Christ Community Church with stipulations.

Adopted by the Governing Body this 19th day of May, 1997.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer

City Clerk

RESOLUTION NO. 1350

The Leawood City Council has considered the request for approval of Whitehorse 3rd Plat located at approximately 151st and Linden and hereby finds the following:

WHEREAS, the plat contains 30 single family lots on 20.4 acres, and

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

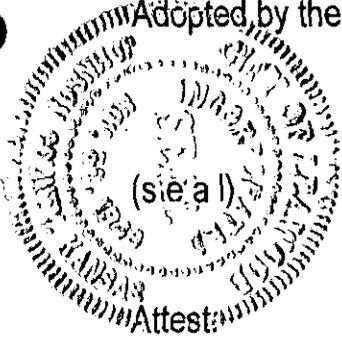
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 30 single family lots on 20.4 acres.
2. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$9,000.
3. The developer must pay \$130 per front foot for all frontage along 151st Street.
4. An erosion control plan for both construction and long term usage must be a part of final engineering plans. These plans must be approved by the City Engineer.
5. Lots 1, 2, 3, 4, 5, of block 13 and lot 21 of block 9 are not to access directly onto 151st Street.
6. All streets within the subdivision will be public. Any plantings, paver bricks, or statuary within the street right-of-way will be maintained by the developer or Home Association.
7. Sidewalks are required along 151st Street (both sides), and on one side of all constructed subdivision streets.
8. Street trees must be included along all subdivision streets, including 151st Street frontage.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the 3rd plat of Whitehorse subdivision with stipulations.

Adopted by the Governing Body this 2nd day of June, 1997.



Peggy J. Durn

Peggy J. Durn

Mayor

Martha Heizer

Martha Heizer City Clerk

RESOLUTION NO. 1351

The Leawood City Council has considered the request for approval of a final plat for Villas of Leawood 2nd Plat located at approximately 139th and Kenneth Road and hereby finds the following:

WHEREAS, the plat contains 11.8 acres allowing for 17 4-plex buildings, and

WHEREAS, the zoning is RP-4, Planned Cluster Residential, and

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

1. The development is limited to 4 tracts (17 4-plex units) on approximately 11.8 acres.
2. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit prior to plat recording.
3. An erosion control plan for both construction and long term usage must be a part of final engineering plans. These plans must be approved by the City Engineer.
4. All streets within the subdivision will be public. Any plantings, paver bricks, or statuary within the street right-of-way will be maintained by the developer or Homes Association.
5. The developer must sign and execute a maintenance agreement for replacement of street lights for the entire development prior to recording of the plat.
6. Sidewalks must be provided along Kenneth Road frontage and on one side of all subdivision streets.
7. Street trees and landscaping, as approved per final plan, must be installed prior to issuance of any certificate of occupancy.

WHEREAS, the developers/owners agree to these stipulations,

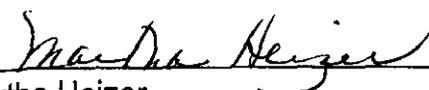
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Villas of Leawood with stipulations.

Adopted by the Governing Body this 2nd day of June, 1997.




Peggy J. Dunn

Mayor


Martha Heizer City Clerk

RESOLUTION NO. 1352

The Leawood City Council has considered the request for approval of Pavilions of Leawood 3rd Plat located at approximately 147th and Delmar and hereby finds the following:

WHEREAS, the plat contains 25 lots on approximately 26.8 acres, and

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

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

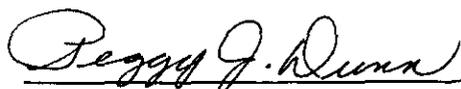
1. The development is limited to 25 single family lots 26.8 acres.
2. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$7,500.
3. An erosion control plan for both construction and long term usage must be a part of final engineering plans. These plans must be approved by the City Engineer.
4. All streets within the subdivision will be public. Any plantings, paver bricks, or statuary within the street right-of-way will be maintained by the developer or Homes Association.
5. Sidewalks must be constructed on one side of the street. A plan designating such shall be submitted prior to recording of the plat.
6. Street trees must be included within the right-of-way along all street frontage.

WHEREAS, the developers/owners agree to these stipulations,

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

Adopted by the Governing Body this 2nd day of June, 1997.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1353

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Church of the Resurrection located at 13720 Roe Avenue and hereby finds the following:

WHEREAS, there is a special use permit on the property which allows for the proposed use, and

WHEREAS, there is more parking provided than required, and

WHEREAS, the addition consists of a new sanctuary, with a mezzanine level and a choir room in the basement, and more classrooms, and

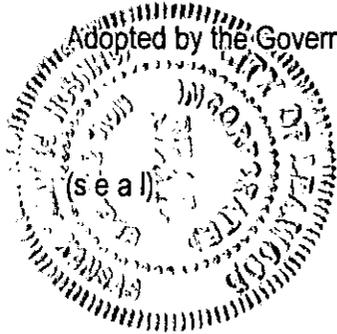
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The use is limited to a church and ancillary facilities.
2. The church must pay a park impact fee in the amount of 10 cents per square foot of finish floor area. The new sanctuary will be exempt from this fee. The current sanctuary will be included in the figure.
3. All landscape areas are to be irrigated.
4. All utility boxes are to be screened.
5. All roof top units are to be screened.
6. The next phase of this development will require a traffic study.
7. All landscaping must be installed prior to final occupancy.
8. Accept plan as presented but requiring additional trees and landscaping islands in the northwest to match those in the southern quadrant.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan with stipulations.

Adopted by the Governing Body this 16th day of June, 1997.



Peggy J. Dunn

 Peggy J. Dunn Mayor

Attest:

Martha Heizer

 Martha Heizer City Clerk

RESOLUTION NO. 1354

The Leawood City Council has considered the request for approval of rezoning from AG to CP-0, preliminary site plan and preliminary plat located at approximately the southwest corner of 114th Street and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the project is limited to a 150,000 square foot 5 story office building on 15.15 acres, and

WHEREAS, the Master Plan designation is Office, and

WHEREAS, the City Hall property is in the northwest corner of the site and is not included in the rezoning, and

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

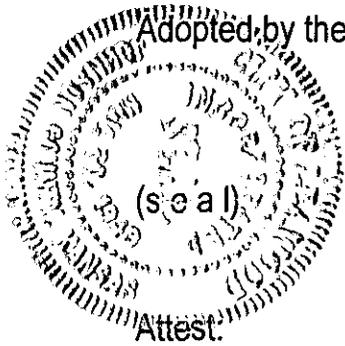
1. The development is limited to a 150,000 square foot, 5 story office building on 15.15 acres of land.
2. A final lighting plan is to be submitted for final approval.
3. A final landscape plan is to be submitted for final approval. Additional plantings as discussed in the staff report shall be included.
4. A final signage plan is to be submitted for final approval.
5. At the time of final site plan submission, exact colors and samples of materials will be required.
6. A fee of \$130/ front foot will be required for 114th Street prior to final plat recording.
7. All utility boxes on the site will be screened.
8. All rooftop units will be screened entirely.
9. All existing wooded areas (on the west side of the property) are to remain. The applicant is expected to clean the tree line.
10. The developer/ property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the City of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.
11. The Tomahawk Creek Drainage Study is to be completed this summer and will establish flood elevations at full build out. Prior to final plan approval staff will require the newly established flood elevations to be used for building locations.
12. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.

13. Reconsider the number of parking spaces to allow for a land bank. This is to allow for more open space. In the case more parking were needed, the property owner could install more parking at the owner or City's request.
14. Consider a fountain display or water structure for the site.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning from AG to CP-0, preliminary site plan and preliminary plat with stipulations.

Adopted by the Governing Body this 16th day of June, 1997.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer

City Clerk

CITY OF LEAWOOD

RESOLUTION NO. 1355

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, CONSENTING TO THE ENLARGEMENT OF CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS, BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO JOHNSON COUNTY CHARTER RESOLUTION NO. 29-92.

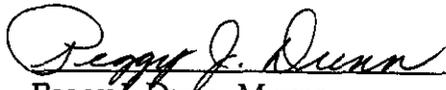
WHEREAS, there comes before the Governing Body for the City of Leawood, Kansas, the matter of the enlargement of Consolidated Main Sewer District of Johnson County, Kansas. The tract to be included within the sewer district governed by the County is described on Exhibit "A" attached hereto and made a part of this Resolution. The provisions of Charter Resolution No. 29-92, Johnson County, Kansas, and any amendments thereto, provide that when any such sewer district extends into the city limits of any incorporated city, the Board of County Commissioners shall not have power to create or extend such sewer district within the city limits without consent of the governing body of the city:

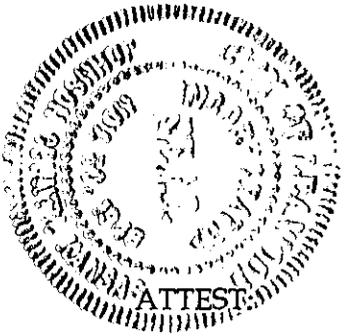
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS., that the City does hereby consent that the property shown and described on Exhibit "A" be included within a sewer district which is governed by the Board of County Commissioners of Johnson County, Kansas.

ADOPTED by the Governing Body this 16th day of June, 1997.

APPROVED AND SIGNED by the Mayor this 16th day of June, 1997.

City of Leawood, Kansas


Peggy J. Dunn, Mayor




Martha Heizer, City Clerk

APPROVED AS TO FORM:

RESOLUTION NO. 1356

The Leawood City Council has considered the request for approval of rezoning, preliminary site plan and preliminary plat for Stratco located at approximately the northwest corner of 114th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the development is limited to 44,500 square feet on two lots equaling 4.0 acres, and

WHEREAS, the Master Plan designation is Office, and

WHEREAS, a variance has been granted to allow for fewer parking spaces than required, and

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

1. The development is limited to 44,500 square feet on two lots equaling 4.0 acres.
2. A final lighting plan is to be submitted for final approval.
3. A final landscape plan is to be submitted for final approval. Additional plantings as discussed in the staff report will be included.
4. A final signage plan is to be submitted for final approval.
5. At the time of final site plan submission, colors and samples of materials will be required.
6. A fee of \$130/ front foot will be required for 114th Street or an agreement to construct the street (prior to recording of the plat).
7. All utility boxes on the site will be screened.
8. All rooftop units will be screened entirely.
9. All existing wooded areas (on the west side of the property) are to remain. The applicant is expected to clean the tree line.
10. Lots 1& 2 must adhere to the Tomahawk Creek Office Park design guidelines including a cohesive landscape and vehicular access treatment of Tomahawk Creek Parkway frontage. All guidelines must be adhered to at the final submission.
11. Right-of-way for 114th Street will be shown as 30' with an additional 10' easement for construction and utility purposes. This action is not to be used as setting a precedent.
12. The developer/property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the City of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.

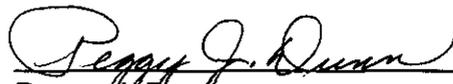
13. The Tomahawk Creek Drainage Study is to be completed this summer and will establish flood elevations at full build out. Prior to final plan approval staff will require the newly established flood elevations to be used for building locations.
14. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
15. Approval of the revised preliminary plan includes the sunken parking feature, mechanical screening and the inclusion of public art.
16. Should it prove during the use of the building that the parking is inadequate, as currently planned, the applicant and/or building owner is required to submit a revised site plan through city staff and possibly the Plan Commission, if staff deems it so necessary, to seek additional parking spaces. Approximately 6 additional spaces can be added if necessary however, they are to be land banked at this time.

WHEREAS, the developers/owners agree to these stipulations,

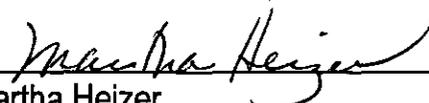
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning, preliminary site plan and preliminary plat with stipulations.

Adopted by the Governing Body this 7th day of July, 1997.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1357

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEAWOOD, KANSAS, AMENDING THE HIGHWAY K-150 CORRIDOR (A/K/A 135TH STREET) TRANSPORTATION IMPACT FEE RATE AND AMOUNTS PURSUANT TO SECTIONS 13-506 AND 13-509 OF CHAPTER XIII, ARTICLE 5, OF THE CODE OF THE CITY OF LEAWOOD, KANSAS, COMMONLY KNOWN AS "THE HIGHWAY K-150 CORRIDOR TRANSPORTATION IMPACT FEE ORDINANCE."

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

\$26.76 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:

Nonresidential Development

Office and Nonretail Commercial Development	\$0.40 per square foot of floor area, finished
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Retail Commercial Development	\$1.34 per square foot of floor area, finished
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<u>Residential Development</u>	\$268.00 per dwelling unit
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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 7th day of July, 1997



Peggy J. Dunn
Peggy J. Dunn, Mayor

Martha Heizer
Martha Heizer, City Clerk

RESOLUTION NO. 1358

The Leawood City Council has considered the request for approval of Country Club Bank located at approximately 112th Street and State Line Road and hereby finds the following:

WHEREAS, the two-story bank building contains 13,000 square feet on 1.7 acres, and

WHEREAS, the property is zoned CP-2, Planned General Retail, and

WHEREAS, this is the first building within the Hallbrook Commercial development, and

WHEREAS, all performance standards have been met, and

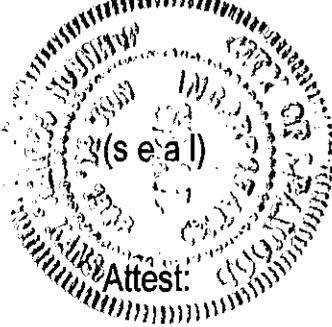
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The building is limited to a two story bank containing 13,000 square feet on 1.7 acres.
2. All landscape areas are to be irrigated.
3. A sign permit must be obtained prior to installation.
4. No access shall be granted to State Line Road or 112th Street directly from the site.
5. All landscaping shall be installed prior to issuance of a certificate of occupancy.
6. All downspouts are to be enclosed.
7. All roof top units must be screened from view.
8. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
9. All alarms installed must be silent.
10. The lighting plans and fixtures must be included in the final application.
11. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
12. Materials board must be submitted at the time of final site plan application.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Country Club Bank with stipulations.

Adopted by the Governing Body this 21st day of July, 1997.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1359

The Leawood City Council has considered the request for approval of preliminary site plan for Harrington Financial Group located on the southwest corner of Tomahawk Creek Parkway and College Boulevard and hereby finds the following:

WHEREAS, the building is 22,000 square feet, and

WHEREAS, sixteen parking spaces have been land banked on the north side of the lot if needed for the future, and

WHEREAS, all requested variances have been reviewed and granted, and

WHEREAS, the design meets the Tomahawk Creek Parkway Design Guidelines, and

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

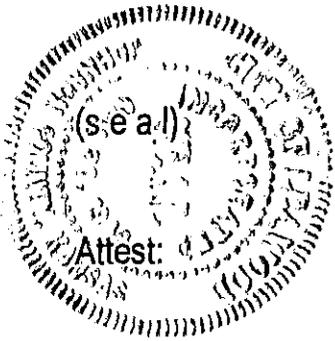
1. The building is limited to a two story bank to contain 22,000 square feet on 1.98 acres.
2. The zoning of CP-1, Planned Neighborhood Retail, is to be used only to allow for a drive-thru facility on the bank. If the building were to change from a bank, the zoning would return to CP-0, Planned Office.
3. All landscape areas are to be irrigated.
4. A sign permit must be obtained prior to installation.
5. No access shall be granted to Tomahawk Creek Parkway or College Boulevard directly from the site.
6. A revised landscape plan must be submitted at final to include shrubs and a plant schedule.
7. All sign calculations, location and material shall be provided at final.
8. All downspouts are to be enclosed.
9. All roof top units must be screened from view.
10. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
11. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
12. All alarms installed must be silent.
13. The lighting plans and fixtures must be included in the final application.
14. The developer/property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the city of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.

15. The Tomahawk Creek Drainage Study is to be completed this summer and will establish flood elevations at full build out. Prior to final plan approval staff will require the newly established flood elevations to be used for building locations.
16. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
17. Materials board must be submitted at the time of final site plan application.
18. If the City or owner determines the additional 16 parking spaces are needed, they must be installed immediately at the expense of the owner. All landscaping which would be removed in this process would need to be provided adjacent to the parking spaces to provide screening from College Boulevard. If the City determines additional landscaping were needed to screen the view from College, this would be provided by the owner.
19. No final site plan may be submitted for approval prior to final approval of Tomahawk Creek Office Park design guidelines.
20. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through twenty.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan with stipulations.

Adopted by the Governing Body this 4th day of August, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1360

The Leawood City Council has considered the request for approval of a revised preliminary site plan for an addition for Hereford House located at 5001 Town Center Drive and hereby finds the following:

WHEREAS, the addition will be 460 square feet, and

WHEREAS, additional landscaping will be added, and

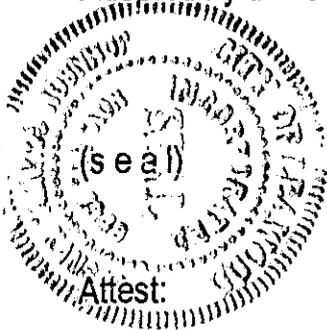
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

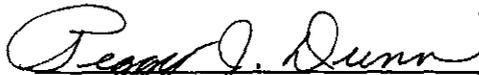
1. Final plan will be applied for and approved prior to application for a building permit.
2. All landscaping shall be reinstalled prior to final inspection.

WHEREAS, the developers/owners agree to these stipulations,

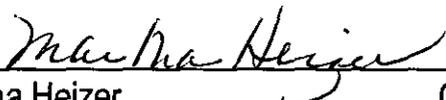
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan with stipulations.

Adopted by the Governing Body this 18th day of August, 1997.




Peggy J. Dunn

Mayor


Martha Heizer
City Clerk

RESOLUTION NO. 1361

The Leawood City Council has considered the request for approval of a preliminary site plan and preliminary plat for Highlands Ranch, 2nd Plat located at approximately 138th and Manor and hereby finds the following:

WHEREAS, the plat contains 77 single family lots on 52.1 acres, and

WHEREAS, the neighborhood swimming pool will be used by both phases, and

WHEREAS, street trees will be installed within the right-of-way, and

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

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

1. The development is limited to 77 single family lots.
2. The developer must pay the Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$23,100.
3. An erosion control plan for both construction and long term must be a part of the final engineering plans. These plans must be approved by the City Engineer.
4. Lots 40, 41, 54, 55 may not have access directly onto 138th Street.
5. All streets within the subdivision will be public. Any plantings or statuary within the street right-of-way will be maintained by the developer or Homes Association.
6. All sidewalks will be installed as per street construction standards.
7. All dimensions on the plat shall be reviewed and modified prior to final plat approval.
8. The notes on the plans need to be reviewed prior to final. All parking for the pool and cabana will be on site.
9. Final site plan for the pool and cabana will be required at final.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat with stipulations.

Adopted by the Governing Body this 18th day of August, 1997.



Peggy J. Dunn

Peggy J. Dunn

Mayor

Martha Heizer

Martha Heizer

City Clerk

RESOLUTION NO. 1362

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Pride Cleaners located at approximately 103rd and State Line Road and hereby finds the following:

WHEREAS, additional parking will be created at the rear of the building, and

WHEREAS, this will be a drive-thru business, and

WHEREAS, there is no additional square footage being added to the building, and

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

1. Final plans will be submitted for final approval prior to application for a building permit.
2. A preliminary and final plat will be submitted at the time of final application.
3. Size of wall signage will be determined at final.
4. Drainage created by new paved areas will be addressed prior to application for final plan approval.
5. All performance variances are accepted, including parking setbacks, building setbacks and open space.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Pride Cleaners with stipulations.

Adopted by the Governing Body this 18th day of August, 1997.



Peggy J. Dunn

 Peggy J. Dunn Mayor

Martha Heizer

 Martha Heizer City Clerk

RESOLUTION NO. 1363

The Leawood City Council has considered the request for approval of a final plat for Stratco located at approximately the northwest corner of 114th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the plat consists of two lots on 4 acres, and

WHEREAS, all fees are to be paid prior to recording of the plat, and

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

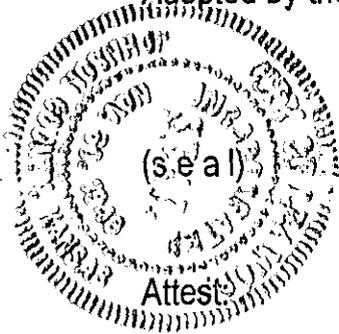
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. Phase I development is limited to 26,500 square feet, with total development not to exceed 44,500 square feet.
2. A fee of \$130/ front foot will be required for 114th Street or an agreement for construction of the road prior to final plat recording.
3. All utility boxes on the site will be completely screened with landscaping or architectural materials.
4. All rooftop units will be screened entirely from view.
5. All existing wooded areas (on the west side of the property) are to remain. The applicant shall professionally clean and trim the existing tree line.
6. All landscape areas will be fully irrigated and must be installed prior to certificate of occupancy.
7. Lots 1 & 2 must adhere to the Tomahawk Creek Office Park design guidelines.
8. Right-of-way for 114th Street will be shown as 30' with an additional 10' easement for construction and drainage purposes. This action is not to be construed as setting a precedent.
9. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required prior to application for a building permit.
10. Variance allowed are limited to:
 - Parking ratios have been altered to 116 spaces as opposed to the 133 required.
 - A monument sign has been awarded.
11. The public art including details on materials, size, etc. must be approved by the Plan Commission at a later Plan Commission meeting.

WHEREAS, the developers/owners agree to these stipulations,

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

Adopted by the Governing Body this 2nd day of September, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1364

The Leawood City Council has considered the request for approval of a final plat for American Academy of Family Physicians located at approximately the southwest corner of 114th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the plat consists of two lots on 19.79 acres, and

WHEREAS, the applicant is to pay all fees prior to recording of the plat, and

WHEREAS, the plat is in substantial compliance with the preliminary plat, and

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

1. The development is limited to a 155,000 square foot, 5 story office building on 15.15 acres of land.
2. The final sign calculations and designs will need to be provided at a later meeting for approval.
3. A fountain or piece of art will be provided. Approval of the design and location will need to come before the Plan Commission at a later date.
4. A fee of \$130/ front foot will be required for 114th Street prior to final plat recording or a signed agreement for the construction of 114th Street.
5. All utility boxes, generators and other site utilities shall be screened with landscaping and/or architectural materials.
6. All rooftop units will be screened entirely.
7. All existing wooded areas (on the west side of the property) are to remain. The applicant shall clean and professionally trim the tree line.
8. Elevations as presented and approved on the preliminary plan concerning the floodplain have been agreed to and are acceptable per the Tomahawk Creek Drainage Study.
9. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
10. Should it prove during the use of the building that the installed parking is inadequate, the City of Leawood, the applicant and/or building owner has the right to require those 106 parking spaces, or a portion thereof, which have been land banked, to be installed.
11. Irrigation system will need to be provided at a later meeting of the Plan Commission for approval.
12. All landscaping must be installed prior to certificate of occupancy.

13. No more than 4 parking rows shall be constructed without continuous landscaping islands and lesser remaining parking on either side of such islands to be on the more public side, i.e. towards Tomahawk Creek Parkway.

14. All paved drives and islands be curbed with concrete beam curbs or monolithic curb and gutter.

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 American Academy of Family Physicians with one amended stipulation:

1. All landscape areas will be fully irrigated and must be installed prior to certificate of occupancy. Irrigation information will need to be provided to the Plan Commission at a later meeting.

Adopted by the Governing Body this 2nd day of September, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1365

The Leawood City Council has considered the request for approval of a final plat for Country Club Bank located at approximately the northwest corner of 112th and State Line Road and hereby finds the following:

WHEREAS, the plat consists of one lot on 1.7 acres, and

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

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

1. No access shall be granted to State Line Road or 112th Street directly from the site.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Country Club Bank with stipulations.

Adopted by the Governing Body this 15th day of September, 1997.



Peggy J. Durin
Peggy J. Durin Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1366

The Leawood City Council has considered the request for approval of a final plat for Leawood Country Manor, 12th Plat located at approximately 111th Terrace and Briar and hereby finds the following:

WHEREAS, the plat consists of 4 lots on 3.4 acres, and

WHEREAS, all fees will be paid prior to recording the plat at the county, and

WHEREAS, the plat is in substantial compliance with the approved plat, and

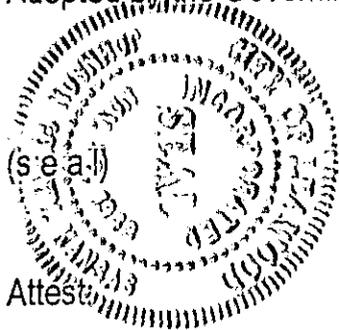
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. A park impact fee in the amount of \$300 per lot for a total of \$900 will be required prior to recording of the plat.
2. The right-of-way is to be vacated through Public Works.
3. These driveways are not private streets.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Leawood Country Manor, 12th Plat with stipulations.

Adopted by the Governing Body this 15th day of September, 1997.




Peggy J. Dunn

Mayor


Martha Heizer City Clerk

RESOLUTION NO. 1367

The Leawood City Council has considered the request for approval of Ladies Wellness Center located at approximately 11401 Nall Avenue and hereby finds the following:

WHEREAS, the property is zoned CP-1, Planned Neighborhood Retail, and

WHEREAS, the building is to be a 22,000 square foot 2-story health club and medical building, and

WHEREAS, the building will be borrowing parking from adjacent parking lots, and

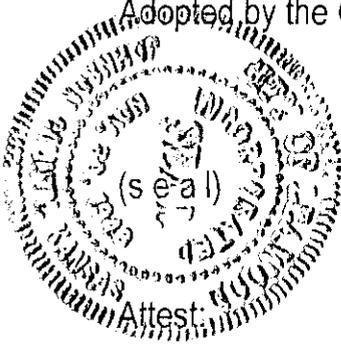
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The building is limited to a two story office building to contain 22,000 square feet.
2. All landscape areas are to be irrigated.
3. A sign permit must be obtained prior to installation.
4. No access shall be granted directly onto Nall.
5. All landscaping shall be installed prior to issuance of a certificate of occupancy.
6. All downspouts are to be enclosed.
7. All roof top units must be screened from view.
8. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or architectural materials. This includes air conditioner units, etc.
9. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
10. All alarms installed must be silent.
11. Lighting standards will conform to the Leawood Commons Development Guidelines.
12. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
13. The storm drainage system should be constructed on-site to collect storm water run-off from the parking area and the roof. The run-off should be tied into an adequate downstream storm drainage system. Hydraulic calculations for handling of the storm water run-off should be submitted to the Engineering Division of Public Works Department for review.
14. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through sixteen.
15. Landscaping and sign criteria must be brought back to the Plan Commission for final approval prior to building permit.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan with stipulations.

Adopted by the Governing Body this 6th day of October, 1997.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1368

The Leawood City Council has considered the request for approval of preliminary site plan for Cline-Wood Office Building located at approximately 113th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the building is a single story 14,000 square foot building facing Tomahawk Creek with the parking along the parkway, and

WHEREAS, the building materials are to match those of the Tomahawk Creek Office Park, and

WHEREAS, the property is zoned CP-0, Planned Office, and

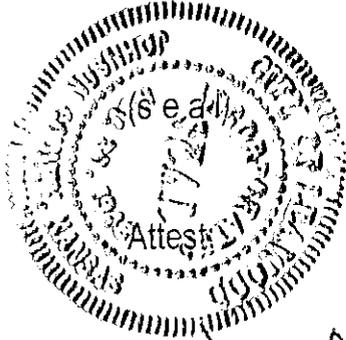
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 14,000 square feet on 1.8 acres.
2. All utility boxes on the site will need to be completely screened with landscaping or architectural materials.
3. All rooftop units will be screened entirely from view.
4. All landscape areas will be fully irrigated and must be installed prior to certificate of occupancy.
5. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required prior to application for a building permit.
6. Variances allowed are limited to:
 - Parking ratios have been altered to 68 parking spaces as opposed to 70 spaces.
7. Public art will be required at final site plan.
8. Landscape architects seal will be required on the final landscape plans.
9. A letter from the Tomahawk Creek Office Park architect approving the building design must be presented prior to final site plan approval.
10. Additional plantings along Tomahawk Creek Parkway will be required at final.
11. A preliminary and final plat will need to be submitted.
12. The project must adhere to the Tomahawk Creek Office Park Design Guidelines.
13. The private drive is limited to a right in / right out off of Tomahawk Creek Parkway.
14. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through fourteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan with stipulations.

Adopted by the Governing Body this 6th day of October, 1997.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer

City Clerk

RESOLUTION NO. 1369

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Cure' of Ars Catholic School located at 9401 Mission Road and hereby finds the following:

WHEREAS, the addition includes 9,050 square feet of building, and

WHEREAS, trees to be removed on the south side of the building will be replaced, and

WHEREAS, the roof top units will be screened with a precast concrete panel to match the remainder of the building, and

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

1. A final site plan will be submitted and approved prior to issuance of a building permit.
2. All downspouts will be enclosed.
3. All roof top units will be entirely screened from view.
4. The addition will be limited to two stories with a 9,050 sq. foot footprint.
5. Trees will be added to the drive island at final plan.
6. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through six.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised final site plan for Cure' of Ars Catholic School with stipulations.

Adopted by the Governing Body this 20th day of October, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

STATE OF KANSAS

COUNTY/CITY FEDERAL AID PROJECT

RIGHT-OF-WAY CLEARANCE
UTILITY ARRANGEMENTS

AUTHORITY AND METHOD PROCEDURE

Project No. 46 N-0042-01 Date January 16, 1996

Leawood County/City

WHEREAS: Plans, specifications and estimates have been prepared for a certain improvement in Leawood County/City, and

WHEREAS: Said improvement, designated by the Project Number indicated above consists of 0.678 miles of Gr, Surf, Sod, Lighting, Pvmnt Mk work on city street, local road or RS Route _____ as follows, Leawood: Mission RD, 103rd to I 435 South R/W, and

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, as agent for said County/City, under the agreement dated _____, 19____, has checked and reviewed said plans, specifications and estimates and they are now ready for final approval by the Secretary and

WHEREAS: The Secretary now requests an expression from the County/City as to the further procedure desired by said County/City, now therefore,

BE IT HEREBY CERTIFIED: That all right-of-way and easements for borrow pits channel changes and/or other construction as indicated on the plans as necessary for the construction of the said project have been acquired, including legal and physical possession, by the County/City in accordance with the provisions of the Certification of Real Property Acquisition Procedures. Also any companies owning or operating utilities or other facilities within the limits of the right-of-way, as indicated on the plans for said project, have been contacted and the facilities have been relocated or arrangements made and plan notes indicating the moving, removing or adjusting of such facilities, as may be necessary upon due notification of such companies, by the County/City (D.O.T. Form No. 1304 lists such companies with headquarters address, and gives the status of relocation or any required alterations, and is attached hereto), and further,

BE IT RESOLVED: That the Secretary be and is hereby authorized to proceed to contract the above-noted terms of work and that County/city funds will be available for the matching of Federal funds to finance construction work on this project. The Secretary is authorized to proceed in accordance herewith under the provisions of the agreement hereinbefore mentioned.

Adopted this 17th day of November, 1997, at Leawood, Kansas

APPROVED:

[Signature]
County/City Engineer

[Signature]
Chairman/Mayor

ATTEST:

[Signature]
County/City Clerk

Member

RESOLUTION NO. 1371

The Leawood City Council has considered the request for approval of a preliminary and final plat for Pride Cleaners located at 10314 State Line Road and hereby finds the following:

WHEREAS, an approved site plan exists, and

WHEREAS, the zoning is PI, Planned Industrial, making this a legal non-conforming use, and

WHEREAS, the plat contains one lot on 0.38 acres, and

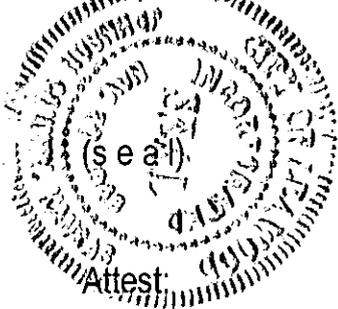
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

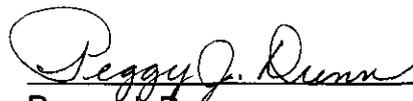
1. The plat is limited to 1 lot on 0.38 acres.
2. After recording, the applicant will provide 2 stamped copies of the plat to the City of Leawood.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary and final plat for Pride Cleaners with stipulations.

Adopted by the Governing Body this 17th day of November, 1997.




Peggy J. Dunn

Mayor


Martha Heizer City Clerk

RESOLUTION NO. 1372

The Leawood City Council has considered the request for approval of a preliminary site plan and preliminary plat for Hallbrook Farms, 8th Plat, located at approximately 119th and Cherokee and hereby finds the following:

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

WHEREAS, the proposed plat contains 3 lots on 5.03 acres, and

WHEREAS, the three proposed lots will become a part of the Hallbrook Homes Association, and

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

1. The development is limited to 3 single family homes on 5.03 acres.
2. The driveways are not to be considered private streets and will be maintained by the homeowners.
3. All landscape areas are to be irrigated.
4. The curb cuts for the two driveways may not be altered from what is indicated on the site plan.
5. No additional access shall be granted to 119th Street directly from the site.
6. All landscaping shall be installed prior to issuance of a certificate of occupancy.
7. A detailed landscape plan must be submitted with final documents.
8. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
9. All existing wooded areas, with the exception of the construction access and building envelope, are to remain.
10. Setbacks shall be as follows:
 - Front = 30'
 - Side = 15'
 - Rear = 40' building
20' fence
11. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through eleven.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat with stipulations.

Adopted by the Governing Body this 17th day of November, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1373

The Leawood City Council has considered the request for approval of a preliminary and final plat for Cline Wood Office Building located at approximately 113th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the property contains one lot on 1.8 acres, and

WHEREAS, a portion of the southeast and northeast corners of the lot lie within the 500 year floodplain, and

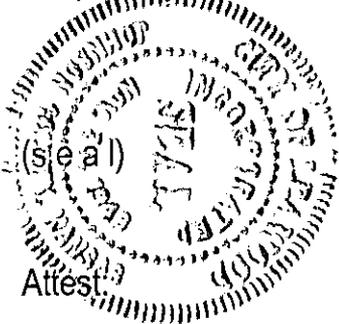
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The plat is limited to 1 lot on 1.838 acres.
2. Prior to recording, the plat must reference the Johnson County Flood Study (as prepared by Phelps Engineering) and indicate the flood limits as determined by that document.
3. Prior to recording, the plat must be corrected to contain the appropriate signature block for the Mayor and City Clerk.
4. After recording, the applicant will provide 2 stamped copies of the plat to the City of Leawood.
5. The applicant must remit all application fees prior to building permit.

WHEREAS, the developers/owners agree to these stipulations,

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

Adopted by the Governing Body this 17th day of November, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

1998 FEE SCHEDULE

CITY OF
LEAWOOD

City of Leawood, Kansas
4800 Town Center Drive Resolution No. 1374
Leawood, Kansas 66211

A RESOLUTION ESTABLISHING THE 1998 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 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 1998 is hereby ratified:

1998 FEE SCHEDULE

CITY OF
LEAWOOD

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1998 FEE SCHEDULE

CITY OF
LEAWOOD

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1998 FEE SCHEDULE

CITY OF
LEAWOOD

CITY-WIDE

MISCELLANEOUS CITY-WIDE FEES

Department Publications/Report Fees

Publications/reports (Other than those specifically mentioned herein)..... 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 /Fire Department copy fee..... \$1.50 per page

All other departments copy fee..... \$0.50 per page

FINANCE DEPARTMENT

LICENSING OF DOGS AND CATS

Sexually altered dog/cat..... \$5.00 each

Unaltered dog/cat..... \$15.00 each

Lost tag replacement..... \$2.00 each

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 the 1st of each delinquent month 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..... \$30.00

FIRE DEPARTMENT

FEES FOR PERMITS

Open Burning Permit..... \$100.00

Reissuance of Blasting Permit..... \$100.00

All other permits as listed in the Uniform Fire Code..... \$50.00

1998 FEE SCHEDULE

CITY OF
LEAWOOD

PLANNING AND DEVELOPMENT DEPARTMENT FEES FOR CONSTRUCTION, ALTERATIONS AND REMODELING

New Building Construction Permits

Permit Fees.....	Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 1A
Subcontractor Fees (mechanical, electrical, and plumbing).....	\$100.00 each
Residential Plan Review Fee.....	10% of the <u>total</u> building permit fee (including permit fees and subcontractor fees above)

Existing Building Construction Permits - Residential

Building alterations, remodeling, additions, decks.....	\$0.15 per square foot calculated on the area being added or improved (\$30 minimum)
Single wall or ceiling installation or replacement.....	\$0.06 per square foot (\$30 minimum)
Mechanical, electrical, and plumbing associated with building alterations, remodeling, additions, decks, sports courts.....	\$40.00
Plumbing, electrical or mechanical on a single wall.....	\$40.00 each
Plan review for residential remodel.....	10% of the <u>total</u> 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 (\$30 minimum)
Mechanical, electrical, and plumbing associated with interior finish for new construction; building alterations, remodeling.....	\$100.00 each
Plumbing, electrical or mechanical on a single wall.....	\$40.00 each
Plan review for commercial tenant space.....	10% of the <u>total</u> building permit fee including the above

Miscellaneous Construction, Alterations and Remodeling fees

Demolition, each unit or building.....	\$60.00 each
Structure moving.....	\$150.00 each
Reissuance of expired permit.....	1/2 the original fee

FEES FOR IMPROVEMENTS

Swimming Pools

Residential - single family.....	\$75.00
Other than residential - single family.....	\$200.00 each

Hot tubs, etc.

Hot tubs, spas, whirlpools, hydro pools, etc.....	\$50.00 each
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Sport Courts*

400 square feet or less.....	\$50.00 each
Greater than 400 square feet.....	\$200.00 each

*See Leawood Development Ordinance for approvals necessary prior to construction

Electrical

Minor; residential pools, garages, tennis court lighting, etc.....	\$25.00 each
Service upgrade only.....	\$35.00 each
Spas.....	\$20.00 each

Mechanical

Furnace/Air Conditioner replacement.....	\$25.00 each
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1998 FEE SCHEDULE

CITY OF
LEAWOOD

plumbing

Water heater replacement.....	\$20.00 each
Gas line/water line replacement.....	\$20.00 each
Residential pools.....	\$20.00 each

Reroofing

Residential - new or more than 50% roof replacement or more than 20 squares.....	\$30.00 plus \$1.50/square for every square over 20 squares
Roof repair up to 50% of roof replacement.....	\$20.00 up to 20 squares
Commercial.....	0.1% of construction cost (minimum \$50.00)

Fences

Dog runs and kennels not exceeding 64 square feet and maximum height of 6 feet. (Site plan must first be approved).....	\$10.00 each
Privacy fences exceeding 3 feet in height encompassing patios.....	\$20.00 each
Lot perimeter fences exceeding 3 feet in height on lots up to 22,000 square feet.....	\$50.00 each
Lot perimeter fences exceeding 3 feet in height on lots greater than 22,000 square feet up to 1 acre.....	\$100.00 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. 1A
Fence replacement sections exceeding 3 feet in height and up to 10 feet in length.....	\$20.00 each
Fence replacement sections exceeding 3 feet in height and greater than 10 feet in length up to an including 100 feet.....	\$25.00 each
Fence replacement section exceeding 3 feet in height and greater than 100 feet in length.....	\$50.00 each
Fences around perimeter of swimming pools and tennis courts 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. 1A
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. 1A (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
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Foundation Repair

Up to \$5,000 valuation.....	\$25.00 each
Over \$5,000 valuation.....	\$50.00 each

Lawn Sprinkler Systems

Residential (s.f. - single lot).....	\$50.00 each
Residential (multi units - single lot) ..	\$50.00 each s.f. unit or \$50.00 multi unit building
Backflow replacement.....	\$25.00 each
Commercial.....	Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 1A

Structural Fire Sprinkler

Structural fire sprinkler.....	\$0.01 per square foot (\$25.00 minimum)
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Towers (communications) and Solar Equipment

Single family.....	\$25.00 each
Commercial.....	\$100.00 each

Street Curb Cut

Street curb cut.....	\$15.00 each
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Elevators

Residential.....	\$40.00 each
Commercial.....	\$50.00 per car

1998 FEE SCHEDULE

**CITY OF
LEAWOOD**

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.

Residential (RP-A to RP-4)

Tract size 0 - 5 acres

Tract size 5+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$300.00	\$300.00	\$200.00	\$100.00
\$400.00	\$300.00	\$200.00	\$100.00

Office (CP-0)

Tract size 0 - 5 acres

Tract size 5+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$300.00	\$300.00	\$200.00	\$150.00
\$400.00	\$300.00	\$200.00	\$150.00

Commercial (CP-1 to CP-2)

Tract size 0 - 5 acres

Tract size 5+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$300.00	\$300.00	\$200.00	\$150.00
\$400.00	\$300.00	\$200.00	\$150.00

Recreation

Any tract size

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$300.00	\$300.00	\$200.00	\$150.00

Conditional Use Permits

Conditional Use Permit..... \$300.00 each

Industrial (PI)

Tract size 0 - 5 acres

Tract size 5+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$400.00	\$300.00	\$200.00	\$150.00
\$500.00	\$300.00	\$200.00	\$150.00

Business Park (BP)

Tract size 0 - 5 acres

Tract size 5+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$400.00	\$300.00	\$200.00	\$150.00
\$500.00	\$300.00	\$200.00	\$150.00

Special Development (SD)

Tract size 0 - 5 acres

Tract size 5+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$300.00	\$300.00	\$200.00	\$150.00
\$400.00	\$300.00	\$200.00	\$150.00

Mixed Zoning

Combination of any two or more districts

Tract size 0 - 10 acres

Tract size 10+ acres

Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
\$500.00	\$300.00	\$200.00	\$150.00
\$600.00	\$300.00	\$200.00	\$150.00

1998 FEE SCHEDULE

CITY OF
LEAWOOD

Special Use Permits

Except oil and gas permits	
Tract size 0 - 5 acres	\$300.00 each
Tract size 5+ acres	\$400.00 each
Temporary short term, not longer than 10 days	\$50.00 each

Leawood Development Ordinance

Text amendment	\$300.00 each
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Other Plan Approvals

Landscape plan	\$200.00 each
Sign plan approval (commercial)	\$150.00 each

Streets, Utility Vacation

Utility vacation	\$200.00 each
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FEEES FOR SUBDIVISION REGULATION PROCEDURES

Submission

Preliminary Plat Submission	\$400.00 minimum plus \$2.00 per lot/tract
Final Plat Submission	\$200.00 minimum plus \$2.00 per lot/tract

Costs 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.

FEEES FOR SIGN PERMITS

3 Month Permit Temporary Sign

Small (5 square feet to 32 square feet)	\$40.00 each
Large (over 32 square feet)	\$100.00 each

10 Day Permit Temporary Sign (Banners)

	maximum 4 times a year
Small (up to 32 square feet)	\$20.00 each
Large (33 to 50 square feet)	\$50.00 each

Monument Signs/Structures

All sizes	\$100.00 (additional electrical permit required)
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Permanent Sign - Wall Sign

All sizes \$2.00 per square foot (minimum of \$25.00) (additional electrical permit required)

FEEES FOR DEPARTMENT PUBLICATIONS

Planning and Development

Comprehensive Plan Book	\$25.00 each
Leawood Development Ordinance	\$10.00 each
Subdivision Regulations	\$10.00 each
Zoning Map - black and white	\$1.00 each
Subdivision Map - black and white	\$1.00 each
Comprehensive Plan Map - color, 2-sided	\$5.00 each
Comprehensive Plan Map - color, 1-sided	\$3.00 each
Comprehensive Plan Map - black and white, 1-sided	\$1.00 each
Leawood Street Plan Map - black and white	\$1.00 each

Economic Development

Prospect Packet with Comprehensive Plan Map	\$22.50 each
Prospect Packet without Comprehensive Plan Map	\$20.00 each

1998 FEE SCHEDULE

CITY OF
LEAWOOD

FEES FOR MISCELLANEOUS PLANNING AND DEVELOPMENT ACTIVITIES

Occupancy of commercial Space or Building

Application fee \$20.00 each
Inspection fee \$30.00 each

Reinspection Fees

Residential \$42.00 each
Office/Commercial \$42.00 each
Temporary occupancies \$30.00 each (after second inspection)

Annual License Fees for Rental Dwellings

Single family dwelling \$75.00 each dwelling
Apartment units \$20.00 each unit

Rental Inspection Fees

Rental Inspection Fees \$10.00 per inspection

Appeals Board Fees

Board of Zoning Appeals \$75.00 each
Building Code Board of Appeals \$50.00 each

Mowing Fees

Code enforcement initiated \$200.00 per hour (minimum of \$200.00)

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

PUBLIC WORKS DEPARTMENT

FEES FOR SIDEWALKS AND STREET ACTIVITIES

Sidewalks

For any permit issued under the provisions of Article 1A of Chapter 13 \$20.00 each

1998 FEE SCHEDULE

CITY OF
LEAWOOD

Streets

<i>For any permit issued under the provisions of Article 2 of Chapter 13.....</i>	<i>\$20.00 each</i>
<i>Maintenance bond</i>	<i>100% of construction cost for 2 years</i>
<i>Right-of-Way permit (trenching, tunneling or boring).....</i>	<i>\$20.00 each</i>
<i>Open cut in pavement permit</i>	<i>length x width x \$2.00 (minimum of \$20.00)</i>
<i>Lane closure permit (in addition to open cut or right-of-way).....</i>	<i>\$25.00 each</i>
<i>Street name signs material and installation</i>	<i>\$110.00 per intersection</i>
<i>All other miscellaneous street signs</i>	<i>100% of material and installation</i>

FEEES 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 two hour minimum charge. Transportation to the job site will be charged at the same rate.*

Activities

<i>Worker with hand tool only.....</i>	<i>\$20.00 per hour</i>
<i>Pick-up truck with driver.....</i>	<i>\$35.00 per hour</i>
<i>Dump truck with driver</i>	<i>\$55.00 per hour</i>
<i>Sweeper with operator.....</i>	<i>\$100.00 per hour</i>
<i>Jet rodder with operator</i>	<i>\$100.00 per hour</i>
<i>Back hoe with operator</i>	<i>\$80.00 per hour</i>
<i>Mowing tractor with operator</i>	<i>\$65.00 per hour</i>
<i>Bobcat, pick-up, trailer and hand tools with operator</i>	<i>\$80.00 per hour</i>
<i>Loader with operator.....</i>	<i>\$90.00 per hour</i>

Outside Contractors

<i>Outside contractors</i>	<i>\$65.00 per hour (minimum of 3 hours)</i>
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Additional Labor

<i>Maintenance Worker I (per person).....</i>	<i>\$20.00 per hour</i>
<i>Maintenance Worker II (per person).....</i>	<i>\$20.00 per hour</i>
<i>Maintenance Worker III (per person).....</i>	<i>\$20.00 per hour</i>
<i>Crew Leader (per person).....</i>	<i>\$25.00 per hour</i>
<i>Supervisor (per person).....</i>	<i>\$35.00 per hour</i>

FEEES FOR MISCELLANEOUS PUBLIC WORKS ACTIVITIES

Pre-Blast Application

<i>Pre-blast application</i>	<i>\$200.00 each</i>
<i>Sewer Connection</i>	<i>\$1,500.00 each</i>
<i>Sewer connection charge.....</i>	<i>\$1,500.00 each</i>
<i>Inspection fee.....</i>	<i>\$50.00 each</i>

1998 FEE SCHEDULE

CITY OF
LEAWOOD

Publications Fees

Construction Standards Book \$20.00 each

POLICE DEPARTMENT

ALARM SYSTEM FEES

System Registration Fees

Alarm System Registration Fee \$16.00 annually/prorated quarterly

Yearly Renewal Fee based on the number of false alarms occurring in the previous year:

No false alarms \$4.00
 1 false alarm \$8.00
 2 false alarms \$12.00
 3 or more false alarms \$16.00

False alarm penalties - Residential Systems

0-3 false alarms No charge
 4-6 false alarms \$25.00 each
 7-9 false alarms \$50.00 each
 10-12 false alarms \$75.00 each
 13 and each subsequent alarm \$100.00 each

False alarm penalties - Commercial Systems

0-3 false alarms No charge
 4-6 false alarms \$50.00 each
 7-9 false alarms \$100.00 each
 10-12 false alarms \$150.00 each
 13 and each subsequent alarm \$200.00 each

MISCELLANEOUS FEES

Records Copying

Copy fee \$1.50 per page

PARKS AND RECREATION DEPARTMENT

FEES FOR LESSONS, LEAGUES AND CLASSES

Swim lessons
 Water Exercise
 Competitive swim (USS fee not inc.)
 Camp

	Resident Fees	Non-resident Fees
Swim lessons	\$30.00	\$36.00
Water Exercise	\$35.00	\$40.00
Competitive swim (USS fee not inc.)	\$75.00	\$95.00
Camp	\$115.00	\$140.00

Softball league \$300.00
 Sand Volleyball league \$75.00
 Soccer \$42.00* (late fee \$5.00)
 T-Ball \$45.00* (late fee \$5.00)
 Tennis (World Team) \$45.00* (late fee \$5.00)
 Triathlon/Road Race (Advanced) \$12.00*
 Triathlon/Road Race (Late) \$15.00*
 Triathlon/Road Race (Race Day) \$20.00*

*per participant fee

Other classes for adults & children are determined by staff,
 based on supplies & facility cost

1998 FEE SCHEDULE

**CITY OF
LEAWOOD**

FEEES FOR PARK FACILITY RENTAL

Soccer and baseball field use
Tennis court rental (singles)
Tennis court rental (doubles)
Volleyball court rental

Resident Fees	Non-resident Fees
\$3.50 per hr	\$5.00 per hr
\$4.00 per hr	\$4.00 per hr
\$6.00 per hr	\$6.00 per hr
\$7.00 per hr	\$10.00 per hr
\$30.00 per 5 hrs	\$45.00 per 5 hrs
\$15.00 per 5 hrs	\$20.00 per 5 hrs
\$20.00 per 5 hrs	\$25.00 per 5 hrs
\$40.00 per 5 hrs	\$50.00 per 5 hrs

Small Shelter reservations
Regular Shelter reservations
Large Shelter reservations
Soccer clinic..... \$125.00 - \$140.00
Picnic table moving..... \$10.00

MISCELLANEOUS PARK AND RECREATION FEES

Cancellation/Transfer Fee

Resident Fees	Non-resident Fees
To be determined	To be determined

FEEES FOR POOL AND TENNIS MEMBERSHIP

Daily

Pool
Tennis

Resident Fees	Non-resident Fees
\$4.00	\$5.00
\$3.50 after 8:00 PM	\$4.50 after 8:00 PM

Pool Only

Family*

Individual
Senior Citizen (60+)
Patch
Replacement Patches
5 Visit Ticket
10 Visit Ticket

Resident Fees	Non-resident Fees
\$86.00	\$120.00
\$47.00	\$63.00
\$27.00	\$32.00
\$3.00 each	\$3.00 each
\$10.00 each	\$10.00 each
\$18.00	\$22.00
\$35.00	\$38.00

Tennis Only

Family*

Individual
Senior Citizen (60+)
Membership Sticker
Replacement Sticker
5 Visit Ticket
10 Visit Ticket

Resident Fees	Non-resident Fees
\$70.00	\$95.00
\$40.00	\$55.00
\$15.00	\$20.00
\$2.00 each	\$2.00 each
\$10.00 each	\$10.00 each
\$10.00	\$15.00
\$18.00	\$28.00

*Family = 2 adults and 4 children/\$5.00 each additional child)

FEEES FOR COMMUNITY CENTER RENTAL (\$100.00 REFUNDABLE DEPOSIT REQUIRED ON ALL ROOM RENTALS)

Oak Room rental (I)
Oak Room rental (II)
Oak Room rental (I & II)
Oak Room rental (I&II) plus kitchen
Kitchen Only
Kitchen Access Fee*
Maple Room rental
Cedar Room rental
Elm Room rental
Walnut Room rental
TV/VCR rental
Big Screen/VCR
Portable Bar

Resident Fees	Non-resident Fees	Commercial/Business	Leawood Civic
\$25.00 per hr	\$35.00 per hr	\$45.00 per hr	\$20.00 per hr
\$30.00 per hr	\$40.00 per hr	\$50.00 per hr	\$25.00 per hr
\$40.00 per hr	\$50.00 per hr	\$60.00 per hr	\$35.00 per hr
\$50.00 per hr	\$60.00 per hr	\$70.00 per hr	\$45.00 per hr
\$20.00 per hr	\$25.00 per hr	\$25.00 per hr	\$15.00 per hr
\$25.00	\$25.00	\$25.00	\$25.00
\$25.00 per hr	\$30.00 per hr	\$35.00 per hr	\$15.00 per hr
\$15.00 per hr	\$20.00 per hr	\$25.00 per hr	\$10.00 per hr
\$20.00 per hr	\$25.00 per hr	\$35.00 per hr	\$15.00 per hr
\$20.00 per hr	\$25.00 per hr	\$35.00 per hr	\$15.00 per hr
\$10.00 per day	\$10.00 per day	\$10.00 per day	\$10.00 per day
\$25.00 per day	\$25.00 per day	\$25.00 per day	\$25.00 per day
\$10.00 per day	\$10.00 per day	\$10.00 per day	\$10.00 per day

* per event

1998 FEE SCHEDULE

**CITY OF
LEAWOOD**

IRONHORSE GOLF COURSE

GOLF COURSE FEES

Daily Fees

"Non-Prime Time" includes Monday through Thursday; "Prime Time" includes Friday, Saturday and Sunday.

