



ZONING APPLICATION

For the

Peculiar 345 kV Substation

September 2008

Submitted by Aquila, Inc.

d/b/a/ KCP&L Greater Missouri Operations Company

APPLICATION FOR REZONING

Application No.: _____

Date: _____

Receipt No. for \$100.00 Fee.

Plat with exact legal description of property to be rezoned.

Certified List from title company of all property owners within 200 feet of the property to be rezoned, with current addresses.

Application is hereby made to the City of Peculiar, Missouri, to rezone the following described tract(s) of land:

From:

To:

- A Agriculture District
- R-1 First Dwelling House District
- R-2 Second Dwelling House District
- R-3 Apartment House District
- R-3A Garden Apartment District
- C-O Non-Retail Business District
- C-B Controlled Business District
- C-1 General Business District
- C-2 Central Business District
- C-P Planned Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PUD Planned Unit Development

- A Agriculture District
- R-1 First Dwelling House District
- R-2 Second Dwelling House District
- R-3 Apartment House District
- R-3A Garden Apartment District
- C-O Non-Retail Business District
- C-B Controlled Business District
- C-1 General Business District
- C-2 Central Business District
- C-P Planned Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PUD Planned Unit Development

The exact legal description of the area to be rezoned is as follows: *(please see attached)*.

Application is hereby made by owner(s) of record of said property:

Signature of Owner

Signature of Co-Owner

or by (name) Scott Gerald M... AQUILA Inc db/a KCP&L (relationship) LESSEE & OPERATOR
of said property (please attach copy of contract authorizing you to apply for rezoning of said property). *SEE APPENDIX D OF APPLICATION BINDER*

Publication Date of Public Hearings:

Planning Commission _____

Board of Aldermen _____

Planning Commission: Date Approved: _____ Date Disapproved: _____

Board of Aldermen: Date Approved: _____ Date Disapproved: _____

APPLICATION FOR SPECIAL USE PERMIT

Application No: _____

Date: _____

Receipt No. for \$100.00 Fee _____

Plat with exact legal description of property to be included in Special Use.

Certified list from Title Company of all property owners within 200 feet of the property to be included in Special Use, with current addresses.

Application is hereby made to the City of Peculiar, Missouri, for a Special Use Permit for the following described tract(s) of land:

Description of Special Use EXCEPTION TO HEIGHT RESTRICTION FOR TWO LIGHTNING MASTS THAT ARE 101 FEET TALL. COMPLIES WITH 410.250(A)(1)(a) SETBACK REQUIREMENTS.

(Please attach detailed proposal).

Currently Zoned A To be rezoned? _____ No Yes (If so, to what) 14-2

The exact legal description of the area to be included in the Special Use Permit is as follows: (please see attached).

Application is hereby made by owner(s) of record of said property:

Signature of Owner

Scott Northman

Signature of Co-Owner

or by authorized agent,

AQUILA, INC. of 666 KCPBL
GREATER MISSOURI OPERATIONS CO.

LESSEE & OPERATOR

Name of Agent

Relationship to Owner

(Please attach copy of contract authorizing you to apply for the Special Use Permit for said property)

Publication Dates of Public Hearings:

Planning Commission _____

Board of Aldermen _____

Planning Commission: Date Approved _____

Date Disapproved: _____

Board of Aldermen: Date Approved _____

Date Disapproved: _____

Special Use Permit Approval: _____, from _____
(Term) (Beginning Date)

to _____
(Ending Date)

ZONING APPLICATION

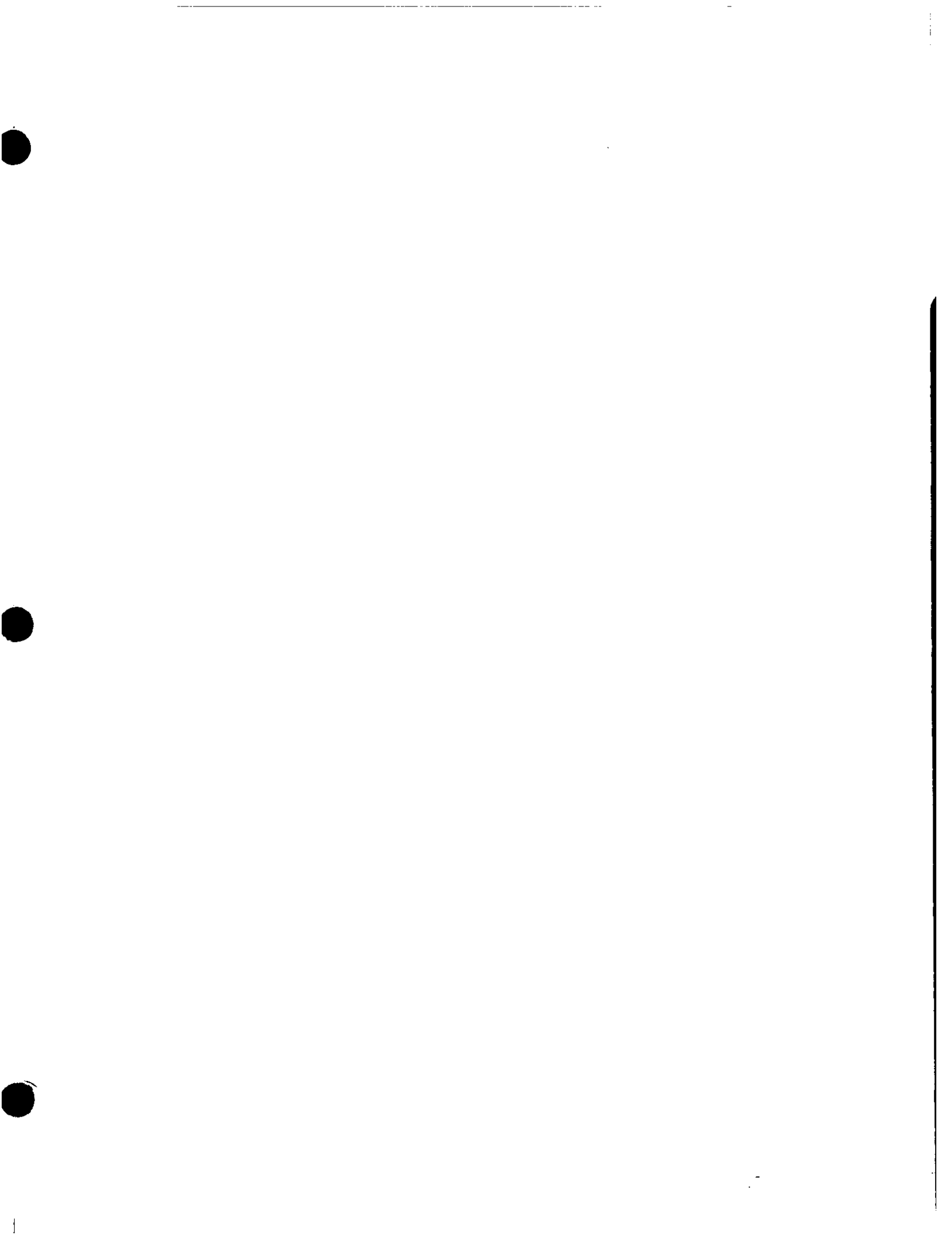
For the

**Peculiar 345 kV Substation
8901 East 203rd Street
Peculiar, Missouri**

September 2008

Submitted by:

**Aquila, Inc., d/b/a KCP&L Greater Missouri Operations Company
1201 Walnut
Kansas City, Missouri 64106-2124**





1.0 ZONING APPLICATION

1.1 REQUEST FOR DISTRICT "M-2" ZONING

Aquila, Inc., d/b/a/ KCP&L Greater Missouri Operations Company (hereinafter referred to as "Aquila", "Company", or "KCP&L") has prepared a zoning application for an electric substation site recently annexed into the City of Peculiar (City), and submits the application on behalf of itself, as lessee and operator, and City as owner. KCP&L, on behalf of the City, requests District "M-2" zoning for the substation site pursuant to the City's zoning regulations. All references to zoning regulations refer to the Zoning Code of Peculiar, Missouri (Ord. No. 120379 §1, 12-3-79). While electric substations are not listed in the permitted uses in the Zoning Regulations, the listing of electric power plants in Section 400.170 suggests that this is the appropriate zoning classification for this facility. This request is made with the stipulation that KCP&L will not construct, nor will it seek permission to construct, an electric generating facility on the parcel on which the Peculiar substation is located.

Section 400.310 of the City zoning regulations provides that any land annexed into the City shall retain the same zoning it had prior to the annexation until such time as it is rezoned in accordance with the Section 400.290. At the time the property was annexed by the City, the site was zoned as Agricultural District (A) under Cass County zoning regulations. The District "M-2" zoning classification is being requested for the property containing the 345 and 161 kilovolt (kV) substation known as the KCP&L Peculiar 345kV Substation (Substation). The Substation site is approximately one-half mile west of 71 Highway and adjacent to the intersection of 203rd Street and Knight Road (Figure 1-1). A detailed project description is provided in Section 2.0 of this application.

The size of the property for which the rezoning is being requested is approximately 55.05 acres and is generally located in the northwest corner of the northwest quarter of Section 5, Township 45 North, Range 32 West (Survey Drawing - Appendix A). The legal description for this parcel is located on the Survey Drawing in Appendix A. The Substation occupies 7.5-acres within the southern portion of the property (Appendix A). The remainder of the property is anticipated to remain undeveloped, with the exception of the existing transmission lines and gravel access road, thereby providing substantial buffer from adjacent parcels and 203rd Street.



ZONING APPLICATION



Figure 1-1
Project Location
Map



1.2 PURPOSE AND NEED

1.2.1 Substation Definition and Purpose

A substation is the electric equivalent of a highway interchange or road intersection with traffic signals – it interconnects transmission and/or distribution lines of equal or varying voltages, thereby tying transmission line segments together to allow reliable operation of the transmission network as electricity moves from where it is made (generating plants) to customers who use it. The system of transmission lines and interconnecting substations is called the transmission “grid” or “network,” and is used to deliver electricity that is made locally to local customers, and to interconnect utilities across the country and allow electricity to flow between different areas or regions. Transformers connect power lines of different voltages so that power may flow from one voltage to another. If there is too much traffic (e.g., power flow), switches and circuit breakers isolate the lines and interrupt the flow of power (analogous to use of traffic signals to control traffic at congested intersections or control access to highways). Without substations to protect the network, a transmission line overload could not be prevented or isolated; the network could not operate reliably; and reliable electric service to customers would greatly suffer. Expansion of the transmission network is necessary to allow utilities to meet their customers’ growing need for electricity.

1.2.2 Need for the Substation

Growth in the need for electricity in northern Cass County has been substantial as new homes and subdivisions have been platted and built, along with businesses locating or expanding to serve those new homes and subdivisions. This has necessitated construction of electric infrastructure to support that growth, including the Substation that is the subject of this Zoning Application. The number of KCP&L (formerly Aquila) customers in Cass County has increased 26% from 2001 to 2007. Electricity use per residential customer has increased 58% over the last 25 years, in addition to the growth in the number of customers. This Substation is a major part of the infrastructure needed to support that growth, and is designated critical infrastructure in accordance with various Homeland Security requirements (see Section 2.5).



The Peculiar 345/161 kV Substation interconnects the existing KCP&L 345 kV transmission network to the KCP&L 69 kV and upgraded 161 kV transmission network in northern Cass County. This allows KCP&L to construct the 161 kV transmission required in this area to supply existing load (e.g., customer demand for electricity) and load growth in the Raymore/Peculiar area for both KCP&L and the local rural electric cooperative. The Substation also provides required support for the KCP&L 161 kV transmission network in the Belton/Martin City area.

1.2.3 Benefit to the City

The City of Peculiar now has substantial new transmission infrastructure on the northwest, west and south sides of the city to support development of the area – the Peculiar 345 kV Substation near 203rd Street and Knight Road, the Peculiar 161 kV Substation on Highway YY west of Harper Road, and the South Harper Peaking Facility switchyard located south of 241st Street and west of Harper Road. This infrastructure, designed with capability for expansion, means the City of Peculiar has the electric capacity available to reliably support the needs of present and future customers for years to come, and to immediately service the needs of large industrial and/or very large commercial customers seeking a suitable location for a new facility or expansion of an existing business.

Peculiar is the only city in Cass County with such a large electrical capability for economic development. For example, the expansion capability designed into the Peculiar 345 kV Substation (all inside the substation fence) is sufficient to supply approximately 20,000 homes, two dozen tall office towers, or four data centers (server farms). Combined with access to a major four-lane highway in the region, the Substation and other electric infrastructure described above provide significant advantages to the City in the competition for new businesses, growth, and economic development.

