

The Legal Record

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CITY OF WESTWOOD HILLS
ATTN: PATTI FUHRMAN
2117 W 50TH ST
WESTWOOD HILLS, KS 66205

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:

ORDINANCE NO. 179--4/28/98

Tammy Schwien
Legal Notices Administrator

Subscribed and sworn to before me on this date:

April 29, 1998

Debra Dziadura
Notary Public

DEBRA DZIADURA
Notary Public - State of Kansas

My appointment expires: August 21, 1999.

ORDINANCE NO. 179

CONTINUED FROM PAGE 5

and all additional runoff. All storm water runoff shall be contained or directed to a drainage point on the same lot or property as the development occurs. No additional runoff may be directed towards, or allowed to drain by lay of the land (or natural topography) onto any adjoining property(ies). Before a Certificate of Occupancy is issued, the building inspector shall certify that drainage, storm water runoff and erosion requirements have been met pursuant to Chapter 70 of the Uniform Building Code. [Formerly Section 5-104.]

5-116. PENALTY FOR VIOLATIONS. Any person, firm or corporation violating any provision of this article or failing or refusing to perform any duty imposed by this article shall be fined in a sum not to exceed \$500 or imprisoned for not more than 180 days or be both fined and imprisoned. A separate offense shall be deemed committed each and every day during which a violation occurs or continues. [Formerly Section 5-103.]

5-117. BUILDING CODES BOARD OF APPEALS ESTABLISHED. There is hereby established and created a Westwood Hills, Kansas "Board of Structural Appeals". [Formerly Section 5-105]

5-118. SAME; MEMBERSHIP. The board shall consist of three members to be appointed by the mayor and with the consent of the governing body. The members first appointed shall serve for terms of one, two and three years. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointments for the unexpired term. The members of the board shall serve without compensation. In the absence of a duly appointed Board of Structural Appeals, the City Council shall serve as the Board of Structural Appeals. [Formerly Section 5-106.]

5-119. SAME; POWERS AND DUTIES. The powers and duties of the board of structural appeals shall be in accordance with the codes adopted by reference under section 5-101. [Formerly Section 5-107.]

Section 2. Article 5 of Chapter 8 entitled Permits, and Procedure for Obtaining is hereby repealed in its entirety.

Section 3. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body, and APPROVED by the Mayor this 6th day of April, 1998.

/s/ E. Allen Roth
E. Allen Roth, Mayor

Attest:

/s/ Patti Fuhrman
Patti Fuhrman, City Clerk



\$107.18

ORDINANCE NO. 179

First published in The Legal Record, Tuesday, April 28, 1998.

**CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 179**

AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 8 OF THE WESTWOOD HILLS MUNICIPAL CODE TO INCLUDE CERTAIN PROVISIONS CURRENTLY IN CHAPTER 8 IN CHAPTER 5

WHEREAS, the Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend Chapter 5 of the City Code, which chapter concerns building and construction, to include provisions relating to building permits which provisions are currently in Chapter 8.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

Section 1. The listing of the contents and Article 1 of Chapter 5 of the Code of the City of Westwood Hills is hereby amended to read as follows:

CHAPTER V. BUILDING AND CONSTRUCTION

- Article 1. Building Codes Adopted by Reference, Permits Required, Fees, Applications, Issuance, Revocation, Expiration, Cleanup, Penalties, Board of Structural Appeals
- Article 2. Removal of Structures
- Article 3. Deep and Shallow Excavations
- Article 4. Solar Energy Systems
- Article 5. Parabolic and Dish Type Antennas
- Article 6. Cutting Streets and Excavations
- Article 7. Penalty

ARTICLE 1. BUILDING CODES

- 5-101. **BUILDING CODES ADOPTED BY REFERENCE.** That certain stated codes known as the:
- 1994 Uniform Building Code,
 - 1994 Uniform Mechanical Code, as published by the ICBO
 - 1995 International Plumbing Code,
 - 1993 National Electric Code with Uniform Administration Code Provisions,
 - 1994 Uniform Fire Code,
 - 1994 Uniform Code for the Abatement of Dangerous Buildings,
 - 1994 Uniform Housing Code,
 - 1995 CABO One and Two Family Dwelling Code,

are hereby established as the Building Code, Mechanical Code, Plumbing Code, Electrical Code, Fire Code, Dangerous Buildings Code, Housing Code, and One and Two Family Dwelling Code of and for the city and the above-described codes and their supplements are hereby incorporated herein by reference and made part of this code, save and except such portions that are deleted or amended by ordinance.