The Junior/Senior rates apply only during non-prime time.

The Twilight rates begin at 4:00 PM.

A Tournament Fee includes green fee, golf car and an \$8.00 prize fee.

Non-Prime Time

18 Hole
Junior/Senior 18 Hole
Twilight Rate
Prime Time

Resident Fees	Non-resident Fees
\$25.00	\$29.00
\$17.00	\$20.00
\$15.00	\$18.00

18 Hole
Twilight Rate

Resident Fees	Non-resident Fees
\$33.00	\$35.00
\$19.00	\$21.00

Golf Car

18 Hole Golf Car..... \$13.00
Twilight Golf Car..... \$7.00
Senior Golf Car..... \$11.00

LEARNING CENTER FEES

Practice tee

Regular Size Bag..... \$4.00
Large Size Bag..... \$6.50

Practice Holes

3 Hole Round..... \$3.00
Practice Tee Card (30 large bags; 10 rounds on practice course)..... \$150.00

IRONHORSE GOLF ASSOCIATION

The IRONHORSE Golf Association signs the player up on the GHIN handicap system. The player will also receive a reduced entry fee to all IRONHORSE sponsored events.

1998 Membership \$30.00

IRONHORSE CONDUCTORS CLUB

The IRONHORSE Conductors Club is limited to 125 members.

The fee is due at the beginning of the year; benefits end November 30.

The members will receive 1) Seven (7) day advance privileges for starting time reservations; 2) handicap service; 3) 25% discount on Clubhouse rentals; 4) IRONHORSE windshirt; 5) reduced fees to all IRONHORSE sponsored events; and 6)

Conductor's Club sale.

Non-residents may only sign up if the 125 memberships are not filled by residents.

1998 Resident Membership \$400.00
1998 Non-Resident Membership \$500.00

1998 FEE SCHEDULE

CITY OF
LEAWOOD

SPECIAL EVENTS

Starting Time Tournaments - 4 to 20 Players

\$10.00 in addition to applicable daily fee.

Starting Time Tournaments - 20 or more Players

Includes 18 hole fee, golf car and professional services. A merchandise allowance of \$8.00 per player will be returned to each group for use in the Golf Shop.

Monday - Thursday \$57.00
Friday - Sunday \$65.00

Shotgun Start Tournaments

Includes 18 hole fee, golf car and professional services. A merchandise allowance of \$1,000.00 will be returned to the group for use in the Golf Shop.

Monday - Thursday \$8,750.00
Friday - Sunday \$9,250.00

1998 FEE SCHEDULE

CITY OF
LEAWOOD

Adopted by the Governing Body this 15th day of December, ~~1998~~ 1997.



Peggy Dunn

Peggy Dunn

Mayor

Attest:

Martha Heizer

Martha Heizer

City Clerk

RESOLUTION NO. 1375

A RESOLUTION DESIGNATING HOLIDAYS FOR THE YEAR 1998 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 1998, 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 1998:

New Year's Day	January 1
President's Day (3rd Monday-February)	February 16
Memorial Day (last Monday-May)	May 25
Independence Day	July 3 (Fri.)
Labor Day (1st Monday-September)	September 7
Thanksgiving (4th Thurs./Fri.-November)	November 26/27
Christmas	December 25

Adopted by the Governing Body this 15th day of December, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1376

A RESOLUTION DECLARING THE BOUNDARIES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, tracts of land were annexed to the City of Leawood by Ordinance No. 1651 which took effect at 12:01 a.m., April 2, 1997; 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 15th day of December, 1997.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

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LEGAL DESCRIPTION FOR
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line and its extension of said Lot 31, to a point on the centerline of the abandoned right-of-way of the St. Louis and San Francisco Railway Company, as formerly established; thence Southwesterly, along the centerline of said railway, to its intersection with the West line of the NE $\frac{1}{4}$ of said Section 10, said point also being on the East line of the NW $\frac{1}{4}$ of said Section 10; thence South, along the East line of the North fifty acres of the NW $\frac{1}{4}$ of said Section 10, to the Southeast corner thereof; thence West, along the South line of the North fifty acres of the NW $\frac{1}{4}$ of said Section 10, to a point 2409.6 feet East of the West line of the NW $\frac{1}{4}$ of said Section 10; thence S 0° 09' 53" W, along a line parallel to the West line of the NW $\frac{1}{4}$ of said Section 10, to a point 1320 feet South of the North line of the South 110 acres of the NW $\frac{1}{4}$ of said Section 10; thence S 89° 53' 15" W, a distance of 1411.14 feet; thence N 23° 31' 14" W, a distance of 174.61 feet; thence Northeasterly, on a curve to the left having an initial tangent bearing of N 66° 28' 46" E and a radius of 325 feet, for a distance of 91.68 feet; thence Northwesterly, on a curve to the right having an initial tangent bearing of N 47° 40' 05" W and a radius of 225 feet, for a distance of 50.13 feet; thence Southwesterly, on a curve to the right having an initial tangent bearing of S 50° 36' 32" W and a radius of 275 feet, for a distance of 203.94 feet; thence N 00° 54' 18" E, a distance of 137.61 feet; thence N 15° 30' 00" W, a distance of 113.00 feet; thence N 44° 12' 00" W, a distance of 105.00 feet; thence N 73° 30' 00" W, a distance of 116.00 feet; thence S 65° 00' 00" W, a distance of 115.00 feet; thence N 08° 00' 00" W, a

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distance of 83.00 feet; thence N 00° 09' 53" E, parallel with the West line of said NW $\frac{1}{4}$, a distance of 129.93 feet; thence N 89° 50' 07" W, a distance of 225.32 feet; thence Southwesterly, on a curve to the left having a radius of 225 feet, for a distance of 63.85 feet; thence Southwesterly, on a curve to the right having an initial tangent bearing of S 73° 54' 16" W and a radius of 200 feet, for a distance of 56.76 feet; thence N 89° 50' 07" W, a distance of 110.00 feet, to a point on the West line of the NW $\frac{1}{4}$ of said Section 10 and 632 feet South of the North line of the South 110 acres of the NW $\frac{1}{4}$ of said Section 10; thence South, along the West line of said Section 10, to the Southeast corner of the NE $\frac{1}{4}$ of Section 9, Township 14, Range 25 of said Johnson County; thence West, along the South line of the NE $\frac{1}{4}$ of said Section 9, to the Southwest corner thereof; thence West, along the South line of the NW $\frac{1}{4}$ of said Section 9, to a point 230 feet East of the Southwest corner thereof; thence North, parallel to the West line of the NW $\frac{1}{4}$ of said Section 9, a distance of 189 feet; thence West, parallel to the South line of the NW $\frac{1}{4}$ of said Section 9, a distance of 230 feet, to a point on the West line thereof; thence North, along the West line of the NW $\frac{1}{4}$ of said Section 9, to the Northwest corner thereof, said point also being 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 S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 33; thence East, along the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of

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said Section 33, to the East line of the SW $\frac{1}{4}$ of said Section 33; thence North, along the East line of the SW $\frac{1}{4}$ of said Section 33, to the Northeast corner thereof; thence West, along the South line of the NW $\frac{1}{4}$ of said Section 33, to the Southwest corner thereof; thence North, along the West line of the NW $\frac{1}{4}$ of said Section 33, to the Northwest corner thereof; thence East, along the North line of said Section 33, and along the South line of Section 28, Township 13, Range 25, Johnson County, Kansas, to the Southwest corner of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28; thence North, along the West line of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28, to the Northwest corner thereof; thence East, along the North line of said E $\frac{1}{2}$ to the Northeast corner thereof; thence North along the West line of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 28, to the Northwest corner of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 28; thence West, along the South line of the NW $\frac{1}{4}$ of said Section 28, to the Southwest corner of the NW $\frac{1}{4}$ of said Section 28; thence North, along the West line of the NW $\frac{1}{4}$ of said Section 28, to the Northwest corner thereof; thence continuing North, along the West line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 13, Range 25, Johnson County, Kansas, to the Northwest corner thereof; thence East, along the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of said Section 21, said point being 170 feet North of the Southeast corner of the NW $\frac{1}{4}$ of said Section 21; thence East, along a line perpendicular to the West line of the NE $\frac{1}{4}$ of Section 21, a distance of 150 feet;

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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 Southwest corner of the NE¼ of said Section 21; thence North, along the West line of the NE¼ of said Section 21, to the N¼ 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

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less, East of the Northwest corner of the NE $\frac{1}{4}$ 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 SE $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of said Section 3; thence East, along the South line of the NW $\frac{1}{4}$ of said Section 3, to the Southeast corner thereof; thence North, along the East line of the NW $\frac{1}{4}$ 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 S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 27; thence East, along the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 27; thence East, along the North line of the S $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27, to the Southwest corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27; thence North, along the West line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27, to the Northwest corner thereof; thence North, along the West line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27, to the Northwest corner thereof; thence East, along the North line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27, to the Northeast corner thereof; thence North, along the West line of the NE $\frac{1}{4}$ of said Section 27, to the centerline of Somerset Drive, as

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JOHNSON COUNTY, KANSAS
OCTOBER 12, 1993
(REVISED NOVEMBER 30, 1995)
(REVISED NOVEMBER 25, 1996)
(REVISED DECEMBER 2, 1997)
PAGE 7

now located; thence Northeasterly and Easterly, along the centerline of said Somerset Drive, to its intersection with the North line of the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 27; thence East, along the North line of the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 27, to the East line of said Section 27; 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 Westerly extension of the South line of Lot 3, of said NEL-ARO; thence East, along the South line of said Lot 3 and its extensions, 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 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:


Tex L. Ney, KS LS 2191
October 12, 1993
(Revised November 30, 1995)
(Revised November 25, 1995)
(Revised December 2, 1997)

RESOLUTION NO. 1377

The Leawood City Council has considered the request for approval of a final plat for Pavilions of Leawood, 4th Plat, located at approximately 151st and Granada and hereby finds the following:

WHEREAS, the property is zoned RP-1, and

WHEREAS, the plat is in substantial compliance with the preliminary plat, and

WHEREAS, all tracts of land will be owned and maintained by the homes association, and

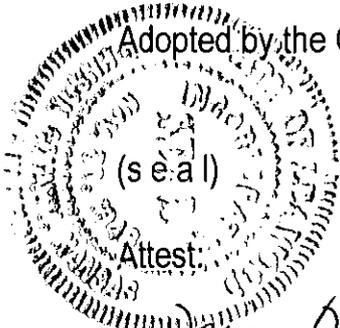
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 43 single family lots 26.8 acres.
2. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$12,900.
3. The developer must pay \$130/ foot for 151st Street (1357.1' x \$130 = \$176,423.00).
4. An erosion control plan for both construction and long term usage must be a part of final engineering plans. These plans must be approved by the City Engineer.
5. All streets within the subdivision will be public. Any plantings, paver bricks, or statuary within the street right-of-way will be maintained by the developer or Homes Association.
6. Sidewalks must be constructed on one side of the street. A plan designating such shall be submitted prior to recording of the plat.
7. Street trees must be included within the right-of-way along all street frontage.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Pavilions of Leawood, 4th Plat, with stipulations.

Adopted by the Governing Body this 15th day of December, 1997.




Peggy J. Dunn

Mayor


Martha Heizer

City Clerk

RESOLUTION NO. 1378

The Leawood City Council has considered the request for approval of revised preliminary site plan for American Academy of Family Physicians located at approximately 114th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the property is zoned CP-0, Planned Office, and

WHEREAS, the CP-0 zoning allows for a six story office building, and

WHEREAS, this plan calls for one additional story and an additional 36,000 square feet of office, and

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

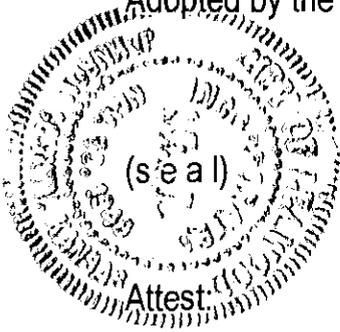
1. The development is limited to a 186,000 square foot, 6 story office building on 15.15 acres of land.
2. Final sign calculations and designs will be provided at a later meeting for approval.
3. A fountain, piece of art, or donation to a general 'Tomahawk Creek Art fund' will be provided. Approval of the design and location will need to come before the Plan Commission at a later date.
4. A fee of \$130/ front foot for 114th Street (or a signed agreement for the construction of 114th Street) will be required prior to final plat recording.
5. All utility boxes on the site will be screened.
6. All rooftop units will be screened entirely from view with an architectural material.
7. All existing wooded areas (on the west side of the property) are to remain. The applicant is expected to clean the tree line.
8. The developer/ property owner agree to sign an agreement committing to all stipulations and agree that such stipulations are voluntary and waives any right to file suit against the City of Leawood, claiming that the undertaking set forth in these stipulations is prohibited by law.
9. Elevations as presented and previously approved concerning the flood plain have been agreed to and are acceptable per the Tomahawk Creek Drainage Study.
10. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
11. Should it prove necessary, the City of Leawood, the applicant and/or building owner has the right to require those 106 parking spaces, or a portion thereof which have been land banked, to be installed.

12. All landscaped areas of the site (including parking islands) are to be irrigated. The system must be complete prior to final occupancy.
13. All landscaping must be installed prior to certificate of occupancy.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for American Academy of Family Physicians with stipulations.

Adopted by the Governing Body this 15th day of December, 1997.




Peggy J. Dunn _____ Mayor


Martha Heizer _____ City Clerk

RESOLUTION NO. 1379

The Leawood City Council has considered the request for approval of rezoning from CP-0 to RP-4, CP-0 to RP-1, RP-4 to RP-1, RP-5 to RP-1, RP-5 to CP-0, RP-4 to CP-0 and preliminary site plan for Village Associates (Spears property) located at approximately the northeast corner of 115th Street and Roe to College Boulevard and hereby finds the following:

WHEREAS, the property contains:

- RP-4: 55 dwelling units on 17.2 acres for a density of 3.2 du/acre.
- RP-1: 50 dwelling units on 40.0 acres for a density of 1.2 du/acre.
- CP-0: 6 office buildings on 35.2 acres. (FAR .29)
- CP-0 (Special Use Permits in the future): 12 acres for a skilled nursing facility and assisted living center.
- Open space: 11.3 acres for homeowners parks.

WHEREAS, each individual project will be required to submit a preliminary and final plat and plan, and

WHEREAS, the property is master planned Medium Density Residential-Single Family Detached and Office, and

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

1. The applicant is required to pay \$130/ front foot for College Boulevard Improvements from El Monte to the east property line.
2. No access other than from the residential properties shall be granted to the spine road through the development.
3. No office access shall be granted to College Boulevard directly from the site.
4. Right-of-way for 114th Street will be shown as 80' wide and the Tomahawk Creek Parkway right-of-way will be 100' for half.
5. Each separate land use will be required to go before the Plan Commission and City Council for approval.
6. An erosion control plan for both temporary and permanent measures proposed to be taken during and after construction will be required at final application.
7. Applicant is required to contact the public works department for any issues or concerns on their behalf.
8. Approximately 2 acres (the most north easterly parcel) shall remain RP-4.
9. Cost for any additional traffic signals determined to be necessary after a traffic study would be paid for by the developer.

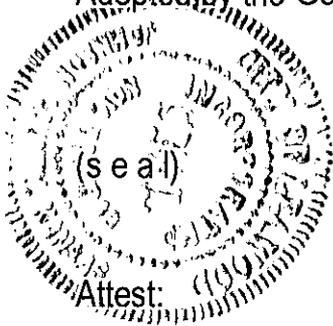
10. If the City built a justice center, it would have public access to 115th Street across the developer's property.

11. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through eleven.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning and preliminary site plan for Village Associates (Spears property) with stipulations.

Adopted by the Governing Body this 15th day of December, 1997.



Peggy J. Dunn

Peggy J. Dunn

Mayor

Martha Heizer

Martha Heizer

City Clerk

RESOLUTION NO. 1380

A RESOLUTION BY THE CITY OF LEAWOOD ("City") TO PROVIDE NOTICE TO SOUTHWESTERN BELL TELEPHONE COMPANY ("SWB") OF THE CITY'S INTENT TO TERMINATE THE CURRENT TELEPHONE FRANCHISE AGREEMENT (AS CODIFIED BY CITY ORDINANCE NO. 813) ON THE EXPIRATION OF THE CURRENT FRANCHISE TERM ON AUGUST 31, 1998.

WHEREAS, the City granted SWB a telephone franchise ("Franchise Agreement") as codified by City Ordinance No. 813 that began on September 1, 1983; and

WHEREAS, the Franchise Agreement automatically renews itself every five years unless either party hereto properly notifies the other party of its intent to not renew the Franchise Agreement; and

WHEREAS, the current term of the Franchise Agreement will expire on August 31, 1998; and

WHEREAS, the City has decided to not renew the Franchise Agreement for an additional term; and

WHEREAS, the City intends to negotiate a new franchise agreement with SWB;

NOW THEREFORE, be it resolved by the City of Leawood, Kansas, That the City does hereby:

1. Authorize the City Administrator to notify SWB of the City's intent to terminate the Franchise Agreement in accordance to the terms of the Franchise Agreement; and
2. Authorize the City staff to begin negotiations with SWB to draft a new telephone franchise agreement.

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

PASSED AND APPROVED THIS 19 DAY OF January, ~~1997~~ 1998.


Peggy Dunn, Mayor

ATTEST:


Martha Heizer, City Clerk

The Legal Record

600 E. Santa Fe, Suite 4
Olathe, KS 66061-3700

RES 1380

Publication Fees: \$16.18

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

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwin, 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 NO. 1380--1/20/98

Tammy Schwin
Legal Notices Administrator

Subscribed and sworn to before me on this date:

January 21, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

RESOLUTION NO. 1380

First published in The Legal Record, Tuesday, January 20, 1997.

RESOLUTION NO. 1380

A RESOLUTION BY THE CITY OF LEAWOOD ("City") TO PROVIDE NOTICE TO SOUTHWESTERN BELL TELEPHONE COMPANY ("SWB") OF THE CITY'S INTENT TO TERMINATE THE CURRENT TELEPHONE FRANCHISE AGREEMENT (AS CODIFIED BY CITY ORDINANCE NO. 813) ON THE EXPIRATION OF THE CURRENT FRANCHISE TERM ON AUGUST 31, 1998.

WHEREAS, the City granted SWB a telephone franchise ("Franchise Agreement") as codified by City Ordinance No. 813 that began on September 1, 1983; and

WHEREAS, the Franchise Agreement automatically renews itself every five years unless either party hereto properly notifies the other party of its intent to not renew the Franchise Agreement; and

WHEREAS, the current term of the Franchise Agreement will expire on August 31, 1998; and

WHEREAS, the City has decided to not renew the Franchise Agreement for an additional term; and

WHEREAS, the City intends to negotiate a new franchise agreement with SWB;

NOW THEREFORE, be it resolved by the City of Leawood, Kansas, That the City does hereby:

1. Authorize the City Administrator to notify SWB of the City's intent to terminate the Franchise Agreement in accordance to the terms of the Franchise Agreement; and
2. Authorize the City staff to begin negotiations with SWB to draft a new telephone franchise agreement.

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

PASSED AND APPROVED THIS 19 DAY OF January, ~~1997~~ 1998.

(S E A L)

Peggy J. Dunn
Peggy Dunn, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

\$16.18

RESOLUTION NO. 1381

The Leawood City Council has considered the request for approval of a revised preliminary site plan for Leawood Commons Lots 11 & 12 located at approximately 113th and Nall and hereby finds the following:

WHEREAS, the property is zoned CP-0, Planned Office, and

WHEREAS, the development has met all performance standards, and

WHEREAS, the building is to face the south with an east / west orientation, with all the parking on the south side of the building, and

WHEREAS, the plan has the building 76'-10" from the property line (to the facade, 73' to the overhang) on the east, and

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

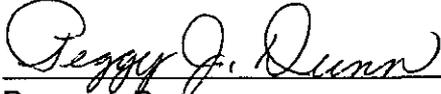
1. The single story office building is limited to 9,434 square feet on 1.236 acres.
2. A revised landscape plan must be submitted with final documents.
3. All signs require a permit prior to installation.
4. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
5. All alarms installed must be silent.
6. All landscape areas are to be irrigated.
7. All landscaping shall be installed prior to issuance of a certificate of occupancy.
8. All downspouts are to be enclosed.
9. All roof top units must be screened from view, and any vents, etc. must be painted to match the roof.
10. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
11. The lighting plans and fixtures must be included in the final application.
12. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
13. Materials board must be submitted at the time of final site plan application.
14. All on site drainage shall be collected and transported by an approved underground drainage system to the storm sewer.
15. Reduce the net parking area by 48' x 72' on the east end of the building.
16. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through sixteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Leawood Commons Lots 11 & 12 with stipulations.

Adopted by the Governing Body this 2nd day of February, ~~1987~~ 1998.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1382

The Leawood City Council has considered the request for approval of final site plan and final plat for Price Chopper located at approximately the northeast corner of 135th and Mission Road and hereby finds the following:

WHEREAS, the development will consist of 190,035 square feet limited to 161,435 of retail space, a 5,000 square foot bank site, and 23,600 square feet for offices on a total of 23.05 acres, and

WHEREAS, a park impact fee of \$19,003.50 shall be paid at the time of building permit application, and

WHEREAS, the K-150 impact fee will be paid prior to platting, and

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

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

1. The development will be limited to 190,035 square feet to consist of 161,435 square feet of retail space, 5,000 square feet for a bank site, and 23,600 square feet for offices on a total of 23.05 acres.
2. Office site "A" and shops "B" in the northeast corner of the site are restricted to office use as shown in the SDO sub-district. A reduced copy of the project site plan is attached hereto and made a part hereof (Exhibit A). Office site "A" and shops "B" and the supermarket as shown on the approved preliminary development site plan (Exhibit A), must all be constructed simultaneously as a part of Phase 1 of the project.
3. The Developer will be responsible for the following street improvements:
 - a. Construction of the full width of 133rd Street east from Mission Road to Pawnee and the construction of Pawnee Street adjacent to the Developer's property.
 - b. Additional street improvements as required by the traffic study will be constructed by this Developer. A list of the required traffic improvements as set forth in the traffic study prepared by TEC Engineering, which traffic study is made a part hereof as if fully set forth at in length herein. Provided the entrance shown on the TEC traffic study, which is at approximately the midway point between 133rd and 135th on Mission Road shall be limited to right-in right-out turns only.

- c. An additional lane shall be constructed on the north side of 135th Street, adjacent to the development for a total of 3 lanes. In addition, the developer shall construct a taper lane in order to facilitate deceleration and acceleration in and out of the project.
- d. Traffic signals are required at the intersection of 133rd and Mission Road and 135th Street and Pawnee. Developer will deposit the estimated and probable cost of such signalization into escrow with the City. The City shall administer the traffic signal project for the subject intersections. The City shall take all actions necessary to insure that the traffic signals are installed, activated and coordinated prior to the opening of the development. If this project proceeds before the development of Leawood Place to the west, or development of the intersection of 135th and Pawnee, then the City, as a condition precedent to final development plan for Leawood Place, or any development at 135th and Pawnee, will require Leawood Place or the Developer of 135th and Pawnee to reimburse this Developer for the proportionate cost of the signalization project that would otherwise have been the responsibility of the Developer of Leawood Place or the Developer of 135th and Pawnee.
- e. The Developer shall extend 133rd Street west of Mission Road as shown on Exhibit A as a 28 foot roadway from the southernmost school parking lot onto 133rd Street, thus allowing northbound traffic to exit the school and utilize the future signal at 133rd and Mission Road. The City shall be responsible for acquiring the necessary right-of-way for the roadway, but the Developer shall be responsible for constructing the 28 foot wide roadway. The future Developer of the northwest corner of 135th and Mission Road shall be required, as a part of its final development plan, to improve 133rd Street west of Mission Road to the City's permanent major collector specifications. The current southerly access drive from the school parking lot onto Mission Road will be removed and replaced with sod by the Blue Valley School District at the time that the new drive to 133rd Street has been completed by the Developer.
- f. As stated above, the Developer shall construct the complete width of proposed 133rd Street from Mission Road to Pawnee and Pawnee from 135th Street to 133rd Street and this street and the related traffic signals must be fully constructed and operational prior to the opening of the neighborhood shops, offices and supermarket. The construction of the proposed 133rd street from Mission to Pawnee and the Developer's commitment to the above-referenced park improvements will fully satisfy Developer's financial obligations under a proposed Improvement District to be constructed for 133rd Street from Mission Road to State Line. Developer shall, however, execute the petition and covenant referred to below. Developer may be required to construct 133rd Street from Mission Road to Pawnee as a part of the Improvement District but

shall receive credit for construction done by the Developer of 133rd from Mission Road to Pawnee as long as the construction is according to plans and specifications approved by the City and is authorized under the terms under which the Improvement District is established.

- g. Supermarket Developérs has secured the agreement of Ranchmart, Inc. to create an improvement district for the construction of 133rd Street from Mission Road to State Line and a covenant not to oppose such a petition, if such is initiated by the City. Under the terms of the Petition and Covenant, Ranchmart, however, shall have input into the selection of the final route for 133rd Street and as a condition precedent to Ranchmart's support, it is agreed that when this section of 133rd Street is constructed, it will be constructed as one project from Mission Road to State Line. Completion of construction of 133rd from Pawnee to State Line shall not be a condition precedent to the issuance of a Building Permit for Developer's project. Provided, however, no Building Permit shall be issued for Developer's project until the City has in its possession the legal documents that are required in order to create or guarantee the creation of the 133rd Street improvement district. The City, as a part of the creation of the 133rd Street improvement district, may allow the entire section of 133rd Street from Mission to State Line to be constructed as a part of the Developer's construction process by the Developer's contractor, based on plans approved by the City and designed by the Developer's civil engineer. The City, however, shall administer the project by separate contract with the Developer according to the provisions of K.S.A. 12-6a 01 et seq. The project will be planned and constructed in a manner that will ensure not only shall 133rd Street be constructed and operational prior to the opening of the project, but that the traffic signals that are required under this Agreement shall be operational and coordinated prior to project opening.
4. Mission Road shall be posted and enforced by the City with a "no truck route" sign north of 133rd Street and, additionally, right or left turns on southbound Mission Road at 119th Street will be prohibited by trucks. In addition, the City may add any additional signs in and around the development that would prohibit turning movements that would be contrary to the intent of this section which is to prohibit through truck traffic all together on Mission Road from 133rd to 119th Street.
5. The 135th Street design guidelines have been considered and reviewed in terms of the preliminary site plan, and such guidelines, except where indicated, continue to govern the final site plan consideration for the project. A copy of the Professional Staff findings in this regard is attached and made a part hereof. Developer has submitted a specific design plan for its entrance feature consistent with the 135th Street Corridor Design Guidelines. A copy of the plan containing the 135th Street elements is attached hereto as Exhibit "B" and made a part hereof. The Developer and the City believe the

plan to be in substantial compliance with the Bucher Willis & Ratliff plan for such entrance features, a copy and a depiction of which is attached hereto and made a part hereof. These features and their compliance with the guidelines and report shall be considered at final plan submission.

6. The landscaping approved as a part of the preliminary development plan and as more specifically approved and delineated on the final development plan on the south side of 133rd Street must be installed prior to the release of an occupancy permit for any portion of Phase 1 of the proposed project.
7. The Developer is responsible for the payment of the 135th street corridor impact fee. The current fee is \$1.32/ square foot for retail and \$.40/ square foot for office (finished floor area). These fees may be adjustable from time to time. The fees are to be paid at the time of building permit application.
8. The Developer is responsible for the payment of the park impact fee of \$0.10/ square foot of finished floor to be collected at the time of building permit application.
9. The Developer shall withdraw the pending application for a duplex development on the approximate 11 acres north of 133rd Street and east of Mission Road and immediately south of the Waterford subdivision. In lieu thereof, the Developer shall acquire this acreage and then donate the same to the City of Leawood so that the City of Leawood may use the property as a passive park to be developed as provided in the following paragraph.
10.
 - a) With respect to the park donation, the Developer has submitted to the City as a part of the approved preliminary site development plan a detailed park site plan setting forth the amenities proposed within the park. A copy of said detailed park site plan is attached hereto as Exhibit "C" and made a part hereof. In this conjunction, the Developer will submit for the City's approval a proposed grading plan for the park, which will show a general layout of the park including the location and height of the proposed berms to be constructed in the park, which are specifically designed to provide line of sight relief to adjacent property owners on the south side of the Waterford subdivision. The park property will be finish graded by the Developer at the time that Phase 1 of the shopping center is constructed. Prior to the issuance of final development plan, the City shall provide assurances that the completion of the park improvements shown on Exhibit "C" will be approved by the City Park Department and by the City Council. The City shall take such legal action as is necessary to ensure the completion of the park improvements shown on the approved park development plan. This approval shall include a specific resolution as to the financing of the park, improvement plans, including the proposed wrought iron fence, including a gate adjacent to Pawnee on the north side of the park, seeding or sodding, and the plant materials called for on

the park development plan. The plan shall also include a proposed alignment for the construction of a walking trail and any other sidewalks or paved area to be constructed as a part of the public park.

- b) The estimated and probable cost of the park improvements, including design, is approximately \$119,000.00. The cost estimate does not include relocation of the existing old a schoolhouse to the proposed park and/or the associated vehicle drive, parking and pedestrian parking and security gate. However, the park development plan shall show the schoolhouse location as a proposed Phase 2 of the park development plan and shall provide an adequate area in which the schoolhouse and any related improvements could be situated if it is the final decision of the City to so provide at its cost.
 - c) The City and the Developer agree that with respect to the park improvements set out in paragraph 10 (b) above the Developer will execute a petition for improvement district pursuant to K.S.A. 12-6a-01 et seq. that will commit the Developer to paying the estimated and probable cost of the park improvements including design in an amount estimated to be \$119,000 as set out above. The City shall prepare the petition in a manner that would also allow for the possibility of the City joining the Improvement District for the purposes of paying for possible Phase II improvements to the park, including but not limited to, the relocation of the existing one-room school from its present location.
 - d) The city, for its part, agrees that the park fee to be paid by the Developer shall be applied to assist in the capital costs associated with the Phase 1 of the new park. The balance of the expense required to complete Phase 1 of the park plan shall be borne entirely by the Developer, but shall be included in the 133rd Street improvement district and shall be assessed 100% to the Developer's property. The City and the developer will prepare a master construction schedule in order to coordinate construction activity for the proposed park, the construction of the berm and the construction of 133rd Street so that, to the maximum extent possible, there will only be one primary disruptive construction season of activity.
11. The City shall favorably consider a deviation from the general guidelines set forth in the K-150 study which deviation will allow a median cut properly signalized at Pawnee.
12. The City will not review the Developer's final plan until the City has received the results of a traffic study described hereafter. The City agrees to retain the firm of Bucher, Willis & Ratliff to address four primary issues of concern:
- i) Bucher, Willis & Ratliff will determine what, if any, impacts the proposed level of development in the K-150 corridor would have with reference to

Mission Road so that the City can consider the possible impact on student safety issues and determine if any other proposed developments in the area should be reconsidered, modified or in any way taken into consideration;

- ii) Whether the Developer's plan, as modified, and including the median cut at Pawnee will cause a material adverse impact in traffic at Mission Road and surrounding area; and
- iii) Whether the Developer's plan, as modified, will create a need for future widening of Mission Road. In connection with this issue, Bucher Willis & Ratliff will attempt to determine at what level of development in the K-150 corridor the widening of Mission Road would need to be considered so that the City can consider the possible impact on student safety issues and determine if other proposed developments in the area should be reconsidered, modified or in any way taken into consideration.
- iv) Whether there are any other improvements, whether proposed or not at this time, that would mitigate against adverse impacts of the development or improve the general traffic situation in and around the area of the development.

13. In addition to the stipulations set forth above that were proposed by the City Professional Planning Staff, Developer further agrees that there shall only be one facility in the entire proposed neighborhood shops and offices that will constitute a so-called fast-food facility and that this facility may only be situated on K-150 between Pawnee and the ingress-egress point between Mission and Pawnee.

14. Developer will not accept any restaurant tenants that do not satisfy the requirements of the Kansas laws that more than 50% of an establishment's sale be from the sale of food.

15. Pavers will be provided and installed at the crosswalk locations on Mission Road at 135th Street, on Mission Road at 133rd Street, on 133rd at Mission road, and on Pawnee Street at 133rd Street.

16. All parking and landscaping for pad sites will be reviewed at the time of individual pad site applications. The approval of the preliminary site plan does not in all cases delineate the final configuration of individual pad site locations.

17. The service court walls will be bricked a minimum of 25 feet back from the entry into the service court.

18. The Developer will be responsible for the berm in the park to the north which berm shall be a minimum of 12 feet in height and shall be configured and aligned to provide the maximum line of site benefit to the property owners along the south property line of the Waterford subdivision. The applicant will be responsible for the grading and the seeding of the donated park land.
19. Pawnee Street as located in the Waterford subdivision shall be modified as suggested in the attached concept plan, incorporated herein as Exhibit "D". A cul-de-sac will not be placed where Pawnee stops at the north end of the proposed park. The suggested improvements shall be constructed at the developer's cost.
20. The buildings will be built of brick.
21. All downspouts are to be internal.
22. All utility boxes in the parking lot will be screened appropriately.
23. All roof top units will be screened from public view with a parapet wall.
24. The Developer shall use its best efforts in its contractual relations with suppliers and vendors and delivery companies of all kind, including but not limited to the waste disposal companies, to ensure that deliveries occur to the site not earlier than 6:30 a.m. and not later than 10:30 p.m.
25. The Developer, as a condition precedent to final development plan, shall present a detailed lighting study to the City staff for its review and the study and lighting plan shall be generally in conformance with the City's lighting standards.
26. A building permit is required prior to construction.
27. This development agreement shall be included as a part of the zoning application and shall be made a part of the approved preliminary and final development plans.
28. The final development plans shall not only be approved by the Plan Commission in the conformance with Kansas law, but shall also be reviewed and must secure the approval of the governing body.
29. The City Attorney is directed to review the most recent draft of the proposed stipulations and make any other changes or corrections necessary in the opinion of the City Attorney to make the document a complete development agreement which can be attached and become a part of the final development plan.

30. As addressed in the Bucher Willis & Ratliff traffic study, upon formation of the improvement district for 133rd Street the section between Mission Road and Roe Avenue shall also be included to ensure that 132nd Street through Wilshire will not become the primary east/west traffic route through a single family residential subdivision.
31. The main sign for Price Chopper be reduced in size to a maximum height of 6' for the individual letters and that the color be changed to white.
32. K-150 and Mission Road amenities must be completed prior to final occupancy.
33. On site lighting must be brought back before the Plan Commission at a later date for approval.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby deny the final site plan and final plat for Market Square Center (Price Chopper) for the following reasons (see attached).

Adopted by the Governing Body this 17th day of February, 1998.




Peggy J. Dunn

Mayor


Martha Heizer

City Clerk

- To the west of this site, bounded by Mission, 135th Street, Briar and 133rd Street, is an area commonly referred to as Leawood Place. This property was zoned SD (C-R) in 1993. The approved preliminary plan allows for 488,400 square feet of office space and 419,000 square feet of retail space on approximately 115 acres.
- To the south across 135th Street is zoned AG.
- To the east is zoned AG.

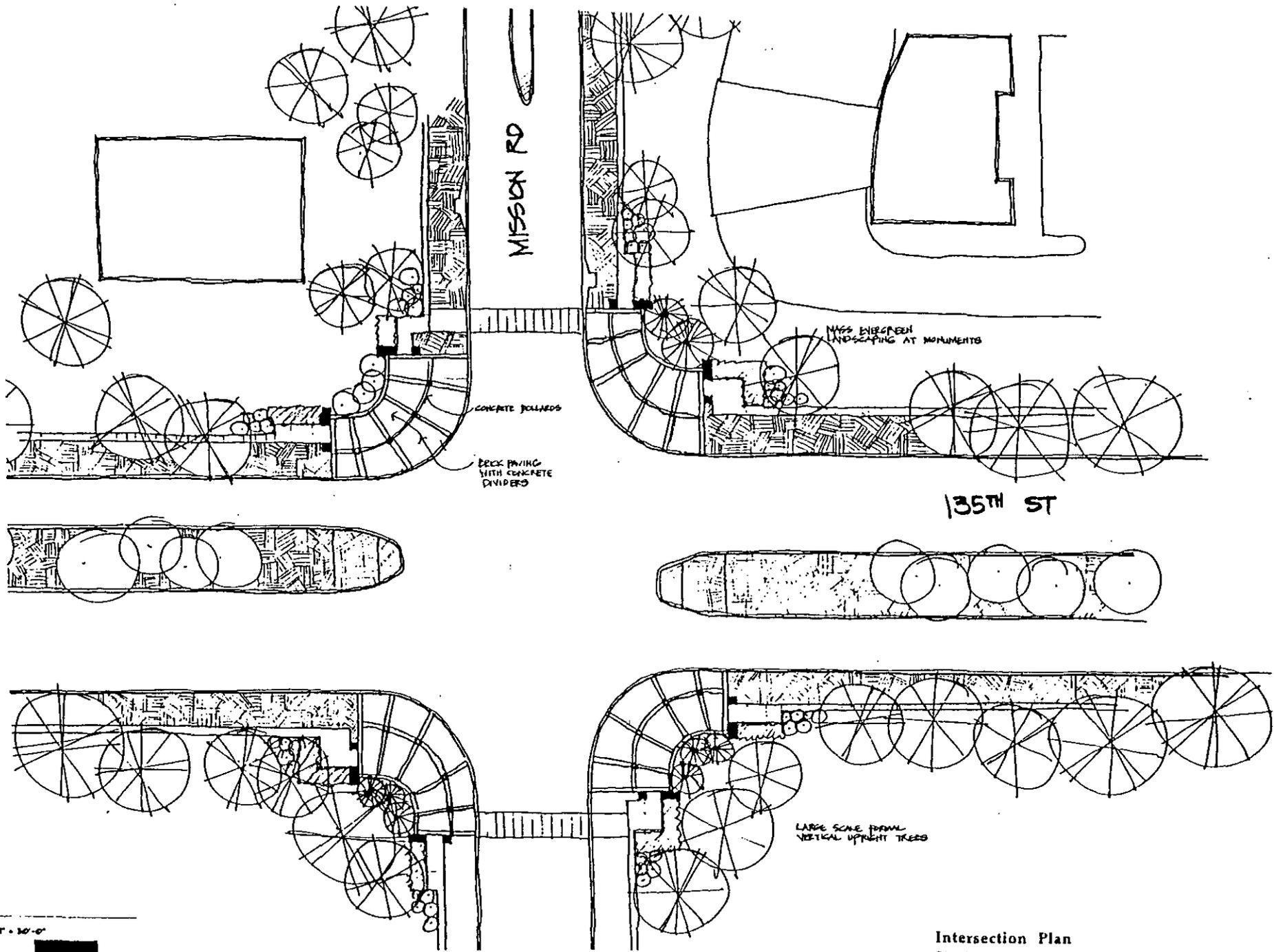
SITE PLAN COMMENTS:

- This property is located at the northeast corner of Mission and 135th Street.
- The tract contains 23.05 acres net (28.578 acres gross). It is not directly adjacent to any residential development.
- The Waterford subdivision is 450' from the end of Pawnee to the center line of 133rd Street and 560' from the southwest corner of lot 4 block 18 to the center line of 133rd Street.
- The Waterford property line is 570' from the closest retail building, and 540' from the Waterford property line to the closest office building.
- The closest home is 580' to the nearest office site. The closest retail to any house is 620'.
- The northern boundary (after development) will be the new street, 133rd Street. This is part of the reverse frontage road system that will eventually start at State Line Road and travel to the city's western boundary where it will connect with a reverse frontage road in Overland Park.
- The site is situated with the Price Chopper oriented toward Mission Road. On the north end are attached shops and offices that will face 133rd Street. To the east are additional attached offices that are shown to be part of the first phase. To the southeast is a major tenant retail shop which is included in a second phase.
- There are three (3) pad sites along Mission Road (one at the corner of Mission and 135th Street) and three (3) pad sites that front onto 135th Street.
- To the north of the site is a proposed park which will be donated to the City. Although this is not part of this application, the berm on the north side of the proposed park will be from 8' to 12' in height.
- There are two points of access to 133rd Street on the north side of the development.
- One right in/right out on Mission, two access points on Pawnee, and one right in/right out on 135th Street.

135th STREET CORRIDOR DESIGN GUIDELINES:

- The applicant has reviewed the guidelines and has revised the plan to include:
 - Ornamentation at the corner of 135th and Mission. Although the design shown at this time is just a concept that will be reviewed at final plan.
 - Pavers across the major intersections to encourage pedestrian linkages.
 - All landscaping has been brought to the guideline standards.
 - Signage will be within the regulations - this will be reviewed in depth at final.
- The one area that does not meet the design guidelines is the percentage of office in the mixed use area. The numbers do not meet the guidelines because the application was made prior to the 135th Street Design Guidelines being prepared. The area numbers are as follows:
 - Retail is 57% of the land. (23.05 acres)
 - Office is 12% of the land. (4.0 acres)
 - Open Space (Park) is 31% of the land. (10.34 acres)

TRAFFIC:



SCALE 1" = 30'-0"



EXHIBIT "B"

Intersection Plan
MARKET SQUARE

City of Leawood, Johnson Co., Kansas 3-21-97

GENERAL NOTE:

WATER COLUMN/FOUNTAIN PLAN IS PRESENTED AS 1.
WROUGHT STRUCTURE TO HAVE SIMILAR PLAN AND TO BE LOCATED ON CORNER 2.

LANDSCAPE NOT SHOWN FOR CLARITY, REFER TO SITE PLAN

MONUMENT STRUCTURE BACK PAGE W/ PRECAST CONC. LANTERN LOCATED AT TOP.

