

Ordinance No.46

An Ordinance Amending the Zoning Ordinance and Regulations.

Be it Ordained by the governing body of the City of Westwood Hills

Section 1. That Section 5-104 of the Revised Ordinance of this City be amended to read as follows:

5-104 RETAIL DISTRICT. In a retail district, no building, structure, appurtenance, lot plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, or altered unless otherwise provided in this article, except as follows, to wit:

(a) Stores and Professional Offices. Retail stores, stores for custom work, professional offices and banks.

(b) Shops. Bakery, barber, beauty, light dry cleaning, and dyeing, confectionary. dress-making, florist, tailor and shoe repair.

(c) Other Businesses. Architects, advertising agencies, fire and police stations and municipal buildings.

(d) Other Uses. Any and all uses enumerated in Section 5-103.

(e) Height and Architectural Design Requirements. Buildings, structures and appurtenances to be used for any of the purposes enumerated in sub-sections (a), (b) and (c) of this section, shall not exceed one story in height, and shall conform to the basic architectural design and construction of permanent buildings, structures and appurtenances presently existing in the said retail district.

(f) Off-Street Parking and Loading Requirements. For all buildings or structures not now constructed on and existing in the said retail district, off-street parking in the said retail district, off-street parking in the form of garages or areas made available exclusively for that purpose shall be

provided within the said retail district as follows:

(1) One off-street parking space of at least 8.5 x 20.0 feet in size for each Two Hundred (200) square feet floor area of said building or structure.

(3) Said off-street parking space shall be located immediately adjacent to and flush with the said building or structure.

(2) Said required off-street parking space shall not include any parking or loading area presently used or dedicated for said use within said retail district.

(4) No presently existing street or curbing within said retail district shall be altered in any manner to provide the required off-street parking space or area without the specific approval of the Board of Zoning Appeals.

Section 2. Take Effect. This Ordinance shall take effect and be in force from and after its publication.

Passed the City Council this 9th day of February, 1959.

Approved by the Mayor this 9th day of February, 1959.

Billy D. Woodson
Mayor

Attest:

Donald W. Rumberg
City Clerk

AFFIDAVIT OF PUBLICATION
State of Kansas, Johnson County, ss:

LOYD NEFF

of Lawful age, being first duly sworn, depose and saith that he is the editor of Johnson County Herald, a weekly newspaper, regularly printed and published in Overland Park, County of Johnson, State of Kansas, and of general circulation in said County, and which said newspaper has been so continuously and uninterruptedly printed and published and admitted to the mails as second class matter in said County during the period of fifty-two consecutive weeks, immediately prior to the first publication of the notice hereinafter mentioned, and that a notice, of which a true copy is hereto attached, was printed and published in the regular and entire issue of each

number of said newspaper for 2 consecutive weeks, viz:

May 15 1958

the first publication being made as aforesaid on the

15 day of May, 1958.

Subscribed in my presence and sworn to before me

this 15 day of May, 1958.

Mildred J. Allen

Notary Public in and for
Johnson Co., Kansas

My commission expires Aug 12 1958

IN THE COURT OF
JOHNSON COUNTY, KANSAS
State of Kansas, Johnson County, ss:

The within Proof of Publication approved. 19

Judge

(First Published In Johnson County Herald, Thursday, May 15, 1958)

BILL NUMBER
ORDINANCE NO. 46
AN ORDINANCE DEFINING THE MANNER AND PLACE OF CONSTRUCTION OF THE LINES OF THE SOUTHWESTERN BELL TELEPHONE COMPANY AND PROVIDING FOR AN ANNUAL PAYMENT TO BE MADE TO THE CITY OF WESTWOOD HILLS, KANSAS.

Be it ordained by the Governing Body of the City of Westwood Hills of the State of Kansas that:

SECTION 1. The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Westwood Hills, State of Kansas (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

SECTION 2. The Telephone Company shall pay the City the sum of \$150.00 on the 1st day of March, 1958 for the period March 1, 1958, to Feb. 28, 1959, inclusive, and a like sum annually thereafter for a like period on the 1st day of March, 1959, 1960, 1961, and 1962, being a term of 5 years ending February 28, 1962, and for successive terms of like duration, unless within four (4) months prior to the expiration of the initial term or of the successive terms ending on each 5 year anniversary following the expiration of the initial term sixty (60) days' written notice is given by one party to the other of its intention to terminate the same at the expiration of the then current five (5) year term; it being expressly understood that each five year term provides for five (5) annual payments; said payments to be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which might be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone service rendered or facilities furnished to said City.

SECTION 3. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.

SECTION 4. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated.

SECTION 5. Nothing in this ordinance shall be construed to require or permit any telephone, electric light, or power wire attachments by either the City or the Telephone Company on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a prerequisite to such attachments.

SECTION 6. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

SECTION 7. All other ordinances and agreements and parts of ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

SECTION 8. The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor.