5-102. **MARKED COPIES OF STANDARD CODES FILED.** There shall be no fewer than three copies of the standard codes incorporated by reference in section 5-101 of this article kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable business hours. The filed copies of the standard code shall be marked or stamped "Official Copy as incorporated by the Municipal Code." All sections or portions of the filed copies of the standard code shall be clearly marked to show deletions from the standard code. Ref. K.S.A 12-3010, 12-3015

5-103. **PERMIT REQUIRED.** Except as herein otherwise provided, no building, structure, appurtenance, fence, hedge, driveway, patio, garage or exterior air conditioner compressor shall be constructed, erected, added to or materially altered, structurally or otherwise changed, remodelled, or improved nor any exterior mechanical equipment installed, nor any other work commenced upon any lot, tract or parcel of land unless the owner, contractor or the duly authorized agent of either shall first have applied for and received from the City Planning Commission a permit therefor as herein provided. [Formerly Section 8-501.]

5-104. **SEPARATE PERMITS.** There shall be separate permits required for each building or structure to be constructed, erected or altered, except accessory buildings and appurtenances which may be included in the permit for the principal building when construction is simultaneous, and provided, further, that there shall be but one fee required for simultaneous applications for permits on the same property. [Formerly Section 8-506.]

5-105. **MINOR ALTERATIONS.** No permit shall be required for minor alterations such as painting, decorating, minor landscaping, patching, maintenance, re-roofing with materials similar to existing materials and installation of room air conditioners, screens, storm doors and windows. [Formerly Section 8-502.]

5-106. **PERMIT FEES.** Permit fees shall be assessed for the various trades as follows:

| Building permit fees: | |
|-----------------------|---------|
| Total Valuation | Fee |
| \$14.00 to \$500.00 | \$15.00 |

| | |
|----------------------------|---|
| \$501.00 to \$2,000.00 | \$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00 |
| \$2,001.00 to \$25,000.00 | \$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00 |
| \$25,001.00 to \$50,000.00 | \$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00 |
| \$50,001 to \$100,000 | \$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00 |
| \$100,001 to \$500,000 | \$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof |
| \$500,001 to \$1,000,000 | \$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,001.00 and up | \$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof. |

Other Inspections and Fees:

1. Inspections outside of normal business hours..... \$30.00 per hour* (minimum charge -- two hours)
2. Reinspection fees assessed under provisions of Section 305(g)..... \$30.00 per hour*
3. Inspections for which no fee is specifically indicated..... \$30.00 per hour* (minimum charge -- one half hour)
4. Additional plan review required by changes, additions or revisions to approved plans..... \$30.00 per hour* (minimum charge -- one half hour)

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervisions, overhead, equipment, hourly wages and fringe benefits of the employees involved.