CONCRETE PLANTER BOX

VERTICAL ELEMENT / PRECAST CONCRETE W/ WATER COLUMN

METAL GRATE BOTH SIDES OF LOW CONC WALL

LOW CONC WALL CONTINUOUS

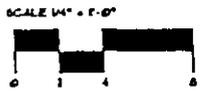
MONUMENT STRUCTURE

LANDSCAPE

WALK

SMALL MONUMENT W/ WROUGHT IRON FEATURE

GRASS



METAL GRATE BOTH SIDES OF LOW CONC WALL

LOW CONC WALL CONTINUOUS

CONC CURB AND GUTTER

STREET PAVEMENT

EXHIBIT "B"

1 Enlarged Plan
Water Column
MARKET SQUARE
City of Leawood, Johnson Co., Kansas 3-21-97

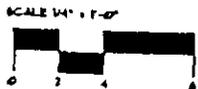
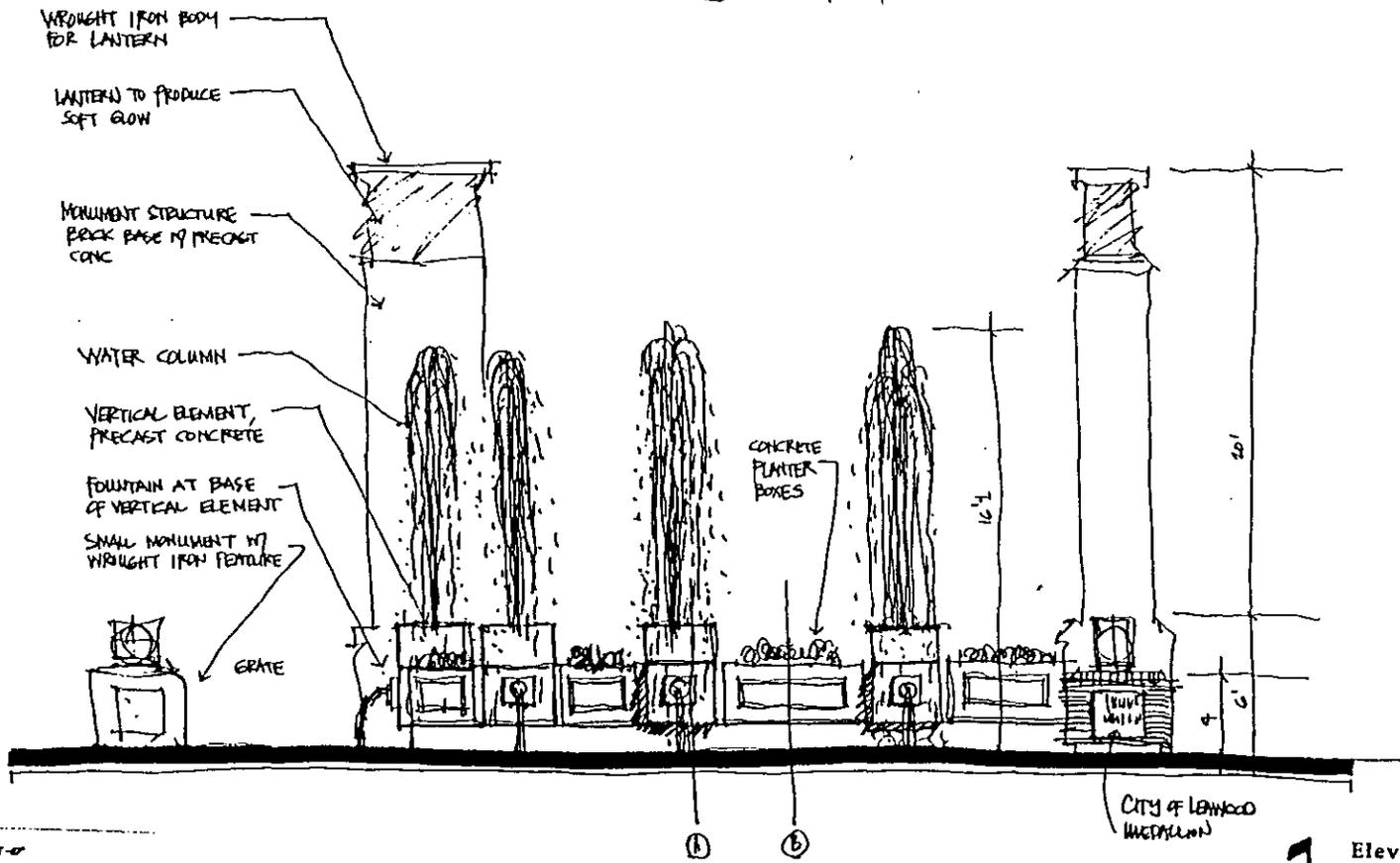
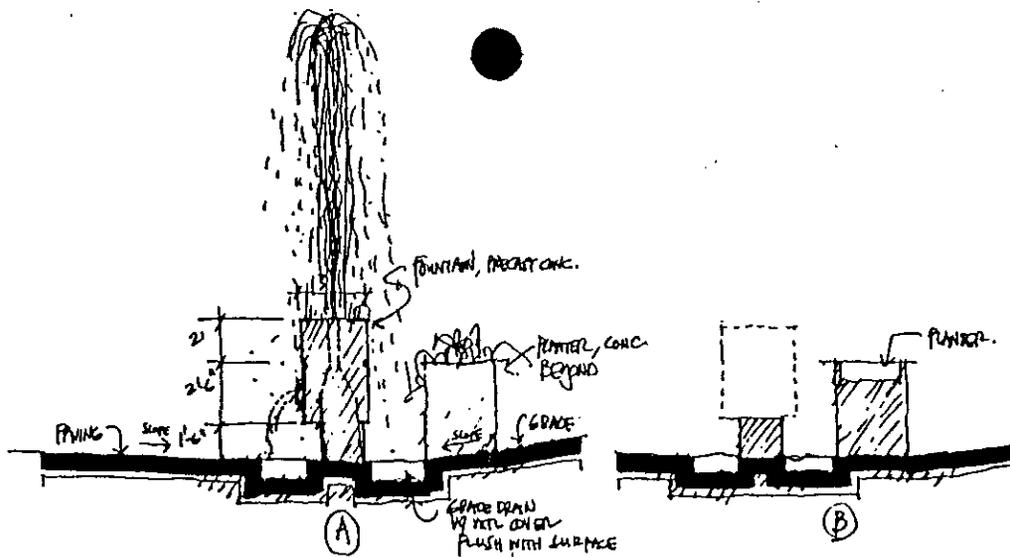


EXHIBIT "B"

1 Elevation
Water Column
MARKET SQUARE

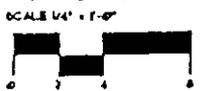
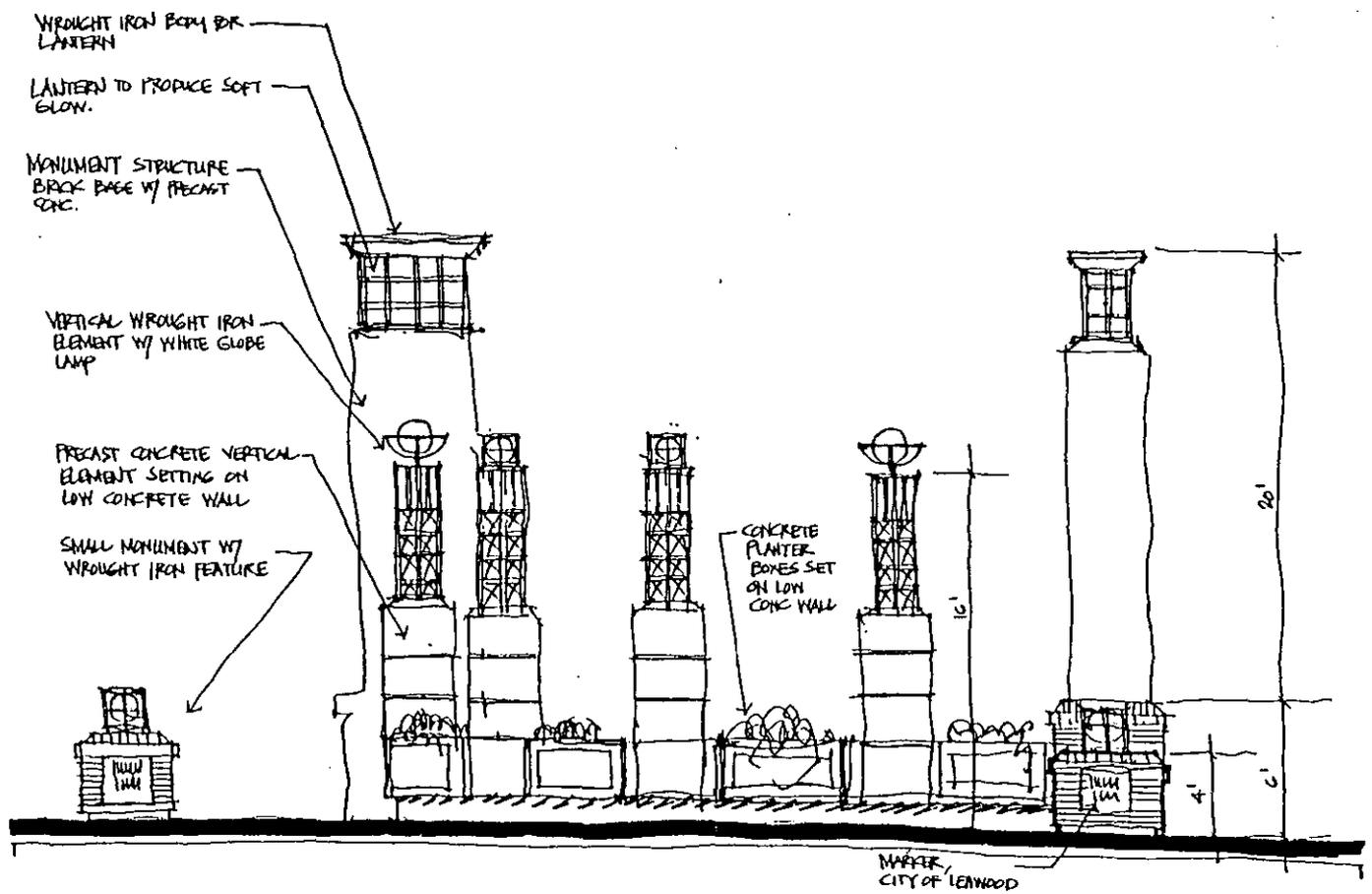
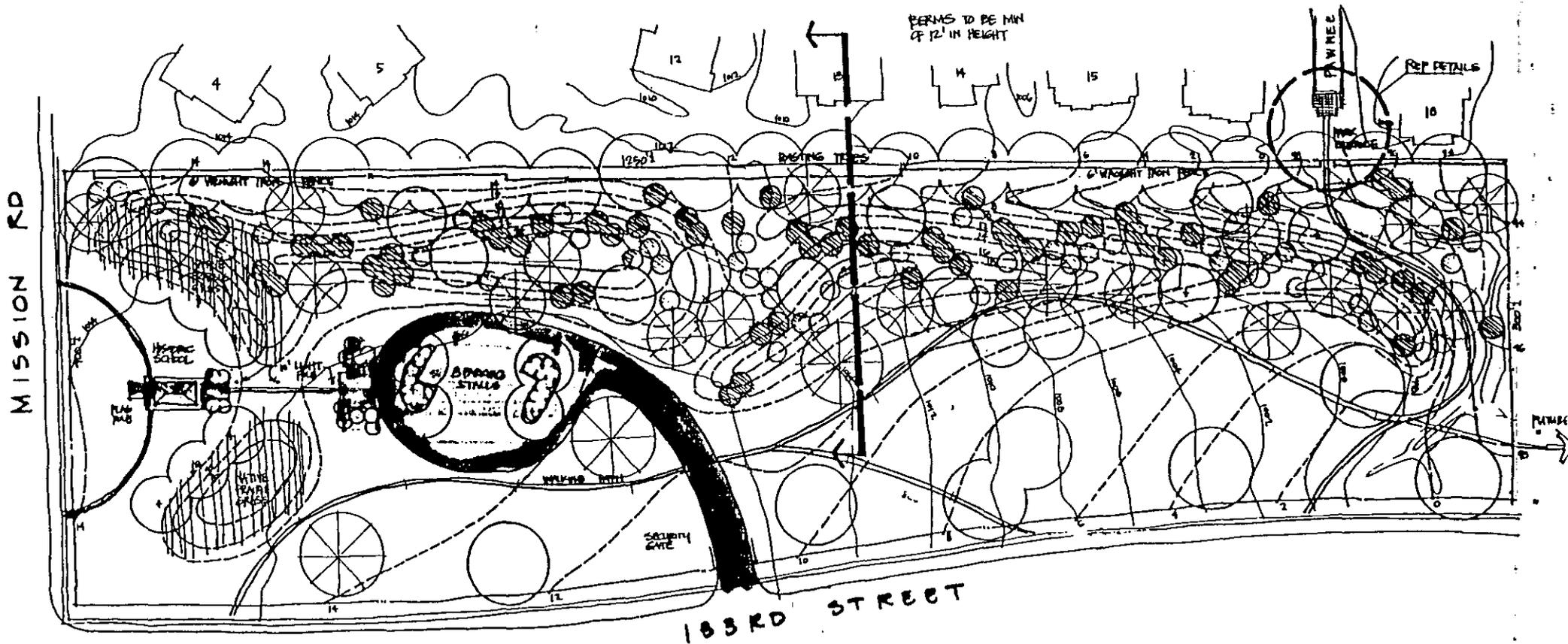


EXHIBIT "B"

2 Enlarged Plan
Wrought Iron Structure
MARKET SQUARE
City of Leawood, Johnson Co., Kansas 3-21-97



NOTE: SHADED AREA IS PHASE II DEVELOPMENT
 PHASE II IS NOT INCLUDED IN PHASE ONE PARK CONSTRUCTION

SCALE 1" = 60'



PHASE ONE

PROPOSED PARK

133 RD AND MISSION ROAD LEAWOOD, KS.

3/21/97



EXHIBIT "C"

EXISTING
CURVE

STREET

EXISTING
STREET CONST

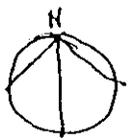
NEW CURB
INLET

NEW
INTERLOCKING
CONC PAVERS

6" ASPHALT PATH

ENTRY TO PARK FROM PAWNEE

SCALE 1" = 10'



3/21/97



KANE AND JOHNSON ARCHITECTS, INC.

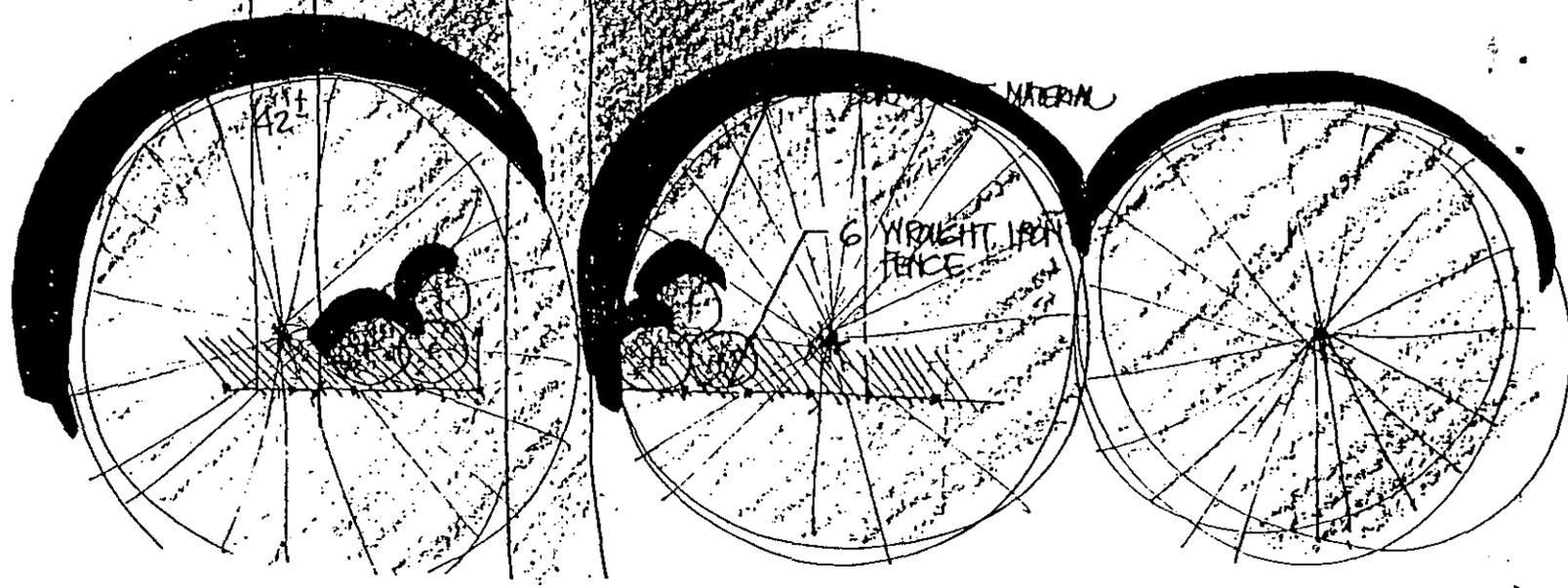
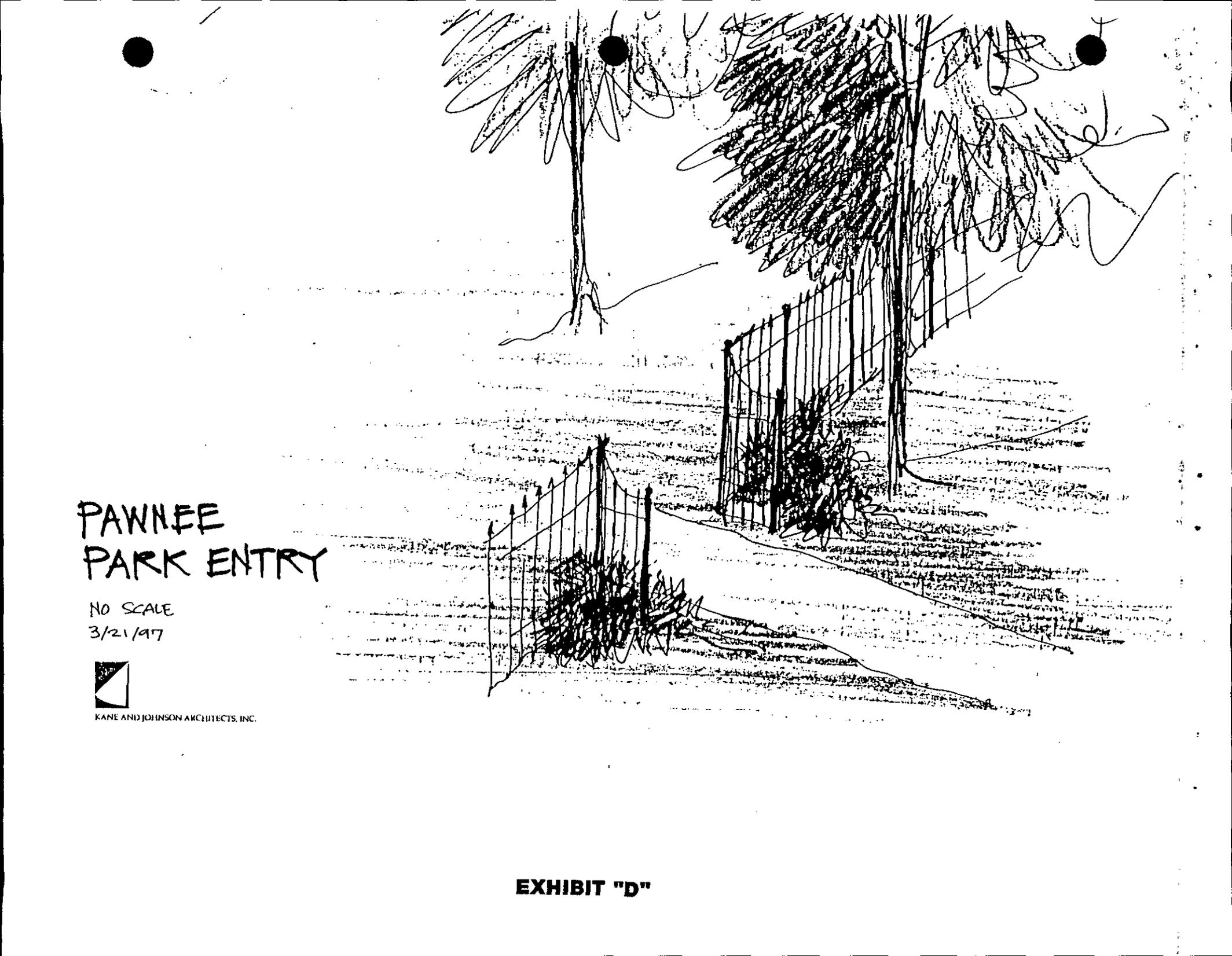


EXHIBIT "D"



PAWNEE
PARK ENTRY

NO SCALE
3/21/97



KANE AND JOHNSON ARCHITECTS, INC.

EXHIBIT "D"

- 1082 **CONSENT AGENDA.** The following were approved unanimously on motion of Peppes, seconded by Campbell:
1. Minutes of the February 2, 1998, Council meeting;
 2. Departmental reports;
 3. Application (renewal) for Cereal Malt Beverage License – Leawood Hen House, 11721 Roe Ave.;
 4. Application (renewal) for Cereal Malt Beverage License – Phillips Petroleum Towne Center 66, 11921 Roe Ave.;
 5. Purchase of equipment through Kansas City, Kansas cooperative bidding:
2 1-Ton trucks for the Public Works Dept. and 2 1-Ton trucks for the Parks & Recreation Dept. (Ram 3500 trucks) from low bidder Raytown Dodge for \$17,741.00 each; 1 1998 Chevrolet S-10 Blazer for the Public Works Dept. from the low bidder Sonny Hill Motors for \$24,375.00; 1 3/4-Ton Ram 2500 truck for Parks & Recreation from the low bidder Raytown Dodge for \$23,047.00;
 6. Pay Request No. 2 (FINAL) from Wilson Plumbing Co. for \$2,011.50 for water valve installation and relocations required for Mission Rd. improvements, 103rd St. to I-435.

PLAN COMMISSION

- 1095 **Resolution No. 1382, attached as part of the record, denying the final plat and final plan for Market Square Center (Price Chopper), northeast corner of 135th & Mission Rd.** Councilmember Taylor mentioned a letter from Price Chopper's attorney Larry Winn III to City Attorney Wetzler in which Mr. Winn indicated there were 3 Councilmembers who might have conflicts in the matter, and in which he asked Mr. Wetzler to determine what his (Mr. Wetzler's) advice would be to them. Mr. Taylor said he needed advice. Mr. Wetzler said that advice to the Council as a whole was protected by attorney-client privilege. On motion of Clawson, seconded by Peppes, Council voted unanimously to convene in executive session for 15 minutes.

- 1260 Council convened in executive session in a conference room at 8:15 p.m., same members present, and returned to regular session at 8:30 p.m., same members present.

Mr. Wetzler gave a history of the project.

- 1440 Mr. Wetzler said that in his judgment, the nature of the Council's consideration was for the purpose of determining limited question as to whether the final plan was in compliance with the preliminary development plan and whether it satisfied the criteria established by City ordinances as to final plan. He said that the Council, in arriving at their decision, could consider the traffic study prepared by Bucher Willis & Ratliff engineers and the 4 matters that were of concern to the Council at the time the preliminary plan was approved.

Planning Director McKay wanted the Council to be aware that the original recommendation for the construction of 133rd St. by formation of a benefit district was from State Line Rd. to Mission Rd. The section between Mission and Roe Ave. had been added (stipulation #30 of the resolution under consideration). The Jameson tract had not yet been notified that they might be part of a benefit district.

- 1515 Larry Winn III, attorney for Price Chopper, stated points he felt everyone was at the meeting collectively to do and not to do. Mr. Winn said that since there had been virtually no changes in the preliminary plan, the final plan should by City ordinances be deemed to be in substantial compliance with the preliminary plan.
- 1740 Bob Sanders, architect for the project, gave a brief presentation of the exterior materials and color schemes to be used.
- 1905 Mr. Ping Yu of Bucher Willis & Ratliff engineers, the project manager on the traffic study, gave a brief slide presentation of the comprehensive study, and answered Council questions on 1) the effect on traffic (the level of service) of the ratio of office to retail, 2) the effect of different FAR on level of service, 3) the effect of the Laner property development at 135th & Nall on the level of service at 135th & Mission Rd., 4) projected traffic generations at peak hour traffic in conjunction with various factors, including downsizing the project, 5) the level of service D (the minimum desired standard according to Mr. Yu) between 132nd & 133rd Streets where Mission Trail Elementary was located, 6) the effect on reverse frontage roads if intersections at 135th & State Line AND 135th & Nall were level of service F, 7) the effect on traffic of other planned developments along the Corridor and on the Missouri side of State Line Rd.
- 4320 Councilmember Bold felt that the City Attorney's instructions to the Council were different than those he gave the Council on April 7, 1997, and it might be helpful for the Council to view the tape from that meeting. Councilmember Rasmussen said that he had heard Mr. Winn say that the results of the traffic study were irrelevant to the zoning and only that a traffic study was to be done. That was not Mr. Rasmussen's recollection. Mr. Wetzler said that the results were irrelevant to the zoning because the zoning had already occurred, but were not irrelevant to the final plan process. In response to Mr. Bold, Mr. Wetzler said the Council could consider signage since it was part of the final plan process. Planning Director McKay called attention to stipulation #31 of the resolution which addressed the reduction in size of the sign's letters and change in color.
- 4560 Several residents spoke against the project.
- 5000 Public Works Director Johnson reminded everyone that when the traffic study was done, the K-150 Corridor study was reviewed to identify land use and the intensity the City wanted to see along 135th St., and to use that information as a base line. If a development would come in that staff felt deviated from it, staff could plug in the intensity and see how that impacted not only the adjacent streets but the surrounding 135th St. Corridor between State Line and Nall. The traffic study was done to establish a base line with what was approved in the K-150 Corridor study.
- 5240 Residents continued.

6093 Andy Schlagel, 10330 Alhambra, spoke on behalf of the Jameson property (northwest corner of 135th & Mission Rd.) as it related to stipulation #30 of the resolution – upon formation of an improvement district for the construction of 133rd St., the section between Mission Rd. and Roe Ave. would also be included to ensure that 132nd St. through Wilshire subdivision would not become the primary east/west traffic route through a single family residential subdivision. Neither he nor the Jamesons received formal notice of the new condition #30. He said that Mrs. Jameson simply didn't have the funds to participate in an improvement district; it was a substantial unplanned impact. City Administrator Garofano briefly described the formation of benefit districts in the City and financing. A benefit district could proceed without the Jamesons signing a petition for the formation of the district.

7000 END OF TAPE

NEW TAPE #411

Discussion continued on benefit district formation.

90 Councilmember Gill wondered how there could be a district from State Line Rd. to Roe Ave. if property owners at 135th & State Line Rd. (Ranchmart, Regniers) hadn't agreed to affirmatively submit a petition for a district that included the Jameson property or hadn't signed a covenant not to oppose a district started by the City that included the Jameson property, not to mention the fact that Mrs. Jameson wouldn't sign a petition. Mr. Wetzler explained state law which provided that if a petition was signed by property owners representing more than 51% of the area of the front footage of the improvement, a district could be formed - with just the property owners between State Line and Mission.

183 11:00 p.m. On motion of Taylor, seconded by Campbell, Council voted to extend the meeting until 11:30 p.m.; Rasmussen opposed, all others in favor.

325 More residents spoke against the project.

884 Councilmember Gill moved to deny the final plan, seconded by Bold. Councilmember LaHue said that he didn't see anything in the traffic study by Bucher Willis & Ratliff that said that Price Chopper was not an appropriate project. Councilmember Peppes said that questions about the traffic had been answered to his satisfaction; he was convinced that the area was being developed in a rational manner, and it was in the City's best interests. He felt that recommended turning lanes and signalization at Mission Trail Elementary at 132nd & Mission were adequate to maintain the safety of children.

1040 11:30 p.m. On motion of Clawson and duly seconded, Council voted to extend the meeting until 12:00 a.m.; Gill, Bold, Rasmussen opposed; all others (5) in favor.

Councilmember Clawson said that she had voted for the preliminary plan and had not changed her opinion about the plan.

- 1088 Councilmember Campbell called for the question, seconded by Gill and carried unanimously.
- 1095 Mr. Gill's motion to deny the final plan carried; Gill, Bold, Campbell, Taylor, Rasmussen in favor; LaHue, Peppes, Clawson opposed.

Councilmember Rasmussen said that he had expressed his disapproval of the project a long time ago in accordance with the laws of the state of Kansas, particularly the Golden case. He had not heard anything since that time to change his opinion. He was very concerned about stormwater problems in the area, and the developer's proposal to have retention basins, which could cost a great deal to correct if problems occurred. As far as the traffic study was concerned, why should the City change a master plan to accommodate increased traffic? There was no doubt the traffic would increase. If the City's original plan was considered proper for the area, why would the City now change to a plan that increased the traffic in the area?

* 11:35 p.m. Mr. Rasmussen left the meeting.

Councilmember Gill felt that the traffic study was conclusive that there was a major difference between the project before the Council tonight and the alternative market square project. He felt that the Council, especially with the K-150 Corridor study, would never even consider the size of the project that was hypothecated in the report. When downsized, there were significantly reduced numbers. D was not an acceptable level of service in front of an elementary school on a 2-lane road, and he rejected that as the base line against which the City tested the traffic study. The conditions expressly set forth in both the preliminary plan and in the Plan Commission's plan, specifically #30 and 3 g. of the final plan resolution regarding the reverse frontage road, had not been satisfied, and on that basis alone, would be the basis to reject the final plan. The traffic study was quite clear that the City needed to construct the frontage road as soon as possible, but there was no undertaking to do so. The only thing promised to occur was that the frontage road would go from Mission Rd. to Pawnee. And who was the City to force Mrs. Jameson to come up with say approximately \$750,000 on such short notice? Who was going to pay for the frontage road, estimated cost of \$2,400,000? He talked about the City's debt. The project failed to comply with the zoning ordinance which required a 60,000 maximum big box retail; the building was clearly larger than that. The project didn't comport with the master plans which had been in place over the course of time.

- 1480 Councilmember Taylor agreed with many of Mr. Gill's comments. Mr. Taylor took exception to the traffic study; he saw a problem with the information that was gathered that established some of the criteria in the traffic model. He was not satisfied after asking several specific questions. He had done some research indicating that there would be two bottlenecks - 135th & Nall and 135th & State Line.

- 1520 Councilmember Bold also agreed with Mr. Gill. There were several reasons to oppose the final plan, one being the safety of children attending Mission Trail Elementary.

1554 Councilmember Campbell had voted against the project twice before. The project substantially deviated from the original market square concept. The traffic study did not prove to him that there would not be adverse traffic impact on Mission Rd., particularly in front of the elementary school. Residents wanted to keep Mission Rd. a 2-lane road. With a Price Chopper project at 135th & Mission, there was a good chance that Mission would have to be widened to 4 lanes in the future.

1625 **Resolution relating to a revised final plat and plan for Estates of Iron Horse, 154th & Iron Horse Drive.** Councilmember LaHue moved to deny the revised final plat and plan as recommended by the Plan Commission, seconded by Clawson. Developer Mark Simpson said that the recommendation to deny was based on 2 conflicting reports from the Golf Course Committee. The Committee had denied a request for a variance to the 25-foot golf course setback rule – Mr. Simpson wanted a 15-foot setback for patios on certain lots. Subsequently, Parks & Recreation Director Whitaker issued a memo indicating that the Committee had reversed their decision and would allow a 15-foot setback on certain limited lots. Mr. Simpson's request for reduction in front setbacks was still an issue. Both motion and second were withdrawn.

Dr. LaHue moved to remand the matter to the Plan Commission, seconded by Clawson. It would be heard by the Plan Commission at their February 24th meeting. Councilmember Taylor felt the 25-foot setback requirement should hold. The motion to remand carried unanimously, except for Councilmember Campbell who was not seated for the vote.

1914 **Ordinance No. 1708 amending sections of the "Leawood Development Ordinance" pertaining to Article 6 - for housekeeping purposes only.** The ordinance was considered and passed on motion of LaHue, seconded by Bold. Roll call vote was unanimous, except for Campbell who was not seated for the vote.

1960 12:00 a.m. Councilmember Taylor moved to extend the meeting for 30 minutes, seconded by Gill. Motion carried; Peppes, LaHue opposed; all others (4) in favor. (Campbell not seated for the vote.)

OLD BUSINESS

2018 **Discussion of Johnson County Stormwater Management Advisory Council (SMAC) project DB-04-017, Overhill Rd., south of 86th Street.** Public Works Director Johnson said that improvements needed to be made to the channel downstream – heavy erosion needed to be addressed. He said that residents were a little bit less apprehensive about the project; most of their needs could be met. He would take a look at downsizing the box culvert.

Discussion of City standard agreements for architectural services, engineering services, and documents and specifications for construction contracts, as recommended by the Contract Review Committee. The City Attorney had completed an initial review of the documents. He recommended that the Council consider comments at the next Council meeting, including his comments, and then the Public Works Director could put the documents in final form for Council approval. All comments were to be in writing to the City Attorney.

RESOLUTION NO. 1383

A RESOLUTION OPPOSING THE INTERNET TAX FREEDOM ACT.

WHEREAS, committees of the United States Senate and House of Representatives are currently considering legislation known as the "Internet Tax Freedom Act of 1997;" and

WHEREAS, the Internet Tax Freedom Act proposes a broad-based moratorium on many forms of state and local taxation of Internet and related telecommunications services and property; and

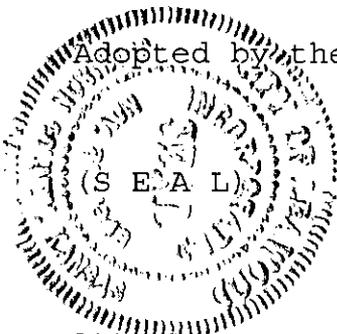
WHEREAS, the Internet Tax Freedom Act represents a significant infringement on state and local sovereignty and would impose a significant burden on the traditional main street retailer by providing companies operating on the Internet with a "tax-free" pricing advantage that could cripple thousands of local businesses and allow companies selling over the Internet public services without contributing their fair share; and

WHEREAS, the Internet Tax Freedom Act would provide a tax shelter to pornographers providing goods and services via the Internet;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that it strongly opposes the Internet Tax Freedom Act of 1997; and

BE IT FURTHER RESOLVED that the Kansas Congressional Delegation is respectfully urged to oppose such legislation in all forms and act to protect the taxation powers of their partners in the federal system.

Adopted by the Governing Body this 17th day of February, 1998.



Attest:

Martha Heizer
Martha Heizer, City Clerk

Peggy J. Dann
Peggy J. Dann, Mayor

RESOLUTION NO. 1384

A RESOLUTION OPPOSING THE PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997 AND THE PROPERTY OWNERS ACCESS TO JUSTICE ACT OF 1997.

WHEREAS, committees of the United States Senate and House of Representatives are currently considering legislation known as the "Private Property Rights Implementation Act of 1997" and the "Property Owners Access to Justice Act of 1997;" and

WHEREAS, the Private Property Rights Implementation Act would expose cities to substantial new liability for zoning and other land use decisions in federal district court, including payment of a developer/plaintiff's attorneys fees, before the plaintiff has fully exhausted its state remedies for any alleged "regulatory taking," including an inverse condemnation suit; and

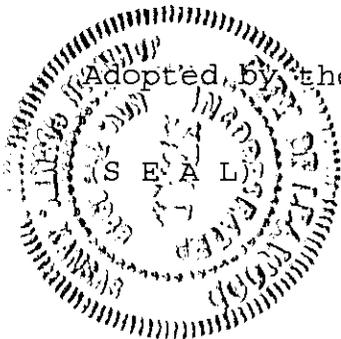
WHEREAS, the Private Property Rights Implementation Act of 1997 would give federal courts the authority to hear arguments and make decisions that are legitimately the domain of state and local courts; and

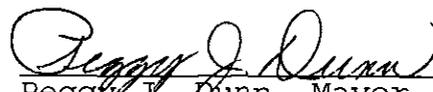
WHEREAS, the Private Property Rights Implementation Act would allow land developers to threaten cities with expensive litigation, including possible attorneys fees, before all avenues are used administratively and in state courts to address the developer's concerns;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, that it strongly opposes the "Private Property Rights Implementation Act of 1997" and the "Property Owners Access to Justice Act of 1997;" and

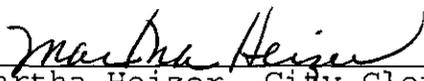
BE IT FURTHER RESOLVED that the Kansas Congressional Delegation is respectfully urged to oppose such legislation in all forms and act to protect the land use regulation powers of their partners in the federal system.

Adopted by the Governing Body this 17th day of February 1998.




Peggy J. Dunn, Mayor

Attest:


Martha Heizer, City Clerk

RESOLUTION NO. 1385

A RESOLUTION URGING THE KANSAS LEGISLATURE TO REMOVE THE "CAPS" ON THE DEMAND TRANSFER STATE AID PROGRAMS FROM THE STATE GENERAL FUND TO CITIES AND OTHER LOCAL GOVERNMENTS.

WHEREAS, the City of Leawood, Kansas, as well as Johnson County, Kansas, and other local units of government in Johnson County, have enjoyed long-standing partnerships with each other and the State of Kansas; and

WHEREAS, the three demand transfer programs (local ad valorem tax reduction, or "LAVTR"; city-county revenue sharing; and special city-county highway fund) are designed to provide revenue to cities, counties, and other local governments to reduce local property taxes as well as to finance services benefitting all Kansans; and

WHEREAS, with the exception of state fiscal year 1995, the legislature has imposed "caps" on the growth of the transfers of these three state aid programs each year since 1991, thereby reducing the statutory share of revenue to which local governments would be otherwise entitled; and

WHEREAS, during leaner years when state revenue growth lagged, local governments could better understand a potential need to "cap" the growth in state aid received from demand transfers from the state government; and

WHEREAS, through strong local investments in roads, bridges, utility improvements, and local economic development efforts, local governments have demonstrated an aggressive and enthusiastic partnership with the state and private sector in building the Kansas economy; and

WHEREAS, it is appropriate that the benefits from such a thriving economy be shared with local governments to control local property taxes and finance vital public services;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, that the City and its local government partners urge the Kansas Legislature to fully fund state FY 1999 Demand Transfer State Aid Programs for local governments, without artificial "caps" or restrictions; and

BE IT FURTHER RESOLVED that the Governing Body of the City of Leawood, Kansas, which is directly accountable to our citizens, pledges in good faith to utilize such additional revenues to control property taxes and finance essential services; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the legislators representing the City of Leawood, Kansas, Governor Graves, and to other local units of government within Johnson County, Kansas.

Adopted by the Governing Body of the City of Leawood, Kansas, this 17th day of February, 1998.





Peggy S. Dunn, Mayor

Attest:



Martha Heizer, City Clerk

RESOLUTION NO. 1386

The Leawood City Council has considered the request for approval of revised final plat and revised final plan for Estates of Iron Horse located at approximately 154th and Iron Horse Drive and hereby finds the following:

WHEREAS, the approved plan has 35' front setbacks the proposed would be 30', and

WHEREAS, the approved plan has 25' golf course setback and the proposed would allow 15' setbacks, and

WHEREAS, the plat contains 48 lots on 21.78 acres, and

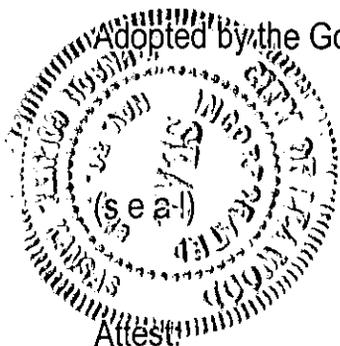
WHEREAS, the Plan Commission has reviewed the application and recommends the following reasons for denial:

1. The inconsistency that a change in setbacks would bring to the golf course.
2. The overall compromising effect to the integrity of the golf course.
3. The request deviates from the originally approved plat and plan.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby over rule the Plan Commission by approving the request for revised final site plan and revised final plat with the following stipulations:

1. The front setbacks shall be thirty feet.
2. Lots with retaining walls can encroach into the 25' clear easement by 10 feet.

Adopted by the Governing Body this 2nd day of March, 1998.



Peggy J. Dunn

Peggy J. Dunn

Mayor

Martha Heizer

Martha Heizer

City Clerk

64 Councilmember Bold said that the City had prospered because of stringent regulations for residential development. He felt that the Council and Plan Commission had shown a willingness to work with Mr. Simpson, make some exceptions for him. The Council didn't like to second guess the Plan Commission. He felt a great obligation to protect the City's golf course, and felt that the Commission was the proper venue, not the Council.

67 Councilmember Campbell felt that the Council needed to make a decision. He was opposed to a remand; the Plan Commission had looked at the matter twice and recommended denial twice. He felt that the drainage issues could be nailed down. Public Works Director Johnson said that the plans were complete and approved and a bond received for the work to be paid for by Mr. Simpson.

~~Mr. Rasmussen said that the document from the Golf Course Committee given to the Council at the last Council meeting should be part of any decision made tonight, because that document had certain Committee stipulations.~~

67 Mr. Simpson said he could forget about patios, but needed the retaining walls 15 feet from the rear property lines and 30-foot front setbacks. He would place any patios at 25-foot setbacks.

60 On the basis of Mr. Simpson's offer and Mr. Campbell's assurances, Mr. Bold withdrew his second to the motion to remand. Mr. Rasmussen withdrew his motion to remand.

63 Councilmember Taylor moved that the front setbacks be 30 feet, limit the designated lots identified in the staff report to the regulations that had been set forth, and allow decorative retaining walls to be built within 15 feet of the rear property lines on 12 designated lots.....

68 END OF TAPE

New Tape #413

Motion continued.....Dr. LaHue seconded the motion and confirmed that Mr. Simpson would take care of the drainage work. Motion carried unanimously.

MAYOR'S REPORT

69 The Mayor showed a limited edition print of a water color "Sorghum Time" by the late Harold F. Nelson, a well known Kansas City commercial artist and former Leawood resident. He had lived at 2029 W. 95th St. from the early fifties to the late seventies. The print was donated to the Leawood Historic Commission by Homer E. Paris, Jr., of Prairie Village.

The Mayor and City Administrator recently met with the County Appraiser Paul Welcome to discuss increases in appraisals. Only homes south of I-435 had been reappraised. The Mayor said that overall, there was a 6% average increase.

Councilmember Rasmussen thought that the J.C. Nichols Company was going to have an art auction this month. He wanted to know to what level of discretion the City Administrator had to participate in an auction. He thought the City Administrator could expend up to \$5,000 without Council approval. City Administrator Garofano didn't know whether the City could participate in an auction. Councilmember Clawson said that the Arts Committee was in the process of preparing a policy on public art to forward to the Council for consideration. The policy would provide for the establishment of a committee to select



MEMO

February 17, 1998

To: Mayor & City Council
From: Scott Whitaker^{SW}, Parks & Recreation Director
Re: Estates of IronHorse

The golf committee met last night at IRONHORSE Golf Club. One item on the agenda was to look at a variance requested by Mr. Mark Simpson, the developer. He was requesting some of the lots have only a 15 foot buffer zone as opposed to the 25 feet we ask for on golf course lots. After discussion, the following recommendations were made in regards to this development.

1. Only lots 40, 41, 42, 45, 46, 53, 54, 55, 56, 57, 58, 59, which do not impact golf would be allowed this variance for a patio or deck attached to the home.
2. A continuous black rod iron fence be installed, at developers cost, on all golf course lots prior to their occupancy.
3. That any silt that drains onto the golf course be cleaned and repaired, or replaced to its original state by developer immediately upon notification.
4. That in the covenants for the subdivision be placed language that states for all lots the homeowner assumes all risks associated with living next to or by a golf course.
5. This committee is not aware of all land use restrictions and codes in the area of planning, so if the easement is not needed for a patio or a deck, then it would not recommend any variance.

This memo is to supercede any other memo from the golf committee or Parks & Recreation staff as it pertains to this plat.

RESOLUTION NO. 1387

**A RESOLUTION REQUESTING JOHNSON COUNTY, KANSAS,
PARTICIPATION IN THE CITY OF LEAWOOD'S FIVE-YEAR CAPITAL
IMPROVEMENT PROGRAM THROUGH THE COUNTY'S ASSISTED ROAD
SYSTEM (C.A.R.S) 1999-2003**

WHEREAS, the Governing Body of the City of Leawood has reviewed and approved the submittal of the attached five-year road and bridge improvement program and,

WHEREAS, pursuant to the Johnson County Commissioners' commitment to hold Leawood harmless from any loss, 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. 0881-91.

ADOPTED by the governing body this 2nd day of March, 1998.



Peggy J. Dunn

Peggy J. Dunn, Mayor

Martha Heizer
Martha Heizer, City Clerk

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 1

Project Location: College Boulevard - Elmonte to State Line

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 5/95 Completion Date (mo/yr): 5/98

Current Average Daily Traffic (ADT): _____ Accident History (Prior 3 Years): _____

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: _____

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair? Poor ?

Detailed Description of Existing Facility: Originally there was not road between Tomahawk Creek Parkway east to State Line Road. The section of College between El Monte and Tomahawk Creek was a two lane street.

Detailed Description of Project Scope: Four-lane undivided roadway between State Line and Roe, built to an arterial standard. Projects includes a 600+ foot bridge over Indian Creek and Tomahawk Creek flood plain along with street lights, storm sewers and sidewalks bike hike trail.

Project Cost Information *

1. Design Cost:	722,032.00
2. Right-of-way acquisition cost:	54,854.00
3. Utility relocation Cost:	3,060.00
4. Construction cost:	10,682,481.00
5. Construction engineering cost:	1,602,372.00
Total project cost:	13,064,799.00

Calculation of CARS Eligible costs:

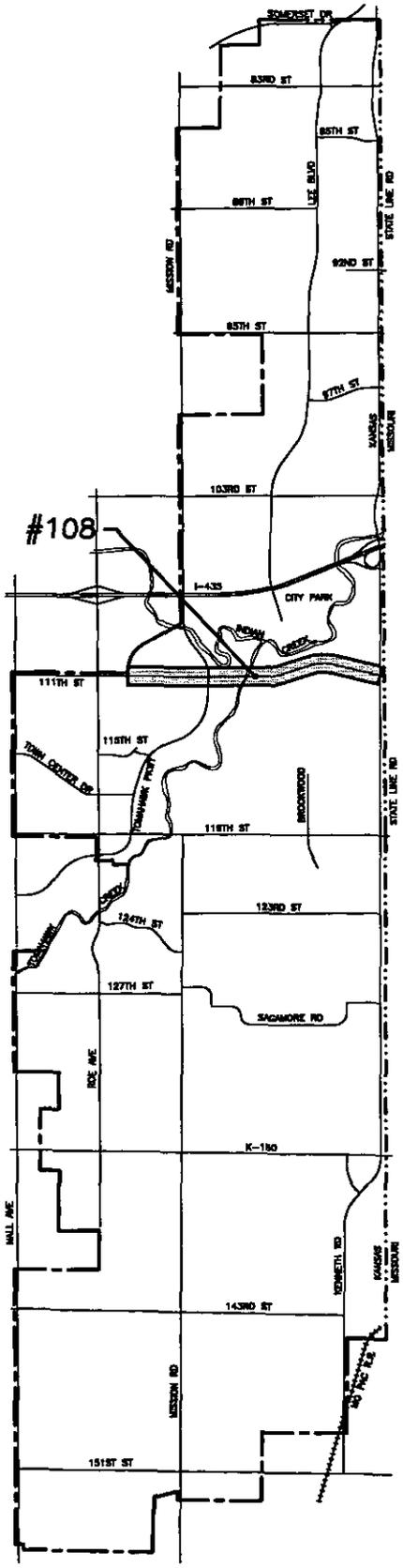
A. Sum item # 4 & 5 above	(+)	12,284,853.00
B. Federal Aid Participation	(-)	5,500,000.00
C. State Aid Participation	(-)	-----
D. Other Non-local Participation	(-)	-----
Subtotal (CARS eligible costs)		6,784,853.00
CARS Funding request		5,500,00.00

(Request cannot exceed 25% of the CARS eligible costs)

Funding participation by other cities:

City Name:	<u>N/A</u>	Funding:	<u>N/A</u>
City Name:	_____	Funding:	_____

*Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Project No. 108
College Blvd



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 1

Project Location: Lee Boulevard - 103rd Street to Mission Road

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 3/2000 Completion Date (mo/yr): 10/2000

Current Average Daily Traffic (ADT): 3992 Accident History (Prior 3 Years): N/A

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: _____

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair ? Poor X

Detailed Description of Existing Facility: Street consists of a 2-lane curb and gutter from 103rd to I-435 and then turns into a ditch street through the City Park to Mission Road.

Detailed Description of Project Scope: The street is approximately 40 years old and needs to be completely rehabilitated from 103rd Street to I-435. South of I-435 a 90° bend exists as Lee Boulevard enters the park. This is being replaced with a larger horizontal curve and the parking lot at this location is being eliminated. The remaining length of Lee Boulevard west of here to Mission Road will have street lights installed along the asphalt trail adjacent to the Johnson County Waste Water Treatment Facility.

Project Cost Information *

1. Design Cost:	93,250.00
2. Right-of-way acquisition cost:	-----
3. Utility relocation Cost:	-----
4. Construction cost:	1,165,628.00
5. Construction engineering cost:	40,000.00
Total project cost:	1,298,878.00

Calculation of CARS Eligible costs:

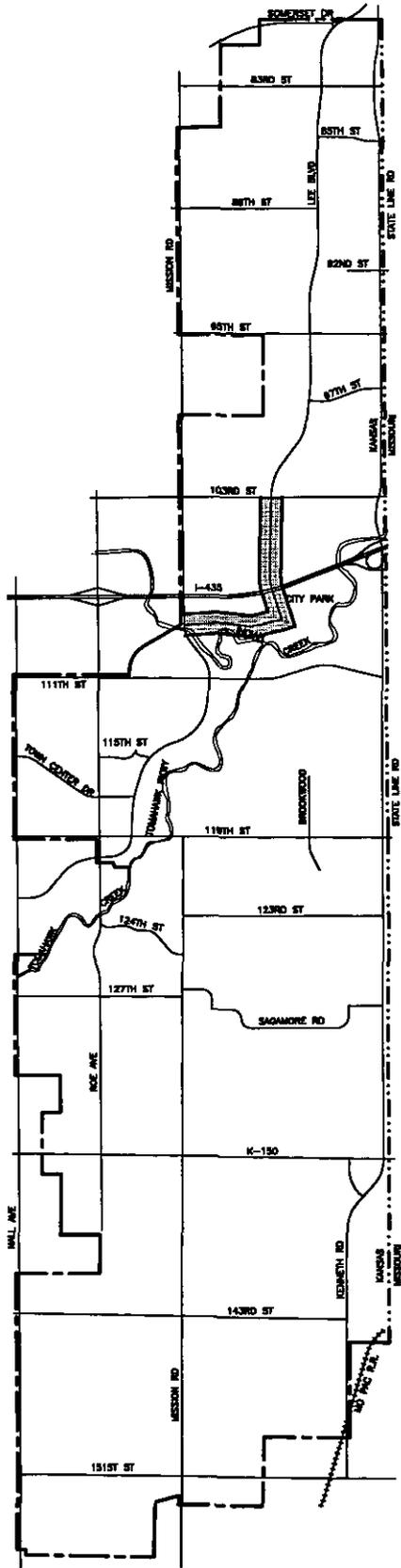
A. Sum item # 4 & 5 above	(+)	1,205,628.00
B. Federal Aid Participation	(-)	-----
C. State Aid Participation	(-)	-----
D. Other Non-local Participation	(-)	-----
Subtotal (CARS eligible costs)		1,205,628.00
CARS Funding request		602,814.00

(Request cannot exceed 25% of the CARS eligible costs)

Funding participation by other cities:

City Name: <u>N/A</u>	Funding: <u>N/A</u>
City Name: _____	Funding: _____

*Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Lee Boulevard (103rd Street to Mission Road)



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 2
 Project Location: Tomahawk Creek Parkway College to Roe
 Joint Project With: N/A Administering City: Leawood
 Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3
 Estimated Project Schedule: Start Date (mo/yr): 7/2000 Completion Date (mo/yr): 8/2000
 Current Average Daily Traffic (ADT): 6200 Accident History (Prior 3 Years): N/A
 Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management
 Current Level of Service (LOS) [System Management Projects Only]: _____
 Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair X Poor ?

Detailed Description of Existing Facility: A 4-lane divided main arterial.

Detailed Description of Project Scope: Do a 2-inch mill and overlay.

Project Cost Information *

1. Design Cost:	_____
2. Right-of-way acquisition cost:	_____
3. Utility relocation Cost:	_____
4. Construction cost:	<u>440,000.00</u>
5. Construction engineering cost:	_____
Total project cost:	_____

Calculation of CARS Eligible costs:

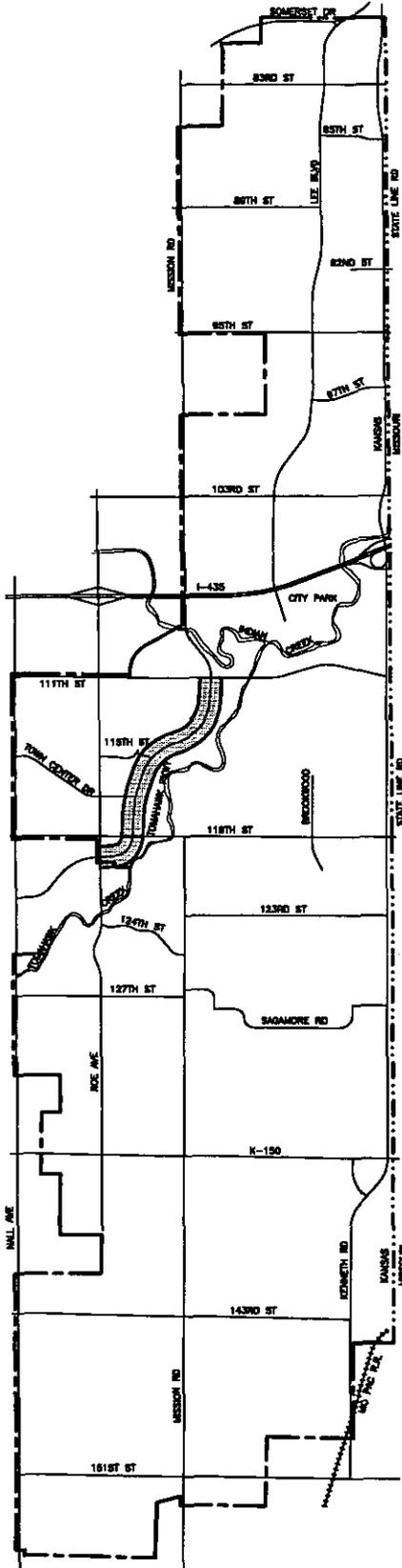
A. Sum item # 4 & 5 above	(+)	<u>440,000.00</u>
B. Federal Aid Participation	(-)	_____
C. State Aid Participation	(-)	_____
D. Other Non-local Participation	(-)	_____
Subtotal (CARS eligible costs)		<u>440,000.00</u>
CARS Funding request		<u>220,000.00</u>

(Request cannot exceed 25% of the CARS eligible costs)

Funding participation by other cities:

City Name:	<u>N/A</u>	Funding:	<u>N/A</u>
City Name:	_____	Funding:	_____

Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Tomahawk Creek Parkway (College to Roe)



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 3
 Project Location: 92ND Street and State Line Road - Intersection Improvements and Signal
 Joint Project With: Kansas City, MO Administering City: Leawood
 Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3
 Estimated Project Schedule: Start Date (mo/yr): 7/1999 Completion Date (mo/yr): 10/2000
 Current Average Daily Traffic (ADT): 33,500 Accident History (Prior 3 Years): 95-4, 96-4, 97-1
 Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management
 Current Level of Service (LOS) [System Management Projects Only]: _____
 Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair? Poor X

Detailed Description of Existing Facility: The existing roadway is a 4-lane divided curb and gutter with street lights and storm sewers. The intersection of 92nd and State Line has stop signs for 92nd Street and the private drive into the College on the Missouri Side.

Detailed Description of Project Scope: To widen State Line at the intersection of 92nd Street to provide east and west bound traffic with left turn lanes and signalize the intersection. Improvements would include widening 92nd Street to provide a left and right turn lane. This project was originally proposed in 1990 with commitment from the County for funding. The City was unable get cooperation from Kansas City, MO. for funding. Kansas City has secured federal funds to proceed with the design and construction of this project.