1.3 COMPLETED APPLICATION FORM

A completed and signed Application Form is included within this Application and is located after page 1-7. The required filing fee is also provided.



1.4 LAND USE COMPATIBILITY

1.4.1 City of Peculiar

Both the Existing and proposed Future Land Use maps for the City show the property as a Public/Quasi-Public classification. The Existing Land Use Map – Northwest shows the land surrounding the site within the Peculiar City limits as Ag/Open Space. The Grand Oaks Farm subdivision is on the north side of 203rd Street. There are also several residences southwest of the site, west of Knight Road.

The Facility appears to be consistent with current site and neighboring land uses. The Substation property and neighboring properties contain a high-voltage electric transmission line and water supply pipeline. Farmland is south, east and west of the site. Several residences are west of the site. There are several residences on the south side of 203rd Street approximately 1/3 to 1/2 mile east of the property and substation, within City limits. The location is clearly in a transition from rural use to a more urban environment as the area north of the site is being developed. As the City completes and implements its revised Master Plan, further development is expected particularly once a Highway 71 interchange at 211th Street is constructed. The site is located south of 203rd Street, one block from the frontage road (Peculiar Drive) next to Highway 71, a major arterial in that part of the county. Ready access to the property is via a gated entrance driveway. Non-agricultural traffic can access the site via the frontage road to 203rd Street. Land use in the area, as described below, is a mix of residential and agricultural, with the bulk of the property adjacent to the Substation being agricultural.

The northern portion of the property currently consists of open agricultural lands and some forested areas associated with two intermittent streams that traverse the property. Surrounding areas are also designated as Multi-Use Tiers by the Cass County Comprehensive Plan land use map, although the Grand Oaks Farms residential development immediately north of 203rd Street may be designated as an Urban Service Tier, as defined by the Cass County Comprehensive Plan land use map. The property outside the Substation fence that is not dedicated to road access is anticipated to remain as its' current use, agriculture.

Adjacent properties within 200 feet of the Substation site are zoned as agricultural or residential.



It is believed that construction and operation of the Substation does not adversely impact local infrastructure (roads, schools, etc.) as the Substation is not normally staffed and the majority of workers that visit the site are from the region and commute to the site from their existing homes.

1.4.2 Cass County Comprehensive Plan Compliance

Prior to annexation of the site by the City, a Multi-Use Tier designation applied to most if not all of the site under the Cass County Comprehensive Plan Update 2005 (Plan - dated February 1, 2005). Multi-Use Tier is defined by the Plan (p. 25) as follows:

“These are areas near towns and cities and along paved highways and thoroughfare roads where non-agricultural development, such as commercial and industrial uses, and residential development that is denser than 20-acre lots, is encouraged. Large-scale development is allowed, including commercial and industrial zoning, provided there are provisions for direct access to paved roads.” [Italics added]

The southern portion of the site and property east, south and west of the site, are designated as Multi-Use Tier on Cass County’s Land Use map in the Plan. The southern portion of the site is where the Substation is located. Use of the site for the Substation, as located, appears fully consistent with the Multi-Use Tier definition.

The Plan also specifies characteristics of the Multi-Use Tier designation on page 28:

“The Multi-Use Tier is representative of development areas within Cass County that exhibit the following characteristics:

- Positioned as *transition areas from urban to rural densities*
- *Located along rural highways, major arterials and intersections, or close enough to such major roads to provide access for more intense levels of non-agricultural traffic, and*
- *Predominantly developed for a mix of land uses: residential, industrial and commercial purposes.”*

The site is consistent with these characteristics. As described above, it is located south of recently developed residential properties that are located on or north of 203rd Street. Farmland is south, east and west of the site. Several residences are west of the site, and 1/3 to 1/2 mile east of the site. The location is clearly in a transition from rural use to a more urban environment as the area north of the site is being developed.



1.5 CERTIFIED LIST OF PROPERTY OWNERS WITHIN 200 FEET

A certified list of property owners within 200 feet of the entire 55.05-acre parcel is provided as Figure 1-2. This list is intended to meet the requirements of Section 400.290 (B).

1.6 TITLE REPORT

This is provided in Appendix B.



P.O. Box 208
Harrisonville, MO 64701
816-380-3445

8/18/2008
800056565

Planning and Zoning Commission

TRACT FOR WHICH REZONING IS REQUESTED:

Part of a Tract of land described in Book 689 at Page 71 in the Office of the Recorder of Deeds in Cass County, Missouri, being part of the Northwest Quarter of Section 5, Township 45, Range 32, Cass County, Missouri, described as Beginning at the Northwest corner of the Northwest Quarter of Section 5, aforesaid, run thence South 89 degrees 35 minutes 49 seconds East along the North line thereof, 400.00 feet; thence South 17 degrees 21 minutes 24 seconds East, 1189.30 feet; thence North 89 degrees 43 minutes 10 seconds East, 570.00; thence South 0 degree 14 minutes 25 seconds East, parallel with the West line of the Northwest Quarter of said Section 5, 1320.00 feet to a point in an existing fence line as now located; thence South 89 degrees 43 minutes 10 seconds West along said existing fence line, 1320.00 feet to a point in the West line of the Northwest Quarter of said Section 5; thence North 0 degree 14 minutes 25 seconds West along said West line, 2461.64 feet to the point of beginning. Subject to the right of way of East 203rd Street and South Knight Road, and subject to any existing easements.

Owner: The City of Peculiar

Prepared For: Hugh E. (Ed) Clemmons Jr.
1010 Industrial Drive P.O.Box 475
Pleasant Hill, MO 64080

To whom it may concern:

An examination of the records of the Recorder of Deeds of Cass County, Missouri, indicates that the owners of the property adjacent to and within 200 feet of above-captioned are as listed below. As an accommodation to you, we have provided address as they appear in the County Tax Rolls:

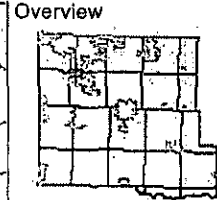
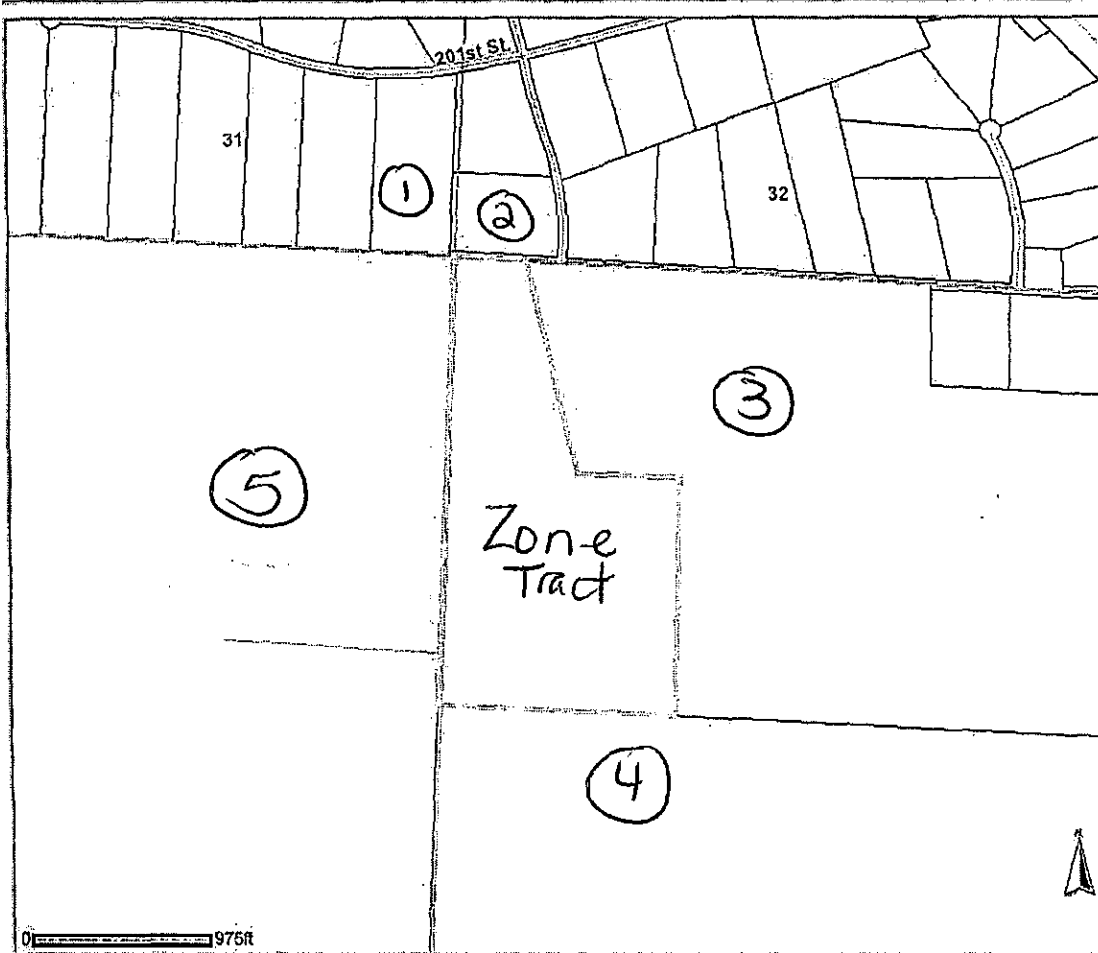
1. Mr. And Mrs. Wayne Buck
P. O. Box 463
Peculiar, MO 64078
2. Mr. And Mrs. Gregory Seiner
20216 S. Grand Dr.
Belton, MO 64012
3. Effertz Bros.
16401 Holmes Rd.
Belton, MO 64012
4. L. F. Britton
20814 S. Harper Rd.
Peculiar, MO 64078
5. Mr. And Mrs. Allen Bockelman Trust
8407 E. 207th
Peculiar, MO 64078






Coffelt Land Title, Inc.

Rosemary Gentry



Date Created: 8/22/2008
Map Scale: 1in=975ft



- Legend
-  Roads
 -  Parcels
 -  PLS Sections
 -  PLS Townships
 -  Corporate Limits

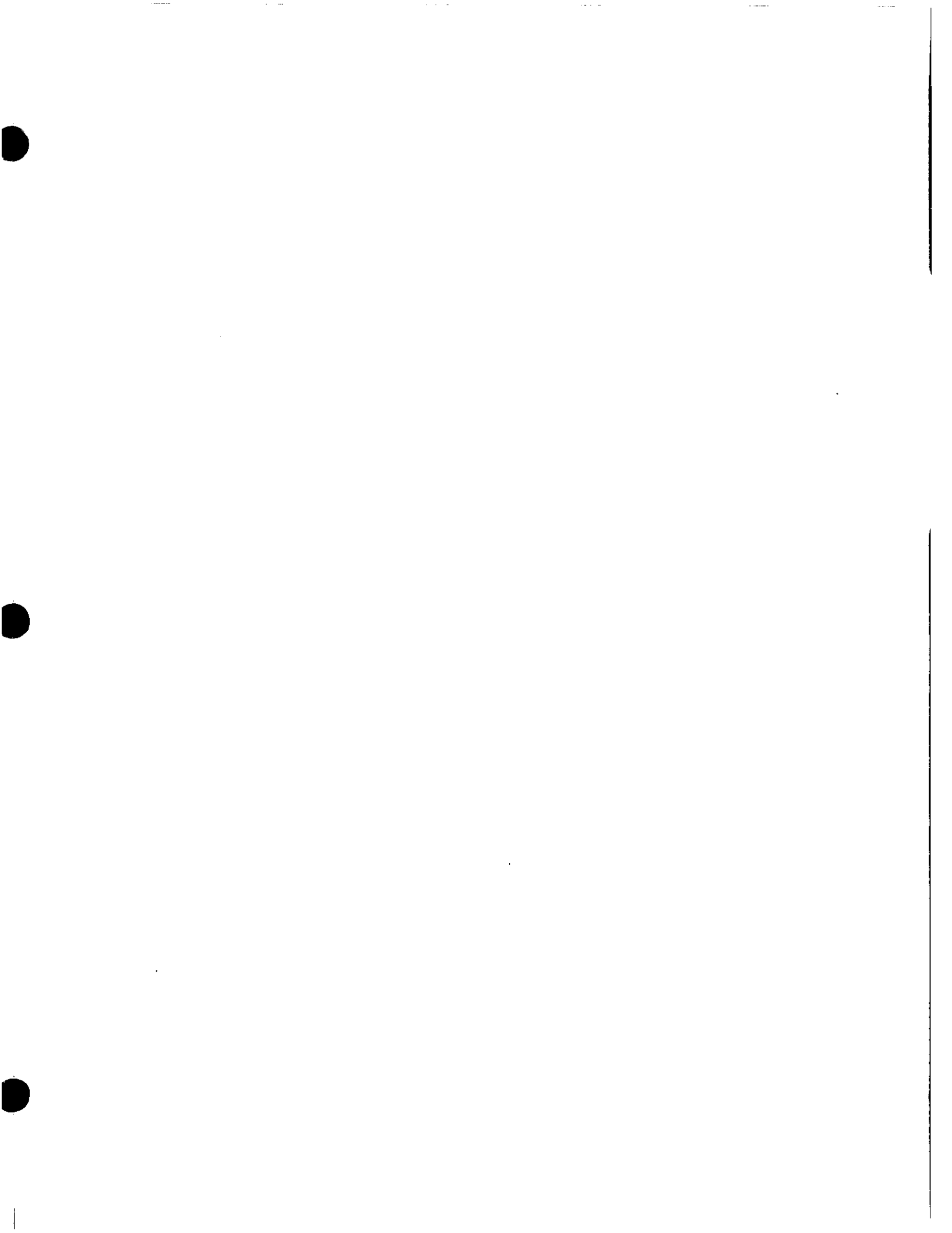
Parcel ID 07030500000003001
Sec/Twp/Rng
Property Address 8901 ST
 PECULIAR