B. Mechanical permit fees: Per the 1994 mechanical code fee schedule.

C. Plumbing permit fees:

Permit Issuance

1. For issuing each permit..... \$20.00
 2. For issuing each supplement permit..... \$10.00
- Unit Fee Schedule (in addition to items 1 and 2 above):
1. For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection therefor)..... \$ 7.00
 2. For each building sewer and each trailer park sewer..... \$15.00
 3. Rainwater system - per drain (inside building)..... \$ 7.00
 4. For each cesspool (where permitted)..... \$25.00
 5. For each private sewage disposal system..... \$40.00
 6. For each water heater and/or vent..... \$ 7.00
 7. For each gas-piping system of one to five outlets..... \$ 5.00
 8. For each additional gas piping system outlet, per outlet..... \$ 1.00
 9. For each industrial waste pretreatment interceptor including its trap and vent, except kitchen-type grease interceptors functioning as fixture traps..... \$ 7.00
 10. For each installation, alteration or repair of water piping and/or water treating equipment, each..... \$ 7.00
 11. For each repair or alteration of drainage or vent piping, each fixture..... \$ 7.00
 12. For each lawn sprinkler system on any one meter including backflow protection devices therefor..... \$ 7.00
 13. For atmospheric-type vacuum breakers not included in item 12:
 - 1 to 5..... \$ 5.00
 - over 5, each..... \$ 1.00
 14. For each backflow protective device other than atmospheric-type vacuum breakers:
 - 2 inch diameter and smaller..... \$ 7.00
 - over 2 inch diameter..... \$15.00
 15. For each graywater system..... \$40.00
 16. For initial installation and testing for reclaimed water system..... \$30.00*
 17. For each annual cross-connection testing of a reclaimed water system (excluding initial test)..... \$30.00*

Other Inspections and Fees

1. Inspections outside of normal business hours..... \$30.00*

nally, Kansas Cuts Its Taxes

CONTINUED FROM PAGE 1

s appraisal system for property taxation are an unbalanced boil on the politic. -ring agricultural property appraisals are creating a firestorm in many of Kansas where the valuations have finally been issued. Equalization - on property taxes remain a problem between various sections of the as long as there is a statewide property tax.

While the tax problem in Kansas has not been solved with this tax cut, serious problems with Kansas taxes have been corrected.

The climate in Kansas politics has changed with this tax cut enactment. Organizations working for tax relief have succeeded by working in an annual tax cut coalition. This has crossed the various regional lines in this

suburban and urban groups have supported this tax relief. Business and owners' organizations have been fighting for property tax cuts. Instead of bickering over the particulars of any tax cut, there has been an effort to find relief to all taxpaying groups.

The success of 1998 tax relief in Kansas has many groups, individuals, and elected officials who deserve credit. One group which should not be overlooked is hard-working Kansans who have grown the state's revenues last 12 months. They are a key factor leading to this tax cut.

There is a lot of credit to go around.

John Peterjohn is Executive Director of the Kansas Taxpayers Network.

KTN's web site: www2.southwind.net/~ktn.

Blue's Offense Better in Spring Scrimmage

John Bowles ran for 147 yards and two touchdowns, and David Winbush had two more TDs as Kansas' Blue team shutdown the White team 38-0 in the Jayhawks' spring scrimmage.

Winbush ran untouched for 75 yards on the first play of the game Saturday afternoon for 66 more in the first half.

Winbush, at 5-foot-8 and 180 pounds, is one of three diminutive but speedy backs for Kansas. Winbush is 5-7, 180 and Julius Bruce is 5-9, 195.

"Something about the three of us," Bowles said, "is we're short and small, but we're all strong. When it comes down to it, we will make a play."

In the second quarter, Jamie Harris picked off an interception for the Blue team and returned it for a 75-yard touchdown as the Blue team went into the lead 7-0.

"We're three will share (running plays)," Kansas coach Terry Allen said. "Because of their size, I don't think I want any of them carrying 25 times. But we'll let each will get one of them to break one loose."

"That's the thing that's been encouraging this spring. Every time we've had a drive, one of them has broken loose. Last spring, we'd go two or three without anything happening," he said.

"I let the clock run in the second half, leaving the 38-0 score to stand during a scrimmage that lasted less than two hours."

"It was nice to see some offensive production that we've been avoiding the last few months," Allen said.

The Blue dominated the White because the Blue had both the first string offense and defense.

"The vast difference in our depth certainly showed, but that doesn't really take away from a lot of the good things we did," Allen said.

"The injuries contributed to the Jayhawks' lack of depth. As 18 players went out with injuries from last fall or this spring,

the strong wind and missing two prime wide receivers made it a difficult game day for Blue quarterback Zac Wegner.

Wide receiver Fulton injured his hamstring earlier this spring. Harrison Hill, who missed most of last year with a broken ankle, broke his right thumb in the game last Thursday.

