

LANDSCAPE MAINTENANCE GUARANTEE

The owner of property (enter name) _____ located at (enter address) _____.

Lenexa, Kansas, and legally described as: _____

_____ hereby covenants and agrees to maintain all required landscape improvements in accordance with the approved plan and pursuant to the requirements set out in Lenexa's Unified Development Code and other applicable City Codes of Lenexa, including but not limited to:

1. Regular maintenance of all landscape areas in good condition and in a way that presents a healthy, neat and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices; and
2. Repair or replacement of landscape structures (e.g., walls, fences) to a structurally sound condition and original appearance; and
3. Perpetual maintenance to prohibit the re-establishment of undesirable and harmful species within landscape and preservation areas; and
4. Continuous maintenance of the site; and
5. Regular maintenance, repair or replacement of any plant material, screening or buffering required by the City Code of Lenexa in conjunction with approved plans. Any vegetation which is required to be planted or preserved by the City Code of Lenexa shall be replaced with the largest available equivalent vegetation. Preserved trees for which credit was awarded and which subsequently die shall be replaced on a caliper for caliper basis with the largest available equivalent trees. (The City of Lenexa shall have the authority to require that any dead trees, shrubs and plants be replaced within the next planting season).

Lenexa's Director of Community Development shall have the authority to approve the installation of comparable substitute plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installation is to occur or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes to plans that have been approved by Lenexa's Planning Commission shall be subject to review and approval of the Planning Commission.

The property owner further understands and agrees that if Lenexa's Director of Community Development or his designee determines that the landscaping has not been maintained in compliance with the Unified Development Code, the Director of Community Development shall notify the property owner by sending written notice to the above described address. The notice shall state:

1. The work that must be done or the improvement that must be made to comply with the requirements of the maintenance guarantee; and
2. The amount of time the applicant has to commence and complete the required landscape work or improvements; and
3. That, if the work or improvements are not commenced and completed within the time specified, the City of Lenexa will take enforcement action as permitted in Lenexa's Unified Development Code.

The City of Lenexa shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the landscape easement along all streets, alleys, avenues and lanes or within public grounds, parks and rights of way as may be necessary to ensure public safety or to preserve the symmetry and beauty of public property. The City of Lenexa shall also have the authority to prune, maintain and remove trees, plants and shrubs located upon private property which cause an obstruction to public travel along streets and sidewalks or impair vision of traffic signals or prevent the proper sight distance at intersections or in any other way create a public hazard.

The City of Lenexa shall have the right to cause removal of any dead or diseased trees, plants or shrubs on private property within the City of Lenexa, when such trees, plants and shrubs constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees, plants or shrubs within the City of Lenexa. Removal shall be done by the property owner and at the property owner's expense within 30 days after date of service of notice. In the event of the failure of owners to comply with such provision, the City of Lenexa shall have the authority to remove such trees and charge the cost of removal on the property owner's property tax notice.

The property owner agrees that the City of Lenexa, its employees, agents or contractors, may enter the above described property for the purpose of inspecting the landscaping and, if necessary, may replace unhealthy or dead landscape materials.

The property owner agrees that he/she will take sole responsibility for replacement of landscape materials. If the property owner fails to take the necessary steps to replace

landscape materials in a timely manner, the City of Le ne xa may do so and the property owner agrees to remain financially responsible for such replacements.

This Maintenance Agreement and Guarantee is irrevocable and shall run with the land and be binding on all subsequent owners, heirs and assigns.

Signature of property owner(s)	Address of property owner(s)
Signature of property owner(s)	Address of property owner(s)
Signature of property owner(s)	Address of property owner(s)
Date _____	
If there is more than one property owner, all property owners must sign.	

STATE OF KANSAS)
)
 COUNTY OF JOHNSON) ss.

BE IT REMEMBERED, that on this _____ day of _____, 20__ , before me the undersigned, a Notary Public in and for said County and State, came _____, who is known to me to be the same person who executed the within instrument of writing on behalf of _____, and such person duly acknowledges the execution of the same to be his free act and deed individually and as an officer and the free and corporate act of said Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

 Notary Public

My Commission Expires: _____