Alternate ID N/A
Class Exempt
Acres 54.60

Owner Name CITY OF PECULIAR
Owner Address CITY OF PECULIAR
 P O BOX 267
 PECULIAR MO 64078-

District 6717001
Brief Tax Description BG NW CR NW S2508 E1320 NW1240 W TB
 (Note: Not to be used on legal documents)

Last Data Upload: 8/21/2008 11:20:01 PM





2.0 DEVELOPMENT/SITE PLAN

2.1 PROJECT DESCRIPTION

2.1.1 Present Configuration

The approximately 7.5-acre portion of the property discussed in Section 1.1 contains the 345 kV substation and system protection enclosure. A confidential site layout drawing is provided in Appendix C. The drawing is confidential because the Substation is subject to several Homeland Security laws and regulations. Because of this, certain components of the substation are not for public viewing.

The Substation (Appendix C) is a 345/161 kV substation and allows for the transfer of energy from 345 kV to 161 kV and vice-versa. Two (2) 345 kV transmission lines enter and exit the substation, while two (2) 161 kV transmission lines enter and exit the substation. One of the 161 kV lines connects to the Belton South 161/69 kV substation, while the other connects to the South Harper Peaking Facility substation.

The system protection enclosure is approximately 16 feet by 50 feet. A Cass County building Permit was obtained for this enclosure. The location of the system protection enclosure is depicted on the drawing in Appendix C.

A gravel access/entrance road was constructed for this project. A Roadway and Bridge Driveway Permit was obtained from the County, since it connects to 203rd Street.

Temporary on-site gravel parking was provided during construction. A gravel parking lot was constructed and allows for 10-12 vehicles. It remains in place at the present time.

2.1.2 Design for Expansion

Appendix C shows the layout for future expansion, consisting of one additional 345/161 KV transformer to provide additional network support and four 161/12 KV transformers that will allow this substation to provide a high level of reliable service to area customers.



2.2 CHAPTER 100 OWNERSHIP STRUCTURE

The property and Substation are owned by the City under a Chapter 100 bond arrangement. A copy of the Economic Development Agreement between Aquila, Inc. (now KCP&L) and the City, dated December 30, 2004 is provided in Appendix D. The agreement remains in effect as long as any bonds remain outstanding or any phase of the Project (which also included the South Harper Peaking Facility) is titled in the name of the City, or termination in accordance with the provisions of the bond documents. The maximum term is thirty years. Under the arrangement, the City holds title to the Project (including the Substation site) and leases it back to Aquila (now KCP&L) for an up-front bond issuance fee and specified bond interest and principal payments which are paid through the bond trustee to the bond holders (Aquila, now KCP&L). An annual PILOT (Payments in Lieu of Taxes) of \$241,821/year is also made which under Missouri law is distributed to the public entities in whose footprint or service area the project resides.

Section 3.03 (c) of the Economic Development Agreement provides that the City will not unreasonably withhold any consent or approval required by any City ordinance, code, regulation or any other governmental approval required by law ... provided that nothing is construed to obligate the City to grant municipal permits or approvals the City would not be obligated to grant absent the agreement. The City also agreed that it will not adopt or approve any ordinance, code, or regulation not in force and effect on the effective date of the agreement which would materially adversely affect the project and which would exclude or exempt other similarly situated properties or facilities within the City.

2.3 LANDSCAPE/VISUAL SCREENING PLAN

A landscape/visual screening plan was not initially developed for the project, as stands of native mature trees shield a large portion of the Substation area from nearby residences and roadways as depicted in Photo Nos.1 through 3 that were taken August 27, 2005 and are still valid. The trees have grown substantially since that time.



Photo No. 1 – View from the site boundary (property line) looking south from the corner of 203rd St. and the substation access road.



Photo No. 2 – View looking southwest from 203rd Street property line.



Photo No. 3 – View from the site boundary (property line) looking south from within the existing transmission line easement from 203rd St.

2.4 FACILITY LIGHTING PLAN

A lighting plan for the Substation was prepared, installed, and implemented. A combination of street-light type lighting and directional (shoe-box) lighting is currently being used at the Facility. Night-time photographs of the Substation were taken on August 31, 2005 (Photos Nos. 4 through 6) to demonstrate current lighting conditions at the Substation. The photos are still accurate.



Photo No. 4 – View looking southwest toward the Substation from 203rd Street (just west of water tower and residence on south side of 203rd Street).

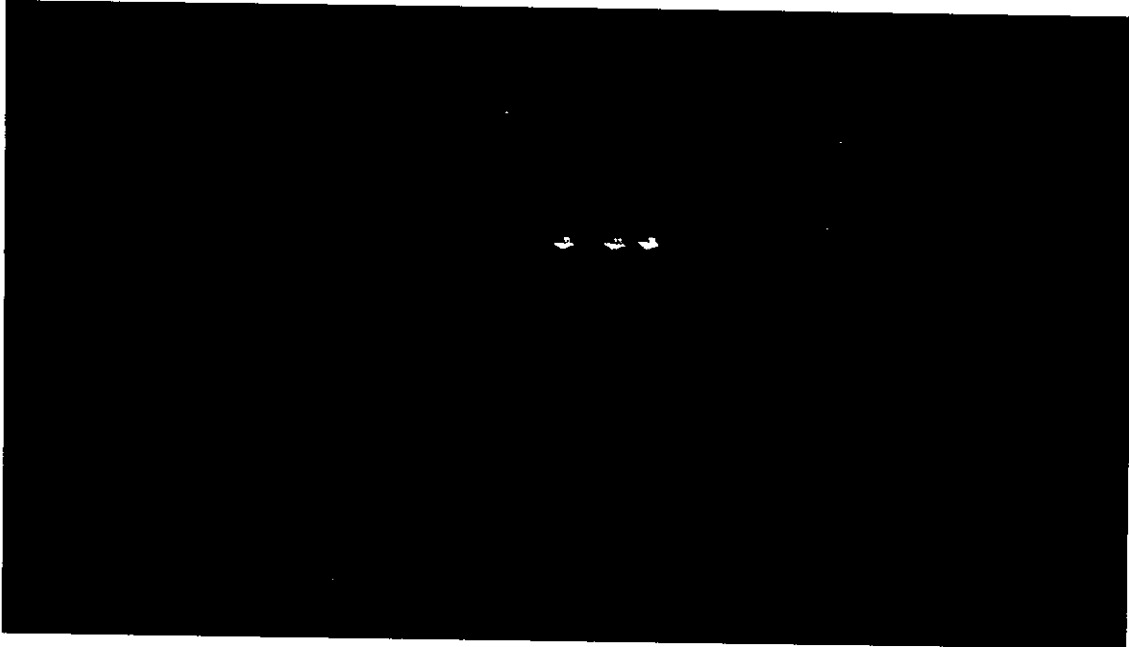


Photo No. 5 – View from the site boundary looking south from 203rd Street, near entrance of Substation (just east of S. Knight Road).

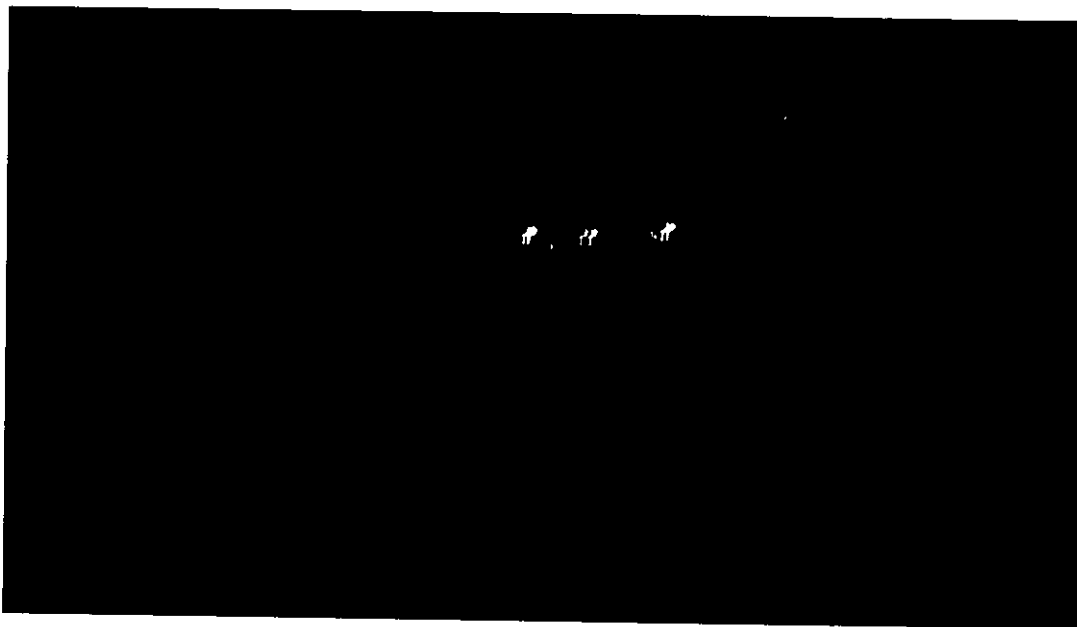


Photo No. 6 – View looking south to southeast from the entrance driveway, between the steel gate and Substation security fence line.



2.5 FACILITY SECURITY PLAN

In addition to the lighting plan as described above, the Substation security features are listed below. The Substation is considered a constituent of several Homeland Security legal and regulatory requirements. Presidential decision directives, laws, regulations and other documents that provide requirements and guidance for the security plan are listed in Appendix E. Aquila proposes and will implement the following security measures:

2.5.1 Approach

Vehicular access to the Substation is gained from 203rd Street.

- A 90-degree rule is in use; requiring vehicles to slow in order to complete the “right-angle” turn onto the Substation entrance driveway.
- The entrance driveway off of 203rd Street contains a locked security gate at 203rd Street, a locked steel pipe gate at the second crossing and a pass-code type gate in the chain link fence, which is a component of the security system.

2.5.2 Fencing

A security fence, including barbed wire, surrounds the Substation and associated equipment. The security fencing is six (6) feet in height and contains an 18-inch outrigger consisting of three (3) strands of barbed wire extending at 45-degree angle from the top of the fence. The fence includes a motion detection system which is remotely monitored by KCP&L security, as is the rest of the Substation. The fence is chain-link design constructed of nine (9) gauge steel and supported by a top and bottom support bar for stability. Manual swing gates are secured with Pioneer Latch equipment.

As mentioned above, the security gate is equipped with a pass-code. Procedures for trespassing, unlawful entry, etc. were developed for construction and were revised once full operation of the Substation began.

A steel bar type gate has also been installed along the entrance driveway, approximately half way between 203rd Street and the perimeter security fence line. This gate remains locked unless access is necessary for appropriate Substation personnel.



2.5.3 Surveillance Cameras

Surveillance cameras are installed at the site. Locations and design of the cameras must remain confidential.

2.5.4 Clear Zone

In addition to the approach, fencing and current lighting, the existing clear zone (no substantial vegetation, except grasses) is maintained along the perimeter fence. The clear zone allows for increased visibility near the fence and reduces the potential for undetected intrusion into the Substation.

2.5.5 Security Signage

Signs stating, "Danger High-Voltage" are placed every 50 feet along the perimeter fence. "No Trespassing" and "Private Property" signs are posted near the entrance of the Facility.