Quarterback Coellner also went out the game with a broken thumb during the first Saturday's game.

NOTICE TO BIDDERS
First published in The Legal Record, Tuesday, April 28, 1998.

NOTICE TO BIDDERS

Sealed proposals will be received by the City Governing Body of Prairie Village, Kansas at the office of the City Clerk, 7700 Mission Road, Prairie Village, Kansas, until 3:00 PM Central Time on 8 May 1998, for (1) 34,000 GVW Plow/Spreader/Dump Truck and (2) 1/2 Pickup Trucks.

All proposals shall be submitted in specially marked sealed envelopes addressed to the City Clerk. At the above stated time and place, all proposals shall be publicly opened and read aloud. Bids received after the designated closing time will be returned unopened.

Copies of the bid documents are available in the office of the City Clerk.

Non-resident corporations that are not already registered with the Kansas Secretary of State and all non-resident individuals and partnerships are required by law to register with the Director of Revenue, State Office Building, Topeka, Kansas, and to pay a fee of Ten Dollars (\$10.00) for each and every contract as a precedent to commencing work on the contract. For contracts in excess of Ten Thousand Dollars (\$10,000.00), the foreign contractor shall file with the Director of Revenue an acceptable bond in an amount of ten percent (10%) of the contract.

No bid may be withdrawn within a period of thirty (30) days from and after the date fixed for opening bids.

The City reserves the right to reject any or all bids; and to waive any informalities or irregularities therein.

Joyce Hagen Mundy, City Clerk

C&C HOLDING, L.L.C. V. BIRDVIEW SATELLITE COMMUNICATIONS, INC., ET AL

First published in The Legal Record, Tuesday, April 21, 1998.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS CIVIL COURT DEPARTMENT

C&C Holding, L.L.C. Plaintiff,

v. Birdview Satellite Communications, Inc., an administratively dissolved Delaware corporation, and the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of any deceased defendants; the unknown spouses of any defendants; the unknown officers, successors, trustees, creditors and assigns of any defendants that are existing dissolved or

dormant corporations; the unknown executors, administrators, devisees, trustees, creditors, successors and assigns of any defendants that are or were partners or in partnership; the unknown guardians, conservators and trustees of any defendants that are minors or are under any legal disability; and then unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of any person alleged to be deceased. Defendant(s).

Case No. 98 C 4749
Court No. 7
Filed Pursuant to K.S.A. Chapter 60.

NOTICE OF SUIT

THE STATE OF KANSAS to defendant Birdview Satellite Communications, Inc., a Delaware corporation whose articles of incorporation have been forfeited, and the unknown heirs, executors, administrators, de-

vises, trustees, creditors and assigns of any deceased defendants; the unknown spouses of any defendants; the unknown officers, successors, trustees, creditors and assigns of any defendants that are existing dissolved or dormant corporations; the unknown executors, administrators, devisees, trustees, creditors, successors and assigns of any defendants that are or were partners or in partnership; the unknown guardians, conservators and trustees of any defendants that are minors or are under any legal disability; and the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of any person alleged to be deceased, and all other persons who are or may be concerned:

You are hereby notified that a Petition For Mortgage Foreclosure has been filed in The District Court of Johnson County Kansas by C&C Holdings, L.L.C. praying for foreclosure

of that real estate more the following description:

Lots 1 through 13, in Johnson County, Kansas, a subdivision in of Spring Hill, Johnson County, Kansas, and you are hereby recalled to the Petition For Mortgage Foreclosure on June 9, 1998, in the case of Johnson County Court, Kansas. If you fail to appear and answer, judgment and decree will be entered in due course of law. Petition For Mortgage Foreclosure.