Project Cost Information *

1. Design Cost:	45,000.00
2. Right-of-way acquisition cost:	25,000
3. Utility relocation Cost:	10,000
4. Construction cost:	300,000.00
5. Construction engineering cost:	39,000.00
Total project cost:	419,000.00

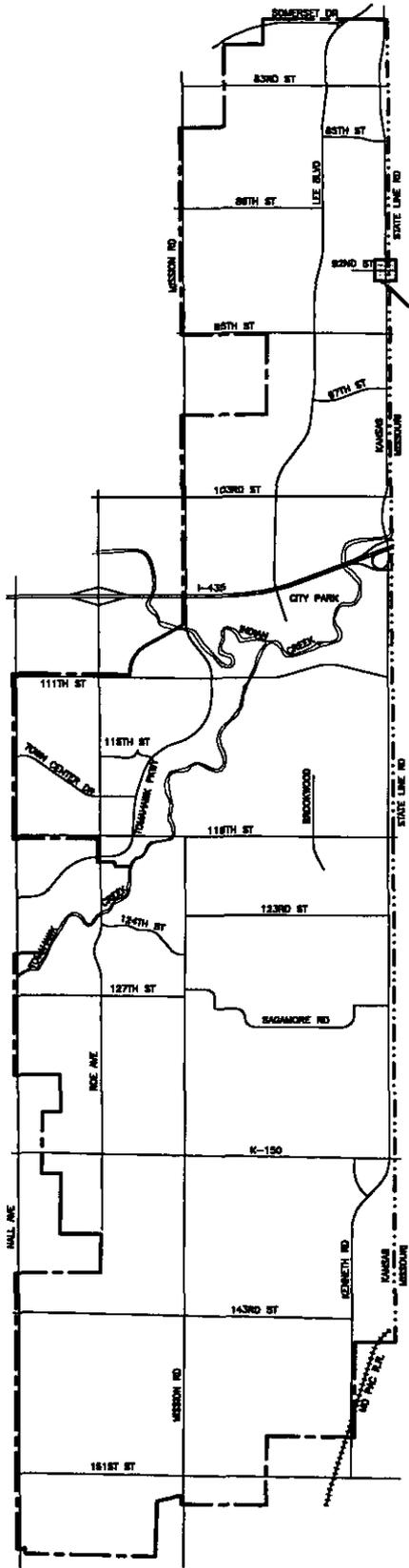
Calculation of CARS Eligible costs:

A. Sum item # 4 & 5 above	(+)	339,000.00
B. Federal Aid Participation	(-)	-----
C. State Aid Participation	(-)	-----
D. Other Non-local Participation	(-)	184,000.00
Subtotal (CARS eligible costs)		155,000.00
CARS Funding request		77,500
<small>(Request cannot exceed 25% of the CARS eligible costs)</small>		

Funding participation by other cities:

City Name:	<u>Kansas City, MO.</u>	Funding:	<u>184,000.00, federal</u>
City Name:	_____	Funding:	_____

*Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Project Location

92nd Street & State Line Road
(Intersection Improvements and Signal)



CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by **March 11, 1998**

Submitting City: Leawood, Kansas City Priority Ranking: 1

Project Location: 119th Street - State Line Road to Mission Road

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 7/2001 Completion Date (mo/yr): 8/2001

Current Average Daily Traffic (ADT): 22,700 Accident History (Prior 3 Years): N/A

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: _____

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair X Poor ?

Detailed Description of Existing Facility: A 4-lane undivided curb and gutter street.

Detailed Description of Project Scope: Do a 2-inch mill and overlay.

Project Cost Information *

1. Design Cost:	_____
2. Right-of-way acquisition cost:	_____
3. Utility relocation Cost:	_____
4. Construction cost:	<u>210,000.00</u>
5. Construction engineering cost:	_____
Total project cost:	_____

Calculation of CARS Eligible costs:

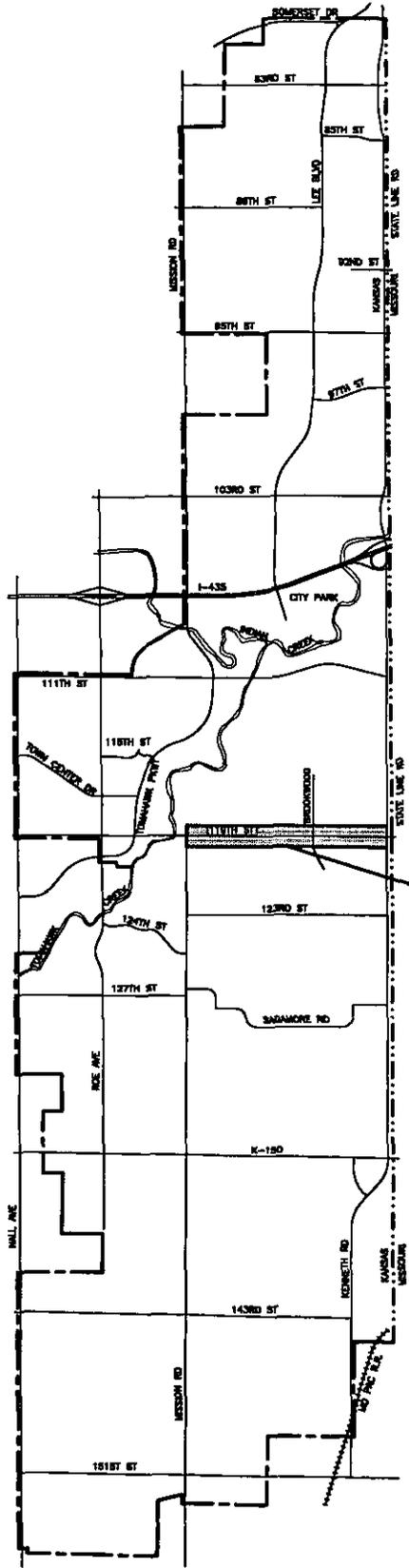
A. Sum item # 4 & 5 above	(+)	<u>210,000.00</u>
B. Federal Aid Participation	(-)	_____
C. State Aid Participation	(-)	_____
D. Other Non-local Participation	(-)	_____
Subtotal (CARS eligible costs)		<u>210,000.00</u>
CARS Funding request		<u>105,000.00</u>

(Request cannot exceed 25% of the CARS eligible costs)

Funding participation by other cities:

City Name: <u>N/A</u>	Funding: <u>N/A</u>
City Name: _____	Funding: _____

Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Project Location

119th Street (State Line Road to Mission Road)



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 1

Project Location: State Line Road - 95th Street to 103rd Street

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 7/2002 Completion Date (mo/yr): 8/2002

Current Average Daily Traffic (ADT): 33,500 Accident History (Prior 3 Years): N/A

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: _____

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair X Poor ?

Detailed Description of Existing Facility: A 4-lane undivided curb and gutter street.

Detailed Description of Project Scope: Do a 2-inch mill and overlay.

Project Cost Information *

1. Design Cost:	_____
2. Right-of-way acquisition cost:	_____
3. Utility relocation Cost:	_____
4. Construction cost:	<u>150,000.00</u>
5. Construction engineering cost:	_____
Total project cost:	_____

Calculation of CARS Eligible costs:

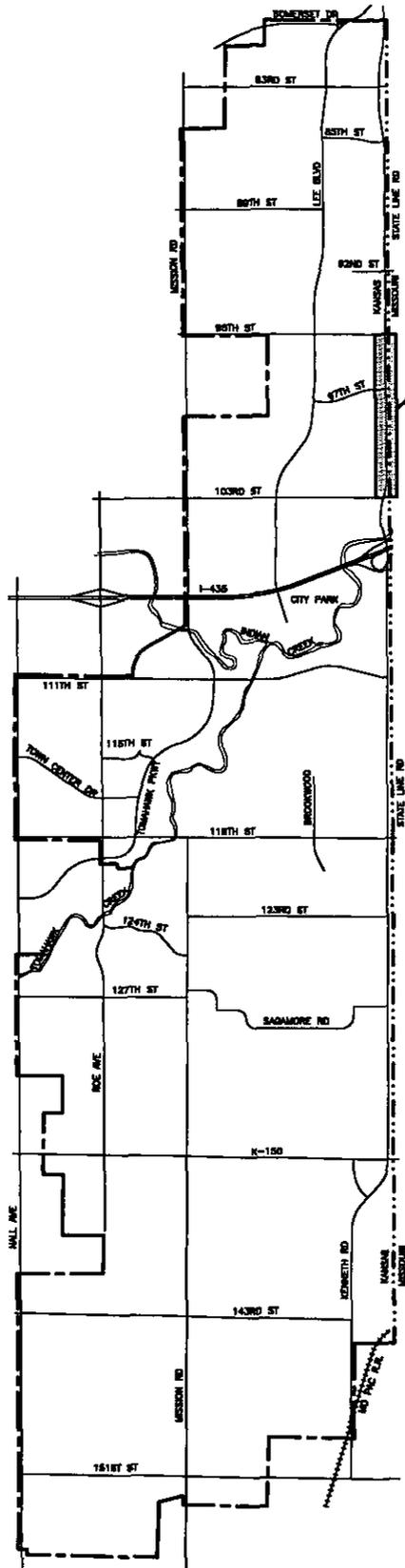
A. Sum item # 4 & 5 above	(+)	<u>150,000.00</u>
B. Federal Aid Participation	(-)	_____
C. State Aid Participation	(-)	_____
D. Other Non-local Participation	(-)	<u>150,000.00</u>
Subtotal (CARS eligible costs)		<u>150,000.00</u>
CARS Funding request		<u>75,000.00</u>

(Request cannot exceed 25% of the CARS eligible costs)

Funding participation by other cities:

City Name:	<u>Kansas City, MO</u>	Funding:	<u>75,000.00</u>
City Name:	_____	Funding:	_____

Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Project Location

State Line Road (95th Street to 103rd Street)



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 2

Project Location: 95th Street - State Line to Western City Limits

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 7/2002 Completion Date (mo/yr): 8/2002

Current Average Daily Traffic (ADT): 22,700 Accident History (Prior 3 Years): N/A

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: _____

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair X Poor ?

Detailed Description of Existing Facility: A 4-lane undivided curb and gutter street.

Detailed Description of Project Scope: Do a 2-inch mill and overlay on the asphalt section and joint repair on the concrete sections.

Project Cost Information *

1. Design Cost:	_____
2. Right-of-way acquisition cost:	_____
3. Utility relocation Cost:	_____
4. Construction cost:	<u>210,000.00</u>
5. Construction engineering cost:	_____
Total project cost:	_____

Calculation of CARS Eligible costs:

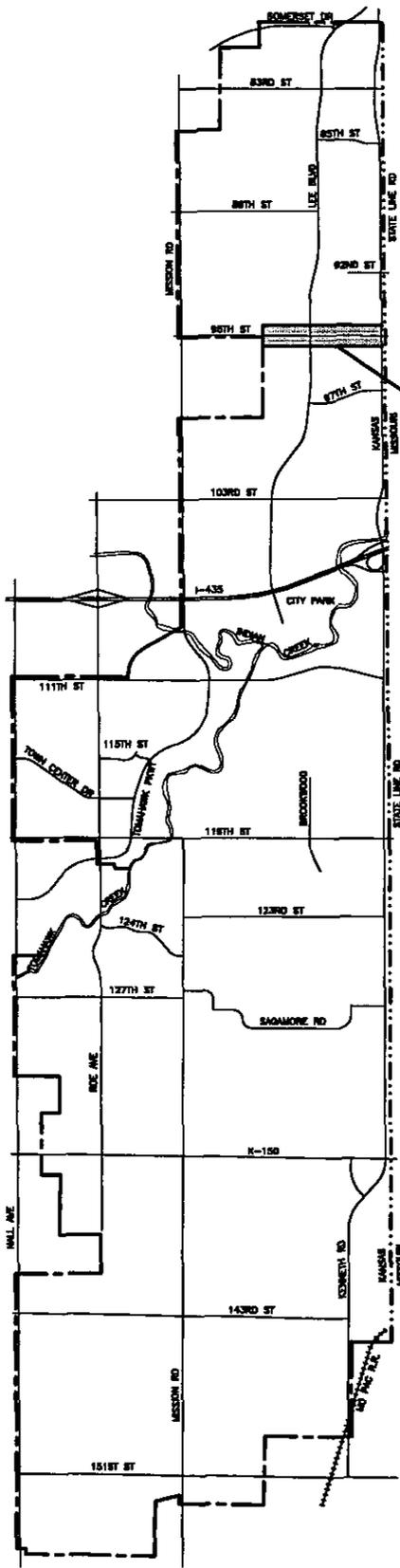
A. Sum item # 4 & 5 above	(+)	<u>210,000.00</u>
B. Federal Aid Participation	(-)	_____
C. State Aid Participation	(-)	_____
D. Other Non-local Participation	(-)	_____
Subtotal (CARS eligible costs)		<u>210,000.00</u>
CARS Funding request		<u>105,000.00</u>

(Request cannot exceed 25% of the CARS eligible costs)

Funding participation by other cities:

City Name:	<u>N/A</u>	Funding:	<u>N/A</u>
City Name:	_____	Funding:	_____

Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Project Location

95th Street (State Line Road to Western City Limits)



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by **March 11, 1998**

Submitting City: Leawood, Kansas City Priority Ranking: 1

Project Location: Roe Avenue - from Tomahawk Creek South to 135th Street

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 4/2003 Completion Date (mo/yr): 10/2004

Current Average Daily Traffic (ADT): 10,100 Accident History (Prior 3 Years): 95-14, 96-9, 97-8

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: _____

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? Fair? **Poor X**

Detailed Description of Existing Facility: Two lane unimproved asphaltic road with open ditch drainage, no street lights, sidewalks and a temp traffic signal.

Detailed Description of Project Scope: Four-lane roadway with curb and gutter. Improvements will include sidewalks, street lights, storm sewers and permanent traffic signals.

Project Cost Information *

1. Design Cost:	416,150.00
2. Right-of-way acquisition cost:	40,000.00
3. Utility relocation Cost:	10,000.00
4. Construction cost:	4,161,500.00
5. Construction engineering cost:	540,995.00
Total project cost:	5,168,645.00

Calculation of CARS Eligible costs:

A. Sum item # 4 & 5 above	(+)	4,702,495.00
B. Federal Aid Participation	(-)	2,800,000
C. State Aid Participation	(-)	-----
D. Other Non-local Participation	(-)	-----
Subtotal (CARS eligible costs)		1,902,495.00
CARS Funding request		951,247.00

(Request cannot exceed 25% of the CARS eligible costs)

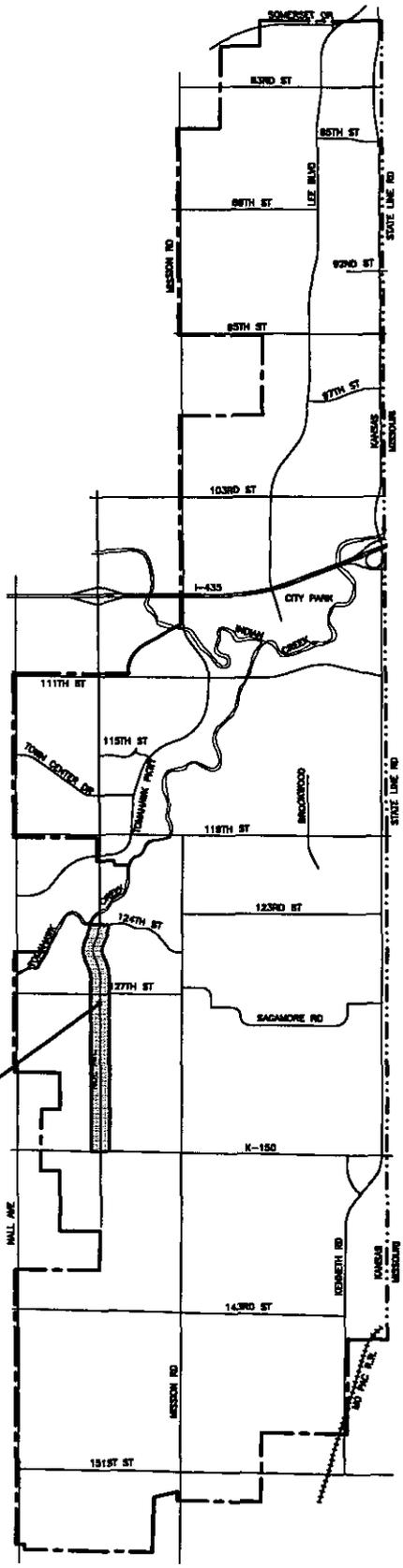
Funding participation by other cities:

City Name:	<u>N/A</u>	Funding:	<u>N/A</u>
City Name:	_____	Funding:	_____

*Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



#110



Project No. 110
Roe Avenue (124th to 135th)



City of Leawood

CARS Form A
1999 - 2003 Project Application for the
County Assistance Road System (CARS) Program

Submit one form for each project. Make copies of this form as needed.

Complete & Return by March 11, 1998

Submitting City: Leawood, Kansas City Priority Ranking: 2

Project Location: 119th Street and Mission Road Intersection

Joint Project With: N/A Administering City: Leawood

Contact Name & Title: Joe Johnson, Director of Public Works County Commission District(s) #: 3

Estimated Project Schedule: Start Date (mo/yr): 5/2003 Completion Date (mo/yr): 10/2004

Current Average Daily Traffic (ADT): 119th St. 22,700 Accident History (Prior 3 Years): 95-22, 96-19, 97-11

Project Type: Capacity Major Maintenance Bridge Replacement Bridge Rehabilitation
 Route Enhancement System Management

Current Level of Service (LOS) [System Management Projects Only]: E

Sufficiency Rating (Bridge Projects): N/A Pavement Condition: Good ? FairX Poor ?

Detailed Description of Existing Facility: 119th Street, 2 through lanes each direction with no designated left or right turn lanes. There is a signal at this intersection. The west bound approach of 119th Street is at a 10% grade. Mission Road north bound approach is a 10% too. Mission Road has a through/right turn lane and a left turn lane.

Detailed Description of Project Scope: Widen 119th Street to provide an east bound right turn lane and left turn lanes for both east and west bound traffic. Extend the west bound left turn lane east approximately 1000 feet to provide left turn movements into church and residential development. This lane will also provide turning movements from side streets onto 119th Street. Reduce street grade on both 119th Street and Mission Road to 8%.

Project Cost Information *

1. Design Cost:	<u>282,722.00</u>
2. Right-of-way acquisition cost:	<u>100,000.00</u>
3. Utility relocation Cost:	<u>50,000.00</u>
4. Construction cost:	<u>2,827,220</u>
5. Construction engineering cost:	<u>367,538.00</u>
Total project cost:	<u>3,627,480.00</u>

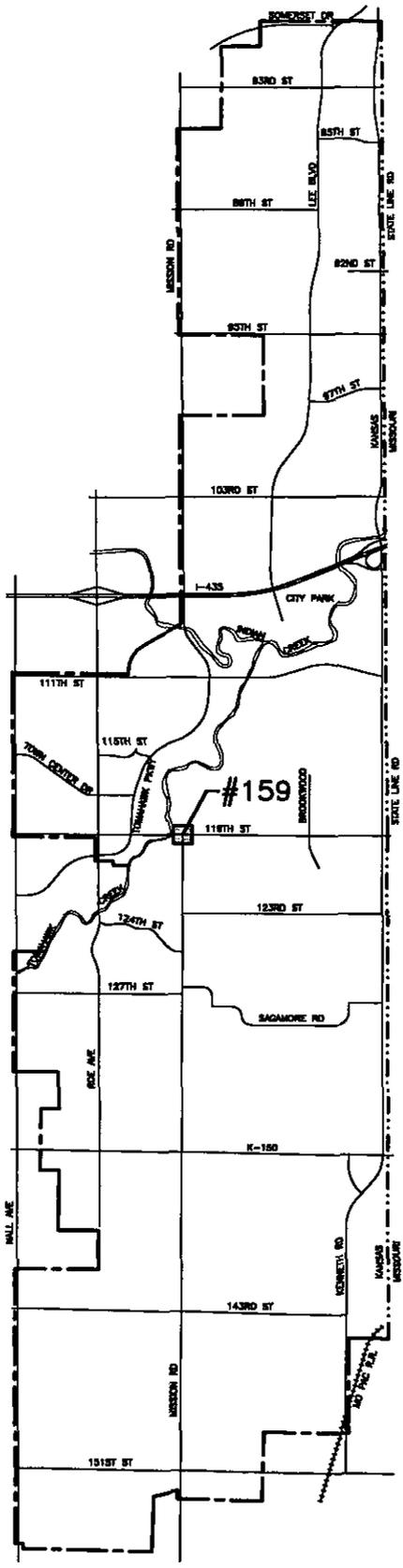
Calculation of CARS Eligible costs:

A. Sum item # 4 & 5 above	(+)	<u>3,194,758.00</u>
B. Federal Aid Participation	(-)	<u>2,400,000</u>
C. State Aid Participation	(-)	<u>-----</u>
D. Other Non-local Participation	(-)	<u>-----</u>
Subtotal (CARS eligible costs)		<u>794,758.00</u>
CARS Funding request		<u>397,379</u>
<small>(Request cannot exceed 25% of the CARS eligible costs)</small>		

Funding participation by other cities:

City Name:	<u>N/A</u>	Funding:	<u>N/A</u>
City Name:	_____	Funding:	_____

*Program policies requires that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e. 1999 Program Projects). A copy of the sealed estimates must be furnished for all 1999 CARS program requests.



Project No. 159
119th Street & Mission Road



County Assistance Road System 1999-2003 Program Summary Sheet

Participating City: Leawood

Priority	Project Location	Proposed Start/ Finish	Project Type	CARS Route Classification		CARS Program Funding Request	Total Project Cost
				Major	Minor		
1998	College Boulevard Elmonte to State Line Road	Jul-95 May-98	Capacity	X		Estimated payment based on 1997 refund 700,000.00	13,065,000.00
1999 Continuation	College Boulevard Elmonte to State Line Road	Jul-95 May-98	Capacity	X		3,600,000.00	13,065,000.00
1 2000	Lee Boulevard 103rd to Mission Road	Mar-00 Oct-00	Major Maintenance		X	602,814.00	1,298,878.00
2 2000	Tomahawk Creek Parkway College to Roe	Jul-00 Aug-00	Major Maintenance	X		220,000.00	440,000.00
3 2000	92nd Street and State Line Intersection Improvement	Jul-99 Oct-00	System Enhancement	X		77,500.00	419,000.00
1 2001	119th Street State Line Rd. to Mission Rd.	Jul-01 Aug-01	Major Maintenance	X		105,000.00	210,000.00
1 2002	State Line Road 95th Street to 103rd Street	Jul-02 Aug-02	Major Maintenance	X		75,000.00	150,000.00
2 2002	95th Street State Line to Western City Limits	Jul-02 Aug-02	Major Maintenance	X		105,000.00	210,000.00
1 2003	Roe Avenue 124th Street to 135th Street	Apr-03 Oct-04	Capacity	X		951,247.00	5,168,645.00
2 2003	119th and Mission Road Intersection Imp.	May-03 Oct-04	System Management	X		397,379.00	3,627,480.00

RESOLUTION NO. 1388

The Leawood City Council has considered the request for approval of a final plat for Christ Community Church located at approximately 142nd and Kenneth Road and hereby finds the following:

WHEREAS, the plat consists of 9.7 acres, and

WHEREAS, there is no floodplain on the property, and

WHEREAS, the property is zoned AG with a special use permit, and

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

1. The first phase will consist of 30,085 sq. ft. (600 seat) multipurpose building;
2. Existing temporary buildings at the northeast corner of the site will be removed at the time of Phase II construction;
3. The church must pay a park impact fee in the amount of 10 cents per square foot of finished floor area (not to include the sanctuary) to be collected at the time of issuance of building permits.
4. The church agrees to provide any necessary right of way adjacent to Kenneth Road should the Director of Leawood Public Works deem this to be necessary.
5. A revised landscape plan must be submitted and approved by Staff prior to building permit.
6. Staff recommends a painted metal gate be provided for the trash enclosure.
7. A sign permit is required prior to installation of the monument sign.
8. Upon recording of the plat, two copies must be submitted to the Planning Department.
9. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through nine.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Christ Community Church with stipulations.

Adopted by the Governing Body this 23rd day of March, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1389

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat located at approximately 115th midway between Roe and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the building contains 74,100 square feet (104 units) on 3.58 acres.

WHEREAS, the building materials and the design of the building must meet the design guidelines for The Woods, and

WHEREAS, there is no park impact fee, and

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

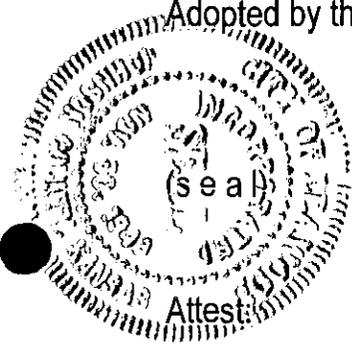
1. The building is limited to a two-story assisted living facility to contain 74,100 square feet (104 units) on 3.58 acres.
2. Exterior materials presented at final plan must provide a greater mix of authentic materials, rather than use all synthetics.
3. All landscape areas are to be irrigated.
4. A sign permit must be obtained prior to installation.
5. A revised landscape plan must be submitted at final to include additional shrubs and a detailed plant schedule.
6. The monument sign will be limited to 50 square feet per side.
7. All downspouts are to be enclosed.
8. Detail of mechanical units, including location, size, and duct work, must be submitted at the time of final approval.
9. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or walls. This includes air conditioner units, etc.
10. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
11. All alarms installed must be silent.
12. The lighting plans and fixtures must be included in the final application.
13. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
14. No final site plan may be submitted for approval prior to final approval of Woods / Village Associates' design guidelines.
15. No final site plan may be submitted for approval prior to final review the of Woods / Village Associates' traffic study.

16. A fountain, piece of art, or donation the Public Art fund will be required. Approval of the design and location will need to come before the Plan Commission at a later date.
17. The applicant shall enhance and break up the retaining wall on the east side of the property.
18. The roofing material must be concrete tile.
19. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through nineteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat with stipulations.

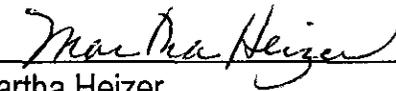
Adopted by the Governing Body this 23rd day of March, 1998.





Peggy J. Dunn

Mayor



Martha Heizer

City Clerk

RESOLUTION NO. 1390

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ESTABLISH CRITERIA FOR EVALUATION OF CONTRACTORS AND SUBCONTRACTORS FOR THE PURPOSE OF DETERMINING RESPONSIBLE BIDDERS FOR CONSTRUCTION PROJECTS OF THE CITY; THIS RESOLUTION RESCINDS RESOLUTION NO. 1161.

Whereas, the City of Leawood regularly enters into contracts for the construction of various public works projects within the City;

Whereas, it is the policy of the Governing Body to award city construction contracts to the lowest responsible bidder;

Whereas it is the desire of the Governing Body to see that contractors and subcontractors performing work for the City provide a full measure of value in exchange for funds expended by the City and that in furtherance of this objective, construction projects of the City are awarded to and performed by responsible contractors;

Whereas, the Governing Body has determined that all contractors performing construction projects under contract with the City should be evaluated at the conclusion of their work;

Whereas the Governing Body has determined that a procedure should be established to evaluate contractor performance so as to assist the Director of Public Works in determination of responsible bidders for City projects;

Whereas the Governing Body has determined that it will consider evaluations of prior construction work of contractors and subcontractors in determining lowest responsible bidders for City construction projects and that solicitation of bids will be made only to responsible contractors as determined by the Director of Public Works based on review of evaluations of prior work for the City;

NOW, THEREFORE, be it resolved by the Governing Body of the City of Leawood:

Section 1. Evaluation of contractors and subcontractors authorized. That the Governing Body of the City of Leawood does hereby authorize the Director of Public Works of the City to prepare and provide to the Governing Body evaluations of the work of all contractors and subcontractors performing work under contract with the City.

Section 2. Criteria for evaluation established. In the evaluation of contractors, the Director of Public Works shall consider the following criteria:

- A. Completion of construction within the allotted time and within budget.
- B. Consistency of work effort of the contractor or subcontractor.
- C. Quality of work performed by the contractor or subcontractor, including, but not limited to the workmanship of the work in use.
- D. Damages and repair of any damages to public and private property occurring during the course of construction and off the site of construction and
- E. Traffic Control in work zones under construction by contractor or subcontractor.
- F. Ability of the contractor or subcontractor to communicate and work with residents of the City.
- G. Cooperation of the contractor or subcontractor with City Staff, including but not limited to, time period a contractor takes to respond to a request of the project manager, construction inspector or the Director of Public Works.
- H. Final restoration and clean-up by contractor or subcontractor.
- I. Maintenance of the construction site during construction so as to minimize collection of mud and other materials which may be unsightly or create hazards to the public;
- J. Responsiveness to correction of "punch list" items.
- K. Responsiveness to a direct request from the Public Works Director in matters where the contractor is required to take action to insure the safety of the public.
- L. Fairness and appropriate use of requests for change orders during the course of construction.
- M. Safety on the job-site during the course of construction.

Section 3. Notification of evaluation to be included in contract documents. All contract documents prepared by the City or design professionals performing work for the City shall contain provisions notifying bidders that work performed by the Contractor will be evaluated and that said evaluations will be considered by the City in determining responsible bidders for future City projects.

Section 4. Evaluation Procedure. During the course of construction, the Director of Public Works shall monitor the contractor's work and prepare interim evaluations of the Contractor's compliance with this resolution. Interim evaluations shall be provided to the contractor. On completion of the contractor's work the Director of Public Works shall prepare a final evaluation of the contractor's compliance with this resolution. On completion of and prior to submitting the final evaluation to the Governing Body, the Director of Public Works shall provide a copy of the final evaluation to the contractor or subcontractor for review and comment. On receipt of the contractor's comments, the Director of Public Works may revise the final evaluation and shall provide a copy of the revised final evaluation to the contractor. Any contractor or subcontractor disputing the final evaluation may appeal the evaluation to the Governing Body within thirty (30) days of notification of the final evaluation. On review and after consideration of such information as the Governing Body shall determine to be necessary to a fair review of the final evaluation and consistent with the requirements of due process, the final evaluation may be modified in a manner consistent with the findings of the Governing Body.

Section 5. Final evaluations to be considered in connection with solicitation of bids for contracts. It is hereby established as the policy of the City that the Director of Public Works, in soliciting bids for construction projects shall consider said evaluation of prior work performed by a contractor or subcontractor and shall not request bids from such contractor for a period of one (1) year from the date of such unsatisfactory evaluation.

Section 6. Director of Public Works authorized to prepare additional forms and written procedures. The Director of Public Works is authorized to prepare such additional written forms and procedures as in his or her judgment as is necessary to effectuate the intent of this resolution.

Section 7. Take effect. That this resolution shall take effect and be in force from the date of passage by the Governing Body and approved by the Mayor.

PASSED by the Council the 23rd day of March, 1998.

APPROVED by the Mayor the 23rd day of March, 1998.



Peggy J. Dunn
PEGGY J. DUNN, Mayor

Martha Heizer
MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
RICHARD S. WETZLER, City Attorney

RESOLUTION NO. 1391

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ESTABLISH CRITERIA FOR EVALUATION OF PROFESSIONALS FOR THE PURPOSE OF DETERMINING RESPONSIBLE APPLICANTS FOR PROFESSIONAL SERVICES ASSOCIATED WITH PROJECTS OF THE CITY;

Whereas, the City of Leawood regularly enters into Professional Services Agreements for various City Projects within the City;

Whereas, it is the policy of the Governing Body to award City Professional Services Agreements to the most qualified applicant;

Whereas it is the desire of the Governing Body to see that Engineers and Architects performing work for the City provide a full measure of value in exchange for funds expended by the City and that in furtherance of this objective, Professional Services Agreements of the City are awarded to and performed by responsible Professionals;

Whereas, the Governing Body has determined that all Professionals performing Professional Services under contract with the City should be evaluated at the conclusion of their work;

Whereas the Governing Body has determined that a procedure should be established to evaluate Professional Services so as to assist the Director of Public Works in determination of responsible applicants for City projects;

Whereas the Governing Body has determined that it will consider evaluations of prior work of Professionals in determining responsible applicants for City Projects and that Requests for Proposals will be made only to responsible Professional Service Providers as determined by the Director of Public Works based on review of evaluations of prior work for the City;

NOW, THEREFORE, be it resolved by the Governing Body of the City of Leawood:

Section 1. Evaluation of Professional Services Applicants authorized. That the Governing Body of the City of Leawood does hereby authorize the Director of Public Works of the City to prepare and provide to the Governing Body evaluations of the work of all Professional services performing work under contract with the City.

Section 2. Criteria for evaluation established. In the evaluation of Professionals Services, the Director of Public Works shall consider the following criteria:

- A. Completion of work within the allotted time and within Total Fee.
- B. Consistency of work effort of the Professional.
- C. Quality of work performed by the Professional.
- D. Ability of the Professional to communicate and work with residents of the City.
- E. Cooperation of the Professional with City Staff, including but not limited to, time period a Professional takes to respond to a request of the project manager, contract administrator, construction inspector or the Director of Public Works.
- F. Responsiveness to correction of "punch list" items.
- G. Responsiveness to a direct request from the Public Works Director in matters where the Professional is required to take action to insure the safety of the public.
- H. Fairness and appropriate use of requests for change orders during the course of construction.
- I. Thoroughness of Specifications and Drawings.
- J. Construction Administration.
- K. Budget Compliance.

Section 3. Notification of evaluation to be included in Professional Services Agreements. All Agreements prepared by the City for design professionals performing work for the City shall contain provisions notifying applicants that work performed by the Professional will be evaluated and that said evaluations will be considered by the City in determining responsible applicants for future City projects.

Section 4. Evaluation Procedure. During the course of performance of Professional Services, the Director of Public Works shall monitor the work and prepare interim evaluations of the Professional's compliance with this resolution. Interim evaluations shall be provided to the Professional. On completion of the Professional's work the Director of Public Works shall prepare a final evaluation of the Professional's compliance with this resolution. On completion of and prior to submitting the final evaluation to the Governing Body, the Director of Public Works shall provide a copy of the final evaluation to the Professional for review and comment. On receipt of the Professional's comments, the Director of Public Works may revise the final evaluation and shall provide a copy of the revised final evaluation to the Professional. Any Professional disputing the final evaluation may appeal the evaluation to the Governing Body within thirty (30) days of notification of the final evaluation. On review and after consideration of such information as the Governing Body shall determine to be necessary to a fair review of the final evaluation and consistent with the requirements of due process, the final evaluation may be modified in a manner consistent with the findings of the Governing Body.

Section 5. Final evaluations to be considered in connection with solicitation of applicants for Professional Services. It is hereby established as the policy of the City that the Director of Public Works, in soliciting applicants for Projects shall consider said evaluation of prior work performed by a Professional and shall not request applications from such Professional for a period of one (1) year from the date of such unsatisfactory evaluation.

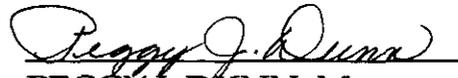
Section 6. Director of Public Works authorized to prepare additional forms and written procedures. The Director of Public Works is authorized to prepare such additional written forms and procedures as in his or her judgment as is necessary to effectuate the intent of this resolution.

Section 7. Take effect. That this resolution shall take effect and be in force from the date of passage by the Governing Body and approved by the Mayor.

PASSED by the Council the 23rd day of March, 1998.

APPROVED by the Mayor the 23rd day of March, 1998.




PEGGY J. DUNN, Mayor


MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:


RICHARD S. WEIZLER, City Attorney

AUTHORITY TO AWARD CONTRACT
COMMITMENT OF CITY FUNDS

February 26, 1998

2 Copies to City
Project No. 46 N-0042-01
City of Leawood
Johnson County

WHEREAS bids were received at Topeka, Kansas on February 18, 1998 for the performance of work covered by plans on the above numbered project, and

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

CONTRACTOR	ADDRESS	TYPE OF WORK	AMOUNT
Massman Construction Company	P. O. Box 8458 Kansas City, KS 64114	Grading Concrete Pavement	\$1,867,782.50

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.

A combination of the bid plus construction engineering and contingencies less \$1,400,000.00 maximum Federal funds = \$523,815.98

BE IT FURTHER RESOLVED that City funds in the amount of \$523,815.98 which are required for the matching of State funds are hereby pledged by the City to be remitted to the Chief of Fiscal Services of the Secretary of Transportation of the State of Kansas on or before April 15, 1998 for use by the SECRETARY in making payments for construction work and engineering on the above designated project with final cost being determined upon completion and audit of the project.

Adopted this 23rd day of March, 1998, at Leawood, Kansas

Recommended for Approval:

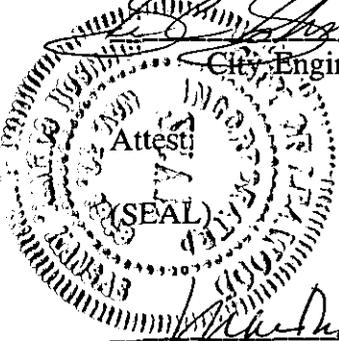


City Engineer


_____, Mayor

_____, Member

_____, Member





City Clerk

RESOLUTION NO. 1393

The Leawood City Council has considered the request for preliminary site plan and preliminary plat approval of the Kansas City Orthopedic Center for Excellence located at approximately the south side of College Boulevard east of Buena Vista and hereby finds the following:

WHEREAS, the property is master planned office, and

WHEREAS, the building would be constructed in two phases to consist of a maximum of 78,396 square feet, and

WHEREAS, the project meets all performance standards, and

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

1. The development is limited to a 78,396 square foot, 2 story office building on 5.6 acres of land.
2. A final lighting plan is to be submitted for final approval.
3. A final landscape plan is to be submitted for final approval. Additional plantings as discussed in the staff report shall be included.
4. A final signage plan is to be submitted for final approval.
5. At the time of final site plan submission, exact colors and samples of materials will be required.
6. A fee of \$130/ front foot will be required for College Boulevard prior to recording of the plat.
7. All utility boxes on the site will be screened.
8. All rooftop units will be screened entirely.
9. All existing wooded areas (on the west side of the property) are to remain. The applicant is expected to clean the tree line.
10. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
11. All downspouts are to be enclosed.
12. The Special Use Permit is limited to the proposed use or a similar use as the Kansas City Orthopedic Center.
13. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
14. Prior to final site plan approval, the developer will pull together the egress/ingress alignment of the building with the road system.

15. Vehicular access be provided to Tomahawk Creek Parkway in conjunction with other development in the immediate area.
16. Trash collection only to occur during the weekday business hours of 8 a.m. and 5 p.m.
17. The applicant is required to submit application for rezoning the property to CP-0 at the earliest convenience.
18. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through eighteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat with the Plan Commission stipulations and the following two additional stipulations:

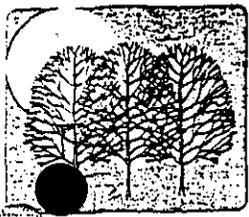
1. The developer will adhere to the traffic study recommendations, a traffic study that was satisfactory to the Planning Director.
2. The trash area be moved to another location on the site and be fully enclosed.

Adopted by the Governing Body this 20th day of April, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax
(913) 339-6225 TDD

Date: 03-24-98

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Engineering Division, Public Works Department *MP*

Re: Kansas City Orthopedic Center, Case 19-98

We have reviewed the preliminary site plan for the referenced property and would like to make the following stipulations as part of the platting requirements:

- The developer submit a storm drainage study for the entire development and the off-site area to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted.
- The proposed storm sewer system should be extended to the west property line to provide for future storm water connection when the property to the west is developed.
- The existing storm sewer system under Tomahawk Creek Parkway should be extended to the west to the east property line to provide a point of collection for the storm water run off generated from the site.
- The developer shall employ the services of a professional engineer to conduct a traffic study to determine the need for widening of College Blvd. on the south side (a deceleration lane). The study shall take into account the future developments on the east and west of the proposed site. The study shall be conducted prior to the approval of the final site plan.
- The developer secure a land disturbance permit from N.P.D.E.S.(K.D.H.E).
- The developer employs the services of a registered professional engineer in the state of Kansas to prepare the drainage study and to handle storm water run-off generated from the site. He should also prepare construction plans for the widening of College Blvd. if it is determined by the traffic study.
- The proposed drive approach location is in conflict with an existing curb inlet. The minimum distance between the driveways shall be 150 feet per the City of Leawood Public Improvement Construction Standards. Therefore, the east driveway should be eliminated. The west entrance should be modified to comply with the City of Leawood Driveway Entrance Dimensions and Data, DW5, 2 lane entrance width with 4' island.
- All public improvement permits shall be secured from the Engineering Division of the public Works Department prior to the issuance of Building Permit.

RESOLUTION NO. 1394

The Leawood City Council has considered the request for preliminary site plan and preliminary plat approval of Village at Ironhorse located at approximately 151st and Linden and hereby finds the following:

WHEREAS, the development has 51 single family patio homes on 22.77 acres equaling 2.24 units per acre, and

WHEREAS, the original approved plan had 13.14 acres of RP-1 zoning on the east side of the property and 9.63 acres of RP-4 on the west, this proposal has RP-4 on the entire property, and

WHEREAS, the original approved plan had lot frontages of 100 feet +/-, and the current proposal has lots ranging from 70'-80' wide, and

WHEREAS, the original approved plan had 7 lots adjacent to Leawood Mission Valley and the current proposal has six, and

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

1. The project is limited to 51 lots on 22.77 acres.
2. The applicant is required to pay a South Leawood Transportation Impact fee in the amount of \$1015.63 per acre (22.77 x \$1015.63 = \$23,125.90).
3. The applicant is responsible for \$130 per front foot for 151st Street.
4. All landscape areas are to be irrigated.
5. No direct access shall be granted to 151st Street from any lot.
6. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
7. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
8. The 10' side yard setback is to be met per the Leawood Development Ordinance.
9. A 25 foot front yard setback is approved to enable the developer to give a varied streetscape.
10. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through eight.

WHEREAS, the developers/owners agree to these stipulations,

Date: November 11, 1997

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Special Projects Engineer,
Engineering Division, Public Works Department

Re: Preliminary Plat Review Comments for:
Village at Ironhorse in the vicinity of 151st Street and Linden Avenue

Dear Robert:

The Engineering Division of the Public Works Department has reviewed the preliminary plat for the referenced location and would like to make the following stipulations as part of the platting process:

- Local interior streets shall be constructed per the City of Leawood Public Improvement Construction Standards for Urban Residential Streets. That is 26 foot back to back of curb with 22 foot wide pavement section.
- The developer shall submit a storm drainage study for the entire development to the Engineering Division of Public Works Department for approval at the time the first final plat is submitted. Existing storm sewer system under 151st Street shall be extended to the south through-out the proposed subdivision per APWA Section 5600 requirements. The hydraulic and hydrologic effects of the proposed storm sewer extension on the downstream properties shall be addressed in the study.
- There can only be 30 foot of gas line easement dedicated on the plat as shown. Therefore, the plat should be corrected to reflect the proposed 30 foot gas line easement.
- Tract H within 80 foot of right-of-way shall be constructed so that it will provide a minimum 20 foot wide lane on the both sides excluding curb and gutter(12 foot wide traffic lane with 8 foot wide parking lane) per APWA Section 5200, AASHTO geometric design requirements.
- All public Improvements for the Street and Storm Sewer construction plans shall be prepared per The City of Leawood and the APWA Standard Specifications And Design Criteria.

- Street and Storm sewer construction plans shall be submitted to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted.
- The developer shall employ the services of a registered professional engineer in the State of Kansas to prepare the drainage study and the public improvement plans.

If you have any questions regarding this matter, please feel free to contact me in my office at x132.

cc: Joe Johnson, P.E., Director of Public Works
Diane Brooks, Senior Planner, Planning & Development Department
Village at Ironhorse (PW Subdivision Files)
PW Book

Resolution No. 1395

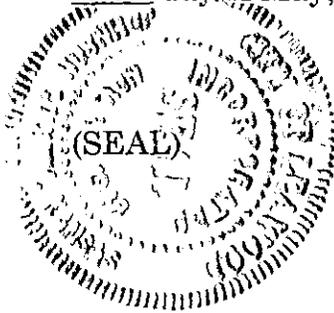
A RESOLUTION DESIGNATING COURTYARD AND PLAZA AREA AT THE LEAWOOD CITY AS A PORTION OF THE LEAWOOD COMMUNITY CENTER FOR PURPOSE OF SECTION 3-113(C) OF THE CODE OF THE CITY OF LEAWOOD .

WHEREAS, Governing Body of the City of Leawood has determined that it is in the public interest to designate the Courtyard and Plaza area at the Leawood City Hall as a portion of the Leawood Community Center for purposes of Section 3-113(c) of the Code of the City of Leawood;

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

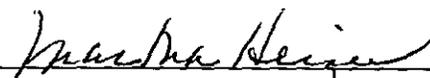
Section 1. The Governing Body hereby designates the Courtyard and Plaza area at the Leawood City Hall as a portion of the Leawood Community Center for the date May 12, 1998, and to permit the serving of cereal malt beverage on said date in accordance with section 3-113(c) of the code of the City of Leawood.

PASSED AND APPROVED BY THE CITY OF LEAWOOD on the 4th day of May, 1998.




Peggy J. Dunn, Mayor

Attest:


Martha Heizer, City Clerk

RESOLUTION NO. 1396

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for Camden Woods located at approximately the southwest corner of 143rd and Kenneth Road and hereby finds the following:

WHEREAS, the plat contains 111 RP-1 single family homes on **54.38** acres (**2.04** DU/Acre), and 94 RP-4 patio homes on **39.05** acres (**2.41** DU/Acre), and

WHEREAS, the commercial portion has 14,000 sq. feet of building on 3.19 acres (.10 FAR), and

WHEREAS, all RP-1 lots meet the 12,000 square foot minimum, with lot sizes comparable to Steeplechase at the properties west end, and

WHEREAS, the applicant is responsible for a park impact fee and for construction of the road or \$130.00 per linear front foot for improvements to 143rd Street and Kenneth Road, and

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

1. The development is limited to 111 single family (RP-1) lots and 94 cluster (RP-4) homes.
2. Commercial development is limited to 14,000 square feet, to be located at the northeast corner (3.17 acres) of the property.
3. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit and \$0.10 per square foot of commercial development. The amount to be paid prior to recording of the plat is \$62,900.
4. An erosion control plan for both construction and long term must be a part of the final engineering plans. These plans must be approved by the City Engineer.
5. A drainage study must be submitted to the Public Works department prior to final plan approval.
6. Detailed signage and landscaping plans must be provided for review at the time of final plan approval.

7. All streets within the subdivision will be public. Auto courts are not to be considered as private streets.
8. Any plantings or statuary within the street right-of-way will be maintained by the developer or Homes Association.
9. All landscape areas will be irrigated.
10. All common areas and trails will be built by the developer and maintained by the homes association.
11. All sidewalks will be installed as per street construction standards to the satisfaction of the public works department. Sidewalks are required along 143rd Street and Kenneth Road frontages.
12. The developer is responsible for construction of the road or \$130.00 per linear front foot for improvements to 143rd Street and Kenneth Road. Because the City just recently widened and overlaid 143rd Street adjoining this development, the City agrees to allow this developer to provide a letter of credit for 10 years that will increase each year to cover inflation costs. If the street is constructed prior to the 10 year period or at the end of the ten year period (whichever comes first), the City will then cash the letter of credit. Kenneth Road will be added to the same letter of credit.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Camden Woods with one additional stipulation as follows:

1. A temporary asphalt sidewalk shall be constructed on the south side of 143rd Street.

Adopted by the Governing Body this 4th day of May, 1998.



Attest:

Peggy J. Dunn
 Peggy J. Dunn Mayor

Martha Heizer
 Martha Heizer City Clerk

**A RESOLUTION OF PRELIMINARY DETERMINATION AND OF INTENTION TO
ACCEPT THE DEDICATION OF CERTAIN STREETS IN BERKSHIRE VILLAS
HOMES SUBDIVISION FOR PUBLIC USE**

The Governing Body of the City of Leawood, State of Kansas, does resolve as follows:

SECTION ONE

DETERMINATION OF PUBLIC INTEREST

The Governing Body of the City of Leawood ("Governing Body") does hereby make a preliminary determination that the public interest, convenience and necessity require the conversion of the existing private streets in the Berkshire Villas Subdivision shown and designated on that certain Plat of Berkshire Fourth Plat and Plat of Berkshire Fifth Plat, a replat of Lots 1 through 4 of Berkshire Fourth Plat (hereinafter collectively referred to as the "Plat"), as "U.E." and "A.E." ("Streets"), to public streets; and further determines that the best means of accomplishing said conversion is to replat the subdivision. (The Plat of Berkshire Fourth Plat is recorded in the Office of the Register of Deeds of Johnson County as Document No. 1478192, in Volume 56, at Page 38, and attached hereto as Exhibit "A". The Plat of Berkshire Fifth Plat is recorded in the Office of the Register of Deeds of Johnson County, Kansas as Document No. 1524730 in Volume 58 at Page 48, and attached hereto as Exhibit "B".)

SECTION TWO

CONDITIONAL ACCEPTANCE

The Governing Body shall accept the Replat's dedication of land for use as public streets, roads, and avenues, in perpetuity, providing the Replat receives approval from the Plan Commission of the City of Leawood ("Plan Commission") and the Public Works Department of the City of Leawood ("Public Works") under the Leawood Development Ordinance and the Kansas Statutes, and any amendments thereto, and upon satisfaction of all the Conditions and Stipulations set forth herein.

SECTION THREE

CONDITIONS AND STIPULATIONS

The Governing Body's acceptance of the aforementioned dedication is made subject to the following regulations, conditions, and stipulations, to wit:

- (a) Consents to Replat (With Special Powers of Attorney and Lender's Consents and Partial Releases of Mortgage), signed and acknowledged by each property owner ("Owner") and any Lender with an interest in any of those areas shown as Streets on the Plat, shall be submitted to the Plan Commission with the application for plat approval.

(b) A Release of Real Estate from Operation of Restrictive Covenants shall be submitted with the application for plat approval.

(c) The foregoing instruments shall be reviewed and approved as to form by the City Attorney of the City of Leawood before the same are delivered to the Owners and Lenders.

(d) All other submissions required by the Kansas Statutes and the Leawood Development Ordinance shall be submitted to the Plan Commission with the application for plat approval; except, however, the Replat shall be excepted from the preliminary platting process and will instead be reviewed and approved by the Public Works Department and the Plan Commission as a final plat upon its initial submission.