2.6 FACILITY SIGNAGE

Besides signs used for safety and security purposes, KCP&L has installed an identification sign near the front entrance to the Substation. KCP&L believes all signs are in compliance with Chapter 420: Sign Regulations, as discussed in Section 5.0 below, and will comply with any positional signage requirements or request an appropriate variance or exemption.

2.7 TRAFFIC PLAN

Since the Substation has limited access, construction and operation traffic require the use of 203rd Street which can be accessed by Old U.S. Highway 71 from either the Cities of Peculiar or Raymore. KCP&L does not believe that construction significantly impacted the normal flow of traffic in the area of the Substation. Since only a few employees occasionally visit the Substation during operation (estimated to be one or two times per month), the normal flow of traffic in the area should not be impacted.

All deliveries were and will be planned and managed in compliance with applicable MoDOT and County requirements. Any superloads (over-sized and/or heavy hauls) require a MoDOT permit, which requires a comprehensive structural analysis and road feasibility study of the proposed route. Any negative impact on local roads resulting from delivery of equipment will be addressed



and repaired by KCP&L in compliance with applicable City of Peculiar and Mt. Pleasant Special Road District requirements. Road improvements, such as paving and patchwork have been performed once on 203rd Street, paid for by Aquila, at that time.

Dust control is not anticipated to be required since the Facility will not be visited on a frequent basis.

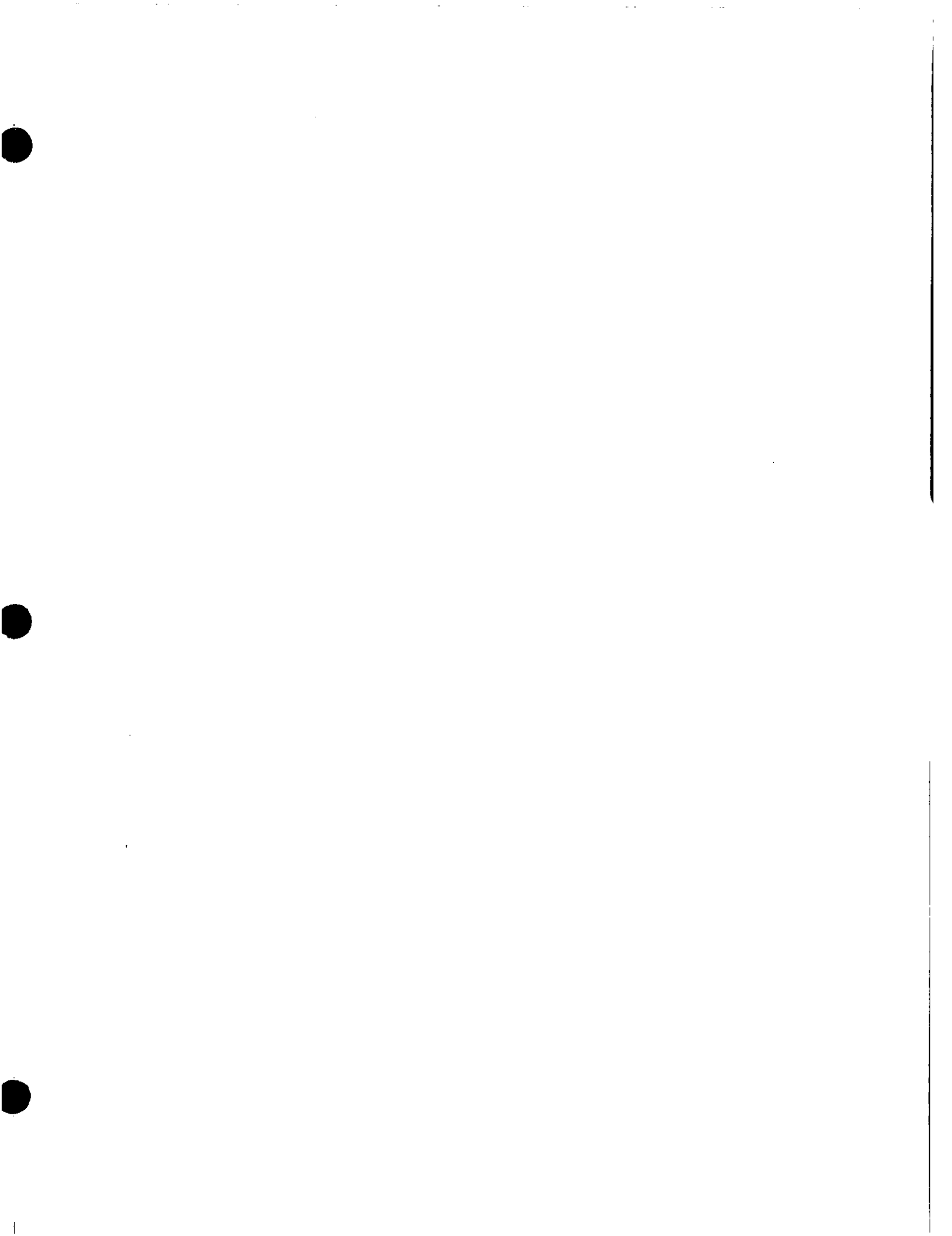
2.8 ROAD MAINTENANCE/REPAIR PLAN

Prior to starting construction, the proposed traffic route conditions were reviewed, photographed and documented. Any damage caused by deliveries to the site during construction was promptly addressed.

- Aquila completed road improvements (repaving/patchwork) on 203rd Street.
- Permanent repairs were completed in compliance with Cass County Ordinance 02-01.

In response to recent inquiries, discussions were initiated with the Mt. Pleasant Special Road District (to be the future owners of and responsible for maintenance of the northern half of 203rd Street) and the City of Peculiar (owners of the southern half of 203rd Street) on the potential need for additional repairs or improvements to 203rd Street. To the extent additional repairs are required, KCP&L intends to work with both owners to ensure that repairs are performed to the district's and city's specifications so that The Mount Pleasant Special Road District can accept the northern half of the road from the developer and assume responsibility for maintenance. We are advised that the Mount Pleasant Special Road District will coordinate with the City of Peculiar.

Because there will be only occasional traffic for operation of the Substation, which constitutes one or two visits per month, no additional repairs are expected to be required after the anticipated ones are performed. KCP&L will contact the City of Peculiar's City Engineer and the Mount Pleasant Special Road District if large deliveries and/or heavy haul traffic will be required in the future. While the Substation is laid out for expansion, such deliveries or heavy haul traffic are not anticipated to be required for some years based on normal load growth projections for the area.





3.0 COMPLIANCE WITH CHAPTER 400: ZONING REGULATIONS

3.1 PROPOSED ZONING DESIGNATION

3.1.1 BASIS FOR DESIGNATION

The zoning regulations do not appear to refer to electric substations, perhaps because none are located inside the City of Peculiar other than this recently annexed facility. Alternatives for a zoning designation appear to be either District "M-2" (Heavy Industrial District) or "M-1" (Light Industrial District). Because the description of "M-2" in Section 400:170 lists electric power plants as a use that qualifies for this designation, the M-2 designation may be a better fit.

KCP&L also requests an exception to the height restrictions for two lightning masts that are 101 feet tall. The basis for this request is provided in Section 3.5 of this Application.

3.1.2 HEIGHT AND AREA REGULATIONS

The Substation site complies with Section 400.170 (B) height and area regulations as follows:

- Height – limited to 75 feet (same as "M-1"). The substation complies except for two lightning masts which are 101 feet tall. Power poles on the site are assumed to not be constrained by this restriction. Refer to Section 3.5 below for an explanation of why the lightning masts qualify for a height exception.
- Front yards – same as District "M-1". It appears no front yard is required unless a portion of the District lies within the block of, or fronts on, the same thoroughfare with a portion of a Residential District; in which case the Residential District requirements apply. The site fronts on 203rd Street. If Residential District setback requirements apply, the minimum yard depth appears to be 25 feet per Section 400.070 (District R-1 Single-Family). The actual setback is approximately 1786 feet per the Plat of Survey in Appendix A of this application, easily meeting the requirement.



- Side and Rear Yards – District “C-1” requirements are cited. Section 400.130 (B) appears to require a minimum setback of ten feet for side yards and at least twenty feet for rear yards. Actual setbacks are 180 feet for the rear and at least 261 feet for the sides, as determined from the substation fence.
- Parking regulations in Section 400.270 are cited in Section 400.170 and are discussed below in Section 3.6.

3.2 PROTECTIVE BUFFER AND SCREEN REQUIREMENTS

Zoning Regulations Section 400.180 appears to require a setback of at least ten feet for any buildings or parking lots along any property line abutting or adjoining a Zoned Dwelling House District. There is also a permanent screening requirement for commercial or industrial districts abutting or adjoining properties zoned for Dwelling House. To KCP&L’s knowledge, no such district exists next to the site except possibly on the north side of 203rd Street in an area outside City limits (Grand Oaks Farms subdivision). The setback to the temporary gravel parking lot from the closest property line is several hundred feet per the Appendix A survey. Property to the east is agricultural, so it appears this requirement does not apply.

A landscape/visual screening plan was not developed for the project, as stands of native mature trees shield a large portion of the Substation area from nearby residences and roadways as depicted in Photo Nos.1 through 3, provided in Section 2, that were taken August 27, 2005. The trees have grown substantially since that time.

3.3 ACCESSORY USE

Section 400.220 appears to require that a private driveway or walk to provide access to premises in Districts M-1 and M-2, among others, shall not be permitted in the residential districts. The private driveway off 203rd Street does not provide any additional access to residential property.

This section also provides that buildings or structures accessory to the use permitted in one district shall not be permitted in a district of higher classification. The control building on site is



typical for high voltage substations, and would not be required on a site that is not a substation. KCP&L therefore believes this provision does not apply to this facility.

3.4 NON-CONFORMING BUILDINGS, STRUCTURES AND USES

Section 400.230 (B) – Authority to Continue Non-conforming Buildings, Structures and Uses, invokes the rest of the section for the regulations under which such use can be continued.

- Section 400.230 (C) (1) allows for ordinary repairs.
- Section 400.230 (C) (2) provides for alterations and enlargements; subsection (b) of which appears not applicable once the requested zoning is granted.
- Section 400.230(C) (3) refers to restoration of damaged non-conforming buildings, which is also expected to be inapplicable if the requested zoning is granted.
- Section 400.230 (C) (4) on discontinuances of use, and Section 400.230(C) (5) on expansions of use, appear to be inapplicable if the requested zoning is granted.
- Section 400.230 (D) on Non-conforming use of Conforming Buildings or Structures does not appear to apply if the requested zoning is approved.
- Subsection (E) on Non-conforming Use of Land does not appear to apply because the use of the property outside the substation fence is primarily agricultural in nature, which was the zoning of the property before it was annexed.

3.5 HEIGHT EXCEPTIONS

Section 400.250 (A) (1) (a) contains a provision allowing for increased height above seventy-five feet (75') in any district, provided that depth and width of yards is increased by one foot for each additional foot that such buildings exceed the height limit. The substation site contains two lightning masts that are 101 feet tall, which exceeds the 75 foot height restriction in Section 400.170 (B). The lightning masts are inside the Substation fence which has a distance of 180 feet to the rear property line (south side) and at least 261 feet to the sides, per the Plat of Survey in



Appendix A. The lightning mast locations therefore easily meet the rules that allow for height above 75 feet, in this case for a total height of 101 feet.

3.6 OFF-STREET PARKING AND LOADING REGULATIONS

Section 400.270 (H) -- Parking for Business or Industrial Buildings states in paragraph (2) that for all industrial buildings ...constructed...in Districts "M-1" or "M-2", provisions shall be made for off-street parking. One parking space shall be provided for each two (2) employees. Paragraph (2) requires the parking spaces to be on the same lot with the main buildings, or within seven hundred feet from the land zoned for business or industry. Paragraph (4) specifies the dimensions of each space (at least 10' wide by 20' long). Paragraph (5) provides rounding criteria if a fractional parking space is required by the formulas.

Temporary on-site gravel parking was provided during construction. A gravel parking lot was constructed and is associated with the system protection enclosure; it allows for 10-12 vehicles. It remains in place at the present time. The parking area is noted in the property survey drawing in Appendix A, can accommodate approximately 10 to 12 vehicles including line trucks, pickup trucks and cars. Because the paving is gravel, striping for parking spaces is not provided but ample room for parking spaces of the required size is available. The Substation is not staffed and is expected to have two site visits per month from KCP&L employees. With no permanent staff and occasional site visits, the number of required parking spaces appears to be either zero or one. KCP&L believes the facility site is therefore in compliance with the parking regulations without modification.