SADER & GARVIN LLP
By: /s/ Gregory M. Garvin
Gregory M. Garvin,
KS#14281
4435 Main Street, Suite
Kansas City, Missouri 64111
1831
(816) 561-1818
Fax: (816) 561-0818
ATTORNEYS FOR PLAINTIFF
4/21, 4/28 5/5

The Legal Record

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Amount to Remit

Name _____
Firm _____
Address _____
City/State _____

- 2. Reinspection fee..... \$30.00
- 3. Inspections for which no fee is specifically indicated..... \$30.00*
- 4. Additional plan review required by changes or additions or revisions to approved plans (minimum charge -- one-half hour)..... \$30.00*

*Per hour for each hour worked or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.

- D. Electrical permit fees: Per the 1993 NEC fee schedule.
- E. Building demolition permits: \$50.00

[Section 5-106 is new.]

5-107. APPLICATIONS FOR PERMITS. (1) Contents. All applications for building permits shall contain the legal description of the lot, the street address of the lot, the name of the owners-applicants, a general description of the building or construction to be undertaken thereon including the approximate size, shape, square foot area, list of materials for construction, the location of the new construction upon the lot, the name of the architect and contractor, if any, and the actual or estimated cost of the construction or improvement. Permit applications for a complete building or for alteration or for addition to any existing building, residential or commercial, amounting to two hundred fifty (250) square feet or more, or any structural change in the facade of any structure facing any street in the City shall be accompanied by a complete set of final plans. These plans shall be drawn and sealed by a registered architect and include plot plans, detailed floor plans, elevations (front, rear and side) and building specifications. Structural, mechanical and electrical drawings will be required as needed.

Enclosure of screened porches shall be subject to the preceding requirements except the plans need not be sealed by a registered architect.

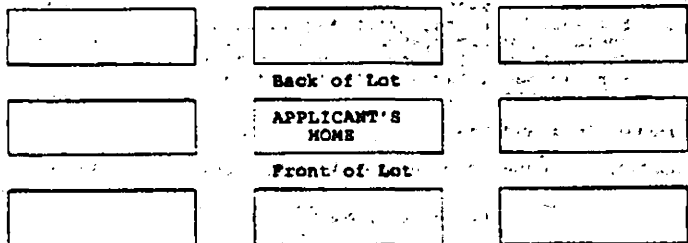
(2) Filing of Applications. All applications for permits shall be filed with the Building Official, the Chairman, the Vice-Chairman or the Secretary of the City Planning Commission, or in the event of their absence from the City, with any member of said Commission.

(4) Consideration of Applications - Alternative Procedure.

(A) On applications for permits for fences, walls, hedges, patios, decks, detached children's play houses, not exceeding eighty (80) square feet in area, landscaping, installation of steel siding, interior remodelling not involving a change in the exterior of the building, construction of a dormer, skylights, sidewalks or driveways, if the applicant has obtained the consent of the owners of the land surrounding the property as defined in paragraph (C) hereof, the Chairman of the Planning Commission after review of the application may issue an order granting the application for the building permit upon being satisfied that the proposed construction will be in conformity with existing codes and ordinances of the City.

(B) Upon receipt of an application for a permit for construction of an item other than one specifically referred to in paragraph (A) hereof, or when the consent of the owners of the land surrounding the property as defined in paragraph (C) hereof has not been obtained, the City Planning Commission shall schedule a hearing to consider the application as soon as practicable, and except on those applications where the applicant has obtained the consent of the owners of all the land surrounding the property as defined in paragraph (C) hereof, the commission shall mail or otherwise deliver to the applicant and to the owners of the land surrounding the property a written notice of the time, date and place of such hearing as well as a description of the construction or alteration proposed by said application. Such hearing shall take place no sooner than five (5) days after the mailing or delivery of such notice, unless signed consents to said building or construction from the owners of the land surrounding the property have been obtained in which event said hearing may be had immediately upon the filing of said application.

(C) "The land surrounding the property" as used in Section (4) hereof means the three (3) lots, tracts or parcels located nearest to the back property line of the property; the three (3) lots, tracts or parcels located nearest to the front property line of the property, and the lots, tracts or parcels adjoining the side property lines of the property, such properties being described in the following diagram.



[Formerly Section 8-503.]

