

First Published in The Johnson County Sun, Wednesday, August 16, 1995.

NOTICE

Notice is hereby given to the legal electors of the City of Westwood Hills, Kansas, that the governing body of said City proposes to pass an ordinance granting a natural gas franchise to Western Resources, Inc., said ordinance being in form as follows:

AN ORDINANCE, granting to Western Resources, Inc., its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms thereof.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

SECTION 1. That in consideration of the benefits to be derived by the City of Westwood Hills, Kansas, and its inhabitants, there is hereby granted to Western Resources, Inc., hereinafter sometimes designated as "Company," said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance, to occupy and use the several streets, avenues, alleys, bridges, parks, parking, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Westwood Hills, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available; and to do all things necessary or proper to carry on said business in the City of Westwood Hills, Kansas.

SECTION 2. As further consideration for the granting of this franchise, and in lieu of any city occupation, license or revenue taxes, but not in lieu of construction permits fees or bonds it may be required to post under applicable city ordinances or city code provisions, the Company shall pay to the City during the term of this franchise five (5%) per cent of its gross receipts from the sale of natural gas during the term of this franchise to all consumers within the corporate limits of the said City except customers purchasing gas at Company's large commercial or large industrial rates and one (1%) per cent of its gross

receipts from the sale of natural gas during the term of this franchise to consumers within the said corporate limits purchasing gas at Company's large commercial or large industrial rates, such payment to be made monthly for the preceding monthly period.

SECTION 3. That all mains, services, and pipe which shall be laid or installed under this grant shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers, or other structures already installed.

SECTION 4. Company shall, in the doing of the work in connection with its said gas mains, pipes, and services, use appropriate equipment for such work and avoid, so far as may be practicable, interfering with the use of any street, alley avenue or other public thoroughfare, it shall at its own expense and in a manner satisfactory to the duly authorized representatives of the City replace such paving or surface in accordance with the requirements of the then existing ordinances or city code provisions and in substantially as good condition as before said work was commenced.

SECTION 5. It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the said sources and said pipelines are reasonably capable of supplying.

SECTION 6. That Company, its successors and assigns, in the construction, maintenance, and operation of its natural gas system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Westwood Hills, Kansas, from any and all damage, injury and expense caused by the negligence or intentional wrongful acts of said Company, its successors and assigns, or its or their agents or servants.

SECTION 7. That within twenty (20) days from and after the passage and approval of this ordinance, Company shall file the same with the State Corporation Commission for the Commission's approval.

SECTION 8. After the approval of this ordinance by the State Corporation Commission, Company shall file with the City Clerk of the City of Westwood Hills, Kansas, its unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and be

come binding contract between the parties hereto, their successors and assigns, from and after the expiration of sixty (60) days from its final passage, approval and publication as required by law, and acceptance by said Company.

SECTION 9. That this ordinance, when accepted as above, provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 10. This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 11. That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 12. Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude Western Resources, Inc. from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the State Corporation Commission's ruling.

PASSED by the Governing Body of the City of Westwood Hills, Kansas, this 7th day of August, 1995.

APPROVED by the Mayor of the City of Westwood Hills, Kansas, this 7th day of August, 1995.

(s) E. Alan Roth
Mayor

Attest:
(s) Patti Fuhrman
City Clerk

(15177 2W)

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for two consecutive weeks (weeks/days), the first publication thereof being made as aforesaid on the 16th day of August 1995, with subsequent publication being made on the following dates:

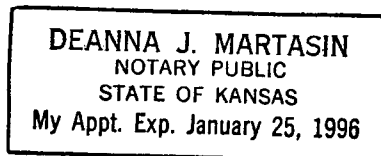
August 23, 19 95 _____, 19____
_____, 19____ _____, 19____

Georgiann Thacker

**Subscribed and sworn to before me this 23rd day
of August 1995**

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/96
Printer's Fees 197.84
Additional Copies \$ _____



Second Meeting

MINUTES OF THE MEETING OF THE GOVERNING BODY OF THE CITY OF Westwood, KANSAS Hills

The Mayor and City Council of the City of Westwood
Hills, Kansas, met at the city building
in the City of Westwood Hills, Kansas, at 7:30 o'clock, P.M., on the 3rd day of
July, 1995, the same being a regular meeting of the Council.

The major presided. The following Council members were present:

Patrick Wibbenmeyer, Phil Peterson, Ruth Goodman and
Mike Whitsitt

Thereupon Council member Whitsitt referred to
proposed ordinance number 1169 which was first introduced at the Council meeting of
June 5, and moved that same be placed on second reading. Said motion was
seconded by Council member Wibbenmeyer and, upon vote, carried. The
said proposed ordinance number 1169 was placed on second reading, and read in full
and considered by sections.