A gravel access/entrance road was constructed for this project. A Roadway and Bridge Driveway Permit was obtained from the County, since it connects to 203rd Street.

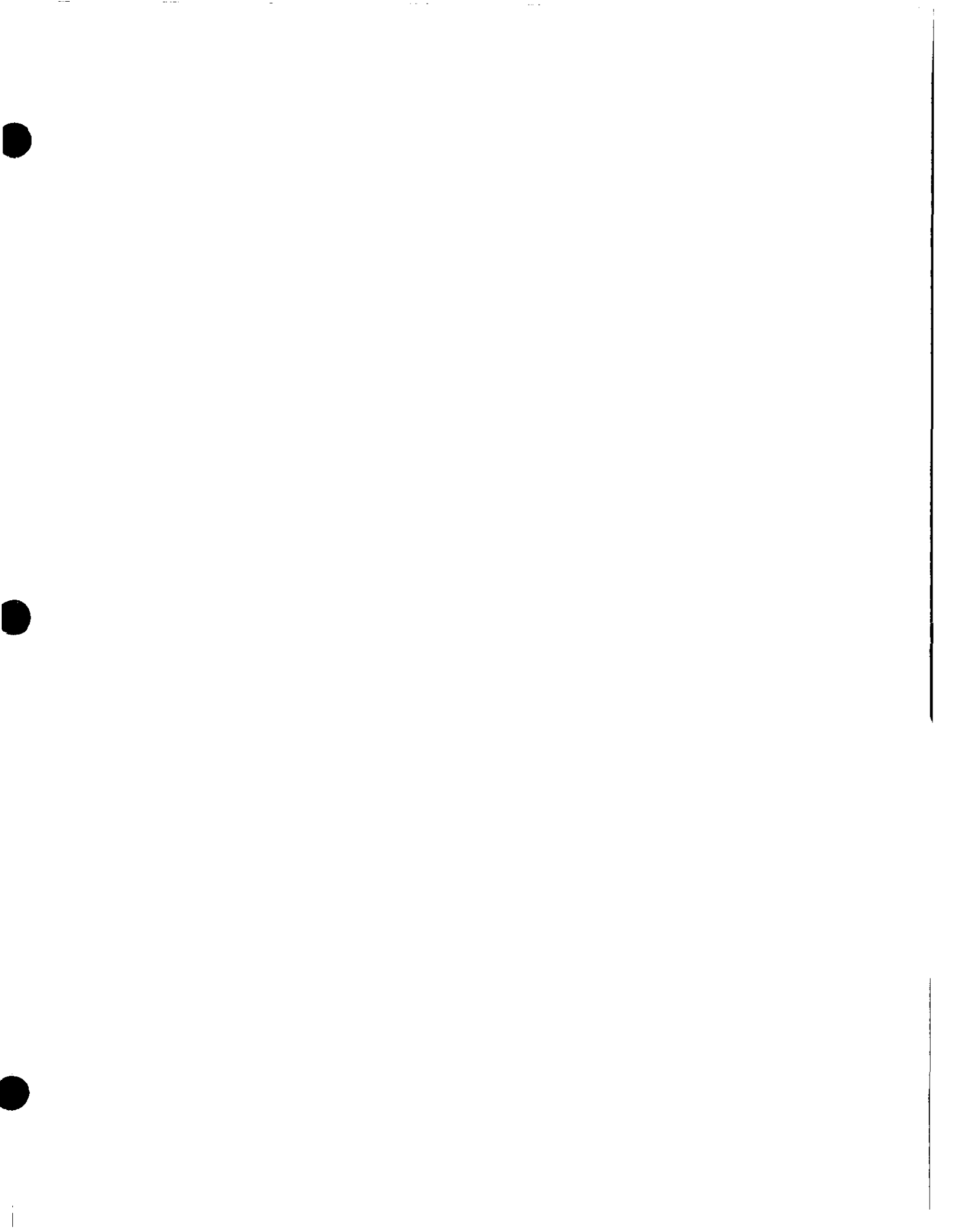
3.7 REGULATIONS BELIEVED NOT APPLICABLE TO THIS FACILITY

A review of the Chapter 400 identified regulations that KCP&L believes are not applicable to the facility. The regulations and the basis for that conclusion are provided below:



**COMPLIANCE WITH CHAPTER 400
ZONING REGULATIONS**

- Section 400.190 -- Additional Controls. The section states that permitted uses in Districts "M-1" or "M-2", among others, are subject to controls imposed by the Board of such uses are noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, glare or heat perceptible at the property lines. Electric substations by their very nature do not have the characteristics noted in the regulation.
- Section 400.200 -- Special Classes contains a list of specified uses that do not include electric substations.
- Section 400.210 -- Set-Back Regulations State Maintained Roads appears to refer to set-backs from highways. The property fronts on 203rd Street, which is neither a highway nor maintained by the State.
- Section 400.240 -- Completion and Restoration of Existing Buildings contains a grandfather provision for building permits issued/plans filed before December 3, 1979. The provision is inapplicable because of the construction date of the facility. There is also a provision (Paragraph B) providing for restoration of a building destroyed or partially destroyed by fire, explosion or other casualty. Paragraph (B) appears to be applicable should such an incident occur in the future.
- Section 400.260 -- Group Housing Projects does not apply to an electric substation.
- Chapter 405 -- Land Subdivision Regulations appears relevant to residential development but not the type of facility discussed in this application.





4.0 COMPLIANCE WITH CHAPTER 410: FLOOD HAZARD CONTROL

4.1 FLOOD HAZARD MAP

Section 410.040 designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map as the Official Map to be used in determining areas of special flood hazard. FEMA FIRM Map 290783025C [and its update] are provided in Appendix E, and clearly show the Substation property is outside a flood hazard area.

4.2 PERMITS REQUIRED

Section 410.050 requires permits to erect, construct, enlarge or improve any building or structure in the City. Because this application is for a completed facility, which was in Cass County during construction and for which county building permits were obtained, KCP&L believes that no additional permits are required under this section of the regulations. If any such permits are required in the future, KCP&L will comply.

4.3 THOROUGH REVIEW

Section 410.080 – Thorough Review provides guidelines for Planning and Zoning Commission review of all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments. Emphasis appears to be placed on manufactured housing and construction elevated to the level of the base flood elevation. Based on the Flood Insurance Rate Map provided in Appendix E, the facilities on the property are outside a flood hazard area and therefore above any applicable base flood elevation.

4.4 SUBDIVISION APPLICATIONS, ETC. TO BE REVIEWED

Section 410.090 requires the Board of Aldermen to review all subdivision applications and other proposed new developments...and make findings of facts and assure that (1) all proposed developments are consistent with the need to minimize flood damage; (2) proposals provide flood elevation data in areas designated Zone A; (3) adequate drainage is provided; and (4) all public



COMPLIANCE WITH CHAPTER 410 FLOOD HAZARD CONTROL

utilities and facilities are located so as to minimize or eliminate flood damage. The Peculiar 345 kV substation site meets these requirements as follows:

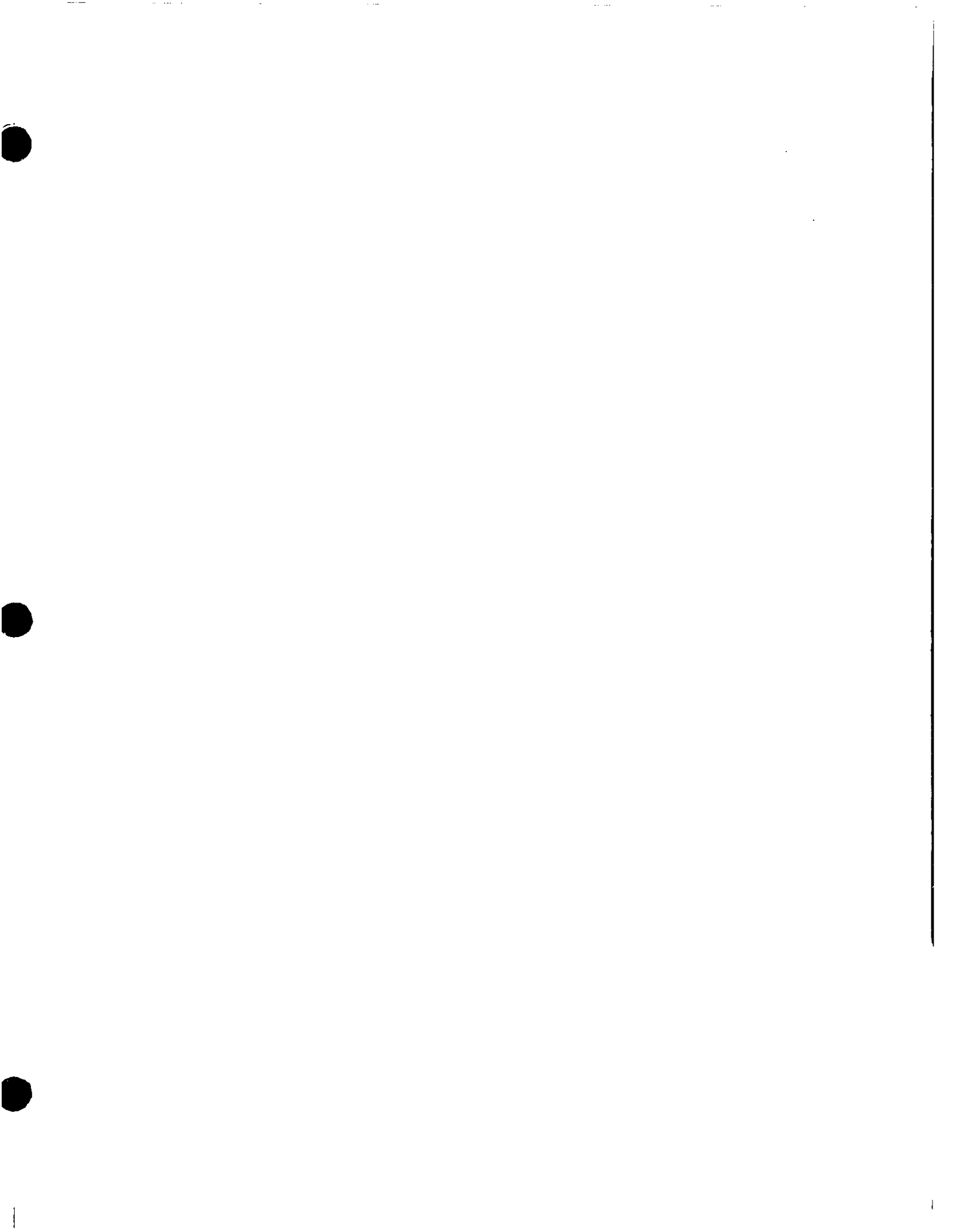
- The site is located outside Zone A so flood elevation data is not required (but nevertheless a FEMA Flood Insurance Rate Map is provided).
- Sega, Inc., an engineering firm located in Stilwell, Kansas, has been engaged to prepare a storm water management plan for the site. The proposed plan is provided in Appendix H. KCP&L is committed to implement the plan and requests City approval of the document as part of this zoning application.
- As can be seen from the topographic map provided with the storm water management plan, the substation equipment inside the fence is on high ground and is exposed to little or no risk of flood damage. Transmission poles and foundations elsewhere on the property are designed to withstand flooding. Transmission conductor, by its elevated nature, is located to eliminate flood damage.

4.5 NEW WATER AND SEWER CONSTRUCTION

Section 410.100 – New Water and Sewer Construction appears to be inapplicable because there are no water or sewer systems on the site owned by KCP&L, nor are any planned. Public Water Supply District # 2 owns a ten-inch water line that crosses the property.

4.6 CITY TO COMPLY WITH NATIONAL FLOOD DISASTER PROTECTION ACT

Section 410.110 requires the Board of Aldermen to ensure that the flood carrying capacity with the altered or relocated portion of any watercourse is maintained. The storm water management plan provided in Appendix H was prepared in compliance with City storm water management regulations, and therefore should be in compliance with the flood carrying capacity requirement.





5.0 COMPLIANCE WITH CHAPTER 420: SIGN REGULATIONS

5.1 PERMIT REQUIRED

Section 420.040 states that except as otherwise provided, no sign shall be erected, constructed or altered except as provided in Chapter 420 and until a permit has been issued by the Building Inspection. KCP&L does not know if these provisions apply to signs that were already installed on property when it was annexed into the City. Out of an abundance of caution, Section 5.0 is provided to explain how the existing signs meet Chapter 420 of the City's regulations.