5-108. ISSUANCE OR DENIAL OF PERMIT. After hearing said application, the Commission shall enter an order either granting or denying said application. In the event that said application is approved and no objection, in writing, to the granting of said application is made within five (5) days of such approval, said permit shall issue forthwith and construction or alteration may begin in accordance therewith. In the event that said application is granted and within five (5) days any landowner within a two hundred (200) foot radius of the property upon which construction or alteration is proposed objects in writing thereto, such permit will be issued on the tenth day following the granting thereof provided that no notice of appeal, as hereinafter provided, to the Board of Zoning Appeals is filed. In the event that said application is denied, the Commission's findings and reasons for denial shall be stated in writing to the applicant if written request is made therefor within ten (10) days of said action. If said application is denied, the applicant may appeal the Commission's determination by filing a notice of appeal, as hereinafter provided, to the Board of Zoning Appeals within ten (10) days of said denial. [Formerly Section 8-504.]

5-109. APPEAL TO BOARD OF ZONING APPEALS. Any applicant, or property owner within a two hundred (200) foot radius of the property upon which the construction or alteration is proposed, may appeal the findings and determination of the City Planning Commission to the Board of Zoning Appeals. Such appeal shall be taken by filing within ten (10) days of the decision of City Planning Commission a written notice of appeal with the City Clerk of the City of Westwood Hills, Kansas.

Upon the filing of such notice of appeal, the City Clerk shall immediately transmit said notice of appeal to the Board of Zoning Appeals of the City of Westwood Hills, Kansas, which said Board shall as soon thereafter as practicable schedule a hearing on said application and appeal and shall give notice of the date, time, and place of such hearing to the applicant, all owners of land surrounding the property as defined in paragraph (4)(C) of Section 5-107, and all other land owners within a two hundred (200) foot radius of the applicant's land who shall have objected or protested the proposed construction or alteration before the City Planning Commission. Such notice shall be given and published in accordance with the provisions of Article 8 of Chapter 8.

The Board of Zoning Appeals shall have the power to grant variances and exceptions under the circumstances and in the manner provided in Article 8. [Formerly Section 8-505.]

5-110. REVOCATION OF PERMITS. A permit may be revoked by either the Building Official, City Planning Commission or the Board of Zoning Appeals at any time prior to the completion of the building or structure for which the same was issued when it shall appear to the City Planning Commission or Board of Zoning Appeals that the same was procured by false representation, or was issued by mistake, or that any other provisions of the zoning ordinances are being violated. Provided, however, that twenty-four (24) hours written notice of such revocation shall be served upon the owner, his agent or contractor or upon any person employed upon the building or structure for which such permit was issued and thereafter no such construction shall proceed. [Formerly Section 8-507.]

5-111. EXPIRATION OF PERMITS. Permits are issued with the understanding that substantial construction is to begin promptly. Any permit for which construction does not begin within ninety days shall expire automatically and a new permit shall be required before work can commence. Unless otherwise provided at the time of the issuance of the permit, if construction is not completed within one (1) year from the issuance of the permit, the permit shall expire and a new permit shall be required before work can continue. Fees are forfeited if permits are allowed to expire. [Formerly Section 8-508.]

5-112. POSTING OF BUILDING PERMIT REQUIRED. Every person obtaining a building permit as required by this Article prior to commencing any construction, shall post such permit in a manner that it will be clearly visible from the street adjoining the property upon which the construction is to take place. Such person shall leave the permit so posted until construction is completed, whereupon such person shall remove such permit. The posting of such permit shall be deemed to be clearly visible from the street adjoining the property if it is posted three feet (3') above grade level within twelve feet (12') of the curbline on a stake. [Formerly Section 8-509.]

5-113. FAILURE TO OBTAIN PERMIT. Any person failing to obtain a permit as required by Section 8-501 shall, in addition to any increased fees required under the provisions of the applicable city code, shall be fined in an amount not exceeding \$500.00 or imprisoned for a period not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues shall be deemed to be a separate offense. [Formerly Section 8-510.]