There being no further business to come before the meeting, upon motion duly made,
seconded and carried, the meeting was adjourned.

WESTWOOD HILLS, KANSAS
ORDINANCE NO. 168

AN ORDINANCE ADOPTING THE RE-CODIFICATION OF THE MUNICIPAL CODE OF WESTWOOD HILLS, KANSAS, 1979 EDITION AND CODIFYING CERTAIN ORDINANCES OF THE CITY OF WESTWOOD HILLS, KANSAS, AUTHORIZED BY ORDINANCE NO. ____; PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

Be it Ordained by the Governing Body of the City of Westwood Hills, Kansas:

Section 1. The re-codification of The Municipal Code of Westwood Hills, Kansas, 1979 Edition, authorized by Ordinance No. ____, and K.S.A. 12-3014 and K.S.A. 12-3015, as set out in the following chapters, Chapters 1 through 12 and supplements, all inclusive, and entitled "The Municipal Code of Westwood Hills, Kansas, 1994 Edition" is hereby adopted and ordained as the Code of the City of Westwood Hills, Kansas, and said re-codification shall become effective upon publication of not less than twelve (12) copies of said Code in book form.

Section 2. All ordinances and parts of ordinances of a general nature passed prior to the 5th day of December, 1994, in force and effect at the date of the publication of not less than twelve (12) copies of "The Municipal Code of Westwood Hills, Kansas, 1993 Edition" and this ordinance, are hereby repealed as of the date of publication of said Code except as hereinafter provided.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- a. Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- b. Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards or easements;
- c. Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
- d. Ordinances naming or changing the names of streets, avenues and boulevards;
- e. Ordinances authorizing or directing public improvements to be made;
- f. Ordinances creating districts for public improvements of whatsoever kind or nature;
- g. Ordinances levying general taxes;
- h. Ordinances levying special assessments or taxes;
- i. Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- j. Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- k. Ordinances authorizing contracts;

- l. Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- m. Ordinances relating to compensation of officials, officers and employees of the city;
- n. Ordinances pertaining to the use of land within any district or zone located within the city.

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section.

Section 4. The arrangement and classification of the several chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangements, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefor.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Municipal Code of Westwood Hills, Kansas, 1994 Edition", or the application thereof to any person or circumstances, is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

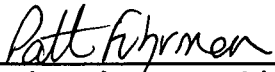
Section 7. This ordinance shall take effect and be in force from and after the publication of the "Municipal Code of Westwood Hills, Kansas, 1994 Edition", as provided in K.S.A. 12-3015.

Passed by the Governing Body of the city of Westwood Hills, Kansas this 5th day of December, 1994.

Signed by the Mayor of the City of Westwood Hills, Kansas this ____ day of December, 1994.

Al W. Tikwart, Jr., Mayor

ATTEST:



Patti Fuhrman, City Clerk

AFFIDAVIT OF PUBLICATION

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

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That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks/days), the first publication thereof being made as aforesaid on the 12th day of April 1995, with subsequent publication being made on the following dates:

_____, 19____, _____, 19____

_____, 19____, _____, 19____

Georglann Thacker

Subscribed and sworn to before me this 12th day
of April 1995

Deanna J. Martasin
NOTARY PUBLIC

My Commission Expires 1/25/96
Printer's Fees 156.23
Additional Copies \$ _____

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. January 25, 1996

WESTWOOD HILLS, KANSAS
ORDINANCE NO. 168

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Section 2. All ordinances and parts of ordinances of a general nature passed prior to the 5th day of December, 1994, in force and effect at the date of the publication of not less than twelve (12) copies of "The Municipal Code of Westwood Hills, Kansas, 1994 Edition" and this ordinance, are hereby repealed as of the date of publication of said Code except as hereinafter provided.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- a. Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- b. Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards or easements;
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Section 5. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Municipal Code of Westwood Hills, Kansas, 1994 Edition", or the application thereof to any person or circumstances, is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. This ordinance shall take effect and be in force from and after the publication of the "Municipal Code of Westwood Hills, Kansas, 1994 Edition", as provided in K.S.A. 12-3015.

Passed by the Governing Body of the city of Westwood Hills, Kansas this 5th day of December, 1994.

Signed by the Mayor of the City of Westwood Hills, Kansas this 5th day of December, 1994.

/s/ Al W. Tikwart, Jr., Mayor

ATTEST:
/s/ Patti Fuhrman, City Clerk