5.2 APPLICATION FOR SIGN PERMIT

Section 420.050 requires applications for permits on forms as provided by the City of Peculiar. Applications are to be signed by the applicant, and also the owner of the property if the applicant is not the owner. In this case, the applicant would be KCP&L and the owner is the City of Peculiar. As explained in Section 5.3 below, KCP&L believes all signs on the site qualify for an exemption. None of the signs are illuminated, so an Underwriters Laboratories requirement for illuminated signs does not apply.

5.3 EXEMPTIONS

Section 420.070 identifies signs for which permits will not be required. All signs on the property appear to qualify for an exemption in 420.070 (6) for traffic or other municipal or informational signs (including legal notice, danger and warning signs). The signs are described below:

- One sign on the front gate that reads "GPE and KCP&L prohibit weapons of any kind, including concealed firearms, on company property." The sign is 11 inches by 14 inches.
- One "Private Property No Trespassing Sign" located approximately 110 feet inside the front gate. The sign is 45 inches by 24 inches in size and is attached to a sign display steel structure that is 10 feet 9 inches high by 4 feet wide, with 80 inches of clearance under the sign mounting area.



COMPLIANCE WITH CHAPTER 420 SIGN REGULATIONS

- Two signs on the second gate which is approximately 900 feet inside the front gate. The first sign is 18 inches by 24 inches and reads “Authorized Personnel Only”. The second is 14 inches by 20 inches and reads “Danger – High Voltage – Keep Out”.
- One KCP&L identification sign on the substation perimeter fence gate, over 1700 feet south of the site entrance gate. The sign also states the name of the facility and the street address (8901 East 203rd Street). The sign is 16 inches by 24 inches.
- One prohibition of weapons sign on the substation perimeter fence gate, as described above for the one on the gate at the entrance to the property.
- A “Danger – High Voltage – Keep Out” sign is located approximately every fifty feet on the substation perimeter fence. The signs are 14 inches by 20 inches. The approximate number of these signs on the perimeter fence is 45.

5.4 SIGNS ALLOWED

Section 420.090 (4) provides the standards for signs in Districts “M-1” and “M-2”. Compliance with or inapplicability of the requirements is described below.

- Requirements for signs for commercial uses in 420.090 (4) (a) should not apply because the signs described above are not for commercial use.
- Section 420.090 (4) (b) states that only the name of the establishment shall be placed on a sign for an industrial use, and contains a total area restriction. The sign on the substation perimeter fence, located over 1700 feet south of the site entrance, contains the facility street address as well as the name of KCP&L. The sign is an informational sign and should be exempt from the regulations as described in Section 5.3 above. The information on the sign is needed for public safety and security reasons by any security or personnel that may need to enter the facility.
- Section 420.090 (c) contains a height and area restriction. All signs on the property meet this requirement.
- Section 420.090 (d) requires that no sign shall be placed closer than ten (10) feet to the front property line. All signs meet this requirement, including the one on the front gate.

Pictures of the signs were taken on August 7, 2008 and are provided below.



Photo No. 5-1: Weapons Prohibition Sign on Front Gate



Photo No. 5-2: "Private Property/No Trespassing" Sign Located Inside the Front Gate



Photo No. 5-3: "Authorized Personnel Only" sign on Second Gate



Photo No. 5-4: Danger/High Voltage Sign on Second Gate



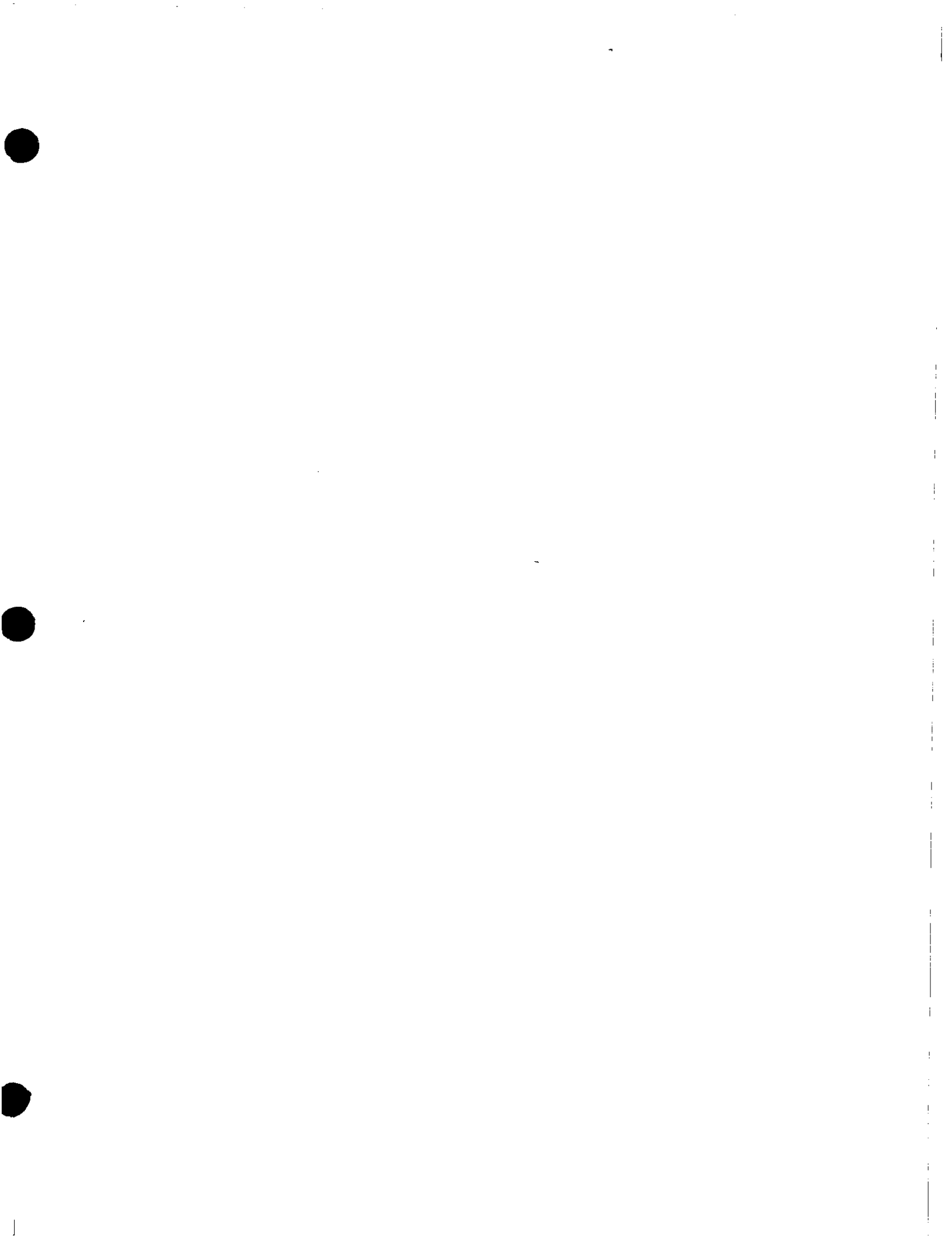
COMPLIANCE WITH CHAPTER 420
SIGN REGULATIONS



Photo No. 5-5: KCP&L Identification Sign on Substation Perimeter Fence Gate



Photo No. 5-6: Weapons Prohibition and Danger/High Voltage Signs on Substation Perimeter Fence Gate. The "Danger" sign is mounted approx. every fifty feet on the perimeter fence.





6.0 OTHER PERMIT OR REGULATORY COMPLIANCE

All permits, clearances and regulatory approvals, obtained by Aquila (now KCP&L) for the Substation, are listed in Table 6-1 at the end of this Section 6.0.

6.1 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Prior to acquiring the property, Aquila contracted Aquaterra Environmental Solutions, Inc. (Aquaterra) to conduct a Phase I Environmental Site Assessment (ESA) of the 55.05-acre property. The assessment indicated that there was no evidence of site contamination.

6.2 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) LAND DISTURBANCE PERMIT

As part of Section 402 of the Federal Clean Water Act (CWA), the State of Missouri is delegated by the United States Environmental Protection Agency (EPA) to administer the NPDES General Permit for construction activities that will disturb one (1) or more acres of land within the state. A Missouri State Operating Permit (General Permit No. MO-R101000) for storm water discharges is required in accordance with Missouri regulation 10 CSR 20-6.200. To comply with the Missouri Clean Water Law, Aquila submitted the appropriate application to MDNR and received a General Permit (No. MO-R106858, dated October 15, 2004 – see Appendix F) prior to initiating any earthmoving activities at the site.

The Permit requires a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction to ensure that appropriate best management practices (BMP's) will be implemented during construction to reduce water quality impacts caused by stormwater runoff from construction sites. The SWPPP also requires monitoring of the BMP's to ensure they are functioning properly. The SWPPP was prepared and retained on-site during construction. The proposed BMP's were implemented and monitored.

6.3 WETLAND DETERMINATION

To determine if any wetlands were on-site and would be impacted by the project, Aquila hired Burns & McDonnell to conduct a wetland delineation of the entire property. The delineation



identified three (3) wetlands and seven (7) streams, two (2) of which are intermittent. A Nationwide Permit 12 (NWP 12 – see Appendix E) was obtained from the U.S. Army Corps of Engineers (USACE), Regulatory Branch, since 0.11 acres of wetlands were impacted by the project. Mitigation was completed along the streams being impacted and included planting of native grasses and forbs. The NWP 12 is certified by the Missouri Department of Natural Resources (MDNR), which concludes that the NWP will not violate existing water quality standards provided Aquila complies with the conditions included with the NWP 12. Upon project completion, Aquila must sign, date, and send a “Compliance Certification” to the USACE. This was done in November 2005.

6.4 THREATENED AND ENDANGERED SPECIES REVIEW

To determine if the project would impact any federal or state listed threatened or endangered (T&E) species or their respective habitat, Aquila contracted Aquaterra to consult with the Missouri Department of Conservation (MDC) and the US Fish and Wildlife Service (USFWS). The USFWS responded with a “no objection” (dated October 7, 2004 – see Appendix F), while the MDC concluded that no T&E species or respective habitat appears to exist for the site (dated October 14, 2004 – see Appendix F).

6.5 CULTURAL RESOURCES CLEARANCE

To determine if the project would impact any cultural resources, Aquila contracted Aquaterra to conduct a cultural resources background investigation. The results were submitted to the Missouri State Historic Preservation Office (SHPO) for review. Upon review, SHPO provided a Cultural resource Assessment (dated October 5, 2004 – see Appendix F) stating that adequate documentation was provided and that they determined there will be “no historic properties affected” by the current project.

6.6 STRUCTURE HEIGHT NOTIFICATION

Projects with relatively tall structures often require a Federal Aviation Administration (FAA) notification; Form 7460-1. Structures requiring notification are described in 14 Code of Federal Regulations (CFR), Part 77.13 Construction or alteration requiring notice. None of the structures at this Substation met the criteria/definition for requiring notice (memo dated August 31, 2005 –



Appendix F); hence, Aquila did not prepare and submit a notification. The tallest structures are 101 feet above grade and the closest FAA regulated airport is the Hillside Airport (63K), approximately 7.5 miles to the northwest of the Facility; therefore structures of 101 feet do not require notice. This determination considered approximate elevations at the Facility (976 to 977 feet) and the airport (1,025 feet).

6.7 FLOOD PLAIN DETERMINATION

Prior to developing the Facility, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the site was reviewed to determine if the site or any part thereof was located in a flood plain. According to FEMA FIRM Map No. 290783 0025C (dated May 4, 1992 – see Appendix F) for Cass County, Missouri the entire site is located in an area designated as Zone X, which is classified as being outside the 500-year flood plain. [Add updated 2006 map; no change in result]

6.8 BUILDING PERMITS

A building permit (No. 25021 – Appendix F) was obtained from the County for the system protection enclosure located at the Substation. It was concluded through verbal correspondence with the County that a Grading Permit was not required.

6.9 ROAD AND BRIDGE DRIVEWAY PERMIT

A road and bridge driveway permit was applied for through Cass County and was received on December 10, 2004 (see Appendix F). This allowed for construction of the Facility entrance driveway connecting to 203rd Street.