Approved this 25th day of May, 1958.
RILEY D. WOODSON
Mayor

ATTEST:
ORA M. AMBERG
City Clerk
(SEAL)

ACCEPTANCE

ORDINANCE NO. 46

WHEREAS, the governing body of the city of Westwood Hills, Kansas, did on the 5th day of May, 1958, adopt and pass an ordinance entitled:

"AN ORDINANCE DEFINING THE MANNER AND PLACE OF CONSTRUCTION OF THE LINES OF THE SOUTHWESTERN BELL TELEPHONE COMPANY AND PROVIDING FOR AN ANNUAL PAYMENT TO BE MADE TO THE CITY OF Westwood Hills, KANSAS."

and

WHEREAS, said ordinance was duly signed by the Mayor of said city of Westwood Hills, Kansas, and the seal of said City affixed and attested thereto by the City Clerk of the said City, and said ordinance was duly published according to law in the Johnson County Herald, and

WHEREAS, said ordinance further provided that it should be in full force and effect after its adoption and publication and its acceptance by the Southwestern Bell Telephone Company,

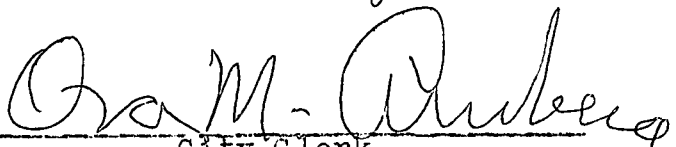
NOW, THEREFORE, in compliance with the terms of said ordinance so enacted and so approved and attested, the Southwestern Bell Telephone Company hereby accepts said ordinance and files this its written acceptance with the City Clerk of said City in his said office.

Dated this 3rd day of June, 1958.

SOUTHWESTERN BELL TELEPHONE COMPANY

By 
Vice President & General Manager

Acceptance filed in the office of the City Clerk of Westwood Hills, Kansas, this 5 day of June, 1958.


City Clerk

BILL NUMBER _____

ORDINANCE NO. _____

AN ORDINANCE DEFINING THE MANNER AND PLACE OF CONSTRUCTION OF THE LINES OF THE SOUTHWESTERN BELL TELEPHONE COMPANY AND PROVIDING FOR AN ANNUAL PAYMENT TO BE MADE TO THE CITY OF Westwood Hills, KANSAS.

Be it ordained by the Governing Body of the City of Westwood Hills of the State of Kansas that:

SECTION 1. The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Westwood Hills, State of Kansas (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

SECTION 2. The Telephone Company shall pay the City the sum of \$150.00 on the first day of March, 1958 for the period March 1, 1958, to February 28, 1959, inclusive, and a like sum annually thereafter for a like period on the first day of March, 1959, 1960, 1961, and 1962, being a term of 5 years ending February 28, 1962, and for successive terms of like duration, unless within four (4) months prior to the expiration of the initial term or of the successive terms ending on each 5 year anniversary following the expiration of the initial term sixty (60) days' written notice is given by one party to the other of its intention to terminate the same at the expiration of the then current 5 year term; it being expressly understood that each 5 year term provides for 5 annual payments; said payments to be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which might be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone service rendered or facilities furnished to said City.

SECTION 3. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours' advance notice to arrange for such temporary wire changes.

SECTION 4. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated.

SECTION 5. Nothing in this ordinance shall be construed to require or permit any telephone, electric light, or power wire attachments by either the City or the Telephone Company on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a prerequisite to such attachments.

SECTION 6. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

SECTION 7. All other ordinances and agreements and parts of ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

SECTION 8. The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor.

Approved this ^{5th} _____ day of ^{May} _____, 19 ⁵⁸ ____.

ATTEST:

City Clerk

Mayor

38967

Westwood
Hills
Ord. City.

BILL NUMBER _____

ORDINANCE NO. 44

AN ORDINANCE DEFINING THE MANNER AND PLACE OF CONSTRUCTION OF THE LINES OF THE SOUTHWESTERN BELL TELEPHONE COMPANY AND PROVIDING FOR AN ANNUAL PAYMENT TO BE MADE TO THE CITY OF Westwood Hills, KANSAS.

So it ordained by the Governing Body _____ of the City of Westwood Hills _____ of the State of Kansas that:

SECTION 1. The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Westwood Hills, State of Kansas (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

SECTION 2. The Telephone Company shall pay the City the sum of \$150.00 on the first day of March, 1958 for the period March 1, 1958 to February 28, 1959 inclusive, and a like sum annually thereafter for a like period on the first day of March 1959, 1960, 1961 and 1962, being a term of 5 years ending February 28, 1962, and for successive terms of like duration, unless within four (4) months prior to the expiration of the initial term or of the successive terms ending on each 5 year anniversary following the expiration of the initial term sixty (60) days written notice is given by one party to the other of its intention to terminate the same at the expiration of the then current 5 year term; it being expressly understood that each 5 year term provides for 5 annual payments; said payments to be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which might be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone service rendered or facilities furnished to said City.

SECTION 3. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours' advance notice to arrange for such temporary wire changes.

SECTION 4. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated.

SECTION 5. Nothing in this ordinance shall be construed to require, or permit any telephone, electric light, or power wire attachments by either the City or the Telephone Company on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a prerequisite to such attachments.

SECTION 6. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

SECTION 7. All other ordinances and agreements and parts of ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

SECTION 8. The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor.

Approved this 5th day of May, 19 55.

ATTEST:

G. M. Amburg
City Clerk

[Signature]
Mayor