(f) The City of Leawood shall not bear any of the costs associated with preparing and submitting the Replat.

(g) If and when the dedication is accepted, the City of Leawood shall maintain and control, and assume liability over, the areas shown as Streets on the Replat in the same manner as any other public streets within its municipal boundaries.

SECTION FOUR

DEFINITIONS

"Consent to Replat" means a legal instrument in which an Owner authorizes the Berkshire Villas Homes Association, Inc., by and through its authorized corporate representatives, to take all actions necessary to properly submit, file, and record a Replat dedicating the Streets shown thereon for public use.

The phrase "Special Power of Attorney" shall mean a clause in the Consent to Replat in which an Owner appoints an authorized officer of the Berkshire Villas Homes Association, Inc. as its agent and attorney-in-fact to sign and acknowledge the Replat as owner and dedicator of the streets shown thereon.

The phrase "Lender's Consent" means a clause in the Consent to Replat in which the lender approves and authorizes its mortgagor to consent to the replatting of the Berkshire Villas Subdivision and the public dedication of the streets shown thereon.

The phrase "Partial Release of Mortgage" means a provision in the Consent to Replat in which a Lender releases and discharges the obligation of its mortgage as to the areas shown as Streets on the Replat.

"Release of Real Estate from Operation of Restrictive Covenants" means a legal instrument in which an authorized officer of Berkshire Villas Homes Association, Inc. releases

those areas shown as Streets on the Replat from operation of the Declaration of Restrictions to Berkshire Fourth Plat and Berkshire Fifth Plat dated May 23, 1985 and recorded in the office of the Register of Deeds of Johnson County, Kansas as Document No. 1536182, in Volume 2169 at Page 854, and the operation of that certain Homes Association Declaration dated May 23, 1985 and recorded in the office of the Register of Deeds of Johnson County, Kansas as Document No. 1536181, in Volume 2169 at Page 843; and discharges the Berkshire Villas Homes Association, Inc. from its obligations thereunder, which includes, but is not limited to, an obligation to manage and control as trustees for its members all streets, sidewalks, and other public places shown on the Plat of Berkshire Fourth Plat and Berkshire Fifth Plat.

The above and foregoing resolution was duly and regularly introduced and passed at a regular meeting of the Governing Body of the City of Leawood, on May 4, 1998 by the following vote:

Ayes: 7

Noes: 0

Absent: 1



Approved:
[Signature of mayor]

Peggy J. Dunn
Peggy J. Dunn

Maeda Heizer

City Clerk

APPROVED AS TO FORM:

[Signature]

City Attorney

RESOLUTION NO. 1398

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO ANNUALLY RECOMMEND TO THE GOVERNING BODY AN ANNUAL FUNDING PLAN TO FINANCE STORMWATER MANAGEMENT PROGRAM PROJECTS DEEMED NECESSARY BY THE GOVERNING BODY.

WHEREAS, the Board of County Commissioners created a Stormwater Management Advisory Council (SMAC) to annually identify and recommend Leawood projects to be included in the County's annual funding allocations under the Stormwater Management Program; and

WHEREAS, the Leawood Governing Body, in order to provide its share, has reviewed numerous financing options, including an annual fixed amount, the establishment of a stormwater water utility with an associated fee, and the establishment of a benefit district for each project; and

WHEREAS, the Leawood Governing Body since 1993 has limited its share of SMAC projects to an annual fixed amount basis, through a pay-as-you-go appropriation; and

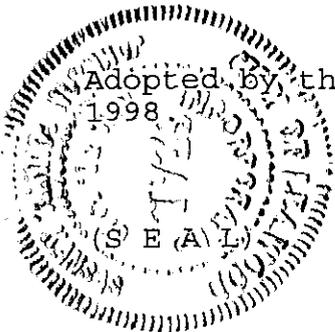
WHEREAS, to date, the extent of the City's participation in SMAC has been determined by the amount of funds appropriated annually in the City's General Fund; and

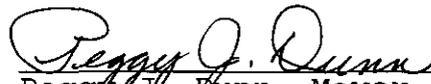
WHEREAS, the Governing Body has decided that an annual funding plan should be developed for use in the funding of SMAC projects;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD that the City Administrator each year recommend to the Governing Body an annual funding plan necessary to finance SMAC projects deemed necessary by the Governing Body; and

BE IT FURTHER RESOLVED that such an annual funding may include pay-as-you-go financing, the use of short-term financing instruments and/or longer-term financing mechanisms in the case of large projects.

Adopted by the Governing Body this 4th day of May,
1998




Peggy J. Dunn, Mayor

Attest:


Martha Heizer, City Clerk

RESOLUTION NO. 1399

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO ANNEXATION AGREEMENT

WHEREAS, the Governing Body of the City of Leawood has determined that it is in the best interests of the City to authorize the Mayor to execute the Addendum to Annexation Agreement supplementing the Annexation agreement as approved by the City of Leawood on or about December 12, 1996.

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

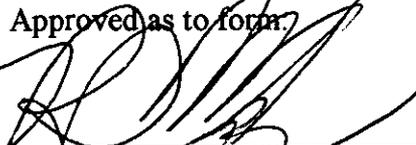
Section 1. The Mayor of the City of Leawood is hereby authorized to execute the Addendum to Annexation Agreement attached hereto and incorporated herein as Exhibit A.

PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 4th day of May, 1998.




Peggy Dunn, Mayor


Martha Heizer, City Clerk

Approved as to form:

Richard Wetzler, City Attorney

RESOLUTION NO. 1400

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for Merrill Lynch located on the southwest corner of Tomahawk Creek Parkway and College Boulevard and hereby finds the following:

WHEREAS, a public hearing was held concerning the preliminary site plan, and

WHEREAS, the plat meets all the preliminary requirements, and

WHEREAS, the building is limited to a two story building to contain 45,260 square feet on 4.02 acres, and

WHEREAS, twenty five parking spaces have been land banked if needed for the future, and

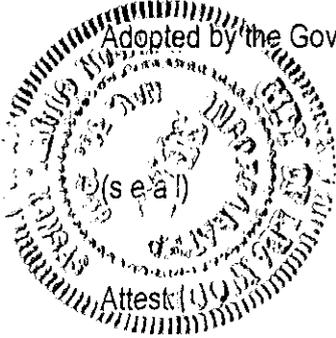
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

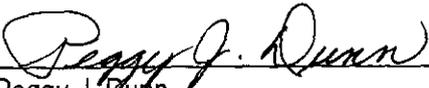
1. The building is limited to a two story building to contain 45,260 square feet on 4.02 acres.
2. The zoning of CP-1, Planned Neighborhood Retail, was to be used only for a drive-thru facility on the previously approved bank. Due to the change in use, the City of Leawood will rezone the property to CP-0, Planned Office.
3. All landscape areas are to be irrigated.
4. A sign permit must be obtained prior to installation.
5. A revised landscape plan must be submitted at final to include shrubs and a plant schedule.
6. All sign calculations, location and material shall be provided at final.
7. Detailed information regarding public art will be required at the time of final site plan.
8. All downspouts are to be enclosed.
9. All roof top units must be screened from view.
10. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
11. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
12. All alarms installed must be silent.
13. The lighting plans and fixtures must be included in the final application.
14. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
15. Materials board must be submitted at the time of final site plan application.
16. If the City determines the additional 25 parking spaces are needed, they must be installed immediately at the expense of the owner. All landscaping which would be removed in this process would need to be relocated adjacent to the parking spaces to be removed or adjacent to any parking area if there is no room near the removed spaces. If the City determines additional landscaping were needed to screen the view from any adjacent streets, this would be provided by the owner.
17. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat.
18. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through eighteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Merrill Lynch with stipulations.

Adopted by the Governing Body this 18th day of May, 1998.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1401

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for The Woods located at approximately 114th Street and Roe Avenue northeast to College and hereby finds the following:

WHEREAS, the site plan allows construction of 59 RP-1 single family homes and 62 RP-4 patio / cluster homes on 79.12 acres, and

WHEREAS, the design meets all performance standards, and

WHEREAS, the general design of the property is to remain natural, including a meandering path, no cut areas, and irrigation only in areas to be manicured, and

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

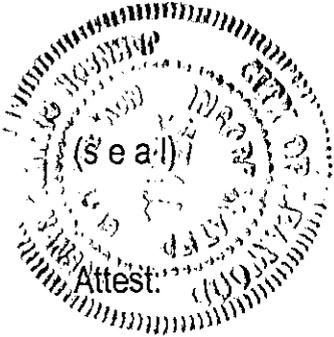
1. The development is limited to 59 single family (RP-1) lots and 62 cluster (RP-4) homes.
2. An erosion control plan for both construction and long term must be a part of the final engineering plans. These plans must be approved by the City Engineer.
3. A drainage study must be submitted to the Public Works department prior to final plan approval.
4. Detailed signage and landscaping plans must be provided for review at the time of final plan approval.
5. All streets within the subdivision will be public. Auto courts are not to be considered as private streets, but private drives.
6. Any plantings or statuary within the street right-of-way will be maintained by the developer or Homes Association.
7. All formal landscape areas will be irrigated.
8. All common areas and trails will be built by the developer and maintained by the homes association.
9. All sidewalks will be installed as per street construction standards to the satisfaction of the public works department allowing for professionally designed alternatives and supplemental walkways. Sidewalks are required along College and Roe frontages.
10. The developer is responsible for \$130/front foot for College Boulevard from El Monte to the east property line.
11. Lots 1 and 56-59 shall not have direct access to College Boulevard. Houses 3-5 and 23-24 in the RP-4 section shall not have direct access to Roe Avenue.
12. The developer is required to make all improvements indicated by the TranSystems traffic study of 115th and Roe dated March 1998.

13. Public art is a requirement and will need to be provided in full detail at the time of final site plan.
14. Developer shall coordinate with each home builder for the protection of existing trees by identifying trees to be protected and approve removal assessing a landscaping fee for trees destroyed during the home construction.
15. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through fifteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for The Woods with stipulations.

Adopted by the Governing Body this 18th day of May, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1402

A RESOLUTION ENDORSING TRANSPORTATION IMPROVEMENTS FOR THE CITY OF LEAWOOD, KANSAS AND THE ENACTMENT BY THE KANSAS LEGISLATURE OF A NEW STATE-WIDE COMPREHENSIVE TRANSPORTATION PROGRAM

WHEREAS, one of the major responsibilities of municipal government is to plan for the immediate and long-term transportation needs of the city and surrounding areas;

WHEREAS, the Governing Body of the City of Leawood, Kansas (hereinafter the "City"), has conducted the necessary investigations to identify the transportation capital improvements that are needed in the City; and

WHEREAS, these specific transportation capital improvements are essential to the health, safety and welfare of its citizens in the future; and

WHEREAS, these specific transportation capital improvements are vital to the economic well-being of the City and to its long-term growth and development; and

WHEREAS, the failure to undertake these transportation capital improvements will impede and may prevent the economic needs and goals of the City from being accomplished; and

WHEREAS, the City is unable to finance such capital transportation improvements without substantial assistance from the State of Kansas and the Kansas Department of Transportation; and

WHEREAS, the State of Kansas and the Department of Transportation cannot sufficiently address the transportation needs of the City and other cities and counties across the state without the enactment of a new Comprehensive Transportation Program by the Kansas Legislature.

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

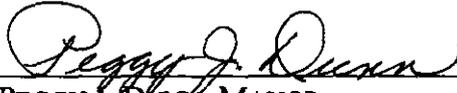
Section 1. Priority Transportation Projects. After careful investigation of the transportation needs in the City, the following transportation capital improvements are hereby declared to be vital to the future economic growth and development of the City and the safety of its citizens:

- (1) 119th Street, Mission Road Intersection
- (2) 119th Street, Nall Avenue to Mission Road
- (3) 143rd Street, Nall Avenue to Kenneth Parkway
- (4) 151st Street, Nall Avenue to East City Limits
- (5) Kenneth Road, 138 Street to 143rd Street
- (6) Mission Road, 135th Street to 153rd Street
- (7) Roe Avenue, 124th Street to 135th Street
- (8) Nall Avenue, 135th Street to 159th Street
- (9) 135th Street, State Line Road to Nall Avenue

Section 2. New Comprehensive Transportation Program. The City hereby endorses and supports the enactment of a new Comprehensive Transportation Program by the Kansas Legislature of sufficient size and magnitude to address the specific transportation capital improvements set forth in Section 1.

Section 3. The City Clerk shall send copies of this resolution and any supporting documentation to: Governor Bill Graves; State Senators Audrey Langworthy & Keith Schraad; State Representative(s) David Adkins; all candidates for state representative; all local news media outlets; and the League of Kansas Municipalities.

ADOPTED this 18th day of May, 1998.


PEGGY J. DUNK, MAYOR

ATTEST:


MARTHA HEIZER, CITY CLERK

RESOLUTION NO. 1403

A RESOLUTION DIRECTING THE CITY CLERK TO POST ORDINANCE NO. 1731, ADULT ENTERTAINMENT.

WHEREAS, the adult entertainment ordinance no. 1731 states that within fifteen (15) days after its passage it is required to be posted in four (4) places within the City; and

WHEREAS, the first location is the City Clerk's Office, 1st Floor of the Leawood City Hall, 4800 Town Center Drive; and

WHEREAS, the second location is the Planning and Development Office, 2nd Floor of the Leawood City Hall, 4800 Town Center Drive; and

WHEREAS, the third location is the Leawood Police Station, 9615 Lee Boulevard; and

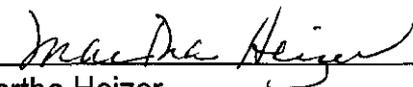
WHEREAS, the fourth and final location is the Johnson County Library - Leawood Pioneer Branch, 4700 Town Center Drive;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, that the City Clerk is hereby directed to post Ordinance 1731 in the aforementioned four (4) places.

Adopted by the Governing Body this 1st day of June, 1998.




Peggy J. Dunn Mayor


Martha Heizer City Clerk

RESOLUTION NO. 1404

RESOLUTION OF THE CITY OF LEAWOOD, KANSAS APPROVING THE TRANSFER OF THE LEAWOOD CABLE TELEVISION FRANCHISE FROM TCI OF OVERLAND PARK INC. TO KANSAS CITY CABLE PARTNERS.

WHEREAS, TCI of Overland Park, Inc. ("TCP") owns, operates, and maintains a cable television system ("System") in the City of Leawood, Kansas (the "City"), pursuant to Ordinance No. 988, dated July 6, 1987 (the "Franchise"), and that TCI is the duly authorized holder of the Franchise as the successor to TeleCable of Overland Park, Inc.; and

WHEREAS, K.S.A. 12-2001(2) limits the duration of any franchise to a period no longer than 20 years, and therefore the Franchise shall expire on July 6, 2007; and

WHEREAS, TCI and Kansas City Cable Partners ("KCCP"), together with certain other related entities are parties to a Contribution Agreement dated as of March 23, 1998 (the "Agreement"); and

WHEREAS, the transaction called for in the Agreement (the "Transaction") will result in the System and the Franchise being transferred from TCI to KCCP (the "Transfer"); and

WHEREAS, TCI and KCCP have requested consent by the City to the Transfer in accordance with the requirements of the Franchise; and

WHEREAS, KCCP is managed by Time Warner Cable and may do business as and operate as Time Warner Cable; and

WHEREAS, because of changes in technology and law since the enactment of the Franchise it is necessary to clarify certain terms and conditions of the Franchise; and

WHEREAS, to make such clarifications, KCCP has sent City the attached letter ("Exhibit 1") which represents KCCP's intent to do the following:

- (1) KCCP shall notify the City of any parties, if any, to which KCCP leases its excess capacity in Leawood for the provision of services for which the lessor bills customers directly;
- (2) KCCP shall pay the appropriate franchise fees on revenues, if any, that they receive from the lease of excess capacity in Leawood;
- (3) KCCP shall pay the appropriate franchise fees on all revenues received from its use of the City's right-of-way, including but not limited to Internet service and digital services;

(4) KCCP shall comply with applicable laws governing its ability to provide telecommunications services if it ever decides to provide telecommunications services in the City;

(5) KCCP shall comply with all generally applicable City ordinances governing the use of the right-of-way;

(6) KCCP shall make a good faith effort to contract with the City to provide the City with the use of its System to connect City facilities and to connect City facilities with some or all City traffic lights. Such provision shall be made in an agreement separate from the Franchise; and

WHEREAS the governing body wishes to confirm that moneys collected from customers as franchise fees shall not be included in the franchise fee assessment; and

WHEREAS, KCCP is legally, technically and financially qualified to own and operate the System in accordance with the Franchise;

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

SECTION 1. With the understanding and assurances made by KCCP in Exhibit 1 and recited above, the City hereby consents to the Transfer in accordance with the terms of the Franchise. A condition of such consent shall be that KCCP abide by the understanding and assurances cited in Exhibit 1.

SECTION 2. The City confirms that (a) the Franchise was properly granted to TeleCable of Overland Park, Inc. ("TeleCable"), (b) TCI was the proper successor of TeleCable, (c) the Franchise is currently in full force and will expire on July 6, 2007, and (d) the Franchise supersedes all other agreements between the City and TCI, and the Franchise represents the entire understanding of all parties save the clarifications made by KCCP, cited above in this Resolution and in Exhibit 1.

SECTION 3. The term "Gross annual subscriber revenues" shall not include moneys collected from customers as franchise fees when determining the franchise fee assessment.

SECTION 4. This Resolution shall be deemed effective for purposes of the Transfer upon the closing date of the Agreement (the "Closing Date").

SECTION 5. The City releases TCI, effective upon the Closing Date, from all obligations and liabilities under the Franchise that arise and accrue after the Closing Date; provided that KCCP shall be responsible for any obligations and liabilities under the Franchise that arise and accrue after the Closing Date. TCI shall remain responsible for any obligations and liabilities under the Franchise that arose and accrued before the Closing Date.

SECTION 6. This Resolution shall have the force of an agreement between TCI, KCCP and the City, and that the actual transfer of the Franchise on the Closing Date by the parties shall act as an acceptance of the terms and conditions of this Resolution.

SECTION 7. This Resolution shall have the force of a continuing agreement with TCI and KCCP and City shall not amend or otherwise alter this Resolution without the consent of TCI and KCCP.

PASSED, ADOPTED AND APPROVED THIS 1st day of June, 1998.



(SEAL)

Martha Heizer
Martha Heizer
City Clerk

Peggy J. Dunn
Peggy J. Dunn, Mayor

APPROVED AS TO FORM:

Richard S. Wetzler
Richard S. Wetzler
City Attorney



"EXHIBIT 1"

Excellence Today
Innovation For Tomorrow
Exceptional Service Always

May 15, 1998

Mr. Richard J. Garafano
City Administrator
City of Leawood
4800 Town Center Drive
Leawood, KS 66211

Dear Dick:

Thanks again for taking the time to meet with us recently about the transfer of TCI's franchise to Kansas City Cable Partners (dba American Cablevision). You asked if I could confirm some of the items we discussed, and I am happy to do so.

As I explained, our cable franchises authorize us to provide the full scope of cable services, but they need not explicitly deal with the provision of services other than cable television. We would address issues related to the provision of any telecommunications services if and when it becomes necessary. To my knowledge, our company has no plans to provide telephone service in the Kansas City area at this time. Should our plans change, please be assured that we would comply with applicable laws governing our ability to provide telecommunications services.

After the TCI/Time Warner deal closes, we would expect to pay a franchise fee on revenues we receive from our use of the City's rights-of-way to provide cable service under the authority of the cable franchise. This includes the full scope of cable services as they become available in Leawood. Examples of such services include things like Road Runner, Time Warner's high-speed Internet service via cable, digital services, etc. We'd also expect to pay franchise fees on revenues, if any, we might receive from the lease of excess capacity in Leawood and would be willing to provide the City with the names of any entities to whom we lease excess capacity upon request. And, of course, we would comply with City ordinances of general applicability that govern the use of the rights-of-way enacted in the reasonable exercise of the City's police power.

You asked if we'd be willing to consider a new franchise agreement after the transfer is completed. Although the term of the current agreement is for several more years, I'd certainly be receptive to exploring the possibility of a new or modified agreement that is acceptable to both parties after the merger closes. We've renewed about half of our 42 franchises in recent years, and, with the help of our cities, we have a good model that they and we both like. I'd be happy to share samples with you when the time comes. You've also expressed an interest in discussing high-speed data services in the future. As I mentioned, we're already working with four of our

Mr. Richard J. Garafano
May 15, 1998
Page Two

school districts to provide this service, and we have an approved tariff on file in Kansas. We'd be most happy to discuss the City's interest in the future.

I look forward to hearing from you to confirm the date the Council will consider approving the franchise transfer. In the meantime, please don't hesitate to call me if you have any questions or need additional information.

Sincerely,



Melanie A. McMullen, ABC
Director, Regulatory Affairs

cc: Steve Horner, Holman, Hansen & Colville, P.C., 9400 Mission Road,
Second Floor, Prairie Village, KS 66206
Bob Niles, President
Carol Rothwell, Vice President of Public Affairs
Gary Matz, Time Warner Cable - Legal
Dennis Jadlot, TCI

RESOLUTION NO. 1405

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for Tomahawk Creek Plaza located at approximately 114th and Tomahawk Creek Office Park and hereby finds the following:

WHEREAS, the property is zoned CP-0, Planned Office, and;

WHEREAS, the "L" shaped, 93,500 square foot building sits on 6.94 acres for an FAR of .30, and;

WHEREAS, the building and design meets all performance standards of the Leawood Development Ordinance, and;

WHEREAS, no impact fees are required of this property due to the donation of land from the original property owner, and

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

1. The building is limited to a three story office building to contain 93,500 square foot office building on 6.94 acres (far .30).
2. Monument sign approval to be held in abeyance until final plan.
3. All landscape areas are to be irrigated.
4. A sign permit must be obtained prior to installation.
5. A revised landscape plan must be submitted at final to include shrubs and a plant schedule.
6. All sign calculations, location and material shall be provided at final.
7. All downspouts are to be enclosed.
8. All roof top units must be screened from view. Screen rooftop units on 4 sides with the same skin materials as the building.
9. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
10. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
11. All alarms installed must be silent.
12. The lighting plans and fixtures must be included in the final application.
13. The trash enclosure location & material.
14. Materials board must be submitted at the time of final site plan application.
15. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat.

16. The southbound right-turn lane on Tomahawk Creek Parkway at 114th Street will be required with this phase.
17. No final site plan may be submitted for approval prior to final approval of Woods / Village Associates' design guidelines.
18. A fountain, piece of art, or donation to the Public Art fund will be required. Approval of the design and location will need to come before the Plan Commission at a later date.
19. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through nineteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Tomahawk Creek Plaza with stipulations.

Adopted by the Governing Body this 15th day of June, 1998.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1406

The Leawood City Council has considered the request for approval of preliminary site plan for Church of the Resurrection located at approximately the southeast corner of 137th and Nall and hereby finds the following:

WHEREAS, the new building is to consist of: a worship center (9,000 seats); education wing - 2 story; administration; commons area with food court; chapel; outdoor amphitheater; water feature; recreation facility - 3 courts, and;

WHEREAS, the building is to have three levels: the basement will have 77,800 square feet, the first floor consists of 220,000, and the second floor will have 102,200 square feet for a total of 399,800 square feet, and;

WHEREAS, there will be one access off of Nall, four points of access from 137th Street and three points from Roe (existing), and;

WHEREAS, a public hearing was held, and;

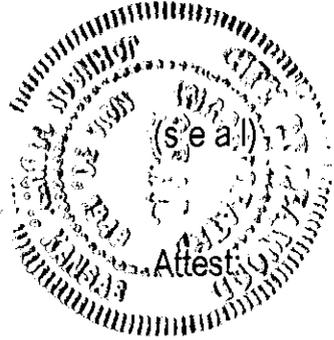
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The basement will have 77,800 square feet, the first floor consists of 220,000, and the second floor will have 102,200 square feet for a total not to exceed 399,800 square feet.
2. The use is limited to a church and those uses indicated on the plan. Any daycare facility would need to obtain a separate special use permit.
3. The church must pay a park impact fee in the amount of 10 cents per square foot of finish floor area. The new sanctuary will be exempt from this fee. The current sanctuary will be included in the figure.
4. The church is required to make all necessary road improvements as determined by the traffic study.
5. A 50 foot landscape buffer is to be provided on the south and east side of the property.
6. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
7. Materials board must be submitted at the time of final site plan application.
8. All existing wooded areas along the perimeter are to remain. The applicant is expected to clean the tree line.
9. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
10. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through ten.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the special use permit and preliminary site plan for Church of the Resurrection with stipulations.

Adopted by the Governing Body this 15th day of June, 1998.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer

City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

Date: 06-15-98

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Engineering Division, Public Works Department

Re: Church Of Resurrection Preliminary Plat & Site Plan

We have reviewed the preliminary site plan for the referenced property and would like to make the following stipulations as part of the platting requirements:

- The developer shall submit a storm drainage study for the entire development to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted. It appears that the existing Timbers Edge residential storm sewer system is inadequate to convey the proposed additional storm water run-off generated from the site (+/- 18 acres to the south). It appears that construction of an on-site detention basin is required in order to control the additional peak rate of run off generated from the site.
- The developer shall extend existing 137th Street to Nall Avenue along the north frontage of the site. The Street shall be constructed per the City of Leawood Public Improvement Construction Standards for Primary Collector Streets with 5 foot sidewalk on the both sides.
- The developer shall employ the services of a professional engineer to conduct a traffic study to determine the need for widening of Nall Avenue along the west perimeter of the site to the north plat line of Timbers Edge subdivision. The study shall take into account the traffic movements at the intersection of the proposed 137th Street and Nall Avenue. The study shall be conducted and submitted to the Engineering Division of the Public Works Department for review prior to the approval of the final plat & site plan.
- The developer shall secure an N.P.D.E.S. land disturbance permit from K.D.H.E. prior to any site grading performed.
- The developer shall employ the services of a registered professional engineer in the State of Kansas to prepare the drainage study and to handle storm water run-off generated from the site. He should also prepare construction plans for the widening of Nall Avenue as required by the study and the extension of 137th Street as well as street lighting plans along 137th Street..
- All public improvement permits for street, storm and street lighting installation plans shall be secured from the Engineering Division of the Public Works Department prior to the release of the plat for recording.

If there are any questions regarding this matter, please feel free to contact me or Bert Schnettgoecke, P.E.

Cc. Joe Johnson, Director of Public Works Department
PW Book

RESOLUTION NO. 1407

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for the City of Leawood Fire Station No. 3 located at approximately 148th and Mission Road and hereby finds the following:

WHEREAS, a public hearing was held, and

WHEREAS, the total building area measures 14,133 square feet, with an additional 828 square feet allotted for the training tower, and

WHEREAS, the drive into the park and for the fire station will be aligned with the entrance to the Pavilions of Leawood, and

WHEREAS, the 40' building setback is encroached by 8' at the southwest corner of the site, and

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

1. The building is limited to a fire station containing 14,961 square feet.
2. All landscape areas are to be irrigated.
3. Signage will be determined at final plan.
4. A revised landscape plan including number and species will be submitted at final plan.
5. All mechanical units must be screened from view.
6. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or architectural materials. This includes air conditioner units, etc.
7. Lighting standard design and location will be submitted at final plan.
8. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
9. The storm drainage system should be constructed on-site to collect storm water run-off from the parking area and the roof. The run-off should be tied into an adequate downstream storm drainage system. Hydraulic calculations for handling of the storm water run-off should be submitted to the Engineering Division of Public Works Department for review.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat with the nine Plan Commission stipulations and one additional stipulation, as follows:

1. The addition of Option B (as presented) which would provide for a stone retaining wall to mitigate light to the neighboring property staying with the additional landscaping that was in the original plan, and leaving the training tower at 38'-6".

Adopted by the Governing Body this 15th day of June, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1408

The Leawood City Council has considered the request for approval final plat of Tomahawk Creek Office Park 3rd Plat (Merrill Lynch) located at approximately the southwest corner of College Boulevard and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the plat contains one lot on 3.97 acres, and;

WHEREAS, the plat meets all platting requirements, and;

WHEREAS, there are no impact fees, and;

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

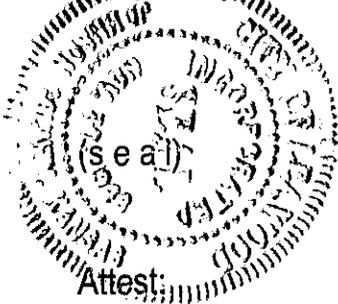
1. The building is limited to a two story structure containing 45,260 square feet on 3.97 acres.
2. The zoning of CP-1, Planned Neighborhood Retail, was to be used only for a drive-thru facility on the previously approved bank. Due to the change in use, the City of Leawood will rezone the property to CP-0, Planned Office at a later date.
3. All landscape areas are to be irrigated.
4. Existing trees and plant material must be relocated during construction.
5. A sign permit must be obtained prior to installation.
6. Detailed information regarding public art will be required prior to issuance of occupancy certificate.
7. All downspouts are to be enclosed.
8. All roof top units must be screened from view.
9. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
10. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
11. All alarms installed must be silent.
12. The lighting fixtures must meet Tomahawk Creek Office Park design criteria.
13. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
14. If the City determines the additional 25 parking spaces are needed, they must be installed immediately at the expense of the owner. All landscaping which would be removed in this process would need to be relocated adjacent to the parking spaces to be removed or adjacent to any parking area if there is no room near the removed spaces. If the City determines additional landscaping were needed to screen the view from any adjacent streets, this would be provided by the owner.

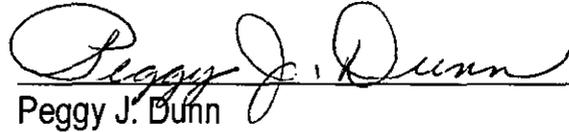
15. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat.
16. The applicant must submit public art details to Planning Staff prior to issuance of a building permit which will be submitted to the Arts Council for approval.
17. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through seventeen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Tomahawk Creek Office Park 3rd Plat with stipulations.

Adopted by the Governing Body this 6th day of July, 1998.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1409

The Leawood City Council has considered the request for approval of a final plat for Sunbridge Assisted Living Facility located at approximately on 115th Street half way between Roe and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the plat contains one lot on 3.58 acres, and;

WHEREAS, the plat meets all platting requirements, and;

WHEREAS, there are no impact fees, and;

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

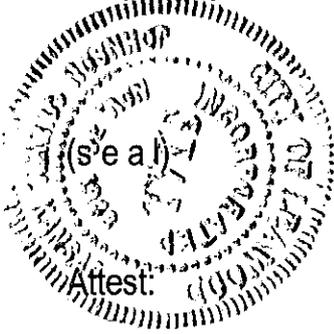
1. The building is limited to a two-story assisted living facility to contain 74,100 square feet (104 units) on 3.58 acres.
2. All landscape areas are to be irrigated.
3. A sign permit must be obtained prior to installation.
4. A revised landscape plan must be submitted to staff for review to include additional shrubs throughout the site. Parking adjacent to 115th street must be screened with evergreen shrubs.
5. Shade trees must maintain a minimum 3 inch caliper, ornamentals must maintain a minimum 2 inch caliper.
6. The monument sign will be limited to 32 square feet per side.
7. All downspouts are to be enclosed.
8. Mechanical units must be properly located and screened so that their view is completely obscured from sight.
9. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or walls. This includes air conditioner units, etc.
10. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
11. All alarms installed must be silent.
12. An irrigation system is required.
13. The photometric plans and fixtures must be provided prior to building permit.
14. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
15. The applicant must submit public art details to Planning Staff prior to issuance of a building permit which will be submitted to the Arts Council for approval.
16. A mud bond in the amount of \$5,000 is to be presented to the City prior to building permit issuance.

17. All traffic study requirements / street improvements must be completed prior to final occupancy of this project.
18. No footing or foundation permits will be issued without site grading plan being approved by Public Works.
19. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through nineteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Sunbridge Assisted Living Facility with stipulations.

Adopted by the Governing Body this 6th day of July, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1410

A RESOLUTION AMENDING RESOLUTION NO. 1238 WITH RESPECT TO THE ESTIMATED COST OF THE IMPROVEMENT AND CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET, ALL IN ACCORDANCE WITH PLANS APPROVED BY THE PETITIONERS AND THE CITY OF LEAWOOD, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ.; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, pursuant to K.S.A. 6a01 et seq. (the "Act") and a petition filed with the City Clerk of the City of Leawood, Kansas (the "City") by the owners of a majority of the area sought to be included in an improvement district described in said petition, the Governing Body by Resolution No. 1238 found and determined the advisability of the construction and improvement of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations of Nall Avenue, 119th Street, Roe and Town Center Drive from Roe to 117th, the widening of Town Center drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street, within the City of Leawood, Kansas, as more specifically described in Resolution No. 1238 (the "Town Center Improvements"), and the cost of said Town Center Improvements was estimated to be \$4,100,000.00; and

WHEREAS, plans for the Town Center Improvements were completed, bids were let and construction was commenced and is substantially complete, and the cost of the Town Center Improvements, including interest, issuance and administration costs, is now estimated to be \$4,965,000.00; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with completion of the Town Center Improvements and

provide for the issuance of general obligation bonds of the City in an amount not to exceed \$4,965,000 for the purpose of financing the costs thereof and related financing costs and for the issuance of temporary notes of the City pending the issuance of said bonds.

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

Section 1. That Resolution No. 1238 is hereby amended by deleting Section 2 thereof in its entirety and inserting in lieu thereof the following:

"Section 2. That the governing body of the City hereby finds and determines that the estimated and probable cost of the improvements, including interest, issuance and administrative costs is \$4,965,000.00."

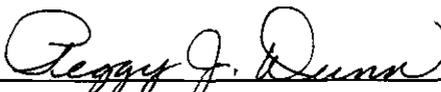
Section 2. That the Governing Body of the City hereby finds and determines that it is necessary and advisable in connection with the construction of the Town Center Improvements to provide for the issuance of general obligation bonds of the City pursuant to the Act and in the manner provided by law and that pending issuance of the bonds of the City as hereinbefore provided, and in order to pay the cost of the Town Center Improvements, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

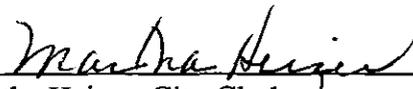
Section 3. That except as herein otherwise provided, all of the terms and provisions of Resolution No. 1238 are hereby ratified, approved and confirmed.

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

Adopted by the Governing Body this 6th day of July, 1998.




Peggy J. Dunn, Mayor


Martha Heizer, City Clerk

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

1998 OCT 16 P 3: 22.2

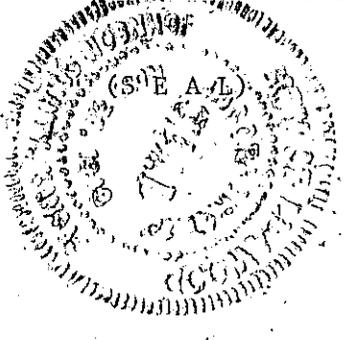
SARA F. ULLMANN
REGISTER OF DEEDS

1000

CERTIFICATE

State of Kansas
County of Johnson
City of Leawood

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the attached is a true and correct copy of Resolution No. 1410 as the same appears in my office. In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 13th day of October, 1998.



Martha Heizer

1000
CR

RESOLUTION NO. 1410

A RESOLUTION AMENDING RESOLUTION NO. 1238 WITH RESPECT TO THE ESTIMATED COST OF THE IMPROVEMENT AND CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET, ALL IN ACCORDANCE WITH PLANS APPROVED BY THE PETITIONERS AND THE CITY OF LEAWOOD, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ.; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, pursuant to K.S.A. 6a01 et seq. (the "Act") and a petition filed with the City Clerk of the City of Leawood, Kansas (the "City") by the owners of a majority of the area sought to be included in an improvement district described in said petition, the Governing Body by Resolution No. 1238 found and determined the advisability of the construction and improvement of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations of Nall Avenue, 119th Street, Roe and Town Center Drive from Roe to 117th, the widening of Town Center drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street, within the City of Leawood, Kansas, as more specifically described in Resolution No. 1238 (the "Town Center Improvements"), and the cost of said Town Center Improvements was estimated to be \$4,100,000.00; and

WHEREAS, plans for the Town Center Improvements were completed, bids were let and construction was commenced and is substantially complete, and the cost of the Town Center Improvements, including interest, issuance and administration costs, is now estimated to be \$4,965,000.00; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with completion of the Town Center Improvements and

provide for the issuance of general obligation bonds of the City in an amount not to exceed \$4,965,000 for the purpose of financing the costs thereof and related financing costs and for the issuance of temporary notes of the City pending the issuance of said bonds.

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

Section 1. That Resolution No. 1238 is hereby amended by deleting Section 2 thereof in its entirety and inserting in lieu thereof the following:

"Section 2. That the governing body of the City hereby finds and determines that the estimated and probable cost of the improvements, including interest, issuance and administrative costs is \$4,965,000.00."

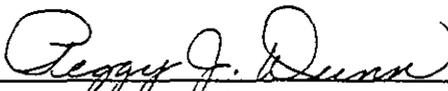
Section 2. That the Governing Body of the City hereby finds and determines that it is necessary and advisable in connection with the construction of the Town Center Improvements to provide for the issuance of general obligation bonds of the City pursuant to the Act and in the manner provided by law and that pending issuance of the bonds of the City as hereinbefore provided, and in order to pay the cost of the Town Center Improvements, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 3. That except as herein otherwise provided, all of the terms and provisions of Resolution No. 1238 are hereby ratified, approved and confirmed.

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

Adopted by the Governing Body this 6th day of July, 1998.

(S E A L)



Peggy J. Dunn, Mayor

Attest:



Martha Heizer, City Clerk

The Legal Record

213 E. Santa Fe, Suite 2
Olathe, KS 66061

RES1410

Publication Fees: \$41.60

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

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Tammy Schwien, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter (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 1410--7/7/98

Tammy Schwien

Legal Notices Administrator

Subscribed and sworn to before me on this date:

July 8, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

\$41.60

RESOLUTION NO. 1410

First published in The Legal Record, Tuesday, July 7, 1998.

RESOLUTION NO. 1410.

A RESOLUTION AMENDING RESOLUTION NO. 1238 WITH RESPECT TO THE ESTIMATED COST OF THE IMPROVEMENT AND CONSTRUCTION OF 117TH STREET FROM ITS INTERSECTION WITH TOWN CENTER DRIVE WEST TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTIONS OF NALL AND 117TH STREET, 119TH STREET AND HAWTHORNE, TOWN CENTER DRIVE AND ROE AVENUE, TOWN CENTER DRIVE AND NALL AVENUE AND 119TH STREET AT ROSEWOOD, CERTAIN UTILITY MAIN IMPROVEMENTS, BURIAL OF OVERHEAD POWER LINES, THE WIDENING AND UTILITY RELOCATIONS OF NALL AVENUE, 119TH STREET, ROE, AND TOWN CENTER DRIVE FROM ROE TO 117TH, THE WIDENING OF TOWN CENTER DRIVE FROM 117TH STREET TO NALL AVENUE, SIGNALIZATION OF THE INTERSECTION OF TOWN CENTER DRIVE AND 117TH STREET OR TOWN CENTER DRIVE AND LEAWOOD CITY HALL/LEAWOOD LIBRARY, AND THE OVERLAY OF 119TH STREET FROM ROE AVENUE TO NALL AVENUE AND ROE AVENUE FROM TOWN CENTER DRIVE TO 119TH STREET, ALL IN ACCORDANCE WITH PLANS APPROVED BY THE PETITIONERS AND THE CITY OF LEAWOOD, PURSUANT TO THE PROVISIONS OF K.S.A. 12-6a01 ET SEQ.; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO PAY THE COSTS THEREOF AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, pursuant to K.S.A. 6a01 et seq. (the "Act") and a petition filed with the City Clerk of the City of Leawood, Kansas (the "City") by the owners of a majority of the area sought to be included in an improvement district described in said petition, the Governing Body by Resolution No. 1238 found and determined the advisability of the construction and improvement of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations of Nall Avenue, 119th Street, Roe and Town Center Drive from Roe to 117th, the widening of Town Center drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street, within the City of Leawood, Kansas, as more specifically described in Resolution No. 1238 (the "Town Center Improvements"), and the cost of said Town Center Improvements was estimated to be \$4,100,000.00; and

WHEREAS, plans for the Town Center Improvements were completed, bids were let and construction was commenced and is substantially complete, and the cost of the Town Center Improvements, including interest, issuance and administration costs, is now estimated to be \$4,965,000.00; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with completion of the Town Center Improvements and provide for the issuance of general obligation bonds of the City in an amount not to exceed \$4,965,000 for the purpose of financing the costs thereof and related financing costs and for the issuance of temporary notes of the City pending the issuance of said bonds.

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

Section 1. That Resolution No. 1238 is hereby amended by deleting Section 2 thereof in its entirety and inserting in lieu thereof the following:

"Section 2. That the governing body of the City hereby finds and determines that the estimated and probable cost of the improvements, including interest, issuance and administrative costs is \$4,965,000.00."

Section 2. That the Governing Body of the City hereby finds and determines that it is necessary and advisable in connection with the construction of the Town Center Improvements to provide for the issuance of general obligation bonds of the City pursuant to the Act and in the manner provided by law and that pending issuance of the bonds of the City as hereinbefore provided, and in order to pay the cost of the Town Center Improvements, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 3. That except as herein otherwise provided, all of the terms and provisions of Resolution No. 1238 are hereby ratified, approved and confirmed.

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

Adopted by the Governing Body this 6th day of July, 1998.

(SEAL)

Peggy J. Duth
Peggy J. Duth, Mayor

Attest:

Martha Heizer
Martha Heizer, City Clerk

RESOLUTION NO. 1411

The Leawood City Council has considered the request for approval of preliminary site plat and final plat for the Church of the Resurrection located at approximately southeast corner of 137th and Nall and hereby finds the following:

WHEREAS, a special use permit and preliminary site plan has been approved, and;

WHEREAS, the plat is limited to one lot containing 45.8 acres, and;

WHEREAS, the platting of the property allows the property owner to construct 137th Street from Nall to the east, and;

WHEREAS, the first phase of development on this piece of land will need to go before the Plan Commission and Governing Body for approval prior to any construction, and;

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

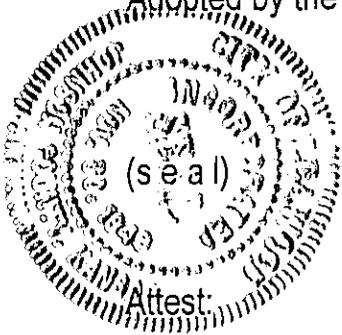
1. The plat is limited to one lot consisting of 45.8 acres.
2. The church must pay a park impact fee in the amount of 10 cents per square foot of finish floor area. The new sanctuary will be exempt from this fee. The current sanctuary will be included in the figure.
3. The church is required to make all necessary road improvements as determined by the traffic study.
4. A 50 foot landscape buffer is to be provided on the south and east side of the property.
5. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
6. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
7. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through ten.
8. The developer shall employ the services of a professional traffic engineer to conduct a traffic study to determine the need for widening of Nall Avenue along the west perimeter of the site to the north plat line of Timbers Edge subdivision. The study shall take into account the traffic movements at the intersection of the proposed 137th Street and Nall Avenue. The study shall be conducted and submitted to the Engineering Division of the Public Works Department for review prior to the first phase.
9. The developer shall employ the services of a registered professional engineer in the State of Kansas to prepare the drainage study and to handle storm water run-off generated from the site prior to first phase.

10. The developer shall employ the services of a registered professional engineer in the State of Kansas to prepare construction plans for the widening of Nall Avenue as required by the study and the extension of 137th Street as well as street lighting plans along 137th Street prior to the first phase.

WHEREAS, the developers/owners agree to these stipulations,

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

Adopted by the Governing Body this 20th day of July, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

Date: 06-15-98

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Engineering Division, Public Works Department

MP

Re: Church Of Resurrection Preliminary Plat & Site Plan

We have reviewed the preliminary site plan for the referenced property and would like to make the following stipulations as part of the platting requirements:

- The developer shall submit a storm drainage study for the entire development to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted. It appears that the existing Timbers Edge residential storm sewer system is inadequate to convey the proposed additional storm water run-off generated from the site(+/- 18 acres to the south). It appears that construction of an on-site detention basin is required in order to control the additional peak rate of run off generated from the site.
- The developer shall extend existing 137th Street to Nall Avenue along the north frontage of the site. The Street shall be constructed per the City of Leawood Public Improvement Construction Standards for Primary Collector Streets with 5 foot sidewalk on the both sides.
- The developer shall employ the services of a professional engineer to conduct a traffic study to determine the need for widening of Nall Avenue along the west perimeter of the site to the north plat line of Timbers Edge subdivision. The study shall take into account the traffic movements at the intersection of the proposed 137th Street and Nall Avenue. The study shall be conducted and submitted to the Engineering Division of the Public Works Department for review prior to the approval of the final plat & site plan.
- The developer shall secure an N.P.D.E.S. land disturbance permit from K.D.H.E. prior to any site grading performed.
- The developer shall employ the services of a registered professional engineer in the State of Kansas to prepare the drainage study and to handle storm water run-off generated from the site. He should also prepare construction plans for the widening of Nall Avenue as required by the study and the extension of 137th Street as well as street lighting plans along 137th Street..
- All public improvement permits for street, storm and street lighting installation plans shall be secured from the Engineering Division of the Public Works Department prior to the release of the plat for recording.

If there are any questions regarding this matter, please feel free to contact me or Bert Schnettgoecke, P.E.

Cc. Joe Johnson, Director of Public Works Department
PW Book

Staff Report Attachment

RESOLUTION NO. 1412

A RESOLUTION ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR AN IMPROVEMENT PROJECT WITHIN THE CITY AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE THEREOF AND PROVIDE WRITTEN NOTICE TO OWNERS OF PROPERTY OF SUCH ASSESSMENTS.

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

Construction of Old Kenneth Road between K-150 and Kenneth Parkway, improvements to consist of a 2-lane undivided roadway with concrete curb and gutter, and also including all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances,

all as more particularly described in Resolution No. 1101 adopted by the Governing Body of the City on March 15, 1993.

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

WHEREAS, said costs are to be paid entirely by assessments against property within the improvement district formed pursuant to Resolution No. 1101; and

WHEREAS, assessments to individual properties have been determined;

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

Section 1. That a public hearing shall be conducted by the Governing Body of the City of Leawood, Kansas at 7:00 o'clock p.m. on the 17th day of August, 1998 in the Council Chambers at Leawood City Hall, 4800 Town Center Drive, Leawood, Kansas, to consider proposed assessments for the cost of the improvement project hereinbefore described, the total costs of which have been determined and the proposed assessment rolls for which are hereby ordered placed on file with the office of the City Clerk and held open for public inspection.

Section 2. That the City Clerk is hereby directed to provide notice of such public hearing by publication at least once, not less than 10 days prior to such hearing in the official City newspaper, such notice to state the date, time and place of such hearing, the general nature of the improvement, the cost thereof, the 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 hereby further directed to mail to the owners of the property proposed to be made liable for such assessments at their last known post office address, a notice of the hearing and a statement of the costs proposed to be assessed against the land owned and assessed.

Adopted by the Governing Body of the City of Leawood, Kansas on this 20th day of July, 1998.



Peggy J. Dunn
Peggy J. Dunn, Mayor

Martha Heizer
Martha Heizer, City Clerk

RESOLUTION NO. 1413

A RESOLUTION ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR AN IMPROVEMENT PROJECT WITHIN THE CITY AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE THEREOF AND PROVIDE WRITTEN NOTICE TO OWNERS OF PROPERTY OF SUCH ASSESSMENTS.

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

The construction of 117th Street from its intersection with Town Center Drive west to Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue, and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, the widening and utility relocations on Nall Avenue, 119th Street, Roe, and Town Center Drive from Roe to 117th, the widening of Town Center Drive from 117th Street to Nall Avenue, and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue to 119th Street,

all as more particularly described in Resolution No. 1238 adopted by the Governing Body of the City on May 15, 1995; and

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

WHEREAS, said costs are to be paid in part by assessments against property within the improvement district formed pursuant to Resolution No. 1238; and

WHEREAS, assessments to individual properties have been determined;

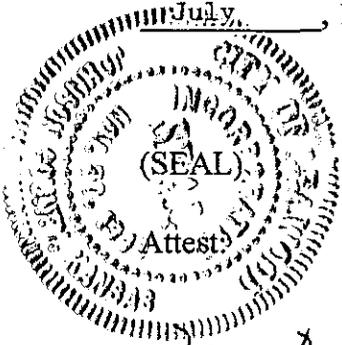
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Leawood, Kansas, as follows:

Section 1. That a public hearing shall be conducted by the Governing Body of the City of Leawood, Kansas at 7:00 o'clock p.m. on the 17th day of August, 1998 in the Council Chambers at Leawood City Hall, 4800 Town Center Drive, Leawood, Kansas, to consider proposed assessments for the cost of the improvement project hereinbefore described, the total costs of which have been determined and the proposed assessment rolls for which are hereby ordered placed on file with the office of the City Clerk and held open for public inspection.

Section 2. That the City Clerk is hereby directed to provide notice of such public hearing by publication at least once, not less than 10 days prior to such hearing in the official City newspaper, such notice to state the date, time and place of such hearing, the general nature of the improvement, the cost thereof, the 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 hereby further directed to mail to the owners of the property proposed to be made liable for such assessments at their last known post office address, a notice of the hearing and a statement of the costs proposed to be assessed against the land owned and assessed.

Adopted by the Governing Body of the City of Leawood, Kansas on this 20th day of July, 1998.