6.10 CERTIFICATE OF CONVENIENCE AND NECESSITY

During the 2008 session of the Missouri General Assembly, Senate Bill 720 was passed and subsequently signed into law by the Governor's office. The law authorizes the Missouri Public Service Commission (MPSC), through August 28, 2009, to grant permission and approval for the construction or acquisition of any electric plant located in a first class county without a charter form of government. It is our understanding that the law applies to substations as well as power



**OTHER PERMIT OR REGULATORY
COMPLIANCE**

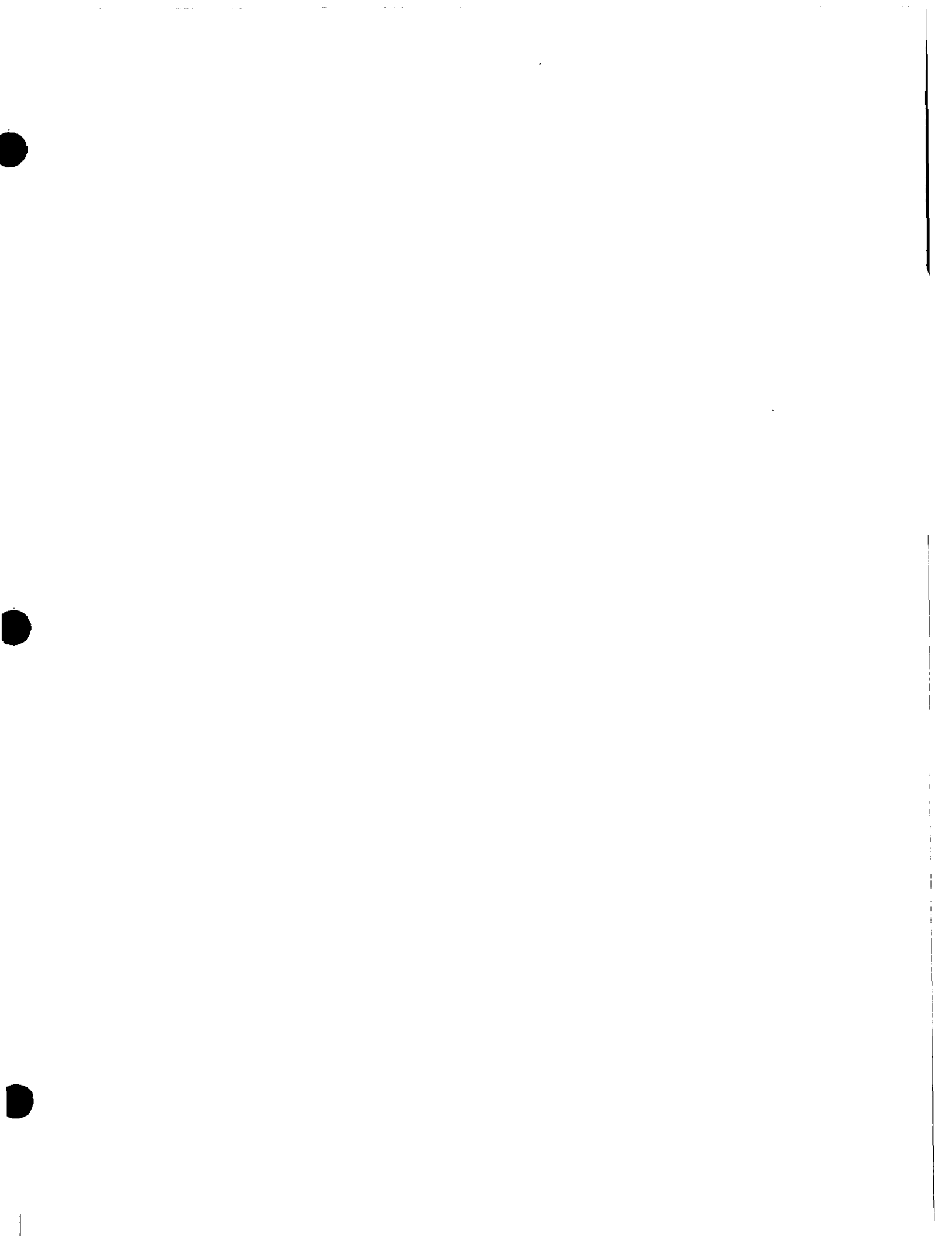
generating facilities (e.g, electric plant), and in particular the Peculiar 345 kV Substation.

KCP&L believes that any controversy around the substation has been resolved along with the controversy concerning the South Harper Peaking Facility. However, out of an abundance of caution and the need for both facilities, KCP&L intends to file an application with the MPSC for a Certificate of Convenience and Necessity (CCN) for both facilities, with the timing to be on or shortly after S.B. 720 takes effect. A copy of the application will be provided to the City, either as part of this zoning application or upon filing with the MPSC if the CCN application is filed after the zoning application.

Permit No.	Application No.	Application Date	Issuing Agency	Applicant / Firm	Description	Status
			Missouri Dept of Natural Resource, State Historic Preservation Office	Aquila, Inc.	Cultural Resource Assessment	Clearance provided 10/5/04
		9/29/2004	U.S. Fish and Wildlife Service	Aquaterra on behalf of Aquila, Inc.	Threatened and Endangered Species Review	"No objection" issued 10/07/04
		10/4/2004	Missouri Department of Conservation	Aquaterra on behalf of Aquila, Inc.	Threatened and Endangered Species Review	"No records found" issued 10/14/04
MO-R106858			Missouri Dept of Natural Resources	Aquila Networks, A division of Aquila, Inc.	National Pollutant Discharge Elimination System (NPDES) Land Disturbance Permit	Issued 10/14/04
		12/10/04	Cass County Road & Bridge	Aquila, Inc.	Road & Bridge Driveway Permit	Issued 12/10/04
25021	241220	12/17/04	Cass County Building Codes Department	Aquila Inc.	Peculiar 345-kV Substation Control Enclosure	Issued 02/01/05.
File Number 200500519			U.S. Army Corps of Engineers	Burns & McDonnell on behalf of Aquila, Inc.	Nationwide 12 Permit (Wetlands Determination)	Issued 1/11/05
			Not applicable	Burns & McDonnell	FAA Structure Height Notification Memo dated 8/11/05	FAA Notice of Proposed Construction or Alteration is not required



**Table 6-1
Acquired Permits, Clearances and
Regulatory Approvals**





7.0 SOUND EMISSIONS

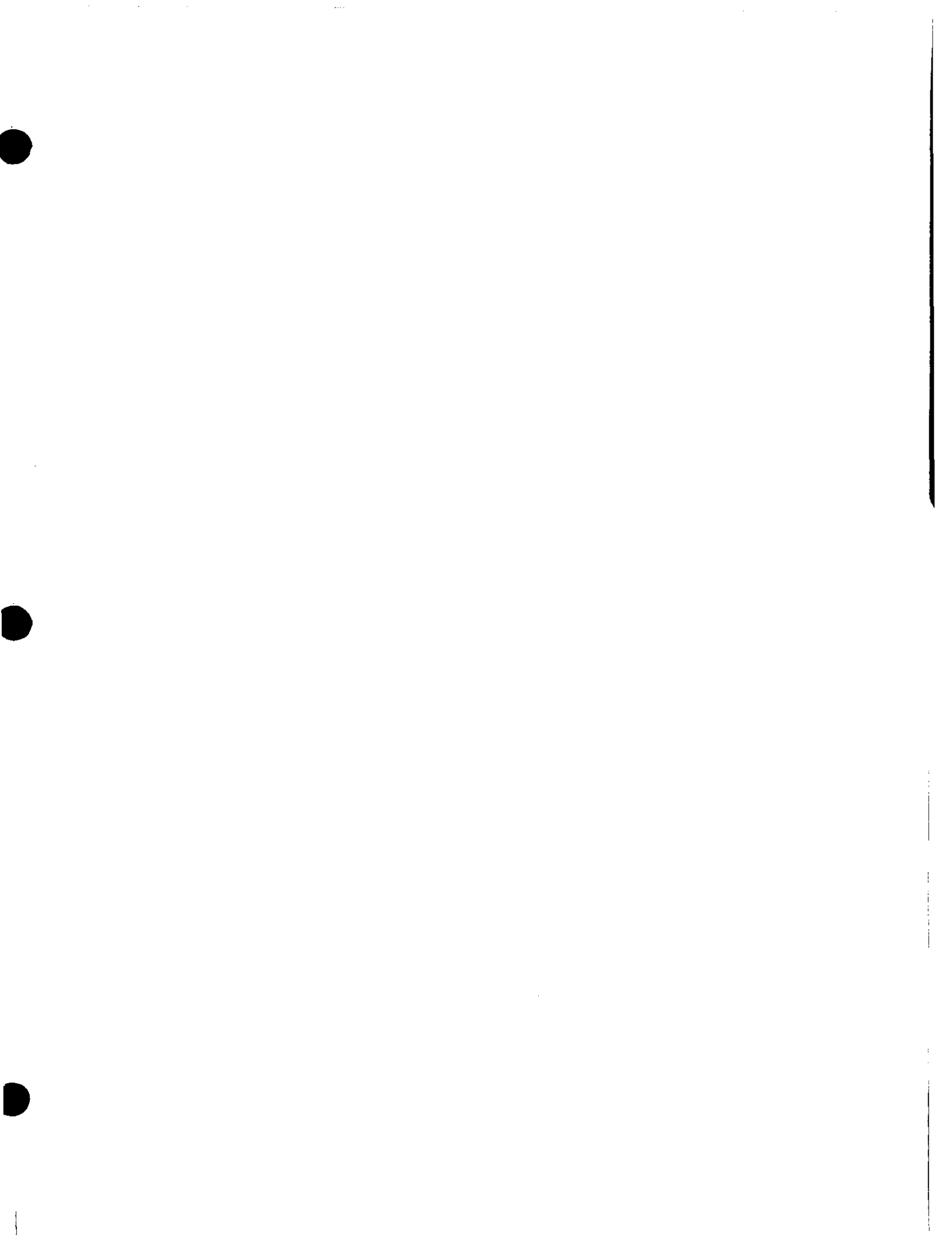
7.1 NOISE STUDY

The Substation is equipped with a low noise 345 - 161 kV transformer to minimize noise emissions from the site. To ensure compliance with the Cass County, Missouri Ordinance No. 02-20 -- Noise Disturbance, Aquila engaged Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to conduct a noise study. The county noise regulation (Ordinance 02-20) establish residential limits of 60 dBA during daytime operation (7:00 AM to 10:00 PM), and 55 dBA during nighttime operation (10:00 PM to 7:00 AM).

To determine actual sound levels during Substation operation, sound measurements were recorded at various locations at the Facility, which included both the security fence line and at the property boundary. All five (5) sound measurements at the property boundary were less than 55 dBA; ranging from 43.7 dBA to 52.0 dBA.

Study results indicate the Substation meets daytime (60 dBA) and nighttime (55 dBA) Cass County noise regulations for residential property at all measurement points along the Substation property boundary. For further details, see the Noise Study provided in Appendix G.

The Substation complies with Cass County Ordinance No. 02-20. A review of the Municipal Code of the City of Peculiar (on-line through Sullivan publications) did not identify a comparable noise ordinance for the City.





8.0 PUBLIC SUPPORT

From the beginning, this project has received substantial support from neighboring property owners. Many of these supporters have signed letters of support, which are included in Appendix I. Community outreach efforts during the planning of the project resulted in location of the substation on the south portion of the property at the request of Grand Oaks Farm residents. KCP&L believes that the outreach efforts and responsiveness to resident concerns resulted in a broad degree of public support or neutrality for the project as constructed.

One private lawsuit was filed by a couple residing on the west side of the substation site shortly after the substation was constructed. KCP&L is pleased to report that a settlement has recently been reached with that party, and to our knowledge no other suits concerning the substation are filed or pending.

