

June 30, 2012



**RE: Prairie Hills Homes Association conditional consent for outbuildings**

To: Current and Future Prairie Hills Homes Association ("PHHA") Members

Under authority granted to the Homes Associations of Kansas City ("HAKC") by the J.C. Nichols Company as filed with the Johnson County, Kansas Register of Deeds, HAKC hereby provides its conditional written consent to any PHHA Member to erect and maintain an (or maintain an existing) outbuilding on such Member's property, provided that such outbuilding complies with the requirements described herein.

This consent shall only apply to outbuildings on such properties within PHHA boundaries that are subject to a recorded Declaration of Restrictions which expressly prohibits outbuildings absent such consent. The term "outbuilding" means an enclosed, covered structure not directly attached to the residence to which it is appurtenant.

In the event of any dispute, the final determination as to whether such requirements have been, and continue to be, met in any given case shall rest with the PHHA Board of Directors ("Board"), although the Board shall have no obligation nor duty to certify, investigate, enforce or monitor such compliance.

If any outbuilding shall initially comply with all requirements, the transfer of adjacent lot(s) to new owners shall not require additional consents from such new owners *provided that* the outbuilding (and its location) remains substantially the same as originally approved. If any outbuilding shall initially comply with all requirements, but subsequently falls out of compliance with requirements 2 or 3 below, this consent shall be automatically revoked without further action by HAKC or PHHA.

**REQUIREMENTS FOR CONSENT:**

1. The PHHA Member seeking consent ("Applicant") shall submit the following to the PHHA Board:
  - A. Color photographs of each side of the existing outbuilding (or an accurate sketch/plans of the proposed outbuilding);
  - B. A written description of the outbuilding including dimensions of the outbuilding and total square footage of the Applicant's overall property lot;
  - C. A site plan or sketch of the backyard that shows the position of the outbuilding and the actual measurements showing how far the outbuilding will be (or is) from all adjacent property lines;
  - D. Signed, dated statements from *all but one* adjacent owner of contiguous lots to the Applicant's property, as follows: "I \_\_\_\_\_, own property located at \_\_\_\_\_, which is adjacent to \_\_\_\_\_'s property. I reviewed the outbuilding [that exists/that is proposed] in the backyard of \_\_\_\_\_ at the address of \_\_\_\_\_ and hereby provide my consent to such outbuilding."; and
  - E. A signed, dated statement from Applicant to the Board as follows: "The attached materials ("Materials") accurately depict the outbuilding for which I seek consent. The Materials were provided to my neighbors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ before they signed the attached consents. To the best of my knowledge, efforts and belief, the outbuilding described herein complies with, and will continue to comply with, the Materials and applicable law."
2. The outbuilding shall be located in the Applicant's backyard. The floor area of the outbuilding shall not exceed 10' X 12' (120 sq. feet) and the height of the outbuilding shall not exceed 12 feet.
3. The outbuilding shall at all times comply with applicable law in its design, structure, maintenance and use, including but not limited to ordinances of the City of Prairie Village and applicable deed restrictions.

HOMES ASSOCIATIONS OF KANSAS CITY

  
Clarence Foxworthy, Executive Director