Peggy J. Dunn
Peggy J. Dunn, Mayor

Martha Heizer
Martha Heizer, City Clerk

RESOLUTION NO. 1414

The Leawood City Council has considered the request for approval of preliminary site plan for Leawood Commons Lot 9 located at approximately 113th and Ash and hereby finds the following:

WHEREAS, the building consists of 3,885 square feet, and;

WHEREAS, the basement consists of a total of 300 square feet for storage, and;

WHEREAS, the plan includes a 5' encroachment into the western landscape easement, and;

WHEREAS, the trash enclosure to the south on the Dialysis Center property will be shared by this property owner, but must be improved (cast stone cap and iron gates) prior to final occupancy, and;

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

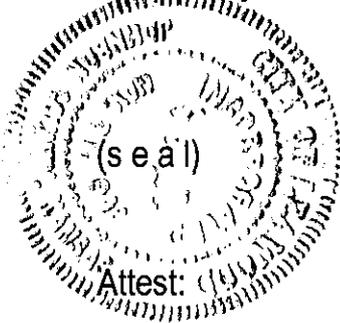
1. The building will be of single story design and limited to 3,885 square feet of occupied space;
2. The basement storage area will be limited to 300 square feet;
3. All ground based mechanical units will be screened entirely from view with some type of material that would be compatible with the exterior materials of the building;
4. The shared trash dumpster with The Dialysis Center will be reconstructed with a painted metal gate and stone cap accent. A letter must be provided by the Dialysis Center agreeing to the shared use prior to final plan application. The letter provided shall be in the form of a recordable easement which was permanent and couldn't be rescinded or revoked to run with the land in case the Dialysis Center changed ownership;
5. Trash pick-up will be limited to hours between 7:00 AM and 10:00 PM;
6. A revised landscape plan, including number, size, and species, will be submitted at final;
7. All landscape areas are to be irrigated;
8. A sign permit must be obtained prior to installation;
9. All downspouts are to be enclosed;
10. All alarms installed must be silent;
11. All utility boxes on the interior of the lot or near the building are to be screened with landscaping;
12. A lighting plan with fixture descriptions and footcandle measurements must be submitted at final application;

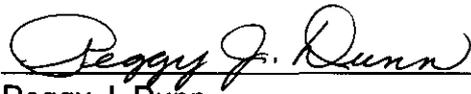
13. All materials and signage will conform to the Leawood Commons Development guidelines;
14. Any changes or modifications to the approved plan will require resubmission to the Plan Commission for approval;
15. All roof penetrations shall be screened from view or shall be same color of the roof;
16. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through sixteen.

WHEREAS, the developers/owners agree to these stipulations,

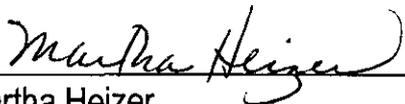
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan for Leawood Commons Lot 9 with stipulations.

Adopted by the Governing Body this 3rd day of August, 1998.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

CITY OF LEAWOOD

RESOLUTION NO. 1415

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, CONSENTING TO THE ENLARGEMENT OF CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS, BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO JOHNSON COUNTY CHARTER RESOLUTION NO. 29-92.

WHEREAS, there comes before the Governing Body for the City of Leawood, Kansas, the matter of the enlargement of Consolidated Main Sewer District of Johnson County, Kansas. The tract to be included within the sewer district governed by the County is described on Exhibit "A" attached hereto and made a part of this Resolution. The provisions of Charter Resolution No. 29-92, Johnson County, Kansas, and any amendments thereto, provide that when any such sewer district extends into the city limits of any incorporated city, the Board of County Commissioners shall not have power to create or extend such sewer district within the city limits without consent of the governing body of the city:

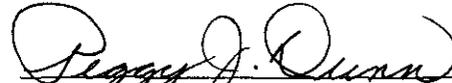
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS., that the City does hereby consent that the property shown and described on Exhibit "A" be included within a sewer district which is governed by the Board of County Commissioners of Johnson County, Kansas.

ADOPTED by the Governing Body this 17th day of August, 1998.

APPROVED AND SIGNED by the Mayor this 17th day of August, 1998.



City of Leawood, Kansas

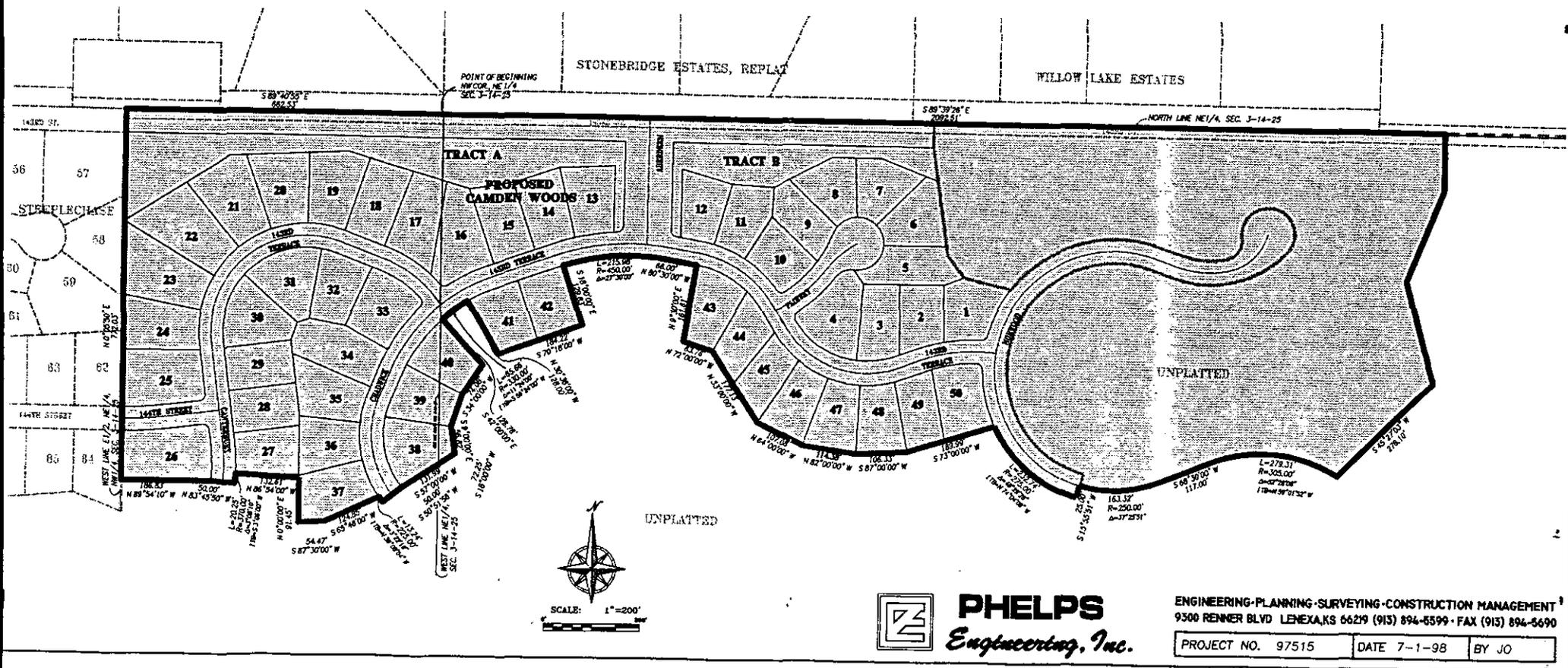
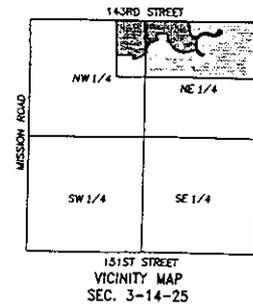

Peggy J. Dunn, Mayor

ATTEST:


Martha Heizer, City Clerk

EXHIBIT "A"
ENLARGEMENT TO
BR7, L.S.D. NO. 4
SEC. NO. 1

PART OF THE N 1/2, SEC. 3-14-25
LEAWOOD, JOHNSON COUNTY, KANSAS



PHELPS
Engineering, Inc.

ENGINEERING-PLANNING-SURVEYING-CONSTRUCTION MANAGEMENT
 9300 RENNER BLVD LENEXA, KS 66219 (913) 894-6599 • FAX (913) 894-6690

PROJECT NO. 97515 DATE 7-1-98 BY JO

RESOLUTION NO. 1416

The Leawood City Council has considered the request for approval of a final plat for Village at Ironhorse located at approximately 151st and Linden and hereby finds the following:

WHEREAS, the plat contains 51 lots on 22.77 acres, and;

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

WHEREAS, the developer has signed all necessary agreements, and;

WHEREAS, the developer has paid the outstanding golf course invoices as required, and;

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

1. The project is limited to 51 lots on 22.77 acres.
2. The applicant is required to pay a South Leawood Transportation Impact fee in the amount of \$1015.63 per acre (22.77 x \$1015.63 = \$23,125.90).
3. The applicant is responsible for \$130 per front foot for 151st Street.
4. All landscape areas are to be irrigated and will be maintained by the Homes Association.
5. The final plat will be corrected to include all landscape islands as shown on the final site plan.
6. The final plat will be corrected to reflect the appropriate Plan Commission chair and to rename Cedar street to Linden.
7. A corrected landscape plan, with street trees shown at 40 foot intervals, will be submitted prior to application for building permits. Street trees must maintain a minimum 5 foot separation from the curb of the street.
8. A sidewalk plan will be submitted prior to application for a building permit.
9. A sign and building permit will be obtained prior to installation of the monument sign.
10. No direct access shall be granted to 151st Street from any lot.
11. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
12. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat. A grading plan must be submitted to and approved by public works prior to any construction activity on the site.
13. The 10' side yard setback is to be met per the Leawood Development Ordinance.
14. A 25 foot front yard setback is approved to enable the developer to give a varied streetscape.

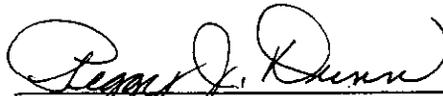
15. A continuous wrought iron fence similar to that already existing on the golf course shall be installed on the **property line, without gates** thus preventing access to the golf course, and maintained by the developer or homes association.
16. The Covenants are to address that those buying on the golf course are aware of the known risk of being on a golf course and are agreeing to hold the City of Leawood harmless for any damage from any normal activity associated with the golf course including but not limited to any errant golf balls.
17. The applicant shall not record the final plat until we have compliance with the terms of the agreement between the City of Leawood and Village Development, L.L.C. concerning a gas transmission pipeline easement.
18. Prior to recording the final plat the subdivision deed restrictions shall be submitted for review and acceptance by the City concerning the section addressing the 25' golf course easement.
19. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations 1 through 18.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Village at Ironhorse with stipulations.

Adopted by the Governing Body this 17th day of August, 1998.




Peggy J. Dunn

Mayor


Martha Heizer

City Clerk

Date: November 11, 1997

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Special Projects Engineer,
Engineering Division, Public Works Department

Re: Preliminary Plat Review Comments for:
Village at Ironhorse in the vicinity of 151st Street and Linden Avenue

Dear Robert:

The Engineering Division of the Public Works Department has reviewed the preliminary plat for the referenced location and would like to make the following stipulations as part of the platting process:

- Local interior streets shall be constructed per the City of Leawood Public Improvement Construction Standards for Urban Residential Streets. That is 26 foot back to back of curb with 22 foot wide pavement section.
- The developer shall submit a storm drainage study for the entire development to the Engineering Division of Public Works Department for approval at the time the first final plat is submitted. Existing storm sewer system under 151st Street shall be extended to the south through-out the proposed subdivision per APWA Section 5600 requirements. The hydraulic and hydrologic effects of the proposed storm sewer extension on the downstream properties shall be addressed in the study.
- There can only be 30 foot of gas line easement dedicated on the plat as shown. Therefor, the plat should be corrected to reflect the proposed 30 foot gas line easement.
- Tract H within 80 foot of right-of-way shall be constructed so that it will provide a minimum 20 foot wide lane on the both sides excluding curb and gutter(12 foot wide traffic lane with 8 foot wide parking lane) per APWA Section 5200, AASHTO geometric design requirements.
- All public Improvements for the Street and Storm Sewer construction plans shall be prepared per The City of Leawood and the APWA Standard Specifications And Design Criteria.

- Street and Storm sewer construction plans shall be submitted to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted.
- The developer shall employ the services of a registered professional engineer in the State of Kansas to prepare the drainage study and the public improvement plans.

If you have any questions regarding this matter, please feel free to contact me in my office at x132.

cc: Joe Johnson, P.E., Director of Public Works
Diane Brooks, Senior Planner, Planning & Development Department
Village at Ironhorse (PW Subdivision Files)
PW Book

RESOLUTION NO. 1417

The Leawood City Council has considered the request for approval of revised preliminary site plan for Canyon Café located at approximately the northeast corner of 117th and Roe Avenue and hereby finds the following:

WHEREAS, the zoning for the property is CP-1, Planned Neighborhood Retail, and it allows for the construction of a sit down restaurant, and;

WHEREAS, this proposed facility is substantially less square feet than approved in the preliminary site plan for the Town Center Business Park, and;

WHEREAS, the plan meets all performance standards, and;

WHEREAS, the applicant and property owner have agreed to meet all the public works requirements related to the creek and street improvements, and;

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

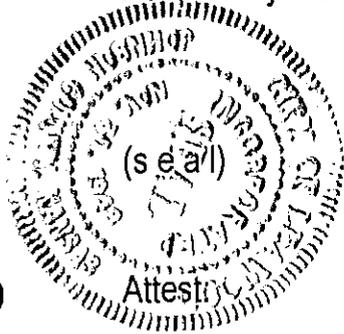
1. Prior to final site plan approval, the Developers of Town Center Business Park must submit final grading and drainage plans to the Public Works Department.
2. The building is limited to a one story restaurant with patios to contain 7,600 square feet.
3. All downspouts are to be enclosed.
4. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or a decorative wall.
5. All landscape areas are to be irrigated.
6. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
7. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
8. The retaining wall on the north side of the property shall be terraced to provide planting areas. A detailed elevation of the wall including materials shall be provided at final.
9. A revised landscape plan is required at the time of final plan.
10. A revised final plat is required.
11. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through fifteen.
12. A total of three wall signs are allowed.

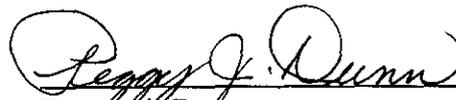
13. The use of outdoor music and paging system must be reviewed at the time of final plan.
14. The applicant is required to adhere to all public works comments, as stated in the letter to Mr. Schmidt of Schlagel and Schmidt engineers, dated July 24, 1998.
15. The applicant is required to submit adequate renderings and sections at the time of final depicting roof top units.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the revised preliminary site plan for Canyon Café with stipulations.

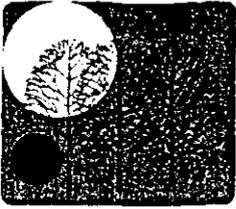
Adopted by the Governing Body this 17th day of August, 1998.




Peggy J. Dunn

Mayor


Martha Heizer City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

July 24, 1998

Mr. Fred Schmidt, P.E.
Schlagel & Schmidt, P.A.
12201 West 88th Street
Lenexa, Kansas 66215

Re: Canyon Café Storm Drainage Study

Dear Mr. Schmidt:

This letter is to confirm our comments discussed on July 8, 1998 for the above referenced project. Comments on the storm drainage study were as follows.

- The study needs to be tied down to the site development plans. The rise in 100 year water surface elevation shall be established by this study across the site as well as upstream and downstream of this development. Cross sections shall be taken along the creek to indicate the rise in the 100-year flood elevation.
- Roe Avenue should not be flooded in the event of a 100-year storm.
- 100-year flood elevations or water surface elevations shall be determined for the proposed properties to the east of the site so that a minimum basement floor elevation can be established for the future development.
- A drainage area map along with the proposed site grading plan shall be submitted with this study.
- Your submittal should include all the required calculations, charts, tables, Phelps Engineering Drainage Area Maps, etc. in a binder format for our review and approval.

If you should have any questions in this matter, please feel free to call me at extension 132.

Sincerely,

Shahram Pourazari
Shahram Pourazari, P.E.
Special Projects Engineer

RESOLUTION NO. 1418

The Leawood City Council has considered the request for approval of Town Village Leawood located on 115th Street half way between Roe and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the building is to be 254,007 square feet on 9.1 acres (.69 far) and a maximum height of 3-4 stories, and;

WHEREAS, all the performance standards have been met, and;

WHEREAS, there are no impact fees required of the property, and;

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

1. The building is limited to a four-story assisted living facility to contain 254,007 square feet (232 units) on 9.1 acres.
2. All landscape areas are to be irrigated.
3. More detailed sign information must be presented at final. The monument sign will be limited to 50 square feet per side.
4. A revised landscape plan must be submitted at final to include additional shrubs and a detailed plant schedule.
5. All downspouts are to be enclosed.
6. Detail of mechanical units, including location, size, and duct work, must be submitted at the time of final approval.
7. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or walls. This includes air conditioner units, etc.
8. The trash enclosure must be relocated and more detailed information regarding the materials must be provided at final.
9. All alarms installed must be silent.
10. The lighting plans and fixtures must be included in the final application.
11. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
12. No final site plan may be submitted for approval prior to final approval of Woods / Village Associates' design guidelines. The applicant will be required to meet with all design guidelines.
13. No final site plan may be submitted for approval prior to final review the of Woods / Village Associates' traffic study.
14. A fountain, piece of art, or donation the Public Art fund will be required. Approval of the design and location will need to come before the Plan Commission and Arts Council at a later date.

15. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
16. Parking will be land banked. If parking becomes a problem after occupation of the building, the developer will be responsible for construction of additional parking to service the facility.
17. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through seventeen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the Town Village Leawood preliminary site plan and preliminary plat with stipulations.

Adopted by the Governing Body this 17th day of August, 1998.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer

City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

Date: June 17, 1998

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Special Projects Engineer, *SP*
Engineering Division, Public Works Department

Re: Preliminary Site Plan Review Comments for
Town Village of Leawood (Case No. 55-98)

The Engineering Division of the Public Works Department has reviewed the preliminary site plan for the referenced project and would like to make the following stipulations as part of the platting process.

- The developer shall submit a storm drainage study for the entire development to the Engineering Division of Public Works Department for approval when the first final plat is submitted. Existing and proposed storm sewer systems shall be analyzed and designed per APWA Section 5600 requirements. The hydraulic and hydrologic effects of the proposed development on downstream properties and existing storm sewer systems shall be addressed in the study. It appears the existing storm drainage system on 115th Street was not designed to handle runoff from the site as depicted by existing contours.
- The storm drainage study shall determine if on-site detention facilities are required. The study shall be prepared by a registered professional engineer in the State of Kansas. The study shall be submitted in report format with appropriate text, tables, and exhibits.
- The developer shall design and locate on- site drainage improvements in accordance with the Master Plan Watershed Study for Tomahawk Creek Parkway. Off-site runoff from the north and west shall be conveyed to the existing 24-inch storm sewer. Calculations shall be submitted indicating the existing 24-inch sewer is adequate to handle the runoff. Runoff conveyed to the northeast corner of the development shall be piped to the proposed storm sewers serving the Sunbridge development to the east per the Master Plan Watershed Study.

- The site plan shall be revised to show area outside the perimeter of the development for a minimum of 100 feet.
- The proposed drives in the center of the site do not comply with City Standards. City Standards require a minimum of 150 feet between curb returns. Islands are not permitted within the right-of-way.
- The developer shall secure an N.P.D.E.S. land disturbance permit from K.D.H.E. prior to any site grading.
- The north and south drives are currently shown to be 20 feet wide (back to back). City construction standards require all commercial drives to be a minimum of 24 feet wide (back to back).
- The developer shall submit a traffic impact study addressing traffic issues when Tomahawk Creek Parkway is fully developed.
- All public improvement construction plans shall be prepared per The City of Leawood and the APWA Standard Specifications and Design Criteria.
- All public improvement construction plans shall be submitted to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted.
- All public improvement permits shall be secured from the Engineering Division of the Public Works Department prior to the release of the plat for recording.

If you have any questions regarding this matter, please feel free to contact me or Bert Schnettgoecke, P.E..

cc: Joe Johnson, P.E., Director of Public Works
PW Book

RESOLUTION NO. 1419

The Leawood City Council has considered the request for approval of final plat for Tomahawk Creek Plaza located at approximately 114th and Tomahawk Creek Office Park and hereby finds the following:

WHEREAS, the property is zoned CP-0, Planned Office, and;

WHEREAS, the "L" shaped, 93,500 square foot building sits on 6.94 acres for an FAR of .309, and;

WHEREAS, the building and design meets all performance standards of the Leawood Development Ordinance, and;

WHEREAS, no impact fees are required of this property due to the donation of land from the original property owner, and

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

1. The building is limited to a three story office building to contain 93,500 square foot office building on 6.94 acres (far .309).
2. A variance is granted allowing two monument signs.
3. All man made landscape areas are to be irrigated (preservation easement excluded).
4. Interior sidewalks must connect to the public sidewalks along 114th Street. A revised plan must be submitted to Planning Staff prior to issuance of a building permit.
5. A sign permit must be obtained prior to installation. The monument sign will be a maximum 50 square feet.
6. All downspouts are to be enclosed.
7. All roof top units must be screened from view.
8. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
9. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
10. All alarms installed must be silent.
11. The applicant must obtain all approvals and permits from the Public Works Department, prior to the issuance of a building permit.
12. The southbound right-turn lane on Tomahawk Creek Parkway at 114th Street will be required prior to issuance of a certificate of occupancy.
13. The applicant must submit public art details to the Plan Commission and Arts Council for approval.

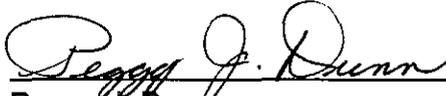
14. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through fourteen.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Tomahawk Creek Plaza with stipulations.

Adopted by the Governing Body this 8th day of September, 1998.




Peggy J. Dunn Mayor


Martha Heizer City Clerk

RESOLUTION NO. 1420

The Leawood City Council has considered the request for approval of the final plat of Hazelwood 3rd Plat, located at 119th and Pawnee and hereby finds the following:

WHEREAS, this property is in the southwest corner of the site, and;

WHEREAS, the plat contains 4 lots and two tracts (tracts E & H) on 4.38 acres, and;

WHEREAS, the property is zoned R-1, and

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

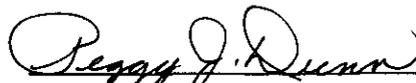
1. All streets are to be public.
2. All 22' wide streets will restrict parking to only one side and will be marked as such.
3. The plat is limited to 4 lots and 2 tracts on 4.38 acres.
4. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required.
5. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat.
6. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through six.

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 Hazelwood, 3rd Plat, with stipulations.

Adopted by the Governing Body this 8th day of September, 1998.




Peggy J. Dunn

Mayor

Attest:


Martha Heizer
City Clerk

RESOLUTION NO. 1421

The Leawood City Council has considered the request for approval of the final plat of Hazelwood 4th Plat, located at 119th and Pawnee and hereby finds the following:

WHEREAS, this property is in the northeast corner of the site, and;

WHEREAS, the plat contains 9 lots on 7.48 acres, and;

WHEREAS, the property is zoned R-1, and

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

1. All streets are to be public.
2. All 22' wide streets will restrict parking to only one side and will be marked as such.
3. The plat is limited to 9 lots on 7.48 acres.
4. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required.
5. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat.
6. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through six.

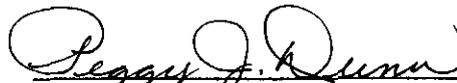
WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat of Hazelwood, 4th Plat, with stipulations.

Adopted by the Governing Body this 8th day of September, 1998.



Attest:


Peggy J. Dunn

Mayor


Martha Heizer
City Clerk

RESOLUTION NO. 1422

A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF LEAWOOD TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATIONS FOR USE OF TRANSPORTATIONS ENHANCEMENT FUNDS SET FORTH BY THE FEDERAL TRANSPORTATION EQUITY ACTO FOR THE 21ST CENTURY FOR THE "TOMAHAWK CREEK BIKE TRAIL" PROJECT IN CITY OF LEAWOOD AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION.

WHEREAS, the City of Leawood, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies; and

WHEREAS, the City of Leawood, Kansas, desires to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, the City of Leawood, Kansas, is participating in the Kansas Department of Transportation's Transportation Enhancement Program set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, Federal monies are available under a transportation enhancement program set forth by the Federal Transportation Equity Act for the 21st Century, administered by the State of Kansas, Department of Transportation, for the purpose of Historic, Scenic and Environmental, and Pedestrian and Bicycle projects; and

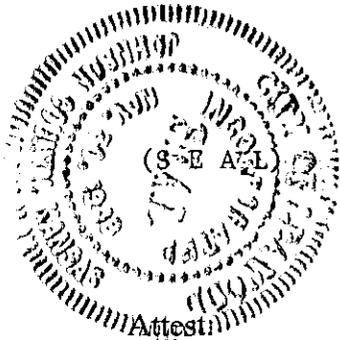
WHEREAS, After appropriate public input and due consideration, the Governing Body of City of Leawood, Kansas has recommended that an application be submitted to the State of Kansas for the "Tomahawk Creek Bike Trail" project.

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

SECTION 1. That the City of Leawood, Kansas does hereby authorize the Mayor to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century on behalf of the citizens of the City of Leawood, Kansas.

SECTION 2. That the City of Leawood, Kansas hereby assures the Kansas Department of Transportation that sufficient funding for the construction of the "Tomahawk Creek Bike Trail" project is available.

Adopted by the governing body this 8th day of September, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

**TRANSPORTATION ENHANCEMENT PROJECT
PEDESTRIAN AND BICYCLE FACILITIES CATEGORY
APPLICATION FORM
FISCAL YEARS 1999 and 2000**

DATE: September 16, 1998

REQUESTOR: William R. Maasen

**PROJECT
LENGTH:** One Mile

GOVERNMENT AGENCY: Johnson Co. Park & Rec. Dist. **COUNTY:** Johnson

PROJECT LOCATION: Beginning at Hawthorn Park near 119th and Roe and heading southwest along Tomahawk Creek to the intersection of the stream and Mall Avenue

PROJECT DESCRIPTION: Construct one mile of 10 foot wide asphalt multi-use trail with one pedestrian bridge over a tributary of Tomahawk Creek to connect this portion of the two Cities together via trail.

COST ESTIMATE:

Construction Cost:	\$ <u>225,000</u>	<u>William R. Maasen</u> Applicant's Contact Person
Right-of-Way Cost:	\$ <u>25,000</u>	
Utility Adjustment Cost:	\$ <u>2,000</u>	<u>Land Acquisition Specialist</u> (Title)
Construction Engineering:	\$ <u>37,000</u>	<u>Johnson County Park & Recreation District</u>
1998 TOTAL PROJECT COST:	\$ <u>289,000</u>	
Inflation Factor	X 1.073	<u>7900 Renner Road Shawnee KS 66219</u> (Mailing Address)
2000 TOTAL PROJECT COST:	\$ <u>310,097</u>	<u>Phone No. (913) 438-7275</u>
TOTAL REQUESTED FROM STATE:	\$ <u>232,573</u>	
BALANCE (Local Cost *)	\$ <u>77,521</u>	<u>Applicant's Signature</u>
* Minimum of 20% 25 Percent Match		Send Request to:

Paul Ahlenius, P.E.
Program Management Engineer
Kansas Dept. of Transportation
Docking State Office Bldg, Rm 711N
915 SW Harrison
Topeka, KS 66612-1568

Please check if this proposal also contains:

- Scenic & Environmental items
- Historic items

RESOLUTION NO. 1423

A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF LEAWOOD TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATIONS FOR USE OF TRANSPORTATIONS ENHANCEMENT FUNDS SET FORTH BY THE FEDERAL TRANSPORTATION EQUITY ACTO FOR THE 21ST CENTURY FOR THE "INDIAN CREEK BIKE TRAIL" PROJECT IN CITY OF LEAWOOD AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION.

WHEREAS, the City of Leawood, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies; and

WHEREAS, the City of Leawood, Kansas, desires to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, the City of Leawood, Kansas, is participating in the Kansas Department of Transportation's Transportation Enhancement Program set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, Federal monies are available under a transportation enhancement program set forth by the Federal Transportation Equity Act for the 21st Century, administered by the State of Kansas, Department of Transportation, for the purpose of Historic, Scenic and Environmental, and Pedestrian and Bicycle projects; and

WHEREAS, After appropriate public input and due consideration, the Governing Body of City of Leawood, Kansas has recommended that an application be submitted to the State of Kansas for the "Indian Creek Bike Trail" project.

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

SECTION 1. That the City of Leawood, Kansas does hereby authorize the Mayor to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century on behalf of the citizens of the City of Leawood, Kansas.

SECTION 2. That the City of Leawood, Kansas hereby assures the Kansas Department of Transportation that sufficient funding for the construction of the "Indian Creek Bike Trail" project is available.

Adopted by the governing body this 8th day of September, 1998.



Peggy J. Dunn
Peggy J. Dunn Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

TRANSPORTATION ENHANCEMENT PROJECT
PEDESTRIAN AND BICYCLE FACILITIES CATEGORY
APPLICATION FORM
FISCAL YEARS 1999 and 2000

DATE: September 16, 1998

REQUESTOR: William R. Maasen

PROJECT LENGTH: One Mile

GOVERNMENT AGENCY: Johnson Co. Park & Recreation COUNTY: Johnson

PROJECT LOCATION: Beginning at the Leawood City Park near Lee Boulevard and heading east along Indian Creek to State Line.

PROJECT DESCRIPTION: Construct a one-mile multi-use trail along Indian Creek in Leawood out of a mixed trail surface of asphalt and concrete.

COST ESTIMATE: Current 1998 Cost

Construction Cost:	\$ <u>215,000</u>	<u>William R. Maasen</u> Applicant's Contact Person
Right-of-Way Cost:	\$ <u>25,000</u>	<u>Land Acquisition Specialist</u> (Title)
Utility Adjustment Cost:	\$ <u>5,000</u>	<u>Johnson Co. Park & Recreation District</u>
Construction Engineering:	\$ <u>35,000</u>	<u>7900 Renner, Shawnee KS 66219</u> (Mailing Address)
1998 TOTAL PROJECT COST:	\$ <u>280,000</u>	Phone No. (<u>913</u>) <u>438-7275</u>
Inflation Factor	X <u>1.073</u>	<u>Applicant's Signature</u>
2000 TOTAL PROJECT COST:	\$ <u>300,440</u>	
TOTAL REQUESTED FROM STATE:	\$ <u>225,330</u>	
BALANCE (Local Cost *)	\$ <u>75,110</u>	
* Minimum of 20% 25% match		

Send Request to:

Paul Ahlenius, P.E.
Program Management Engineer
Kansas Dept. of Transportation
Docking State Office Bldg, Rm 711N
915 SW Harrison
Topeka, KS 66612-1568

Please check if this proposal also contains:

- Scenic & Environmental items
- Historic items

home. Public Works recommended approval of the blasting application. Councilmember Taylor moved to approve the blasting application, seconded by Rasmussen. Public Works hadn't heard any further from the resident. Blasting was the fastest method to remove rock. The blasting company had met all of the City's requirements. In response to Councilmember Bussing, City Attorney Wetzler said that someone could sue the City if damage occurred, but he didn't feel there would be any exposure on the part of the City as a result of the Council's approval of the application. Mr. Taylor's motion carried unanimously.

7118 11:00 P.M. On motion of Taylor, seconded by Dunn, Council voted unanimously to extend the meeting to 11:30 P.M.

7136 **Resolution No. 1422, attached as part of the record, declaring the eligibility of the City of Leawood to submit an application to KDOT for use of transportation enhancement funds for the "Tomahawk Creek Bike Trail" project.** Councilmember Clawson moved to adopt the resolution, seconded by Bold. Parks & Recreation Director Whitaker explained that the County, not the City, would be committing funds at this time. The City had a verbal agreement with the County that the City in the year 2000 would pay 5% of the trail system from Leawood City Park to State Line Rd. (about \$15,000) and 1% of the system from Roe to Nall (about \$3,100). Mr. Whitaker said that the City wouldn't accept the enhancement funds when they became available if Overland Park hadn't acquired some land in Overland Park northeast of Leawood's Nall Park for part of the trail system. The City of Overland Park was also considering a similar resolution at their Council meeting. The Mayor said that the resolution would merely allow the County to submit an application for funding. Motion to adopt the resolution carried unanimously.

7257 **Resolution No. 1423, attached as part of the record, declaring the eligibility of the City of Leawood to submit an application to KDOT for use of transportation enhancement funds for the "Indian Creek Bike Trail" project.** Councilmember Taylor moved to adopt the resolution, seconded by Rasmussen. Motion carried unanimously.

7423 11:05 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer, City Clerk

RESOLUTION NO. 1424

The Leawood City Council has considered the request for approval of preliminary site plan for the City of Leawood Fire Station No. 3 located at approximately 148th and Mission Road and hereby finds the following:

WHEREAS, the total building area measures 14,133 square feet, with an additional 828 square feet allotted for the training tower, and;

WHEREAS, the drive for the fire station will be aligned with the entrance to the Pavilions of Leawood, and;

WHEREAS, the 40' building setback is encroached by 8' at the southwest corner of the site, and;

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

1. The building is limited to a fire station containing 14,961 square feet.
2. All landscape areas are to be irrigated.
3. Signage will be determined at final plan.
4. A revised landscape plan including number and species will be submitted at final plan.
5. All mechanical units must be screened from view.
6. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or architectural materials. This includes air conditioner units, etc.
7. Lighting standard design and location will be submitted at final plan.
8. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
9. The storm drainage system should be constructed on-site to collect storm water run-off from the parking area and the roof. The run-off should be tied into an adequate downstream storm drainage system. Hydraulic calculations for handling of the storm water run-off should be submitted to the Engineering Division of Public Works Department for review.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan with the Plan Commission stipulations.

Adopted by the Governing Body this ^{21st mh} ~~20~~ day of September, 1998.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer
City Clerk

RESOLUTION NO. 1425

The Leawood City Council has considered the request for approval of rezoning from SD-O to CP-O, preliminary site plan, and preliminary plat for the Town Center Plaza located at approximately the southeast corner of Nall and Town Center Drive and hereby finds the following:

WHEREAS, the preliminary plat contains approximately 29.3 acres consisting of a 6.0 acres Linear Park/Public Open Space, 17.34 acres to be devoted to office, and 5.93 acres being devoted to the hotel site, and;

WHEREAS, the development contains a 350 room hotel, three 6-story office buildings with 150,000 square foot each, two 4-story office buildings with 100,000 square foot each, one 5-level parking garage, and two 4-level parking garages, and;

WHEREAS, total building coverage in a CP-0 zoning is 25%, and this plan is at 25% coverage, and;

WHEREAS, open space is in excess of the minimum 25%, and;

WHEREAS, the 25' parking setback is met on all sides of the development, and;

WHEREAS, the hotel height variance must be approved by the Board of Zoning Appeals, and;

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

1. The project is limited to the following on 29.3 acres:

- Hotel (350 Rooms) - 259,500 sq. feet @ 12 levels (height is equal to approximately a 9 story office building);
- Office Bldg. A - 100,000 sq. feet @ 4 levels;
- Office Bldg. B - 165,000 sq. feet @ 6 levels;
- Office Bldg. C - 165,000 sq. feet @ 6 levels;
- Office Bldg. D - 100,000 sq. feet @ 4 levels;
- Building E - 20,000 sq. feet @ 2 levels;

Total square footage = 550,000 sq. feet office;
259,500 sq. feet hotel.

- The one story restaurant would be integral with one of the six planned buildings A through E and /or the hotel but not a free standing structure. In addition to buildings A through E and the hotel there are parking structures A & B, and the hotel sub-surface parking which is integral. Parking structure A to be 4 levels (870 spaces) in total; parking structure B to be 3 levels (570 spaces) in total; Two sub-surface levels of parking containing 720 spaces will be provided on the hotel property. Surface parking of 760 spaces will also be required.
2. The following improvements have been identified in the traffic engineer's report:
- The additional Nall lane at 117th Street and the northbound half of Nall would extend to Town Center Drive.
 - 25% of the cost of a signal at the intersection of 117th and Nall.

- Northbound right-turn lane on Nall Avenue at hotel driveway (150 feet long plus 120-foot taper).
- Northbound right-turn lane on Nall Avenue at Town Center Drive (150-foot long plus 120-foot taper).
- Southbound left-turn lane on Nall Avenue at Town Center Drive (lengthen to be 300 feet long plus reverse-curve taper).
- Westbound left-turn lane on Town Center Drive at east site driveway (150 feet long plus reverse-curve taper).
- Westbound left-turn lane on Town Center Drive at Nall Avenue (300 feet long plus reverse curve taper).
- Eastbound right-turn lane on town Center Drive at west site driveway (100 feet long plus 120-foot taper).
- Eastbound right-turn lane on Town center Drive at east site driveway (100 feet long plus 120-foot taper).
- Eastbound left-turn lane on Town Center Drive at Roe Avenue (length to be 300 feet long plus reverse-curve taper).
- Westbound right-turn lane on 117th Street at Nall Avenue.
- Northbound right-turn lane on 117th Street at Town Center Drive (and mark through and left-turn lanes on the same approach).
- Second northbound left-turn lane on Nall Avenue at Town Center Drive.
- Second southbound left-turn lane on Nall Avenue at Town Center Drive.
- Second eastbound left-turn lane on 115th Street at Nall Avenue.
- Second westbound left-turn lane on Town Center Drive at Nall Avenue.
- Southbound right-turn lane on Roe Avenue at Town Center Drive.
- Southbound right-turn lane on Tomahawk Creek Parkway at 117th Street.

The responsibility of the developer for the aforementioned improvements shall be evaluated and established by the traffic engineer for each phase of the development. Shared cost, if any, shall be determined at that time with actual impacts and associated costs assessed to the development(s).

3. The 6.33 acre park is to be constructed during the first phase. This park will be private land and the park-like setting will be maintained in perpetuity by the developer.
4. All landscape areas are to be irrigated.
5. All roof top units must be screened from view.
6. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.
7. The lighting plans and fixtures must be included in the final application.
8. The trash enclosure location & material.
9. Landscape plans sealed by a landscape architect.
10. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
11. Materials board must be submitted at the time of final site plan application, as well as, design guidelines for the entire project.
12. The Special Use Permit is limited to a hotel.
13. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.

14. The architecture of the entire complex would be presented and approved in a cohesive and consistent manner with the first request for final site plan approval whether that be the hotel or the office buildings or a combination.
15. The developer is to address a pedestrian landscaped link between the hotel connecting it to the park in and along Town Center Drive.
16. The northern most exit on Nall Avenue and its relationship to the parking structure and the exiting vehicular stacking be addressed by means of a minor traffic study or in the architectural phase to prevent vehicles from congesting the entrance / exit to Building A and parking garage A.
17. Parking needs will be assessed at the initiation of each subsequent phase. If parking provided is determined to be inadequate, the developer will be responsible for the construction of additional parking spaces.
18. If approved by the Governing Body, the hotel must be presented to the Board of Zoning Appeals for height variance in excess of 6 stories per Special Use requirements of the Leawood Development Ordinance.
19. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through twenty-two.

WHEREAS, the developers/owners agree to these stipulations,

WHEREAS, the Leawood City Council does hereby add the following stipulations for approval:

20. The pedestrian traffic improvements across 117th Street connecting the hotel project with Town Center Plaza are required as presented by the developer and subject to the City's public safety and other required staff reviews.
21. The final plan application must return to the City Council for their approval.
22. The public art details must be approved by the Arts Council and Plan Commission.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the rezoning, preliminary site plan and preliminary plat for the Town Center Park with the above stated stipulations.

Adopted by the Governing Body this 21st day of September, 1998.



Attest.



Peggy J. Dunn Mayor



Martha Heizer City Clerk

Date: 02-03-98

To: Robert McKay, Director of Planning and Development

SP From: Shahram Pourazari, P.E., Engineering Division, Public Works Department

Re: Town Center Park, Proposed Hotel Development

We have reviewed the preliminary site plan for the referenced property and would like to make the following stipulations as part of the platting requirements:

- The developer submit a storm drainage study for the entire development to the Engineering Division of the Public Works Department for review and approval at the time the first final plat is submitted.
- The developer shall employ the services of a professional engineer to conduct a traffic study to determine the need for widening of the perimeter Streets. The study shall take into account the traffic movements on Nall Avenue and the intersections. The study shall be conducted prior to the approval of the site plan to insure that the geometric lay out of the site will not be changed.
- The developer construct sidewalk along the east side of Nall Avenue.
- The developer secure a land disturbance permit from N.P.D.E.S.(K.D.H.E).
- The developer employs the services of a registered professional engineer in the state of Kansas to prepare the drainage study and to handle storm water run-off generated from the site. He should also be prepared to provide construction plans for the widening of the perimeter Streets, if it is determined by the traffic study.
- All public improvement permits shall be secured from the Engineering Division of the public Works Department prior to the issuance of Building Permit.

If there are any questions regarding this matter, please feel free to contact me.

*repealed by Res. 1432
11/2/98*

RESOLUTION NO. 1426

A RESOLUTION AUTHORIZING THE SALE OF \$12,340,000 GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS, TO PROVIDE FUNDS 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. 12-685, et seq., as amended, and other provisions of the laws of the State of Kansas (the "State") applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to 135TH Street [K-150] between State Line Road and Nall Avenue including necessary appurtenances, as authorized by and as provided in Ordinance No. 1203 (the "K-150 Improvement");

WHEREAS, the K-150 Improvement has been completed and the governing body of the City hereby finds and determines that the City's share of the total cost thereof including construction financing and related expenses is not less than \$5,001,000 to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to Old Kenneth Road between K-150 and Kenneth Parkway including necessary appurtenances, as authorized by and as provided in Resolution No. 1101 (the "Old Kenneth Road Improvement");

WHEREAS, the Old Kenneth Road Improvement has been completed and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$818,000 to be paid entirely by the owners of property within the benefit district established by Resolution No. 1101 with no part thereof to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to 117th Street between Town Center Drive and Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue, and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, widening and utility relocations on Nall Avenue, 119th Street, Roe and Town Center Drive from Roe to 117th Street, the widening of Town Center

Drive from 117th Street to Nall Avenue and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street and also including necessary appurtenances, all in the immediate vicinity of Leawood Town Center Plaza as authorized by and as provided in Resolution No. 1238 (the "Town Center Improvement");

WHEREAS, the Town Center Improvement has been completed, and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$4,962,279.00 with \$4,400,000 of such cost to be paid by the owners of property within the benefit district established by Resolution No. 1238 and the balance of such cost in the amount of \$562,279.00 to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-685 et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has authorized the improvement and reimprovement of a section of Kenneth Road from 1000 feet south of 143rd Street northerly to 700 feet south of 135th Street, as authorized by and as provided in Ordinance No. 1652 (the "Kenneth Road Rehabilitation"); and

WHEREAS, the Kenneth Road Rehabilitation has been completed, and the governing body of the City now finds and determines that the total cost of the Kenneth Road Rehabilitation including construction financing and related expenses is not less than \$1,062,000 with the entire cost to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-685 et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has authorized the improvement and reimprovement of certain portions of Mission Road beginning at a point 500 feet south of 135th Street southerly to 143rd Street then westerly 600 feet, as authorized by and as provided in Ordinance No. 1680 (the "Mission Road Rehabilitation"); and

WHEREAS, the Mission Road Rehabilitation has been completed, and the governing body of the City now finds and determines that the total cost of the Mission Road Rehabilitation including necessary appurtenances is not less than \$759,000 with the entire cost to be paid by the City at-large; and

WHEREAS, all legal requirements pertaining to the K-150 Improvement, the Old Kenneth Road Improvement, the Town Center Improvement, the Kenneth Road Rehabilitation and the Mission Road Rehabilitation (collectively, the "City Improvement Projects") have been complied with, and the governing body of the City now finds and determines that the total cost of said City Improvement Projects including construction financing and related expenses is not less than \$12,602,279.00 with \$818,000.00 of the cost to be paid by the owners of the property within the City benefited by the Old Kenneth Road Improvement, \$4,400,000.00 to be paid by the owners of property benefited by the Town Center Improvement and \$7,384,279.00 of the cost to be paid by the City at-large; and

WHEREAS, none of the owners of the properties benefited by the Old Kenneth Road Improvement or the Town Center Improvement have paid their respective assessments on account of the construction of such improvements, however, there is available in the City treasury the sum of \$262,279.00 to pay a portion of the City's share of the cost of the Town Center Improvement leaving \$12,340,000.00 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 City Improvement Projects by the issuance of general obligations bonds of the City, and the governing body hereby finds and determines that it is necessary and desirable at this time that the City offer for sale the general obligation bonds of the City for the purpose of providing funds to pay and finance the cost of the City Improvement Projects;

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

Section 1. That the Director of Finance on behalf of the City of Leawood, Johnson County, Kansas, is hereby authorized and directed to offer for public sale in the manner required by law, the general obligation bonds of the City in the aggregate principal amount of not to exceed \$12,340,000.00, for the purpose of financing the costs of the City Improvement Projects described herein pursuant to the laws and the general obligation bond authority of the State of Kansas.

Section 2. That the official Notice of Bond Sale shall be substantially in the following form, provided that published notice of sale may be in abbreviated form incorporating the terms of the official Notice of Bond Sale by reference:

NOTICE OF BOND SALE
\$12,340,000.00
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1998-A
LEAWOOD, JOHNSON COUNTY, KANSAS

Sealed bids will be received by the undersigned City Finance Director of Leawood, Johnson County, Kansas, at City Hall, 4800 Town Center Drive, Leawood, Johnson County, Kansas, until 2:00 p.m. local time on Monday, November 2, 1998, 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 certain public 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 of bonds designated General Obligation Improvement Bonds, Series 1998-A, in the aggregate principal amount of \$12,340,000.00. The Bonds will consist of fully registered bonds without coupons in the denominations of \$5,000 and any integral multiple thereof, will be dated November 1, 1998, and will mature serially on September 1 of each of the years and in the principal amounts, as follows:

Series 1998-A Bonds

<u>Maturity</u>	<u>Amount*</u>	<u>Maturity</u>	<u>Amount*</u>
1999	\$1,000,000	2007	\$990,000
2000	1,000,000	2008	990,000
2001	1,000,000	2009	475,000
2002	1,000,000	2010	475,000
2003	1,000,000	2011	475,000
2004	1,000,000	2012	475,000
2005	995,000	2013	475,000
2006	995,000		

A bidder may elect to have all or a portion of the Bonds issued as term bonds scheduled to mature in 2013 subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above, subject to the following conditions: serial bonds selected for conversion to term bonds with mandatory redemption requirements shall be chosen in inverse order of maturity, beginning with Bonds scheduled to mature in 2013, and all Bonds selected as term bonds shall bear the same rate of interest. Not less than all Bonds of the same serial maturity shall be converted to term bonds with mandatory redemption requirements. A bidder shall make such an election by completing the applicable paragraph on the Official Bid Form.

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, 1999.

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

* Subject to Change.

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 book-entry only form as one fully registered bond for each maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry-only form in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interests in Bonds purchased. At the request of the City or the bond registrar, the successful bidder will confirm the aforesaid delivery instructions.

At the option of the City, Bonds maturing on and after September 1, 2008, will be subject to redemption and payment prior to maturity, on September 1, 2007, and thereafter, as a whole on any date or in part (in integral multiples of \$5,000 within a single maturity) on any interest payment date, and if in part selected among maturities by the City in its sole discretion, at the redemption price of 100% of the principal amount so redeemed, plus accrued interest to the date fixed for redemption, without premium.

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 the State 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 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 on property benefited by the construction of certain improvements financed with the Bonds and, if not so paid, from ad valorem taxes levied on 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 not first payable from special assessments to be payable from ad valorem taxes which may be levied

without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of said City.

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 daily yield for the thirty-year treasury bonds, as published in The Bond Buyer, 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 the lowest rate specified in any bid shall not exceed 2%.

One bid shall be submitted by each bidder 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. The highest and best bidder will be the bidder whose bid will result in the lowest "true interest cost" ("TIC"), determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Bonds, from the payment dates to November 1, 1998 (the dated date of the Bonds), produces an amount equal to the price bid, including premium, if any. Payments of principal and interest on the Bonds will be based on the principal amounts set forth in this Notice of Bond Sale and the interest rates specified by each bidder. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months.

Bidders are requested to supply an estimate of the TIC for the Bonds on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the City.

If there is any discrepancy between said true interest cost and the rates specified in said bid the stated interest rates shall govern and the true interest cost shall be adjusted accordingly. In the event that two or more bidders offer bids at the same TIC, the Governing Body of the City will determine, by lot, which bidder will be designated as the low bidder.

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 Bryan Cave LLP, 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 Preliminary Official Statement of the City.

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 November 24, 1998, through the facilities of the Depository Trust Company, New York, New York. 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 27,422. The 1997 assessed valuation of all taxable tangible property within the City of Leawood, Kansas is \$370,629,547, including motor vehicle valuation of \$54,460,192. The total general obligation bonded indebtedness of Leawood, Kansas, at the date hereof, including the issue of bonds herein offered for sale, is \$39,540,000. The City of Leawood has temporary notes outstanding in the total amount of \$18,800,000, of which \$12,300,000 will be redeemed and canceled from the proceeds of the Bonds herein offered for sale and other available funds of the City.

A good faith deposit by cashier's or certified check or financial surety bond in the amount of 2% of the total amount of the bid for the Bonds shall accompany each bid. If a financial surety bond is used it must be from an

insurance company licensed to issue such a bond in the State of Kansas and must be submitted to the City prior to the opening of the bids. If the Bonds are awarded to a bidder utilizing a financial surety bond, that successful bidder shall be required to submit its deposit to the City by cashier's or certified check or wire transfer not later than 2:00 p.m. local time on the next business day following the award.

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

Mailed bids should be addressed to Kathy Rogers, City Finance Director, City of Leawood, Kansas, 4800 Town Center Drive, Leawood, Kansas 66211, and marked "Bid for purchase of \$12,340,000 General Obligation Improvement Bonds, Series 1998-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 28th day of September, 1998.

KATHY ROGERS,
City Finance Director

Section 3. That proposals for the purchase of said bonds shall be submitted in the form of the Official Bid Form attached hereto as Exhibit A which form is hereby approved for use by bidders or prospective purchasers of said bonds.

Section 4. That the governing body of the City hereby approves the Preliminary Official Statement in substantially the form attached hereto as Exhibit B and the use thereof in offering the bonds for sale as herein provided, and the governing body of the City hereby deems the Preliminary Official Statement final as of its date for purposes of S.E.C. Rule 15c2-12, except for the omission of certain terms and details permitted to be omitted therefrom by said Rule.

The Director of Finance is authorized and directed to cause said preliminary official statement, the notice of bond sale and form for proposals to be printed and/or published as required by law and mailed or otherwise distributed to known interested prospective bidders and purchasers.

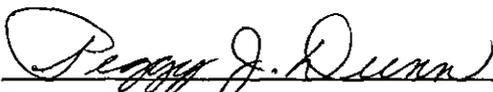
George K. Baum & Company, financial advisor to the City, is hereby authorized to submit a bid for the purchase of said bonds.

Section 5. This Resolution shall take effect and be in force from and after its passage and approval by the governing body of the City.

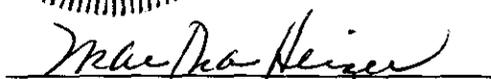
PASSED by the Governing Body this 28th day of September, 1998.

SIGNED by the Mayor this 28th day of September, 1998.





