

(Vetoed by Mayor Scherer on 2/14/05)
ORDINANCE 453

AN ORDINANCE REQUIRING PROPERTY OWNERS AND/OR DEVELOPERS TO WAIVE CERTAIN LEGAL REMEDIES PRIOR TO OBTAINING BUILDING PERMITS OR ACCEPTANCE OF FINAL PLAT.

WHEREAS, it is the policy of the governing body of the City of Basehor to encourage development within the city limits; and

WHEREAS, the governing body requires shared participation in the financing of public improvements by developers to encourage the design for the lowest cost to the residents of the City of Basehor;

WHEREAS, the city has determined that it is in the best interest of the city that it require developers and property owners to waive certain legal rights that they may have concerning the construction of public sanitary sewer improvements and the construction of collector streets and sidewalk improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS THAT THE FOLOWING ORDINANCE IS HEREBY ADOPTED:

Section 1. That prior to the issuance of any building permit the property owner or developer shall be required to execute an addendum to the building permit application or an addendum to the subdivision improvements agreement wherein the property owner or developer agrees to waive any right they may have to protest or challenge the construction of a collector street and sidewalk improvement district within or adjacent to the subdivision in which the real property is located. This agreement shall be construed as a covenant to run with the land.

Section 2. That prior to the issuance of any building permit the property owner or developer shall be required to execute an addendum to the building permit application or an addendum to the subdivision improvements agreement wherein the property owner or developer agrees to waive any right they may have to protest or challenge the construction of a public sanitary improvement within or adjacent to the subdivision in which the real property is located. This agreement shall be construed as a covenant to run with the land.

Section 3. This Ordinance shall take effect and be in force from and after its passage and proven publication in the official city newspaper as provided by law.

Passed by the Governing Body of Basehor Kansas this 24th day of January 2005.

/s/ ~~_____~~
Mayor Joseph Scherer

ATTEST:

/s/ ~~_____~~
Mary Ann Mogle, City Clerk

Passes and Approved: 1/24/05
Published: _____

READ AND APPROVED:

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