5-114. CLEARING AND CLEANING OF STREETS FOLLOWING CONSTRUCTION. Every person, firm, or corporation obtaining a building permit shall, within ten (10) days after completion of the work cause that portion of the street or alley occupied by him with building material to be thoroughly cleared and cleaned. [Formerly Section 8-601.]

5-115. STORM WATER RUNOFF. Any application for construction or additional development of a property which in the building inspector's judgment, may increase storm water runoff and/or the possibility of erosion on adjoining properties must submit a site plan with provisions for the containment and/or direction of any

RZ 98-04

ORDINANCE NO. 4160

AN ORDINANCE RELATING TO THE CHANGE IN THE USE DISTRICT MAP OF THE CITY OF LENEXA, KANSAS; CHANGING THE ZONING OF PROPERTY LOCATED AT 9832 PFLUMM ROAD, FROM R-1, RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT, TO BP-1, PLANNED BUSINESS PARK ZONING DISTRICT:

WHEREAS, a public hearing was held by the Lenexa Planning Commission on April 8, 1998, pursuant to KSA 12-757, to hear a request filed by Jerry J. Ramsay, Agent for Southwestern Bell Telephones, Owner of Record, to rezone property from R-1, Residential Single-Family Zoning District, to BP-1, Planned Business Park Zoning District and;

WHEREAS, on April 6, 1998, the Lenexa Planning Commission voted to recommend approval of the rezoning request as reflected in the minute record for said meeting; and

WHEREAS, the application and recommendation was then considered and affirmed by the Governing Body at its April 21, 1998 meeting, as reflected in the minutes of record of said meeting.

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

SECTION ONE: That the real estate hereinafter described, now zoned CP-2, Planned Community Commercial Zoning District, is hereby rezoned to BP-2, Planned Manufacturing Zoning District as reflected in the minute record of the April 21, 1998, Governing Body meeting, to-wit:

All of Lot 1, Doby's Addition in the City of Lenexa, Johnson County, Kansas.

More specifically described as 9832 Pflumm Road.

SECTION TWO: The Clerk of the City of Lenexa, Kansas is hereby authorized to amend the Use District Map of the City of Lenexa, Kansas in accordance with the above and foregoing changes in zoning.

SECTION THREE: That this ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause. The repeal of Ordinance sections, as provided herein, below 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 Ordinance repealed is hereby continued in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out in this Ordinance, 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 or other Ordinances.

SECTION FOUR: This Ordinance shall take effect and be in force from and after its publication in the City's official newspaper.

PASSED by the Governing Body the 21 day of April, 1998.

SIGNED by the Mayor this 21 day of April, 1998.



Joan Bowman
Joan Bowman, Mayor

APPROVED AS TO FORM:

Rebecca A. Swanwick
Rebecca A. Swanwick, Assistant City Attorney

RZ 98-04 Southwestern Bell Telephone

and all additional runoff. All storm water runoff shall be contained or directed to a drainage point on the same lot or property as the development occurs. No additional runoff may be directed towards, or allowed to drain by lay of the land (or natural topography) onto any adjoining property(ies). Before a Certificate of Occupancy is issued, the building inspector shall certify that drainages, storm water runoff and erosion requirements have been met pursuant to Chapter 70 of the Uniform Building Code. [Formerly Section 5-104.]

5-116. PENALTY FOR VIOLATIONS. Any person, firm or corporation violating any provision of this article or failing or refusing to perform any duty imposed by this article shall be fined in a sum not to exceed \$500 or imprisoned for not more than 180 days or be both fined and imprisoned. A separate offense shall be deemed committed each and every day during which a violation occurs or continues. [Formerly Section 5-103.]

5-117. BUILDING CODES BOARD OF APPEALS ESTABLISHED. There is hereby established and created a Westwood Hills, Kansas "Board of Structural Appeals". [Formerly Section 5-105]

5-118. SAME; MEMBERSHIP. The board shall consist of three members to be appointed by the mayor and with the consent of the governing body. The members first appointed shall serve for terms of one, two and three years. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointments for the unexpired term. The members of the board shall serve without compensation. In the absence of a duly appointed Board of Structural Appeals, the City Council shall serve as the Board of Structural Appeals. [Formerly Section 5-106.]