Peggy J. Dunn, Mayor



Martha Heizer, City Clerk

EXHIBIT A

OFFICIAL BID FORM

OF

THE CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 1998-A

TO THE CITY OF LEAWOOD, KANSAS:

For \$12,340,000 principal amount of General Obligation Improvement Bonds, Series 1998-A, of the City of Leawood, Kansas, to be dated November 1, 1998, as described in your Notice of Bond Sale, dated September 28, 1998, said bonds to bear interest as follows:

SERIES 1998-A BONDS

<u>Maturity</u>	<u>Amount*</u>	<u>Interest Rate</u> <u>Per Annum</u>	<u>Maturity</u>	<u>Amount*</u>	<u>Interest Rate</u> <u>Per Annum</u>
1999	\$1,000,000	_____ %	2007	\$990,000	_____ %
2000	1,000,000	_____	2008	990,000	_____
2001	1,000,000	_____	2009	475,000	_____
2002	1,000,000	_____	2010	475,000	_____
2003	1,000,000	_____	2011	475,000	_____
2004	1,000,000	_____	2012	475,000	_____
2005	995,000	_____	2013	475,000	_____
2006	995,000	_____			

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

We hereby elect to have \$ _____ principal amount of the bonds shown above to mature in the years _____ to 2013 issued as term bonds scheduled to mature in 2013 and subject to mandatory redemption requirements in amounts and at the times shown above; all bonds selected as term bonds shall bear the same rate of interest.

* Subject to Change.

The following information is provided on the basis of this bid:

Total interest cost to maturity on
the rates specified above \$ _____

Total premium \$ _____

True interest cost _____%

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, or financial surety bond, in the amount of \$246,800.00 payable to the order of the City of Leawood, Kansas, accompanies this proposal as a good faith deposit. Said deposit 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 deposit shall be delivered to the undersigned. If the bid herein contained is accepted, then the deposit 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 deposit shall be applied to the purchase price of the Bonds. 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.

Dated: _____, 1998.

(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 acceptance of this proposal, 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 _____, 1998.

THE CITY OF LEAWOOD, KANSAS

Peggy J. Dunn, 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 City Hall, 4800 Town Center Drive, Leawood, Johnson County, Kansas, sealed at or prior to 2:00 p.m. local time, on Monday, November 2, 1998, or delivered to said officer at City Hall in Leawood, Kansas at or immediately prior to that time on said date.)

RESOLUTION NO. 1427

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for Tomahawk Creek Office Park #4 located at approximately 114th and Tomahawk Creek Parkway and hereby finds the following:

WHEREAS, the three story building is limited to 75,000 square feet on 4.734 acres for an FAR of .36, and;

WHEREAS, all Development Ordinance performance standards have been met, and;

WHEREAS, the parking counts are based on 5/1000 of leasable area with a total of 308 parking spaces required and a deviation of 300 to be provided, and;

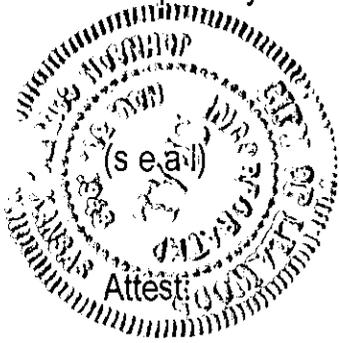
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The building is limited to a three story office building to contain 75,000 (gross) square foot office building on 4.734 acres.
2. All landscape areas are to be irrigated.
3. A sign permit must be obtained prior to installation. The monument sign will be a maximum 50 square feet.
4. All downspouts are to be enclosed.
5. All roof top units must be screened from view.
6. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or walls. This includes air conditioner units, etc.
7. *Trash collection is to be only between the hours of 7 a.m. and 10 p.m.*
8. All alarms installed must be silent.
9. The applicant must obtain all approvals and permits from the Public Works Department, prior to the issuance of a building permit.
10. The applicant must submit public art details to the Plan Commission and Arts Council for approval or in lieu of that pay a \$.10 / square foot of finished floor area fee associated with a proposed ordinance to be considered by the City Council.
11. *The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through twelve.*
12. The monument sign is not to exceed 50 square feet in size.
13. A deviation is approved for parking counts to be based on leasable area (67,600 square feet) as opposed to gross area (75,000 square feet). The applicant is required to provide 331 parking spaces.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat with stipulations.

Adopted by the Governing Body this 22nd day of October, 1998.



Peggy J. Dunn

Peggy J. Dunn

Mayor

Martha Heizer

Martha Heizer

City Clerk

OK

RESOLUTION NO. 1428

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for Creme de la Creme located at approximately the northeast corner of 115th and Roe Avenue and hereby finds the following:

WHEREAS, the building is a 20,417 square foot, single story development to be constructed on 4.24 acres (.11 FAR), and;

WHEREAS, the building is to be constructed of dryvit and stone with a 6' wall around the playground, and;

WHEREAS, the project meets all of the Leawood Development Ordinance performance standards, and;

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

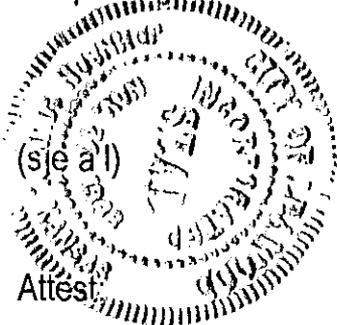
1. The building is limited to a one-story daycare facility to contain 20,417 square feet on 4.24 acres.
2. No detached structures or "storage / out-buildings" will be allowed.
3. The required 25' parking lot setback must be maintained on all sides. No setback variances will be granted.
4. All landscape areas are to be irrigated.
5. More detailed sign information (lighting, materials, etc.) must be presented at final. The monument sign will be limited to 50 square feet per side.
6. All down spouts are to be enclosed.
7. Detail of mechanical units, including location, size, and duct work, must be submitted at the time of final approval.
8. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or walls. This includes air conditioner units, etc.
9. The trash enclosure gate must be constructed of painted steel.
10. All alarms installed must be silent.
11. The lighting plans, fixtures, and a photo-metric study must be included in the final application.
12. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
13. Prior to issuance of building permit, all Public Works issues must be resolved (see attached memo, disregarding requirement Number 1 - Right of Way).

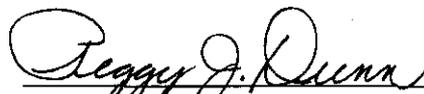
14. Prior to issuance of a certificate of occupancy, a traffic light must be installed by the applicant at the corner of 115th and Roe.
15. A fountain, piece of art, or a fee in the amount of \$.10 / square foot of finished floor area shall be provided. Approval of the design and location will need to go before the Art Council and Plan Commission at a later date.
16. A six foot perimeter wall is required in the location indicated on the site plan submitted.
17. All sides of the building must have a stone base as indicated on the front elevation.
18. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through nineteen.
19. The revised elevation shall be presented to the Plan Commission for its consideration regarding all things dealing with the plan including the final elevations.

WHEREAS, the developers/owners agree to these stipulations,

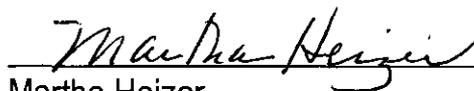
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Creme de la Creme with stipulations.

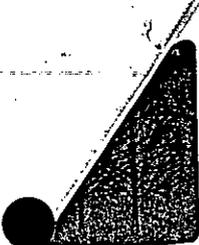
Adopted by the Governing Body this 22nd day of October, 1998.




Peggy J. Dunn

Mayor


Martha Heizer
City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

August 19, 1998

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Special Projects Engineer *BSS FOR*
Public Works Department

Re: Preliminary Site Plan and Plat Review Comments
Crème de la Crème, Inc.
Case No. 65-98

The Public Works Department has reviewed the preliminary site plan and plat for the referenced project and would like to make the following stipulations as part of the platting process.

- ~~1. Provide 10 feet additional right-of way for 115th Street to comply with City standard for a primary collector street.~~
2. Intercept runoff from private property and eliminate overland flow into public right-of-way.
3. Maintain 2 percent minimum slope in grassed areas and 1 percent in paved areas.
4. The developer shall submit a storm drainage study for the entire development to the Public Works Department for approval prior to submitting the first final plat. Existing downstream storm sewer systems shall be analyzed in accordance with APWA Section 5600 requirements. The effects of the proposed development on downstream properties, streets, and existing storm sewer systems shall be addressed in the study. The storm drainage study shall determine if on-site detention facilities are required, or the existing storm sewers are capable of handling the increased runoff.

The study shall be prepared by a professional engineer registered in the state of Kansas. The study shall be submitted in report format with appropriate text, tables and exhibits.

5. The developer shall secure an N.P.D.E.S. land disturbance permit from the Kansas Department of Health and Environment prior to any site grading.

If you should have any questions regarding this matter, please feel free to contact me or Bert Schnettgoecke, P.E.

cc: Public Works Book
File

RESOLUTION NO. 1429

The Leawood City Council has considered the request for approval of Saddle Ridge residential and golf course request for rezoning from AG, agriculture to RP-4, Planned Cluster Residential, preliminary site plan and preliminary plat, located at approximately 105th and Mission Road and hereby finds the following:

WHEREAS, the plan includes seven 8-plex condominiums, 44 - RP-1 lots, and 47 RP-4 lots, and a 18 hole golf course, and;

WHEREAS, the Master Plan designates the area as Low Density Residential, and;

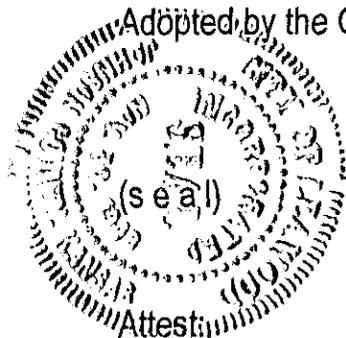
WHEREAS, the rezoning would require a Master Plan change, and;

WHEREAS, the Plan Commission has reviewed the application and recommends the following reasons for denial:

1. The proposed plan is not in compliance with the master plan.
2. The overall development density is artificially reduced by commercial property intended for the golf course.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby deny the rezoning from AG to RP-1, RP-4, and REC, and preliminary site plan and preliminary plat for Saddle Ridge for the above stated reasons.

Adopted by the Governing Body this 22nd day of October, 1998.



Peggy J. Dunn
Peggy J. Dunn

Mayor

Martha Heizer
Martha Heizer

City Clerk

RESOLUTION NO. 1430

The Leawood City Council has considered the request for approval of Saddle Ridge cellular tower located at approximately Lee Boulevard and Mission Road and hereby finds the following:

WHEREAS, the site plan indicates Austrian Pines around the screen wall, and;

WHEREAS, the screen wall is to be constructed of stucco, and

WHEREAS, berming is provided to minimize the impact of the screen wall, and;

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

1. The tower may only be constructed and operated upon ground master planned as "open space";
2. Capacity of the tower is limited to four users. Any user (aside from Southwestern Bell) must gain approval by special use permit for location of their antennae on the structure.
3. A bond in an amount equal to 20 percent of construction costs for the facility will be provided to the City by the applicant prior to issuance of the building permit;
4. The tower is limited to 100 feet in height. Any additional height required for co-location will require approval of a separate special use permit;
5. The tower will comply with all related federal guidelines;
6. Flood Plain permits must be secured from FEMA prior to construction. Also, appropriate environmental assessments must be prepared as required by the FCC and National Environmental Policy Act Rules.
7. The special use permit is limited to five years from the date of Governing Body approval.
8. The final site plan is required to go before the Plan Commission for final approval. A revised landscape plan, including size, number, and species, (and revised grading plan with berms) must be submitted at that time.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan for Saddle Ridge cellular tower with the above stipulations and one additional stipulation, as follows:

1. The Plan Commission and staff must closely adhere to the aesthetics of the site.

Adopted by the Governing Body this 22nd day of October, 1998.



X Peggy J. Dunn
Peggy J. Dunn Mayor

Martha Heizer
Martha Heizer City Clerk

Resolution No. 1431

A RESOLUTION DESIGNATING THE MAIN FLOOR OF LEAWOOD CITY HALL AS A PORTION OF THE LEAWOOD COMMUNITY CENTER FOR THE PURPOSE OF SECTION 3-207(C) OF THE CODE OF THE CITY OF LEAWOOD.

WHEREAS, Governing Body of the City of Leawood has determined that it is in the public interest to designate the main floor of Leawood City Hall at the Leawood City Hall as a portion of the Leawood Community Center for purpose of Section 3-207(c) of the Code of the City of Leawood;

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

Section 1. The Governing Body hereby designates the main floor of Leawood City Hall at the Leawood City Hall as a portion of the Leawood Community Center for the date of November 20, 1998, and to permit the serving of alcoholic liquor on said date in accordance with section 3-207(c) of the Code of the City of Leawood

PASSED AND APPROVED BY THE CITY OF LEAWOOD on the 2nd day of November, 1998.




Peggy J. Dunn, Mayor

Attest:


Martha Heizer, City Clerk

RESOLUTION NO. 1432

A RESOLUTION AUTHORIZING THE SALE OF \$12,340,000 GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS, TO PROVIDE FUNDS 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; AUTHORIZING AND DIRECTING THE CITY FINANCE DIRECTOR TO ADVERTISE SUCH SALE IN THE MANNER PRESCRIBED BY LAW; AND REPEALING RESOLUTION NO. 1426.

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and other provisions of the laws of the State of Kansas (the "State") applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to 135TH Street [K-150] between State Line Road and Nall Avenue including necessary appurtenances, as authorized by and as provided in Ordinance No. 1203 (the "K-150 Improvement");

WHEREAS, the K-150 Improvement has been completed and the governing body of the City hereby finds and determines that the City's share of the total cost thereof including construction financing and related expenses is not less than \$5,001,000 to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to Old Kenneth Road between K-150 and Kenneth Parkway including necessary appurtenances, as authorized by and as provided in Resolution No. 1101 (the "Old Kenneth Road Improvement");

WHEREAS, the Old Kenneth Road Improvement has been completed and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$818,000 to be paid entirely by the owners of property within the benefit district established by Resolution No. 1101 with no part thereof to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has heretofore authorized the construction of improvements to 117th Street between Town Center Drive and Nall Avenue, signalization of the intersections of Nall and 117th Street, 119th Street and Hawthorne, Town Center Drive and Roe Avenue, Town Center Drive and Nall Avenue, and 119th Street at Rosewood, certain utility main improvements, burial of overhead power lines, widening and utility relocations on Nall Avenue, 119th Street, Roe and Town Center Drive from Roe to 117th Street, the widening of Town Center

Drive from 117th Street to Nall Avenue and the overlay of 119th Street from Roe Avenue to Nall Avenue and Roe Avenue from Town Center Drive to 119th Street and also including necessary appurtenances, all in the immediate vicinity of Leawood Town Center Plaza as authorized by and as provided in Resolution No. 1238 (the "Town Center Improvement");

WHEREAS, the Town Center Improvement has been completed, and the governing body of the City hereby finds and determines that the total cost thereof including construction financing and related expenses is not less than \$4,962,279.00 with \$4,400,000 of such cost to be paid by the owners of property within the benefit district established by Resolution No. 1238 and the balance of such cost in the amount of \$562,279.00 to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-685 et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has authorized the improvement and reimprovement of a section of Kenneth Road from 1000 feet south of 143rd Street northerly to 700 feet south of 135th Street, as authorized by and as provided in Ordinance No. 1652 (the "Kenneth Road Rehabilitation"); and

WHEREAS, the Kenneth Road Rehabilitation has been completed, and the governing body of the City now finds and determines that the total cost of the Kenneth Road Rehabilitation including construction financing and related expenses is not less than \$1,062,000 with the entire cost to be paid by the City at-large; and

WHEREAS, pursuant to K.S.A. 12-685 et seq., as amended, and other provisions of the laws of the State applicable thereto, by proceedings duly had the governing body of the City has authorized the improvement and reimprovement of certain portions of Mission Road beginning at a point 500 feet south of 135th Street southerly to 143rd Street then westerly 600 feet, as authorized by and as provided in Ordinance No. 1680 (the "Mission Road Rehabilitation"); and

WHEREAS, the Mission Road Rehabilitation has been completed, and the governing body of the City now finds and determines that the total cost of the Mission Road Rehabilitation including necessary appurtenances is not less than \$759,000 with the entire cost to be paid by the City at-large; and

WHEREAS, all legal requirements pertaining to the K-150 Improvement, the Old Kenneth Road Improvement, the Town Center Improvement, the Kenneth Road Rehabilitation and the Mission Road Rehabilitation (collectively, the "City Improvement Projects") have been complied with, and the governing body of the City now finds and determines that the total cost of said City Improvement Projects including construction financing and related expenses is not less than \$12,602,279.00 with \$818,000.00 of the cost to be paid by the owners of the property within the City benefited by the Old Kenneth Road Improvement, \$4,400,000.00 to be paid by the owners of property benefited by the Town Center Improvement and \$7,384,279.00 of the cost to be paid by the City at-large; and

WHEREAS, none of the owners of the properties benefited by the Old Kenneth Road Improvement or the Town Center Improvement have paid their respective assessments on account of the construction of such improvements, however, there is available in the City treasury the sum of \$262,279.00 to pay a portion of the City's share of the cost of the Town Center Improvement leaving \$12,340,000.00 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 City Improvement Projects by the issuance of general obligations bonds of the City, and the governing body hereby finds and determines that it is necessary and desirable at this time that the City offer for sale the general obligation bonds of the City for the purpose of providing funds to pay and finance the cost of the City Improvement Projects;

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

Section 1. That the Director of Finance on behalf of the City of Leawood, Johnson County, Kansas, is hereby authorized and directed to offer for public sale in the manner required by law, the general obligation bonds of the City in the aggregate principal amount of not to exceed \$12,340,000.00, for the purpose of financing the costs of the City Improvement Projects described herein pursuant to the laws and the general obligation bond authority of the State of Kansas.

Section 2. That the official Notice of Bond Sale shall be substantially in the following form, provided that published notice of sale may be in abbreviated form incorporating the terms of the official Notice of Bond Sale by reference:

NOTICE OF BOND SALE
\$12,340,000.00
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1998-A
LEAWOOD, JOHNSON COUNTY, KANSAS

Sealed bids will be received by the undersigned City Finance Director of Leawood, Johnson County, Kansas, at City Hall, 4800 Town Center Drive, Leawood, Johnson County, Kansas, until 2:00 p.m. local time on Monday, November 23, 1998, 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 certain public 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 of bonds designated General Obligation Improvement Bonds, Series 1998-A, in the aggregate principal amount of \$12,340,000.00. The Bonds will consist of fully registered bonds without coupons in the denominations of \$5,000 and any integral multiple thereof, will be dated November 15, 1998, and will mature serially on September 1 of each of the years and in the principal amounts, as follows:

Series 1998-A Bonds

<u>Maturity</u>	<u>Amount</u>	<u>Maturity</u>	<u>Amount</u>
1999	\$1,000,000	2007	\$990,000
2000	1,000,000	2008	990,000
2001	1,000,000	2009	475,000
2002	1,000,000	2010	475,000
2003	1,000,000	2011	475,000
2004	1,000,000	2012	475,000
2005	995,000	2013	475,000
2006	995,000		

A bidder may elect to have all or a portion of the Bonds issued as term bonds scheduled to mature in 2013 subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above, subject to the following conditions: serial bonds selected for conversion to term bonds with mandatory redemption requirements shall be chosen in inverse order of maturity, beginning with Bonds scheduled to mature in 2013, and all Bonds selected as term bonds shall bear the same rate of interest. Not less than all Bonds of the same serial maturity shall be converted to term bonds with mandatory redemption requirements. A bidder shall make such an election by completing the applicable paragraph on the Official Bid Form.

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, 1999.

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 book-entry only form as one fully registered bond for each maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry-only form in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interests in Bonds purchased. At the request of the City or the bond registrar, the successful bidder will confirm the aforesaid delivery instructions.

At the option of the City, Bonds maturing on and after September 1, 2008, will be subject to redemption and payment prior to maturity, on September 1, 2007, and thereafter, as a whole on any date or in part (in integral multiples of \$5,000 within a single maturity) on any interest payment date, and if in part selected among maturities by the City in its sole discretion, at the redemption price of 100% of the principal amount so redeemed, plus accrued interest to the date fixed for redemption, without premium.

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 the State 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 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 on property benefited by the construction of certain improvements financed with the Bonds and, if not so paid, from ad valorem taxes levied on 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 not first payable from special assessments to be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of said City.

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 daily yield for the thirty-year treasury bonds, as published in The Bond Buyer, 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 the lowest rate specified in any bid shall not exceed 2%.

One bid shall be submitted by each bidder 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. The highest and best bidder will be the bidder whose bid will result in the lowest "true interest cost" ("TIC"), determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Bonds, from the payment dates to November 15, 1998 (the dated date of the Bonds), produces an amount equal to the price bid, including premium, if any. Payments of principal and interest on the Bonds will be based on the principal amounts set forth in this Notice of Bond Sale and the interest rates specified by each bidder. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months.

Bidders are requested to supply an estimate of the TIC for the Bonds on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the City.

If there is any discrepancy between said true interest cost and the rates specified in said bid the stated interest rates shall govern and the true interest cost shall be adjusted accordingly. In the event that two or more bidders offer bids at the same TIC, the Governing Body of the City will determine, by lot, which bidder will be designated as the low bidder.

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 Bryan Cave LLP, 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 Preliminary Official Statement of the City.

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 3, 1998, through the facilities of the Depository Trust Company, New York, New York. 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 27,422. The 1997 assessed valuation of all taxable tangible property within the City of Leawood, Kansas is \$370,629,547, including motor vehicle valuation of \$54,460,192. The total general obligation bonded indebtedness of Leawood, Kansas, at the date hereof, including the issue of bonds herein offered for sale, is \$39,540,000. The City of Leawood has temporary notes outstanding in the total amount of \$18,800,000, of which \$12,300,000 will be redeemed and canceled from the proceeds of the Bonds herein offered for sale and other available funds of the City.

A good faith deposit by cashier's or certified check or financial surety bond in the amount of 2% of the total amount of the bid for the Bonds shall accompany each bid. If a financial surety bond is used it must be from an insurance company licensed to issue such a bond in the State of Kansas and must be submitted to the City prior to the opening of the bids. If the Bonds are awarded to a bidder utilizing a financial surety bond, that successful bidder

shall be required to submit its deposit to the City by cashier's or certified check or wire transfer not later than 2:00 p.m. local time on the next business day following the award.

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

Mailed bids should be addressed to Kathy Rogers, City Finance Director, City of Leawood, Kansas, 4800 Town Center Drive, Leawood, Kansas 66211, and marked "Bid for purchase of \$12,340,000 General Obligation Improvement Bonds, Series 1998-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 2nd day of November, 1998.

KATHY ROGERS,
City Finance Director

Section 3. That proposals for the purchase of said bonds shall be submitted in the form of the Official Bid Form attached hereto as Exhibit A which form is hereby approved for use by bidders or prospective purchasers of said bonds.

Section 4. That the governing body of the City hereby approves the Preliminary Official Statement in substantially the form as previously presented and the use thereof in offering the bonds for sale as herein provided, and the governing body of the City hereby deems the Preliminary Official Statement final as of its date for purposes of S.E.C. Rule 15c2-12, except for the omission of certain terms and details permitted to be omitted therefrom by said Rule.

The Director of Finance is authorized and directed to cause said preliminary official statement, the notice of bond sale and form for proposals to be printed and/or published as required by law and mailed or otherwise distributed to known interested prospective bidders and purchasers.

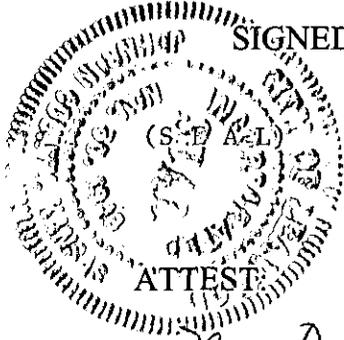
George K. Baum & Company, financial advisor to the City, is hereby authorized to submit a bid for the purchase of said bonds.

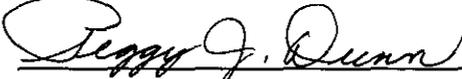
Section 5. That Resolution No. 1426 adopted by the governing body of the City on September 28, 1998 providing for the sale of bonds by the City on November 2, 1998 is hereby repealed.

Section 6. 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 2nd day of November, 1998.

SIGNED by the Mayor this 2nd day of November, 1998.




Peggy J. Dunn, Mayor


Martha Heizer, City Clerk

EXHIBIT A

OFFICIAL BID FORM

OF

THE CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 1998-A

TO THE CITY OF LEAWOOD, KANSAS:

For \$12,340,000 principal amount of General Obligation Improvement Bonds, Series 1998-A, of the City of Leawood, Kansas, to be dated November 15, 1998, as described in your Notice of Bond Sale, dated November 2, 1998, said bonds to bear interest as follows:

SERIES 1998-A BONDS

<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u> <u>Per Annum</u>	<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u> <u>Per Annum</u>
1999	\$1,000,000	_____ %	2007	\$990,000	_____ %
2000	1,000,000	_____	2008	990,000	_____
2001	1,000,000	_____	2009	475,000	_____
2002	1,000,000	_____	2010	475,000	_____
2003	1,000,000	_____	2011	475,000	_____
2004	1,000,000	_____	2012	475,000	_____
2005	995,000	_____	2013	475,000	_____
2006	995,000	_____			

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

We hereby elect to have \$ _____ principal amount of the bonds shown above to mature in the years _____ to 2013 issued as term bonds scheduled to mature in 2013 and subject to mandatory redemption requirements in amounts and at the times shown above; all bonds selected as term bonds shall bear the same rate of interest.

The following information is provided on the basis of this bid:

Total interest cost to maturity on the rates specified above	\$ _____
Total premium	\$ _____
True interest cost	_____ %

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, or financial surety bond, in the amount of \$246,800.00 payable to the order of the City of Leawood, Kansas, accompanies this proposal as a good faith deposit. Said deposit 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 deposit shall be delivered to the undersigned. If the bid herein contained is accepted, then the deposit 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 deposit shall be applied to the purchase price of the Bonds. 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.

Dated: _____, 1998.

(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 acceptance of this proposal, 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 _____, 1998.

THE CITY OF LEAWOOD, KANSAS

Peggy J. Dunn, 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 City Hall, 4800 Town Center Drive, Leawood, Johnson County, Kansas, sealed at or prior to 2:00 p.m. local time, on Monday, November 23, 1998, or delivered to said officer at City Hall in Leawood, Kansas at or immediately prior to that time on said date.)

OK

RESOLUTION NO. 1433

The Leawood City Council has considered the request for approval of preliminary site plan for Ranchmart Bank located at approximately 95th Street and Mission Road and hereby finds the following:

WHEREAS, the Bank consists of a 5,000 square foot building and drive thru facility; and

WHEREAS, a bank is allowed in the current CP-2, Planned General Retail, zoning; and

WHEREAS, the construction of the bank requires the razing of an existing building and the reconfiguration of the parking lot to the south; and

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

1. The development is limited to 5,000 square feet.
2. Mechanical units servicing the building will be screened.
3. All downspouts must be enclosed.
4. A building permit will be secured prior to construction.
5. A demolition permit will be secured prior to construction.
6. Light pole / fixture color and style will match those located at Cosentino's. The lighting should not spill over onto residential properties. The foot candle at ground level should be consistent with the existing shopping center.
7. Parking directly north of the Post office will be striped. The two parking island end caps located directly east of the bank must be poured curbing rather than painted.
8. All landscape areas must be irrigated. Grass areas must be sodded rather than seeded.
9. Additional Austrian Pines must be planted within the landscape buffer east of the bank.
10. Shade trees must be a minimum 3 inch caliper. Pines must be a minimum 6 to 8 feet in height.
11. A four foot sidewalk must be constructed along 95th Street frontage.
12. A sidewalk is to be provided from the 95th Street sidewalk to the bank for pedestrian circulation.
13. All signs require a permit.
14. The applicant must fulfill all requirements of the Leawood Public Works Department prior to issuance of a building permit.
15. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through nineteen.

16. The direction of the parking space west of the Post Office should be rethought with the traffic engineer. The entire parking/traffic ingress and egress flow should be studied.
17. The parking lot must be resurfaced in its entirety.
18. The applicant must submit public art details to the Arts Council for approval. Once this approval is given, the applicant will submit public art details to the Plan Commission for final approval. In lieu of that, the applicant may pay the \$.10 / square foot of finished floor area public art impact fee.
19. The developer/property owner agrees to the changes / additions except for #6 which he wanted to study.

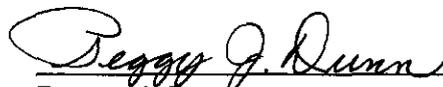
WHEREAS, the developers/owners agree to these stipulations,

WHEREAS, the applicant has requested to refurbish and reuse existing light poles and will approach the plan commission at a future date.

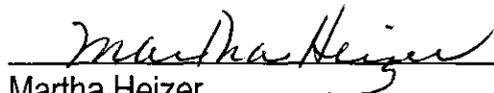
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan for Ranchmart Bank with stipulations.

Adopted by the Governing Body this 16th day of November, 1998.




Peggy J. Dunn

Mayor


Martha Heizer

City Clerk

RESOLUTION NO. 1434

The Leawood City Council has considered the request for approval of the preliminary site plan and preliminary plat for T. G. Development located at approximately the southwest corner of 135th and Roe Avenue and hereby finds the following:

WHEREAS, the development consists of 9 lots containing 169,995 square feet on 21.56 acres (FAR of .19); and

WHEREAS, the plan is consistent with the Master Development Plan; and

WHEREAS, the plan does meet the 135th Street Corridor Design Guidelines and will be reviewed closer as each plan comes before the City for approval; and

WHEREAS, the lots adjacent to 135th Street are retail and the lots to the south are office; and

WHEREAS, the parking does require a 28 space deviation which is to be covered in the cross over parking with the Church of the Resurrection to the south; and

WHEREAS, the developer has met with the adjacent homes associations and has fulfilled the Interact Program; and

WHEREAS, the applicant is required to pay the 135th Street Corridor Impact Fee and the Park Impact Fee as well as all road improvements as stated by the Public Works Department; and

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

1. The development is limited to 9 lots with 169,995 square feet of building area.
2. Storm water plans will be submitted and approved by the Public Works director prior to submission of the final site plan.
3. At the time of final site plan, a sign concept, full landscape plans, and covenant/deed restrictions must be submitted.
4. The applicant must meet all requirements of the 135th Street Design Guidelines.
5. The applicant is responsible for installation of an additional lane on 135th Street as well as any other improvement deemed necessary by Public Works.
6. The applicant is responsible for a Park Impact fee in the amount of \$.10/ square foot of finished floor area.

7. The applicant is responsible for K-150 impact fee in the amount of \$.40/ square foot (office) and \$1.34/ square foot (retail) of finished floor area.
8. The lighting plans and fixtures must be included in the design guidelines at final application.
9. The trash enclosure location & material shall be indicated at final.
10. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
11. Materials board must be submitted at the time of final site plan application. These boards will remain with the Planning Staff throughout the construction of the project.
12. The applicant must obtain all approvals and permits from the Public Works Department, per the attached public works memo, prior to recording the plat.
13. A traffic study must be completed prior to each of the revised preliminary plan applications to include internal traffic circulation.
14. All power lines, etc. are required to be underground and must be done at the time of widening 135th Street, and prior to final occupancy of any building within the project.
15. A parking deviation of 23 parking spaces is provided.
16. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through twenty-four.
17. The traffic circulation's safety and propriety must be considered.
18. Each lot of the development is required to pay an art fee in the amount of \$.10 / square foot of finished floor area or have a piece of art approved by the Arts Council and the Plan Commission prior to building permit.
19. If construction does not begin within 2 years from the effective date of the zoning ordinance, the property will revert to its original AG, agriculture, zoning.

WHEREAS, the Leawood City Council has reviewed the application and recommends the following additional stipulations of approval:

20. All changes or enhancements to the preliminary plan shall be the subject of notice, public hearing and protest, and must be approved by the Governing Body which may consider the revised preliminary plan as if it were an entirely new plan, utilizing in its consideration whatever factors the law permitted.
21. Staff will obtain satisfactory evidence of financial assurance regarding all funds due the City in connection with the project.
22. The traffic study should specifically address 135th and Roe and Nall.
23. The preliminary engineering design be developed schematically to determine whether or not the civil engineering for storm drainage would affect the traffic flow or the parking.
24. Briar will be provided, be part of the project, only if the traffic engineer dictated it would be necessary for the success of the project.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for T. G. Development with stipulations.

Adopted by the Governing Body this 16th day of November, 1998.

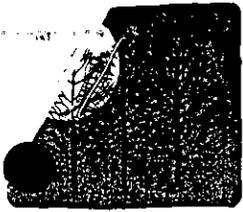



Peggy J. Dunn

Mayor


Martha Heizer

City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

August 19, 1998

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Special Projects Engineer *BSS*
Public Works Department *for*

Re: Preliminary Site Plan and Plat Review Comments
T. G. Development
Case No. 63-98

The Public Works Department has reviewed the preliminary site plan and plat for the referenced project and would like to make the following stipulations as part of the platting process.

1. Eliminate the drive to Lot 4 from Roe Avenue, the drive to Lot 1 from 137th Street, and the drive to Lot 2 from Roe Avenue. The existing church entry drive shall remain in its current location.
2. Driveway islands are not permitted to extend within the street right- of way.
3. The four main entrances shall be designed to provide a minimum 20 foot lane on both sides of the island excluding curb and gutter (12 foot wide traffic lane with 8 foot wide parking lane) per APWA Section 5200 and AASHTO geometric design requirements.
4. Provide documentation that the proposed traffic circle in the center of the development has sufficient turning radii for trucks and emergency vehicles per AASHTO geometric design requirements.
5. Clarify the centerline of Roe Avenue on the site plan. The right-of -way requirements for Roe Avenue shall be 50 feet to accomodate a secondary arterial street in accordance with City design standards.

6. Proposed Briar Street right-of-way shall be 50 feet to allow for the construction of a secondary arterial street in accordance with City design standards.
7. The developer shall submit a storm drainage study for the entire development to the Public Works Department for approval prior to submittal of the first final plat. Existing downstream storm sewer systems shall be analyzed in accordance with APWA Section 5600 requirements. The effects of the proposed development on downstream properties, streets, and existing storm sewer systems shall be addressed in the study. The storm drainage study shall determine if on-site detention facilities are required or the existing storm sewers are capable of handling the increased runoff.

The study shall be prepared by a professional engineer registered in the state of Kansas. The study shall be submitted in report format with appropriate text, tables and exhibits.

After the study is completed and reviewed, the Public Works Department will determine if the storm sewers serving the site will be private or public sewers.

8. The developer shall submit a traffic impact study to the Public Works Department for approval addressing all traffic issues including but not limited to traffic signals and turn lanes.
9. The developer shall secure an N.P.D.E.S. land disturbance permit from the Kansas Department of Health and Environment prior to the start of any site grading.
10. The preliminary plat does not agree with the preliminary site plan. The right-of-way for Briar Street shall be dedicated on the plat for the alignment shown. Refer to APWA Section 5200 for minimum horizontal data.

If you should have any questions regarding this matter, please feel free to contact me or Bert Schnettgoecke, P.E.

cc: Public Works Book
File

RESOLUTION NO. 1435

A RESOLUTION DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY TO BECOME A CITY OF THE FIRST CLASS, REQUESTING THAT THE GOVERNOR OF THE STATE OF KANSAS PROCLAIM THE CITY TO BE A CITY OF THE FIRST CLASS ON THE 31ST DAY OF DECEMBER, 1998, AND REPEALING RESOLUTION NO. 1145 WHEREBY THE CITY ELECTED TO CONTINUE TO OPERATE AS A CITY OF THE SECOND CLASS PURSUANT TO THE PROVISIONS OF K.S.A. § 13-101.

WHEREAS the City of Leawood is presently a city of second class according to the ordinances of the City and the laws of the State of Kansas;

WHEREAS, with continuing growth it is anticipated that within the next several years the official population of the City will be certified to be in excess of 25,000;

WHEREAS, while the official population of the City is in excess of 15,000, the City elected by Resolution No. 1145, adopted January 17, 1994, pursuant to the provisions of K.S.A. § 13-101 to remain a city of the second class but to take measures necessary to prepare for the City to become a city of the first class;

WHEREAS, it is anticipated that in the very near future the official population of the City will exceed 25,000 and the Governor of the State of Kansas will be required to proclaim the City to be a city of the first class subject to the laws of the State pertaining to cities of the first class;

WHEREAS, following the adoption of Resolution No. 1145 the City has considered the matter, has prepared to become a city of the first class and has revised its ordinances and other procedures necessary to become a city of the first class;

WHEREAS, the Governing Body of the City has determined that it is in the best interests of the City and its residents to repeal Resolution No. 1145 and to request the Governor to enter his proclamation declaring the City to be a city of the first class and to request that this change be effective as of the 31st day of December, 1998.

WHEREAS, the most recent official estimate of the population of the City is 27,806

WHEREAS, the Governing Body believes that the transition to status of a first class city can now be accomplished with a minimum disruption to the services and functions of the City;

NOW THEREFORE be it resolved by the Governing Body of the City of Leawood.

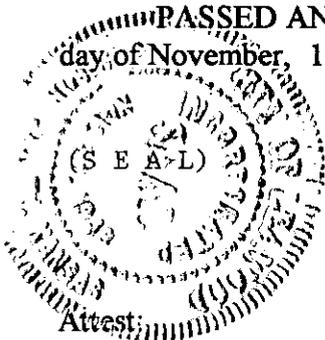
The Governing Body of the City of Leawood does hereby determine that it is advantageous and in the best interests of the City and its residents to become a city of the first class.

BE IT FURTHER RESOLVED that following the effective date of this Resolution, and upon proclamation of the Governor of the State, the City will operate as a city of the first class and will be subject to the laws relating to cities of the first class.

BE IF FURTHER RESOLVED by the Governing Body of the City of Leawood that the Mayor and City Administrator are hereby authorized to inform the Governor of the State of Kansas of the intent of the City to become a city of the first class and to request the Governor of the State of Kansas to proclaim the City to be city of the first class effective as of December 31, 1998.

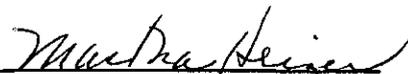
BE IT FURTHER RESOLVED by the governing body of the City of Leawood that Resolution No. 1145 adopted by the City on January, 17, 1994, whereby the City elected to continue to operate as a city of the second class is hereby repealed as of December 31, 1998.

PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 16th day of November, 1998.

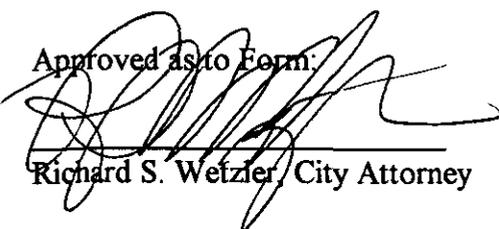




Peggy Dunn, Mayor



Martha Heizer, City Clerk

Approved as to Form:


Richard S. Weizler, City Attorney

CORRECTED - to add New Year's Day (2000)

RESOLUTION NO. 1436

A RESOLUTION DESIGNATING HOLIDAYS FOR THE YEAR 1999 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 1999, 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 1999:

New Year's Day	January 1
President's Day (3rd Monday-February)	February 15
Memorial Day (last Monday-May)	May 31
Independence Day	July 5 (Mon.)
Labor Day (1st Monday-September)	September 6
Thanksgiving (4th Thurs./Fri.-November)	November 25/26
Christmas	December 24 (Fri.)
New Year's Day (2000)	December 31, 1999 (Fri.)

Adopted by the Governing Body this 7th day of December, 1998.



(S E A L)

Attest:

Martha Heizer
Martha Heizer City Clerk

Peggy J. Dunn
Peggy J. Dunn Mayor

RESOLUTION NO. 1437

The Leawood City Council has considered the request for approval of final plat for Camden Woods located at approximately the southwest corner of 143rd and Kenneth Road and hereby finds the following:

WHEREAS, the plat contains 50 single family (RP-1) lots and 31 cluster (RP-4) homes on 38.936 acres, and;

WHEREAS, all RP-1 lots meet the 12,000 square foot minimum, with lot sizes comparable to Steeplechase at the properties west end, and;

WHEREAS, the RP-1 front yard and side yard setbacks meet all development standards, and;

WHEREAS, the applicant is responsible for a park impact fee and for construction of the road or \$130.00 per linear front foot for improvements to 143rd Street and Kenneth Road, and;

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

1. The first phase is limited to 50 single family (RP-1) lots and 31 cluster (RP-4) homes on 38.936 acres.
2. The developer must pay a Park Impact Fee in the amount of \$24,300 (81 x \$300.00) prior to recording of the plat.
3. An erosion control plan for both construction and long term must be a part of the final engineering plans. These plans must be approved by the City Engineer.
4. A drainage study must be submitted to the Public Works department prior to recording of the final plat.
5. A tree plan showing the existing trees to be maintained and those to be removed shall be provided to Planning and Development prior to trimming and removal. All trees to be preserved shall be surrounded by a barrier to prevent damage.
6. A monument sign permit must be obtained prior to installation of the signs.
7. All streets within the subdivision will be public. Auto courts are not to be considered private streets, but private drives, to be maintained by the homes association.
8. A revised street tree plan with trees shown at 40' on center shall be provided to Planning and Development prior to recording of the plat.
9. Any plantings or statuary within the street right-of-way will be maintained by the developer or Homes Association.
10. All landscape areas will be irrigated.

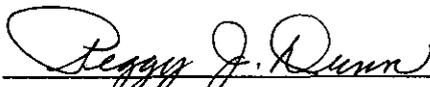
11. All common areas and trails will be built by the developer and maintained by the homes association.
12. All sidewalks will be installed as per street construction standards to the satisfaction of the public works department. Sidewalks are required along 143rd Street and Kenneth Road frontages.
13. The developer is responsible for construction of the road or \$130.00 per linear front foot for improvements to 143rd Street and Kenneth Road. Because the City just recently widened and overlaid 143rd Street adjoining this development, the City agrees to allow this developer to provide a letter of credit for 10 years that will increase each year to cover inflation costs. If the street is constructed prior to the 10 year period or at the end of the ten year period (whichever comes first), the City will then cash the letter of credit. Kenneth Road will be added to the same letter of credit. This letter is required prior to recording of the plat.
14. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat.
15. A temporary asphalt sidewalk shall be constructed on the south side of 143rd Street.
16. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through sixteen.

WHEREAS, the developers/owners agree to these stipulations,

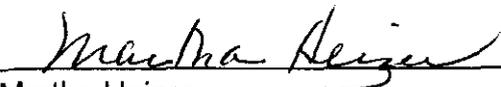
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Camden Woods with the stipulation.

Adopted by the Governing Body this 21st day of December, 1998.





Peggy J. Dunn Mayor



Martha Heizer City Clerk

RESOLUTION NO. 1438

The Leawood City Council has considered the request for approval of final plat for Pavilions of Leawood, 5th Plat located at approximately 150th Terrace and Oxford and hereby finds the following:

WHEREAS, the plat contains 45 single family lots on 22.28 acres, and;

WHEREAS, the plat is in compliance with the preliminary plat, and;

WHEREAS, a park impact fee in the amount of \$13,500 is required, and;

WHEREAS, the developer has acknowledged the requirement to connect 148th Street to the west, and;

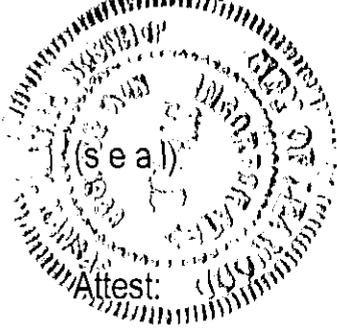
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The development is limited to 45 single family lots 22.28 acres.
2. The developer must pay a Park Impact Fee in the amount of \$300 per dwelling unit. The amount to be paid prior to recording of the plat is \$13,500.
3. An erosion control plan for both construction and long term usage must be a part of final engineering plans. These plans must be approved by the Leawood Public Works Department.
4. All requirements of the Leawood Public Works Department must be met prior to recording the plat.
5. All streets within the subdivision will be public. Any plantings, paver bricks, or statuary within the street right-of-way will be maintained by the developer or Homes Association.
6. Sidewalks must be constructed on one side of the street. A plan designating such shall be submitted prior to recording of the plat.
7. Street trees must be included within the right-of-way along all street frontage at 40 foot separation on center.
8. The signature block must be amended to read Peggy J. Dunn, Mayor & Donald C. Brain, Chairman.
9. The plat will be altered to include the right-of-way for the connection of 148th Street into Whitehorse subdivision.
10. The developer/property owner agree to execute a statement acknowledging in writing that they agree to stipulations one through ten.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the final plat for Pavilions of Leawood 5th Plat with stipulations.

Adopted by the Governing Body this 21st day of December, 1998.



Peggy J. Durm
Peggy J. Durm

Mayor

Martha Heizer
Martha Heizer City Clerk

RESOLUTION NO. 1439

A RESOLUTION EXTENDING THE TERM OF THE E.SPIRE TM COMMUNICATIONS, INC. FRANCHISE ORDINANCE AS ENACTED BY CITY ORDINANCE NUMBER 1695.

WHEREAS, on October 20, 1997, the governing body approved City Ordinance Number 1695 granting a telecommunications franchise to American Communication Services of Kansas City, Inc. to own operate and maintain a telephone system utilizing the City's right-of-way for a term of one year starting after the expiration of 60 days from the date of final passage;

WHEREAS, on May 18, 1998, American Communication Services of Kansas City, Inc. properly notified the City of its name change to e.spireTM Communications, Inc.

WHEREAS, section 37 of the franchise ordinance authorizes the City at its discretion to extend the term of the franchise for a period not to exceed six (6) months;

WHEREAS, e.spireTM Communications, Inc. desires to continue its current operations in the City;

WHEREAS, the City is in the process of developing a right-of-way ordinance to govern entities utilizing the City's right-of-way; and

WHEREAS, the City now resolves to extend the franchise for the shorter of either six months or sixty days following the date of enactment of its right-of-way ordinance;

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 and resolve that the franchise awarded to e.spireTM Communications, Inc. by City Ordinance Number 1695 shall be extended to the earlier date of: six months from the current expiration date, or sixty days from the enactment date of the City's right-of-way ordinance, whichever may first occur.

PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 21st day of December, 1998.



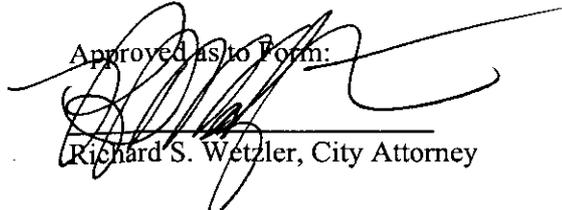
Peggy Dunn, Mayor

Attest:



Martha Heizer, City Clerk

Approved as to Form:



Richard S. Wetzler, City Attorney

RESOLUTION NO. 1440

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SECOND EXTENSION AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY TO EXTEND THE TERM OF THE FRANCHISE ORDINANCE.

WHEREAS, on August 3, 1998 the governing body approved City Ordinance Number 1743 to extend the telecommunications franchise of Southwestern Bell Telephone Company ("SWB");

WHEREAS, City Ordinance Number 1743 authorized the mayor to sign the Extension Agreement to extend the SWB telephone franchise to December 31, 1998;

WHEREAS, City Ordinance Number 1743 also authorized the City to extend the telephone franchise to March 31, 1999 upon written agreement "as long as the parties are actively negotiating in good faith";

WHEREAS, the parties are negotiating in good faith; and

WHEREAS, the parties both desire to extend the franchise agreement to March 31, 1999 while the parties negotiate a new franchise agreement;

NOW THEREFORE, be it resolved by the Governing Body of the City of Leawood.

The Governing Body of the City of Leawood does hereby authorized the mayor to sign the Second Extension Agreement, attached hereto as Exhibit A, to extend the SWB franchise agreement to March 31, 1999.

PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 21st day of December, 1998.

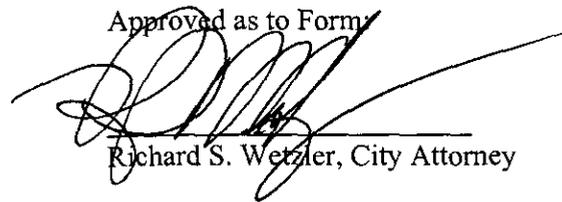


Attest:


Martha Heizer, City Clerk


Peggy Dunn, Mayor

Approved as to Form


Richard S. Wetzler, City Attorney

December 18, 1998

Steve:

Attached is a copy of the Second Extension Agreement signed by Southwestern Bell Telephone Co.

Please return a signed copy to us when available.

Sincerely,



Ed Sims
Director-External Affairs

Southwestern Bell Telephone
220 E. 6th, Room 505
Topeka, Kansas 66603
Phone 785 276-8015
Fax 785 276-6516

Exhibit A

SECOND EXTENSION AGREEMENT

This Second Extension Agreement, made and entered into this 21 day of December, 1998 by and between the City of Leawood, Kansas ("City") and Southwestern Bell Telephone Company ("SWB") for the extension of the telephone franchise within the City as authorized by ordinance.

WHEREAS, the City granted SWB a telephone franchise as codified by City Ordinance No. 813 ("Franchise Ordinance"); and

WHEREAS, City Ordinance No. 1743 extended the Franchise Ordinance; and

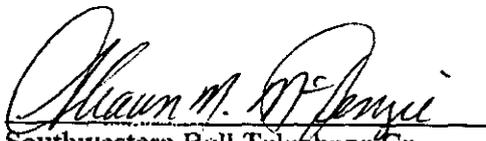
WHEREAS, City Ordinance No. 1743 provides that the parties may extend the Franchise Ordinance until March 31, 1999 upon written agreement "as the parties are actively negotiating in good faith"; and

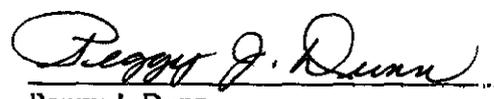
WHEREAS, the parties acknowledge that they are actively negotiating in good faith;

THEREFORE, in consideration of the mutual benefits to the parties, it is hereby agreed as follows:

1. The parties hereto agree that the terms of the existing Franchise Ordinance shall be extended and remain in full force and effect subject to the amendments cited in the Extension Ordinance until March 31, 1999 or until a new franchise ordinance between the parties hereto takes effect, whichever comes first.

IN WITNESS WHEREOF, the parties hereto have duly executed or caused to be duly executed this Second Extension Agreement as of the day and year written above.


Southwestern Bell Telephone Co.
President-Kansas


Peggy J. Dunn
Mayor of the City of Leawood

Date

12/21/98
Date

RESOLUTION NO. 1441

A RESOLUTION EXTENDING THE TERM OF THE BROOKS FIBER FRANCHISE ORDINANCE AS ENACTED BY CITY ORDINANCE NUMBER 1694.

WHEREAS, on October 20, 1997, the governing body approved City Ordinance Number 1694 granting a telecommunications franchise to Brooks Fiber Communications of Missouri, Inc. to own operate and maintain a telephone system utilizing the City's right-of-way for a term of one year starting after the expiration of 60 days from the date of final passage;

WHEREAS, section 37 of the franchise ordinance authorizes the City at its discretion to extend the term of the franchise for a period not to exceed six (6) months;

WHEREAS, Brooks Fiber Communications of Missouri, Inc. desires to continue its operations in the City;

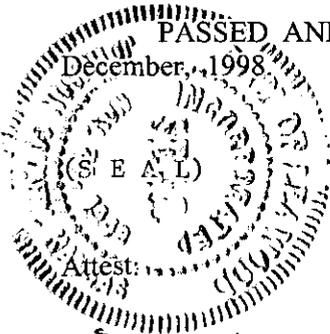
WHEREAS, the City is in the process of developing a right-of-way ordinance to govern entities utilizing the City's right-of-way; and

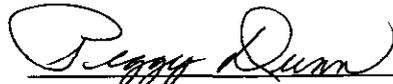
WHEREAS, the City now resolves to extend the franchise for the shorter of either six months or sixty days following the date of enactment of its right-of-way ordinance;

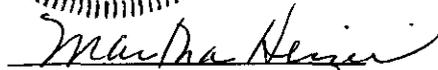
NOW THEREFORE, be it resolved by the Governing Body of the City of Leawood.

The Governing Body of the City of Leawood does hereby determine and resolve that the franchise awarded to Brooks Fiber Communications of Missouri, Inc. by City Ordinance Number 1694 shall be extended to the earlier date of: six months from the current expiration date, or sixty days from the enactment date of the City's right-of-way ordinance, whichever may first occur.

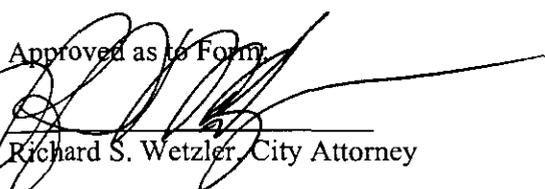
PASSED AND APPROVED BY THE CITY OF LEAWOOD KANSAS on the 21st day of December, 1998




Peggy Dunh, Mayor


Martha Heizer, City Clerk

Approved as to Form:


Richard S. Wetzler, City Attorney

RESOLUTION NO. 1442

The Leawood City Council has considered the request for approval of preliminary site plan and preliminary plat for Tomahawk Creek Office Park Building #5 located at approximately the southwest corner of Tomahawk Creek Parkway and College Boulevard and hereby finds the following:

WHEREAS, a public hearing was held, and;

WHEREAS, the plat meets all the preliminary requirements, and;

WHEREAS, the building is limited to a two story building to contain 22,000 square feet on 2.17 acres, and;

WHEREAS, twelve parking spaces have been land banked if needed for the future, and;

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

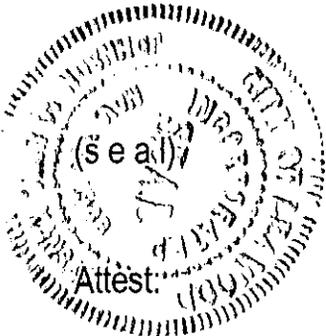
1. The building is limited to a two story building to contain 22,000 square feet on 2.17 acres.
2. The zoning of CP-1, Planned Neighborhood Retail, is allowed for the use of a drive-thru bank facility only.
3. All landscape areas are to be irrigated.
4. A revised landscape plan must be submitted at final to include a taller berm and plant schedule.
5. All sign calculations, location and material shall be provided at final.
6. Detailed information regarding public art will be required at the time of final site plan. The applicant must submit public art details to the Arts Council for approval. Once this approval is given, the applicant shall submit the public art details to the Plan Commission for final plan approval. In lieu thereof, the applicant may pay an art impact fee of \$.10 / square foot of finished floor area per approved ordinance.
7. All downspouts are to be enclosed.
8. All roof top units must be screened from view.
9. The only dryvit material on the building is the cornice at the top of the facade. All other areas will be stone or brick.
10. All utility boxes on the interior of the lot or near the building are to be screened with landscaping or wall. This includes air conditioner units, etc.

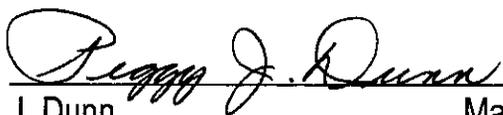
11. Trash collection is to be only between the hours of 7 a.m. and 10 p.m.
12. All alarms installed must be silent.
13. Sidewalks connecting to Tomahawk Creek Parkway from the building are required at the time of final site plan.
14. Approval by the Tomahawk Creek Office Park architect is required prior to final site plan application.
15. The lighting plans and fixtures must be included in the final application.
16. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at final application.
17. Materials board must be submitted at the time of final site plan application.
18. If the City determines the additional 12 parking spaces are needed, they must be installed immediately at the expense of the owner. All landscaping which would be removed in this process would need to be relocated adjacent to the parking spaces to be removed or adjacent to any parking area if there is no room near the removed spaces. If the City determines additional landscaping were needed to screen the view from any adjacent streets, this would be provided by the owner.
19. The applicant must obtain all approvals and permits from the Public Works Department, prior to recording the plat, per the attached memo.
20. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through twenty.

WHEREAS, the developers/owners agree to these stipulations,

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan and preliminary plat for Tomahawk Creek Office Park Building #5 with stipulations.

Adopted by the Governing Body this 21st day of December, 1998.

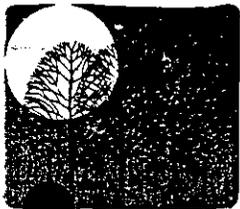




Peggy J. Dunn Mayor



Martha Heizer City Clerk



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339- 6781 Fax
(913) 339-6225 TDD

November 16, 1998

To: Robert McKay, Director of Planning and Development

From: Shahram Pourazari, P.E., Special Projects Engineer *BGS*
Public Works Department *for*

Re: Preliminary Site Plan and Plat
11120 Tomahawk Creek - Office Building
Tomahawk Creek Office Park
Case No. 100-98

The Public Works Department has reviewed the preliminary site plan and plat for the referenced project and would like to make the following stipulations part of the platting process.

MISCELLANEOUS AND GENERAL

1. Label street right-of-way on all sheets.
2. Site grading and storm sewers shall be designed by a registered professional engineer licensed in the state of Kansas.
3. Provide a note on the plans requiring the Contractor to obtain a permit from the Public Works Department before any work in the street right-of- way is started.

SHEET C1

1. All existing topographic features shall be shown on the site plan. Existing features in the street right-of-way shall be shown including, but not limited to, edge of pavement, street light poles, trees, and location of roadside drainage ditch.
2. Provide a dimension from the street right-of-way to the edge of the proposed sidewalk.
3. Delete the sidewalk note and reference the applicable City standard detail.
4. Reference applicable City detail for H.C. curb.

SHEET C3

1. Pavement grades on the parking lot are less than 1 percent and the parking lot will not drain adequately.
2. It appears a flume is needed through the island on the north side of the parking lot.
3. Grade all parking areas to drain to proposed inlets and eliminate runoff from flowing directly into the existing drive off of Tomahawk Creek Parkway.
4. Proposed grades on the roadside ditch are less than 2 percent and the ditch will not drain adequately. Maintain a minimum 2 percent grade.
5. The cross slope on the proposed sidewalk (north end) in the street right-of-way is not ADA compliant. Confirm longitudinal and cross slopes on the proposed sidewalk comply with current ADA standards.
6. Proposed grass slopes within the street right-of way shall be 4:1 (maximum).
7. Review the piping layout between the proposed drainage structures and revise. The existing junction box has two conduits entering the south wall. Move the junction box to the east so that it is completely within the street right-of-way.
8. Identify each drainage structure with a number or letter designation.
9. The grass/landscaped area on the north shall be graded to drain into the parking lot so that runoff will be captured by the proposed curb inlets. We do not want runoff from this area draining into Tomahawk Creek Parkway.
10. Show on the sheet the 100-year flood elevation per Phelps study dated December, 1997. Show FEMA 100-year flood elevation on drawing.
11. All proposed storm sewers shall be labeled "Private".
12. Provide top of curb elevations along the perimeter of the parking lot for our review.

SHEET C4

1. Provide erosion control protection around all proposed inlets.
2. Require the Contractor to obtain a land disturbance permit from the Kansas Department of Health and Environment.

PLAT

1. Indicate the limits of the 100-year flood per Phelps study dated December, 1997 and per FEMA maps.
2. Delete site plan information (curbs, parking lot, etc.) from the plat.
3. Provide common ingress/egress easement language on the plat.
4. Delete the vicinity/drainage map.

If you should have any questions in this matter, please feel free to contact me or Bert Schnettgoecke, P.E.

cc: Public Works Book
File

RESOLUTION NO. 1443

The Leawood City Council has considered the request for approval of Saddle Ridge cellular tower located at approximately Lee Boulevard and Mission Road and hereby finds the following:

WHEREAS, the site plan indicates Austrian Pines around the screen wall, and;

WHEREAS, the screen wall is to be constructed of stucco, and

WHEREAS, berming is provided to minimize the impact of the screen wall, and;

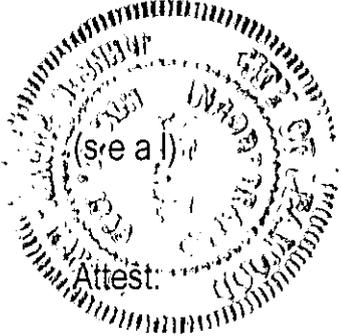
WHEREAS, the Plan Commission has reviewed the application and recommends the following stipulations of approval:

1. The tower may only be constructed and operated upon ground master planned as "open space";
2. Capacity of the tower is limited to four users. Any user (aside from Southwestern Bell) must gain approval by special use permit for location of their antennae on the structure.
3. A bond in an amount equal to 20 percent of construction costs for the facility will be provided to the City by the applicant prior to issuance of the building permit;
4. The tower is limited to 100 feet in height. Any additional height required for co-location will require approval of a separate special use permit;
5. The tower will comply with all related federal guidelines;
6. Flood Plain permits must be secured from FEMA prior to construction. Also, appropriate environmental assessments must be prepared as required by the FCC and National Environmental Policy Act Rules.
7. The special use permit is limited to five years from the date of Governing Body approval.
8. The final site plan is required to go before the Plan Commission for final approval. A revised landscape plan, including size, number, and species, (and revised grading plan with berms) must be submitted at that time.
9. The applicant is to provide a tower with a slim line design antennae, similar to the existing tower located at 95th and Mission Road.

WHEREAS, the developers/owners agree to these stipulations,

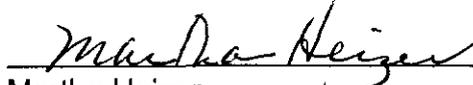
NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby approve the preliminary site plan for Saddle Ridge cellular tower with the above stipulations

Adopted by the Governing Body this ^{21st}~~22nd~~ day of ^{December}~~October~~, 1998.




Peggy J. Dunn

Mayor


Martha Heizer City Clerk

RESOLUTION AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO EXISTING CITY PARKS WITHIN THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY PURSUANT TO K.S.A. 12-1302 TO PROVIDE FUNDS TO PAY THE COSTS THEREOF, AND FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY PENDING THE ISSUANCE OF SAID BONDS; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF SUCH TEMPORARY NOTES AND GENERAL OBLIGATION BONDS; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, it has been proposed that the City of Leawood, Kansas (the "City") acquire, construct and install improvements to existing City parks within the City (the "Projects"), and the City has caused preliminary plans therefor to be prepared and the estimated cost of the Projects has been determined to be approximately \$12,500,000; and

WHEREAS, K.S.A. 12-1302, provides that any city may make improvements to parks and issue bonds of such city to provide funds for such purpose upon being instructed to do so by a majority of all votes cast on the proposition at any general or special election; and

WHEREAS, an election was duly called and held in said City on November 3, 1998 on the following proposition:

"Shall the City of Leawood issue its general obligation bonds pursuant to K.S.A. 12-1302 in an amount not to exceed \$12,500,000 for the purpose of paying for the costs of improvements to existing City parks?"

and more than a majority of the votes cast at said election were found to be in favor of said proposition; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with the Projects in one or more phases over the ensuing three to five years, and to provide for the issuance of general obligation bonds of the City to the amount of \$12,500,000, for the purpose of financing the costs of the Projects and for the issuance of temporary notes of the City pending the issuance of said bonds; and

WHEREAS, Section 1.150-2 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 Projects.

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

Section 1. That the Governing Body hereby finds and determines that it is necessary and desirable to acquire, construct and install the Projects and hereby authorizes and approves

proceeding with the Projects. The City Engineer is hereby authorized and directed to proceed with development of definitive plans for and construction of the Projects.

Section 2. That the Governing Body of the City hereby expresses its intent to issue general obligation bonds of the City in an amount not to exceed \$12,500,000 to pay the costs of the Projects. Pending issuance of such bonds and in order to provide funds to pay the costs of the Projects, the City is hereby authorized to issue from time to time temporary notes of the City as provided by law.

Section 3. That to the extent the City shall pay all or any portion of the costs of the Projects 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 expenditures of the type described in Section 1.150-2(d)(3) of the Income Tax Regulations (the "Regulations").

Section 4. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 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 Projects, 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 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 Projects. 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 1.150-2, 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 restrictions under the ordinance or other documents authorizing the issuance of such notes or the bonds, and under any applicable state statute, which would apply to the unspent proceeds of the notes or the bonds.

Section 8. This Resolution shall take effect from and after its passage and approval by the Governing Body.

ADOPTED by the Governing Body this 21st day of December, 1998.

(SEAL)

Peggy J. Dunn

Peggy J. Dunn, Mayor

Attest:

Martha Heizer

Martha Heizer, City Clerk

RESOLUTION AUTHORIZING THE ACQUISITION AND INSTALLATION OF A NEW RADIO COMMUNICATIONS SYSTEM FOR THE POLICE AND OTHER DEPARTMENTS OF THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE EXECUTION AND DELIVERY OF A LEASE OR LEASE PURCHASE AGREEMENT PURSUANT TO K.S.A. 10-1116b TO PROVIDE FUNDS TO FINANCE THE COSTS THEREOF; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF SUCH LEASE OR LEASE PURCHASE AGREEMENT; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, it has been proposed that the City of Leawood, Kansas (the "City") acquire and install a new radio communications system to serve the police and other departments of the City (the "Project"), and the City has caused preliminary plans therefor to be prepared and the estimated cost of the Project including reserve funds and financing costs has been determined to be approximately \$1,300,000; and

WHEREAS, K.S.A. 10-1116b permits any city to enter into a lease or lease purchase agreement for its lawful purposes; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with the Project and to provide for the execution and delivery of a lease or lease purchase agreement by the City to the amount of \$1,300,000, for the purpose of financing the costs of the Project; and

WHEREAS, Section 1.150.2 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, bonds or other tax-exempt obligations of the City, 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 determines that it is necessary and desirable to acquire and install the Project and hereby authorizes and approves the Project. The Police Department is hereby authorized and directed to proceed with development of definitive plans and solicitation of proposals for the Project.

Section 2. That the Governing Body hereby expresses its intent for the City to execute, enter into and deliver a lease or lease purchase agreement in the original principal amount of not to exceed \$1,300,000 to pay the costs of the Project.

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 execution and delivery of such lease or lease purchase agreement, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such lease or lease purchase agreement. All such

expenditures so reimbursed shall be expenditures of the type described in Section 1.150-2(d)(3) of the Income Tax Regulations (the "Regulations").

Section 4. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

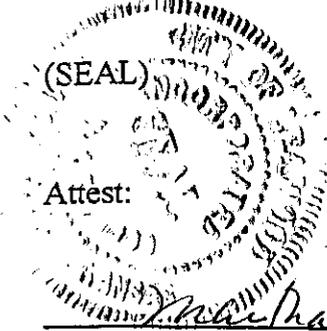
Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project. This 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 delivery of such lease or lease purchase agreement.

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 lease or lease purchase agreement 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 leases and lease purchase agreements, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.150-2, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the lease or lease purchase agreement from any restrictions under the ordinance or other documents authorizing the issuance of such lease or lease purchase agreement, and under any applicable state statute, which would apply to the unspent proceeds of the lease or lease purchase agreement.

Section 8. This Resolution shall take effect from and after its passage and approval by the Governing Body.

ADOPTED by the Governing Body this 21st day of December, 1998.



Attest:

Martha Heizer
Martha Heizer, City Clerk

Peggy J. Dunn
Peggy J. Dunn, Mayor

RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT OF THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE EXECUTION AND DELIVERY OF A LEASE OR LEASE PURCHASE AGREEMENT PURSUANT TO K.S.A. 10-1116b TO PROVIDE FUNDS TO FINANCE THE COSTS THEREOF; EXPRESSING THE INTENT TO REIMBURSE COSTS OF THE PROJECT SO INCURRED FROM PROCEEDS OF SUCH LEASE OR LEASE PURCHASE AGREEMENT; AND AUTHORIZING AND APPROVING CERTAIN RELATED MATTERS AND ACTIONS.

WHEREAS, it has been proposed that the City of Leawood, Kansas (the "City") acquire a new street sweeper and back-hoe for the Public Works Department of the City (the "Project"), and the Public Works Department has prepared an estimate of the cost of the Project including reserve funds and financing costs which cost has been determined to be approximately \$235,000; and

WHEREAS, K.S.A. 10-1116b permits any city to enter into a lease or lease purchase agreement for its lawful purposes; and

WHEREAS, the Governing Body of the City hereby finds and determines that it is necessary and advisable to proceed with the Project and to provide for the execution and delivery of a lease or lease purchase agreement by the City to the amount of \$235,000, for the purpose of financing the costs of the Project; and

WHEREAS, Section 1.150-2 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, bonds or other tax-exempt obligations of the City, 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 determines that it is necessary and desirable to acquire and install the Project and hereby authorizes and approves the Project. The Public Works Department is hereby authorized and directed to proceed with solicitation for proposals for the Project.

Section 2. That the Governing Body hereby expresses its intent for the City to execute, enter into and deliver a lease or lease purchase agreement in the original principal amount of not to exceed \$235,000 to pay the costs of the Project.

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 execution and delivery of such lease or lease purchase agreement, the City hereby declares that it reasonably expects to reimburse such expenditures out of the proceeds of such lease or lease purchase agreement. All such

expenditures so reimbursed shall be expenditures of the type described in Section 1.150-2(d)(3) of the Income Tax Regulations (the "Regulations").

Section 4. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

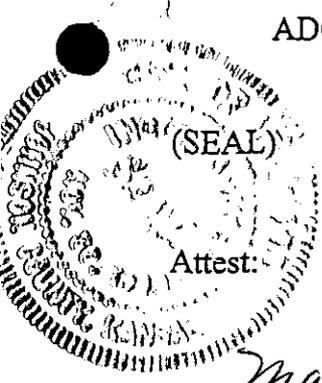
Section 5. That as of the date hereof, there are not City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project. This 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 delivery of such lease or lease purchase agreement.

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 lease or lease purchase agreement 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 leases and lease purchase agreements, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account in accordance with Section 1.150-2, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the lease or lease purchase agreement from any restrictions under the ordinance or other documents authorizing the issuance of such lease or lease purchase agreement, and under any applicable state statute, which would apply to the unspent proceeds of the lease or lease purchase agreement.

Section 8. This Resolution shall take effect from and after its passage and approval by the Governing Body.

ADOPTED by the Governing Body this 21st day of December, 1998.



Attest:

Peggy J. Dunn
Peggy J. Dunn, Mayor

Martha Heizer
Martha Heizer, City Clerk

1999 FEE SCHEDULE

CITY OF
LEAWOOD

City of Leawood, Kansas
4800 Town Center Drive Resolution No. 1447
Leawood, Kansas 66211

A RESOLUTION ESTABLISHING THE 1999 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 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 1999 is hereby ratified:

1999 FEE SCHEDULE

CITY OF
LEAWOOD

CITY-WIDE _____	4	Walls _____	6
Miscellaneous City-wide Fees _____	4	Patio Covers _____	6
Department Publications/Report Fees _____	4	Foundation Repair _____	6
Open Records Act Fees _____	4	Elevators _____	6
FINANCE DEPARTMENT _____	4	Fees for Zoning Procedures _____	7
Licensing of Dogs and Cats _____	4	Residential (RP-A to RP-4) _____	7
Penalties _____	4	Office (CP-0) _____	7
Finance Charges _____	4	Commercial (CP-1 to CP-2) _____	7
Worthless Check Fees _____	4	Recreation _____	7
FIRE DEPARTMENT _____	4	Industrial (PI) _____	7
Fees for Permits _____	4	Business Park (BP) _____	7
PLANNING AND DEVELOPMENT DEPARTMENT _____	5	Special Development (SD) _____	7
Fees for Construction, Alterations and Remodeling _____	5	Mixed Zoning _____	7
New Building Construction Permits _____	5	Conditional Use Permits _____	7
Existing Building Construction Permits - Residential _____	5	Special Use Permits (Except Gas and Oil Permits) _____	7
Existing Building Construction Permits - Commercial, Office, Industrial _____	5	Leawood Development Ordinance _____	8
Miscellaneous Construction, Alterations and Remodeling fees _____	5	Other Plan Approvals _____	8
Fees for Improvements _____	5	Streets, Utility Vacation _____	8
Swimming Pools _____	5	Fees for Subdivision Regulation Procedures _____	8
Hot Tubs, etc. _____	5	Submission _____	8
Mechanical _____	5	Costs to Develop Arterial and Collector Streets _____	8
Sport Courts _____	5	Fees for Sign Permits _____	8
Electrical _____	5	3 Month Permit Temporary Sign _____	8
Plumbing _____	6	15 Day Permit Temporary Sign (Banners) _____	8
Reroofing _____	6	Monument Signs/Structures _____	8
Lawn Sprinkler Systems _____	6	Permanent Sign - Wall Sign _____	8
Structural Fire Sprinkler _____	6	Fees For Department Publications _____	8
Towers (communications) and Solar Equipment _____	6	Planning and Development _____	8
Street Curb Cut _____	6	Fees for Miscellaneous Planning and Development Activities _____	8
Fences _____	6	Occupancy of commercial Space or Building _____	8
		Re-inspection Fees _____	9
		Annual License Fees for Rental Dwellings _____	9
		Rental Inspection Fees _____	9
		Appeals Board Fees _____	9

1999 FEE SCHEDULE

CITY OF
LEAWOOD

Mowing Fees _____	9	Fees for Community Center _____	12
Estate Sales _____	9	IRONHORSE GOLF COURSE _____	13
Oil and Gas Drilling and Production _____	9	Golf Course Fees _____	13
PUBLIC WORKS DEPARTMENT _____	9	Daily Fees _____	13
Fees for Sidewalks, Drive Approaches And Streets _____	9	Golf Car _____	13
Sidewalks _____	9	Learning Center Fees _____	13
Drive Approaches _____	9	Practice tee _____	13
Streets _____	10	Practice Holes _____	13
Fees for Back Charge Recovery Costs - Mud Ordinance _____	10	IRONHORSE Golf Association _____	13
Activities _____	10	IRONHORSE Conductors Club _____	13
Outside Contractors _____	10	Special Events _____	14
Additional Labor _____	10	Starting Time Tournaments - 4 to 20 Players _____	14
Fees for Miscellaneous Public Works Activities _____	10	Starting Time Tournaments - 20 or more Players _____	14
Pre-Blast Application _____	10	Shotgun Start Tournaments _____	14
Inspection Fees _____	10		
Publications Fees _____	11		
POLICE DEPARTMENT _____	11		
Alarm System Fees _____	11		
System Registration Fees _____	11		
False alarm penalties - Residential Systems _____	11		
False alarm penalties - Commercial Systems _____	11		
Miscellaneous Fees _____	11		
Records Copying _____	11		
PARKS AND RECREATION DEPARTMENT _____	11		
Fees for Lessons, Leagues and Classes _____	11		
Fees for Park Facility Rental _____	12		
Miscellaneous Park and Recreation Fees _____	12		
Fees For Pool And Tennis _____	12		
Daily _____	12		
Pool Membership _____	12		

1999 FEE SCHEDULE

CITY OF
LEAWOOD

CITY-WIDE

MISCELLANEOUS CITY-WIDE FEES

Department Publications/Report Fees

Publications/reports (Other than those specifically mentioned herein)..... individually determined based on printing costs

Open Records Act Fees

Record search/record inspection..... \$15.00 - \$25.00 per hour per employee engaged in record search (minimum of \$15.00)

Police Department / Fire Department copy fee..... \$1.50 per page

All other departments copy fee..... \$0.50 per page

FINANCE DEPARTMENT

LICENSING OF DOGS AND CATS

Sexually altered dog/cat..... \$5.00 each

Unaltered dog/cat..... \$15.00 each

Lost tag replacement \$2.00 each

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 the 1st of each delinquent month 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..... \$30.00

FIRE DEPARTMENT

FEES FOR PERMITS

Open Burning Permit..... \$100.00

Reissuance of Blasting Permit..... \$100.00

All other permits as listed in the Uniform Fire Code..... \$50.00

1999 FEE SCHEDULE

CITY OF
LEAWOOD

PLANNING AND DEVELOPMENT DEPARTMENT FEES FOR CONSTRUCTION, ALTERATIONS AND REMODELING

New Building Construction Permits

Residential Permit Fees (one and two family).....	Based on valuation determined by the November-December 1998 ICBO Building Standards
Commercial and Multi Family Permit Fees (non-one and two family).....	Based on valuation determined by the permit applicant and figured in accordance with 1997 UBC Table No. 1A
Residential Sub-contractor Fees (mechanical, electrical, and plumbing).....	\$100.00 each
Commercial and Multi-Family Subcontractor Fees (mechanical, electrical, and plumbing).....	4% of the <u>total</u> building permit fee including the above (\$200 minimum)
Residential Plan Review Fee (one and two family).....	10% of the <u>total</u> building permit fee (including permit fees and subcontractor fees above)
Commercial and Multi-Family Plan Review Fee (non-one and two family).....	25% of the <u>total</u> building permit fee (including permit fees and subcontractor fees above)

Existing Building Construction Permits - Residential

Building alterations, remodeling, additions, decks.....	Based on valuation determined by the permit applicant and figured in accordance with 1997 UBC Table No. 1A
Single wall or ceiling installation or replacement.....	\$0.06 per square foot (\$40 minimum)
Mechanical, electrical, and plumbing associated with building alterations, remodeling, additions, decks, sports courts.....	\$40.00
Plumbing, electrical or mechanical on a single wall.....	\$40.00 each
Plan review for residential remodel.....	10% of the <u>total</u> building permit fee including the above

Existing Building Construction Permits - Commercial, Office, Industrial

Interior finish for new construction; building alterations, remodeling.....	Based on valuation determined by the permit applicant and figured in accordance with 1997 UBC Table No. 1A
Single wall or ceiling installation or replacement.....	\$0.10 per square foot calculated on the area being added or improved (\$40 minimum)
Mechanical, electrical, and plumbing for interior finish for new construction; building alterations, remodeling....	3% of the <u>total</u> building permit fee including the above (\$150 minimum)
Plumbing, electrical or mechanical on a single wall.....	\$40.00 each
Plan review for commercial tenant space.....	10% of the <u>total</u> building permit fee including the above

Miscellaneous Construction, Alterations and Remodeling fees

Demolition, each unit or building.....	\$100.00 each
Structure moving.....	\$500.00 each
Re-issuance of expired permit.....	1/2 the original fee

FEES FOR IMPROVEMENTS

Swimming Pools

Residential (one and two family).....	\$125.00 each
Commercial and Multi-Family (non-one and two family).....	\$300.00 each

Hot Tubs, etc.

Hot tubs, spas, whirlpools, hydro pools, etc.....	\$50.00 each
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Mechanical

Furnace/Air Conditioner replacement.....	\$25.00 each
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Sport Courts*

400 square feet or less.....	\$50.00 each
Greater than 400 square feet.....	\$200.00 each

*See Leawood Development Ordinance for approvals necessary prior to construction.

Electrical

Minor; residential pools, garages, tennis court lighting, etc.....	\$25.00 each
Service upgrade only.....	\$35.00 each
Spas.....	\$20.00 each

1999 FEE SCHEDULE

CITY OF
LEAWOOD

Plumbing

Water heater replacement.....	\$20.00 each
Gas line/water line replacement.....	\$20.00 each
Residential pools.....	\$20.00 each

Reroofing

Residential - new or more than 50% roof replacement or more than 20 squares.....	\$30.00 plus \$1.50/square for every square over 20 squares
Roof repair up to 50% of roof replacement.....	\$20.00 up to 20 squares
Commercial.....	0.1% of construction cost (minimum \$50.00)

Fences

Dog runs and kennels not exceeding 64 square feet and maximum height of 6 feet. (Site plan must first be approved).....	\$20.00 each
Privacy fences exceeding 3 feet in height encompassing patios.....	\$20.00 each
Lot perimeter fences exceeding 3 feet in height on lots up to 22,000 square feet.....	\$50.00 each
Lot perimeter fences exceeding 3 feet in height on lots greater than 22,000 square feet up to 1 acre.....	\$100.00 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. 1A
Fence replacement sections exceeding 3 feet in height and up to 10 feet in length.....	\$20.00 each
Fence replacement sections exceeding 3 feet in height and greater than 10 feet in length up to an including 100 feet.....	\$25.00 each
Fence replacement section exceeding 3 feet in height and greater than 100 feet in length.....	\$50.00 each
Fences around perimeter of swimming pools and tennis courts only.....	\$50.00 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. 1A
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. 1A (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
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Foundation Repair

Up to \$5,000 valuation.....	\$25.00 each
Over \$5,000 valuation.....	\$50.00 each

Lawn Sprinkler Systems

Residential (s.f. - single lot).....	\$50.00 each
Residential (multi units - single lot) ..	\$50.00 each s.f. unit or \$50.00 multi unit building
Backflow replacement.....	\$25.00 each
Commercial.....	Based on valuation determined by the Building Official and figured in accordance with UBC Table No. 1A

Structural Fire Sprinkler

Structural fire sprinkler.....	\$0.02 per square foot' (\$50.00 minimum)
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Towers (communications) and Solar Equipment

Residential (one and two family).....	\$25.00 each
Commercial.....	Based on valuation determined by the permit applicant and figured in accordance with 1997 UBC Table No. 1A (\$200.00 minimum)

Street Curb Cut

Street curb cut.....	\$15.00 each
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Elevators

Residential (one and two family).....	\$80.00 each
Commercial and Multi-Family (non-one and two family).....	\$100.00 each

1999 FEE SCHEDULE

CITY OF
LEAWOOD

FEEES 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.

Residential (RP-A to RP-4)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$400.00	\$400.00	\$400.00	\$200.00
Tract size 5+ acres	\$500.00	\$400.00	\$300.00	\$200.00

Office (CP-0)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$600.00	\$600.00	\$400.00	\$300.00
Tract size 5+ acres	\$800.00	\$600.00	\$400.00	\$300.00

Commercial (CP-1 to CP-2)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$600.00	\$600.00	\$400.00	\$300.00
Tract size 5+ acres	\$800.00	\$600.00	\$400.00	\$300.00

Recreation

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Any tract size	\$600.00	\$600.00	\$400.00	\$300.00

Industrial (PI)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$800.00	\$600.00	\$400.00	\$300.00
Tract size 5+ acres	\$1,000.00	\$600.00	\$400.00	\$300.00

Business Park (BP)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$800.00	\$600.00	\$400.00	\$300.00
Tract size 5+ acres	\$1,000.00	\$600.00	\$400.00	\$300.00

Special Development (SD)

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 5 acres	\$600.00	\$600.00	\$400.00	\$300.00
Tract size 5+ acres	\$800.00	\$600.00	\$400.00	\$300.00

Mixed Zoning

Combination of any two or more districts

	Rezoning Fee	Prelim. Plan	Final Plan	Revised Final Plan
Tract size 0 - 10 acres	\$1,000.00	\$600.00	\$400.00	\$150.00
Tract size 10+ acres	\$1,200.00	\$600.00	\$400.00	\$300.00

Conditional Use Permits

Conditional Use Permit..... \$300.00 each

Special Use Permits (Except Gas and Oil Permits)

Tract size 0 - 5 acres..... \$300.00 each

Tract size 5+ acres..... \$400.00 each

Temporary short term, not longer than 10 days..... \$50.00 each

1999 FEE SCHEDULE

CITY OF
LEAWOOD

Leawood Development Ordinance

Text amendment..... \$300.00 each

Other Plan Approvals

Landscape plan..... \$200.00 each

Sign plan approval (commercial)..... \$150.00 each

Streets, Utility Vacation

Utility vacation..... \$200.00 each

FEES FOR SUBDIVISION REGULATION PROCEDURES

Submission

Preliminary Plat Submission..... \$800.00 minimum plus \$2.00 per lot/tract

Final Plat Submission..... \$400.00 minimum plus \$2.00 per lot/tract

Costs 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

3 Month Permit Temporary Sign

Small (5 square feet to 32 square feet)..... \$40.00 each

Large (over 32 square feet)..... \$100.00 each

15 Day Permit Temporary Sign (Banners)

Small (up to 32 square feet)..... \$20.00 each
maximum 4 times a year

Large (33 to 50 square feet)..... \$50.00 each

Monument Signs/Structures

All sizes..... \$100.00 (additional electrical permit required)

Permanent Sign - Wall Sign

All sizes \$2.00 per square foot (minimum of \$25.00) (additional electrical permit required)

FEES FOR DEPARTMENT PUBLICATIONS

Planning and Development

Comprehensive Plan Book..... \$25.00 each

Leawood Development Ordinance..... \$10.00 each

Subdivision Regulations..... \$10.00 each

Zoning Map - black and white..... \$1.00 each

Subdivision Map - black and white..... \$1.00 each

Comprehensive Plan Map - color, 2-sided..... \$5.00 each

Comprehensive Plan Map - color, 1-sided..... \$3.00 each

Comprehensive Plan Map - black and white, 1-sided..... \$1.00 each

Leawood Street Plan Map - black and white..... \$1.00 each

FEES FOR MISCELLANEOUS PLANNING AND DEVELOPMENT ACTIVITIES

Occupancy of commercial Space or Building

Application fee..... \$20.00 each

Inspection fee..... \$30.00 each

1999 FEE SCHEDULE

CITY OF
LEAWOOD

Re-inspection Fees

Residential.....	\$47.00 each
Office/Commercial.....	\$47.00 each
Temporary occupancies.....	\$30.00 each (after second inspection)

Annual License Fees for Rental Dwellings

Single family dwelling.....	\$75.00 each dwelling
Apartment units.....	\$20.00 each unit

Rental Inspection Fees

Rental Inspection Fees.....	\$10.00 per inspection
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Appeals Board Fees

Board of Zoning Appeals.....	\$150.00 each
Residential Building Code Board of Appeals (one and two family).....	\$75.00 each
Commercial Building Code Board of Appeals (non-one and two family).....	\$150.00 each
Residential Code Modification request (one and two family).....	\$75.00 each
Commercial Code Modification request (non-one and two family).....	\$150.00 each

Mowing Fees

Code enforcement initiated.....	\$200.00 per hour (minimum of \$200.00)
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Estate Sales

Estate sale.....	\$25.00 each
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Oil and Gas Drilling and Production

Special use permit.....	\$800.00 each
Permit for one well.....	\$500.00 each
Blanket permit for multi wells.....	\$1,000.00 each

PUBLIC WORKS DEPARTMENT

FEES FOR SIDEWALKS, DRIVE APPROACHES AND STREETS

Sidewalks

Residential Interior Lots Fees (one and two family).....	\$70.00 each
Residential Corner Lots Fees (one and two family).....	\$100.00 each

Drive Approaches

Residential Fees.....	\$70.00 each
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1999 FEE SCHEDULE

CITY OF
LEAWOOD

Streets

For any permit issued under the provisions of Article 2 of Chapter 13.....	\$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 (minimum of \$20.00)
Lane closure permit (in addition to open cut or right-of-way).....	\$25.00 each
Street name signs material and installation	\$110.00 per intersection
All other miscellaneous street signs	100% of material and installation

FEEES 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 two hour minimum charge. Transportation to the job site will be charged at the same rate.*

Activities

Worker with hand tool only.....	\$20.00 per hour
Pick-up truck with driver	\$35.00 per hour
Dump truck with driver	\$55.00 per hour
Sweeper with operator	\$100.00 per hour
Jet rodder with operator	\$100.00 per hour
Back hoe with operator	\$80.00 per hour
Mowing tractor with operator	\$65.00 per hour
Bobcat, pick-up, trailer and hand tools with operator	\$80.00 per hour
Loader with operator	\$90.00 per hour

Outside Contractors

Outside contractors	\$65.00 per hour (minimum of 3 hours)
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Additional Labor

Maintenance Worker I (per person).....	\$20.00 per hour
Maintenance Worker II (per person)	\$20.00 per hour
Maintenance Worker III (per person).....	\$20.00 per hour
Crew Leader (per person)	\$25.00 per hour
Supervisor (per person)	\$35.00 per hour

FEEES FOR MISCELLANEOUS PUBLIC WORKS ACTIVITIES

Pre-Blast Application

Pre-blast application	\$200.00 each
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Inspection Fees

Review and inspection of public improvements by private developers	7% of total construction cost for each type of permit issued
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1999 FEE SCHEDULE

CITY OF
LEAWOOD

Publications Fees

Construction Standards Book.....\$20.00 each

POLICE DEPARTMENT

ALARM SYSTEM FEES

System Registration Fees

Alarm System Registration Fee.....\$16.00 annually/prorated quarterly

Yearly Renewal Fee based on the number of false alarms occurring in the previous year:

No false alarms.....\$4.00
 1 false alarm.....\$8.00
 2 false alarms.....\$12.00
 3 or more false alarms.....\$16.00

False alarm penalties - Residential Systems

0-3 false alarms.....No charge
 4-6 false alarms.....\$25.00 each
 7-9 false alarms.....\$50.00 each
 10-12 false alarms.....\$75.00 each
 13 and each subsequent alarm.....\$100.00 each

False alarm penalties - Commercial Systems

0-3 false alarms.....No charge
 4-6 false alarms.....\$50.00 each
 7-9 false alarms.....\$100.00 each
 10-12 false alarms.....\$150.00 each
 13 and each subsequent alarm.....\$200.00 each

MISCELLANEOUS FEES

Records Copying

Copy fee.....\$1.50 per page

PARKS AND RECREATION DEPARTMENT

FEES FOR LESSONS, LEAGUES AND CLASSES

Swim lessons
 Water Exercise*/Scuba lessons
 Competitive swim (USS fee not inc.)
 Tennis (30 minutes)
 Tennis (1 hour)
 Day Camp
 *per event

	Resident Fees	Non-resident Fees
Swim lessons	\$30.00	\$36.00
Water Exercise*/Scuba lessons	\$30.00-\$250.00	\$40.00-\$260.00
Competitive swim (USS fee not inc.)	\$80.00	\$100.00
Tennis (30 minutes)	\$30.00	\$35.00
Tennis (1 hour)	\$35.00	\$40.00
Day Camp	\$75.00-\$120.00	\$95.00-\$145.00

Softball league.....\$300.00
 Sand Volleyball league.....\$75.00
 Soccer.....\$42.00* (late fee \$5.00)
 T-Ball.....\$45.00* (late fee \$5.00)
 World Team Tennis.....\$30.00* (late fee \$5.00)
 Triathlon/Road Race (Advanced).....\$12.00*
 Triathlon/Road Race (Late).....\$15.00*
 Triathlon/Road Race(Race Day).....\$20.00*
 *per participant fee

Other classes for adults & children are determined by staff,
 based on supplies & facility cost

1999 FEE SCHEDULE

CITY OF
LEAWOOD

FEEES FOR PARK FACILITY RENTAL

Soccer and baseball field use
Tennis court rental (singles)
Tennis court rental (doubles)
Volleyball court rental

Resident Fees	Non-resident Fees
\$3.50 per hr	\$5.00 per hr
\$5.00 per hr	\$5.00 per hr
\$7.00 per hr	\$7.00 per hr
\$7.00 per hr	\$10.00 per hr
\$30.00 per 5 hrs	\$45.00 per 5 hrs
\$15.00 per 5 hrs	\$20.00 per 5 hrs
\$20.00 per 5 hrs	\$25.00 per 5 hrs
\$40.00 per 5 hrs	\$50.00 per 5 hrs

Small Shelter reservations
Regular Shelter reservations
Large Shelter reservations
Soccer clinic.....
Picnic table moving.....
*per participant

\$70.00 - \$125.00*
\$10.00

MISCELLANEOUS PARK AND RECREATION FEES

Cancellation/Transfer Fee

Resident Fees	Non-resident Fees
To be determined	To be determined

FEEES FOR POOL AND TENNIS

Daily

Pool
Tennis

Resident Fees	Non-resident Fees
\$4.00	\$5.00
\$3.50 after 8:00 PM	\$4.50 after 8:00 PM

Pool Membership

Family*
Individual
Senior Citizen (60+)
Pool Card
Replacement Patches
5 Visit Ticket
10 Visit Ticket

Resident Fees	Non-resident Fees
\$90.00	\$125.00
\$50.00	\$70.00
\$30.00	\$35.00
\$5.00 each	\$5.00 each
\$12.00 each	\$12.00 each
\$18.00	\$22.00
N/A	N/A

*Family = 2 adults and 2 children / \$5.00 each additional child

FEEES FOR COMMUNITY CENTER RENTAL (\$100.00 REFUNDABLE DEPOSIT REQUIRED ON ALL ROOM RENTALS)

Oak Room rental (I)
Oak Room rental (II)
Oak Room rental (I & II)
Oak Room rental (I&II) plus kitchen
Kitchen Only
Kitchen Access Fee
Maple Room rental
Cedar Room rental
Elm Room rental
Walnut Room rental
Amphitheater
Big Screen TV/VCR
Cordless Microphone
Podium
Portable Bar
Clean-up Fees.....

	Resident Fees	Non-resident Fees	Commercial/Business	Leawood Civic
	\$25.00 per hr	\$35.00 per hr	\$45.00 per hr	\$20.00 per hr
	\$30.00 per hr	\$40.00 per hr	\$50.00 per hr	\$25.00 per hr
	\$40.00 per hr	\$50.00 per hr	\$60.00 per hr	\$35.00 per hr
	\$50.00 per hr	\$60.00 per hr	\$70.00 per hr	\$45.00 per hr
	\$20.00 per hr	\$25.00 per hr	\$25.00 per hr	\$15.00 per hr
	\$25.00 per event	\$25.00 per event	\$25.00 per event	\$25.00 per event
	\$25.00 per hr	\$30.00 per hr	\$35.00 per hr	\$15.00 per hr
	\$15.00 per hr	\$20.00 per hr	\$25.00 per hr	\$10.00 per hr
	\$20.00 per hr	\$25.00 per hr	\$35.00 per hr	\$15.00 per hr
	\$20.00 per hr	\$25.00 per hr	\$35.00 per hr	\$15.00 per hr
	\$25.00 per hr	\$50.00 per hr	\$100.00 per hr	\$35.00 per hr
	\$10.00 per day	\$10.00 per day	\$10.00 per day	\$10.00 per day
	\$10.00 per day	\$10.00 per day	\$10.00 per day	\$10.00 per day
	\$15.00 per day	\$15.00 per day	\$15.00 per day	\$15.00 per day
	\$10.00 per day	\$10.00 per day	\$10.00 per day	\$10.00 per day
	\$25.00 - \$125.00			

1999 FEE SCHEDULE

CITY OF
LEAWOOD

IRONHORSE GOLF COURSE

GOLF COURSE FEES

Daily Fees

"Non-Prime Time" includes Monday through Thursday; "Prime Time" includes Friday, Saturday and Sunday.

The Junior/Senior rates apply only during non-prime time.

The Twilight rates begin at 4:00 PM.

A Tournament Fee includes green fee, golf car and an \$8.00 prize fee.

Non-Prime Time*

18 Hole
Junior/Senior 18 Hole
Twilight Rate

Resident Fees	Non-resident Fees
\$29.00	\$36.00
\$21.00	\$25.00
\$18.00	\$23.00

Prime Time*

18 Hole
Twilight Rate

Resident Fees	Non-resident Fees
\$37.00	\$44.00
\$22.00	\$26.00

Golf Car

18 Hole Golf Car \$14.00
Twilight Golf Car \$9.00
Senior Golf Car \$12.00

LEARNING CENTER FEES

Practice tee

Regular Size Bag \$4.00
Large Size Bag \$6.50

Practice Holes

3 Hole Round \$3.00
Practice Tee Card (30 large bags; 10 rounds on practice course) \$150.00

IRONHORSE GOLF ASSOCIATION

The IRONHORSE Golf Association signs the player up on the GHIN handicap system. The player will also receive a reduced entry fee to all IRONHORSE sponsored events.

1999 Membership \$30.00

IRONHORSE CONDUCTORS CLUB

The IRONHORSE Conductors Club is limited to 125 members.

The fee is due at the beginning of the year; benefits end November 30.

The members will receive 1) Seven (7) day advance privileges for starting time reservations; 2) handicap service; 3) 25% discount on Clubhouse rentals; 4) IRONHORSE windshirt; 5) reduced fees to all IRONHORSE sponsored events; and 6)

Conductor's Club sale.

Non-residents may only sign up if the 125 memberships are not filled by residents.

1999 Resident Membership \$400.00
1999 Non-Resident Membership \$500.00

1999 FEE SCHEDULE

CITY OF
LEAWOOD

SPECIAL EVENTS

Starting Time Tournaments - 4 to 20 Players

Monday - Thursday	\$60.00
Friday - Sunday	\$68.00

Starting Time Tournaments - 20 or more Players

Includes 18 hole fee, golf car and professional services. A merchandise allowance of \$8.00 per player will be returned to each group for use in the Golf Shop.

Monday - Thursday	\$67.00
Friday - Sunday	\$75.00

Shotgun Start Tournaments

Includes 18 hole fee, golf car and professional services. A merchandise allowance of \$1,000.00 will be returned to the group for use in the Golf Shop.

Monday - Thursday	\$9,000.00
Friday - Sunday	\$9,500.00

1999 FEE SCHEDULE

CITY OF
LEAWOOD

Adopted by the Governing Body this 21st day of December, ~~1999~~ 1998.

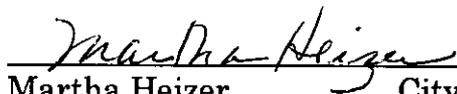


Peggy Dunn

Mayor



Attest:



Martha Heizer

City Clerk

OK

RESOLUTION NO. 1448

The Leawood City Council has considered the request for approval of Saddle Ridge residential and golf course request for rezoning from AG, agriculture to RP-1, Planned Single Family Residential, RP-4, Planned Cluster Residential, REC, Recreation, preliminary site plan and preliminary plat, located at approximately 105th and Mission Road and hereby finds the following:

WHEREAS, the plan includes 88 RP-1 lots and 23 RP-4 lots, and an 18 hole golf course, and;

WHEREAS, the Master Plan designates the area as Low Density Residential, and;

WHEREAS, the rezoning would require a Master Plan change, and;

WHEREAS, the Plan Commission has reviewed the application and recommends the following reasons for denial:

1. The lack of conformity to the Master Plan.
2. Lack of continuity with the surrounding community.
3. Issue of rezoning the property without having clear answers on how to address the issues of flooding and lead on the property.
4. The long term viability of the golf course and the difficulties of converting the golf course to something in the future.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby deny the rezoning from AG to RP-1, RP-4, and REC, and preliminary site plan and preliminary plat for Saddle Ridge for the above stated reasons.

Adopted by the Governing Body this 4th day of January, 1999.



Peggy J. Dunne

 Peggy J. Dunne Mayor

Martha Heizer

 Martha Heizer City Clerk

OK

RESOLUTION NO. 1449

The Leawood City Council has considered the request for approval of Saddle Ridge club house special use permit, preliminary site plan and preliminary plat, located at approximately 105th and Mission Road and hereby finds the following:

WHEREAS, the plan indicates the current Saddle & Sirloin club house to be the future club house for the 18 hole golf course, and;

WHEREAS, the Master Plan designates the area as Low Density Residential, and;

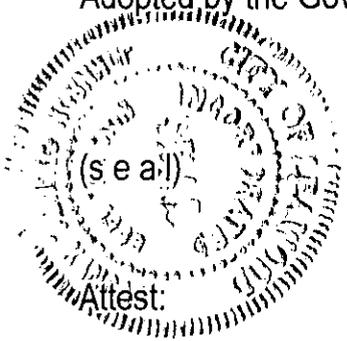
WHEREAS, the club house is an integral part of the residential and golf course plan, and;

WHEREAS, the Plan Commission has reviewed the application and recommends the following reasons for denial:

1. For the same reasons as stated in Case 102-98, as follows:
 - The lack of conformity to the Master Plan.
 - Lack of continuity with the surrounding community.
 - Issue of rezoning the property without having clear answers on how to address the issues of flooding and lead on the property.
 - The long term viability of the golf course and the difficulties of converting the golf course to something in the future.
2. This case was requested to be submitted as a package by the developer.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby deny the special use permit, preliminary site plan and preliminary plat for Saddle Ridge club house for the above stated reasons.

Adopted by the Governing Body this 4th day of January, 1999.



Peggy J. Dunn

 Peggy J. Dunn Mayor

Martha Heizer

 Martha Heizer City Clerk

OK

RESOLUTION NO. 1450

The Leawood City Council has considered the request for approval of Saddle Ridge adult care facilities special use permit, preliminary site plan and preliminary plat, located at approximately 105th and Mission Road and hereby finds the following:

WHEREAS, the plan includes an assisted living facility, independent care facility, and a skilled nursing facility, and;

WHEREAS, the Master Plan designates the area as Low Density Residential, and;

WHEREAS, the facilities are a part of the entire Saddle Ridge development, and;

WHEREAS, the Plan Commission has reviewed the application and recommends the following reasons for denial:

1. For the same reasons as stated in Case 102-98, as follows:
 - The lack of conformity to the Master Plan.
 - Lack of continuity with the surrounding community.
 - Issue of rezoning the property without having clear answers on how to address the issues of flooding and lead on the property.
 - The long term viability of the golf course and the difficulties of converting the golf course to something in the future.
2. This case was requested to be submitted as a package by the developer.

NOW, THEREFORE BE IT RESOLVED that the Leawood City Council does hereby deny the special use permit, preliminary site plan and preliminary plat for Saddle Ridge adult care facilities for the above stated reasons.

Adopted by the Governing Body this 4th day of January, 1999.



Peggy J. Dunn

 Peggy J. Dunn Mayor

Martha Heizer

 Martha Heizer City Clerk