5-119. SAME; POWERS AND DUTIES. The powers and duties of the board of structural appeals shall be in accordance with the codes adopted by reference under section 5-101. [Formerly Section 5-107.]

Section 2. Article 5 of Chapter 8 entitled Permits, and Procedure for Obtaining is hereby repealed in its entirety.

Section 3. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body, and APPROVED by the Mayor this 6th day of April, 1998.

/s/ E. Allen Roth
E. Allen Roth, Mayor

Attest:

/s/ Patti Fuhrman
Patti Fuhrman, City Clerk

NOTICE OF PUBLIC HEARING

First published in The Legal Record, Tuesday, April 28, 1998.

NOTICE OF PUBLIC HEARING
REQUEST FOR VACATION

DE OF PUBLIC HEARING TO CONSIDER THE VACATION OF A PUBLIC STREET RIGHT-OF-WAY OR A PORTION THEREOF, IN, SECTION 38, TOWNSHIP 12 SOUTH, RANGE 23 EAST AS RIBED IN VOLUME C, PAGE 91 WITHIN THE CITY OF LENEXA, JOHNSON COUNTY, AS:

IT IS HEREBY GIVEN that the Governing Body of the City of Lenexa, Kansas shall meet for the purpose of holding a public hearing at the Lenexa City Hall, Council Chambers, 12380 West Street Parkway, Lenexa, Kansas, at 7:30 p.m. on the 18th day of May, 1998, to discuss and consider approval of the vacation of a street right-of-way, or a portion thereof, Section 38, Township 12 South, Range 23 East, and Section 35, Township 12 South, Range 23 East, within the City of Lenexa, Johnson County, Kansas. That vacation of real property is legally described,

Section 38-12-23
Tract 1

A tract of land in the Northwest One-Quarter of Section 38, Township 12 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, described as follows:

Commencing at the Southwest corner of said Quarter Section, thence North 02° 03' 15" West along the West line of said Quarter Section a distance of 70.10 feet to the POINT OF BEGINNING; thence continuing North 02° 03' 15" West a distance of 138.77 feet to a point, thence North 60° 30' 18" East a distance of 22.54 feet to a point on the existing Eastern Right of Way of Old Woodland Road, also referred to as Fanning Road as described in County Road Record Volume C, Page 91, thence South 02° 03' 15" East along said Right of Way a distance of 147.18 feet to a point, thence South 87° 56' 48" West a distance of 20.00 feet to a point on the West line of said Quarter Section and the POINT OF BEGINNING. Said tract containing 2,840.94 square feet or 0.06 acres, more or less.

Tract 2

A tract of land in the Northwest One-Quarter of Section 38, Township 12 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, described as follows:

Commencing at the Southwest corner of said Quarter Section, thence North 02° 03' 15" West along the West line of said Quarter Section a distance of 296.86 feet to the POINT OF BEGINNING; thence continuing North 02° 03' 15" West a distance of 523.12 feet to a point, thence South 40° 38' 38" East a distance of 22.08 feet to a point on the existing

More particularly described as a portion of Old Woodland Road (formerly Fanning Rd.) in the vicinity of 91st Street.

The hearing may be adjourned from time to time and until the Governing Body shall have made findings by either denying or approving, by Ordinance, said petition for vacation of a portion of the street right-of-way. All persons desiring to be heard with reference to the proposed vacation

The Legal Record

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CITY OF WESTWOOD HILLS
ATTN: PATTI FUHRMAN
2117 W 50TH ST
WESTWOOD HILLS, KS 66205

INVOICE

Invoice #: 00006315

DATE: 4/29/98

| LEGAL NOTICE DESCRIPTION, CASE NO. AND PUBLICATION DATES | AMOUNT |
|--|----------|
| ORDINANCE NO. 179--4/28/98 | \$107.18 |
| Subtotal | \$107.18 |
| Amount Paid | \$0.00 |
| Balance Due | \$107.18 |

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