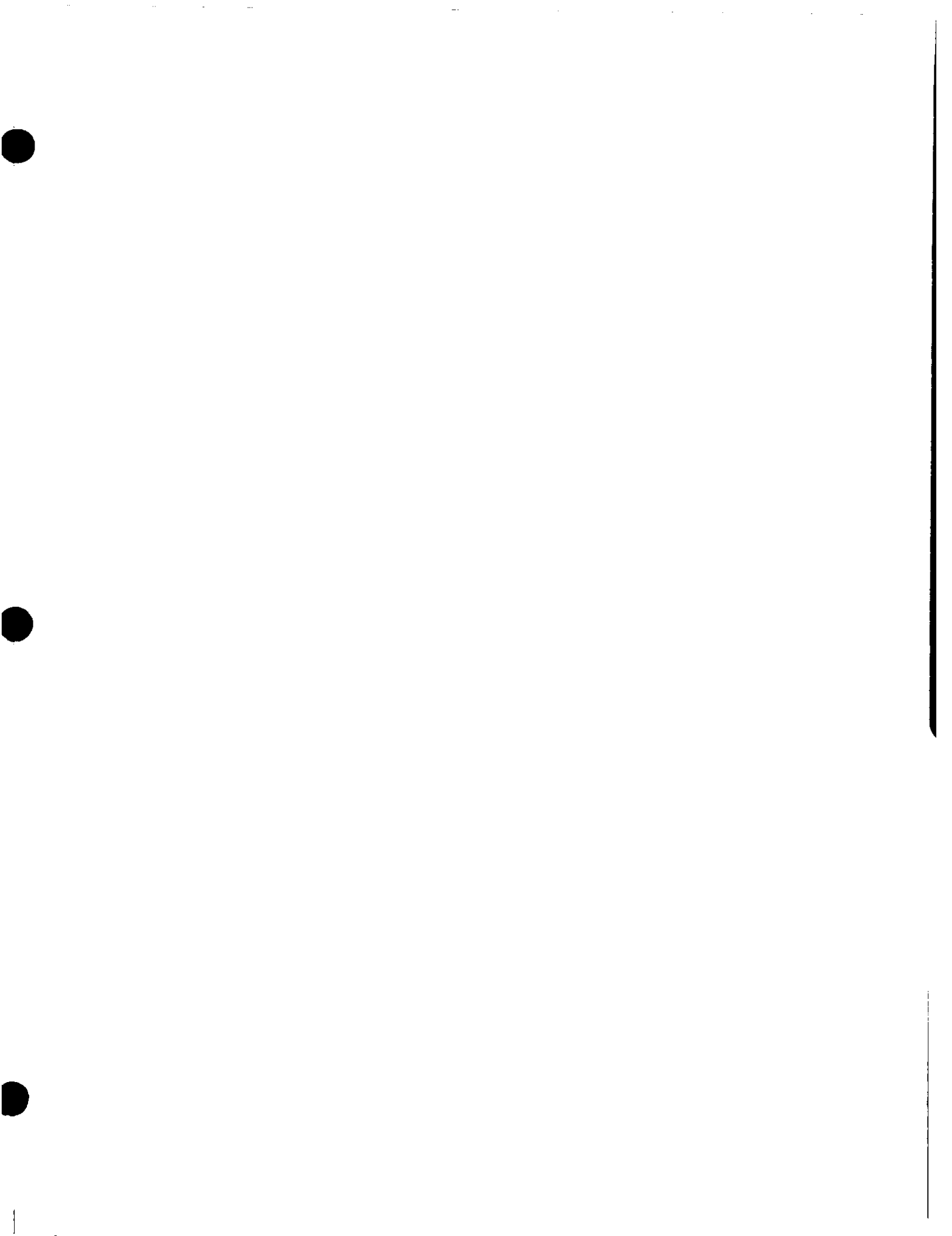
Public acceptance of the South Harper Peaking Facility and Peculiar 345 kV Substation, to the best of the Company's knowledge, has been achieved. The following metrics are offered for the City's consideration:

- A settlement has been negotiated with StopAquila.org.
- All seven private suits filed in late 2005 have been settled. Six of these were filed by residents living near the South Harper facility and one living near the Peculiar 345 kV substation. One private suit was recently filed by a resident living within one mile of the South Harper facility, which the Company intends to vigorously defend. To the best of Aquila's knowledge there are no other suits on the matter, other than those held in abeyance pending completion of settlement commitments.
- A survey firm was hired to conduct a County telephone survey to determine public attitudes about the plant before additional community outreach efforts were undertaken in 2008. 601 households were surveyed. Of that group, 72% were familiar with the plant
 - Of the 72%, 67% opposed removal and 13% had no opinion



- 70% of the 72% questioned thought the power was needed.
- An informal County petition drive was organized in spring 2008, conducted by volunteers that were county residents but not Aquila employees. Residents were asked to sign a petition that opposed removal or dismantling of the power plant as a tremendous waste of resources. In a brief period, 1002 signatures were collected of which 948 were determined to be county residents.
 - 401 were from Pleasant Hill, home of two power plants
 - 139 were from Garden City
 - 131 were from Peculiar (a count that exceeds the membership of the principal opposition group)
 - 72 were from Harrisonville
 - 43 were from Freeman, and
 - The rest were from Raymore, Belton, Creighton, Cleveland, Archie, Lake Annette, Adrian, Drexel, East Lynne, Gunn City, Lake Winnebago, and Strasbourg.

The Company also recently held six information meetings around the county to brief the public on the status of the plant, how we got to where we are, and describe the way forward. Even with postcard mailings and newspaper ads, only 20 people came to hear the presentation and none were in opposition. It appears the controversy in the community is over. The report detailing the community outreach effort is provided in Appendix I.



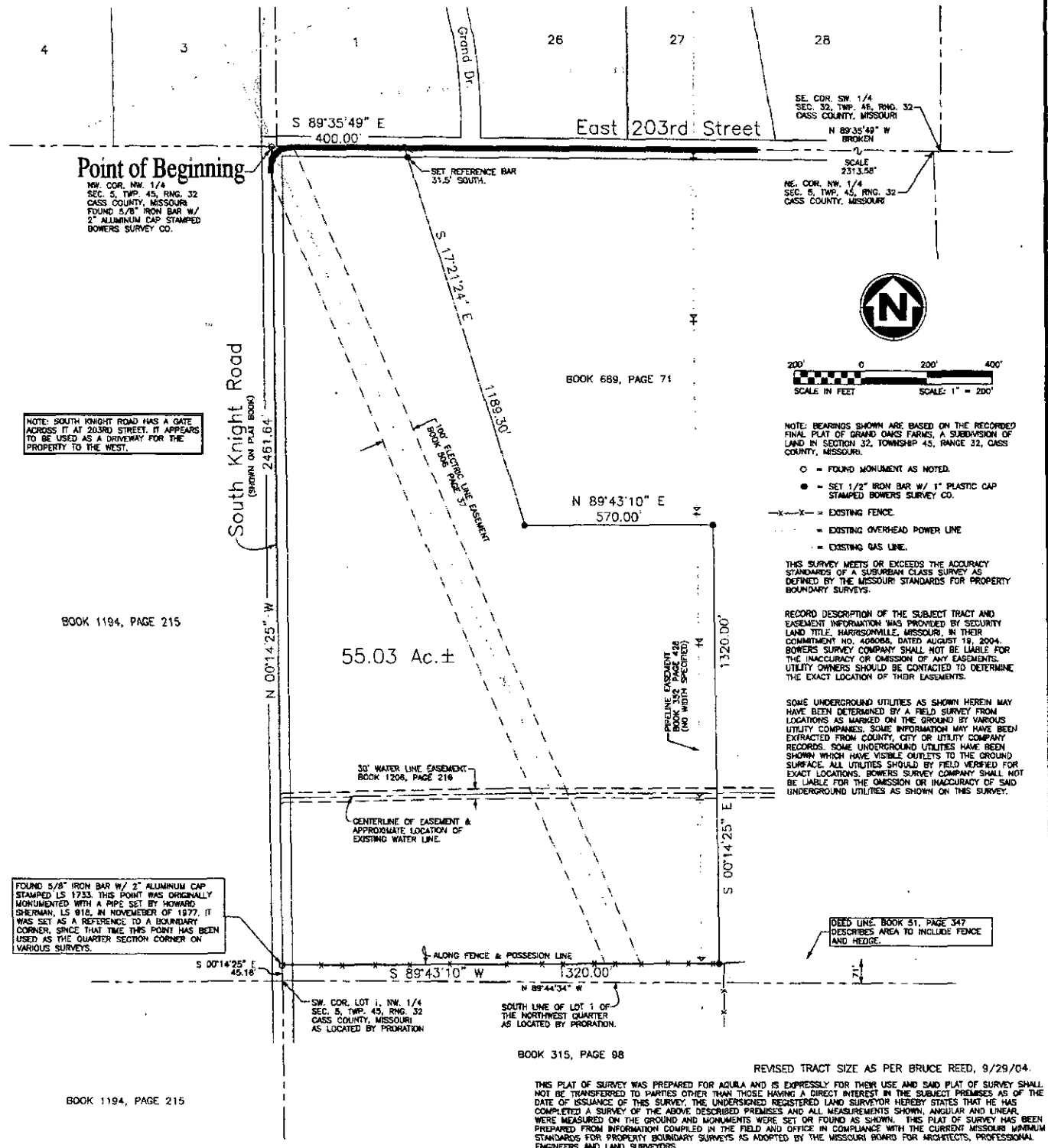
APPENDIX A

Property Survey

PLAT OF SURVEY

Description:

PART OF A TRACT OF LAND DESCRIBED IN BOOK 689, PAGE 71 IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI, BEING PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 45, RANGE 32, CASS COUNTY, MISSOURI, DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, AFORESAID, RUN THENCE SOUTH 89°35'49" EAST ALONG THE NORTH LINE THEREOF, 400.00 FEET; THENCE SOUTH 17°21'24" EAST, 1189.30 FEET; THENCE NORTH 89°43'10" EAST, 570.00 FEET; THENCE SOUTH 0°14'25" EAST, PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, 1320.00 FEET TO A POINT IN AN EXISTING FENCE LINE AS NOW LOCATED; THENCE SOUTH 89°43'10" WEST ALONG SAID EXISTING FENCE LINE, 1320.00 FEET TO A POINT IN THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE NORTH 0°14'25" WEST ALONG SAID WEST LINE, 2461.64 FEET TO THE POINT OF BEGINNING. CONTAINS 55.03 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF EAST 203RD STREET AND SOUTH KNIGHT ROAD, AND SUBJECT TO ANY EXISTING EASEMENTS.



Point of Beginning

NW COR. NW 1/4
SEC. 5, TWP. 45, RNG. 32
CASS COUNTY, MISSOURI
FOUND 5/8" IRON BAR W/
2" ALUMINUM CAP STAMPED
BOWERS SURVEY CO.

SE. COR. SW 1/4
SEC. 32, TWP. 45, RNG. 32
CASS COUNTY, MISSOURI

N 89°35'49" W
BREAK

SCALE
2313.58'

NE. COR. NW 1/4
SEC. 5, TWP. 45, RNG. 32
CASS COUNTY, MISSOURI



200' 0 200' 400'
SCALE IN FEET SCALE: 1" = 200'

NOTE: BEARINGS SHOWN ARE BASED ON THE RECORDED FINAL PLAT OF GRADE OAKS FARMS, A SUBDIVISION OF LAND IN SECTION 32, TOWNSHIP 45, RANGE 32, CASS COUNTY, MISSOURI.

- = FOUND MONUMENT AS NOTED.
- = SET 1/2" IRON BAR W/ 1" PLASTIC CAP STAMPED BOWERS SURVEY CO.
- x-x- = EXISTING FENCE
- - - = EXISTING OVERHEAD POWER LINE
- - - = EXISTING GAS LINE.

THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF A SUBURBAN CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

RECORD DESCRIPTION OF THE SUBJECT TRACT AND EASEMENT INFORMATION WAS PROVIDED BY SECURITY LAND TITLE, HARRISONVILLE, MISSOURI, IN THEIR COMMITMENT NO. 408086, DATED AUGUST 18, 2004. BOWERS SURVEY COMPANY SHALL NOT BE LIABLE FOR THE INACCURACY OR OMISSION OF ANY EASEMENTS. UTILITY OWNERS SHOULD BE CONTACTED TO DETERMINE THE EXACT LOCATION OF THEIR EASEMENTS.

SOME UNDERGROUND UTILITIES AS SHOWN HEREIN MAY HAVE BEEN DETERMINED BY A FIELD SURVEY FROM LOCATIONS AS MARKED ON THE GROUND BY VARIOUS UTILITY COMPANIES. SOME INFORMATION MAY HAVE BEEN EXTRACTED FROM COUNTY, CITY OR UTILITY COMPANY RECORDS. SOME UNDERGROUND UTILITIES HAVE BEEN SHOWN WHICH HAVE VISIBLE OUTLETS TO THE GROUND SURFACE. ALL UTILITIES SHOULD BY FIELD VERIFIED FOR EXACT LOCATIONS. BOWERS SURVEY COMPANY SHALL NOT BE LIABLE FOR THE OMISSION OR INACCURACY OF SAID UNDERGROUND UTILITIES AS SHOWN ON THIS SURVEY.

NOTE: SOUTH KNIGHT ROAD HAS A GATE ACROSS IT AT 203RD STREET. IT APPEARS TO BE USED AS A DRIVEWAY FOR THE PROPERTY TO THE WEST.

FOUND 5/8" IRON BAR W/ 2" ALUMINUM CAP STAMPED LS 1733. THIS POINT WAS ORIGINALLY MONUMENTED WITH A PIPE SET BY HOWARD SHERMAN, LS 916, IN NOVEMBER OF 1977. IT WAS SET AS A REFERENCE TO A BOUNDARY CORNER, SINCE THAT TIME THIS POINT HAS BEEN USED AS THE QUARTER SECTION CORNER ON VARIOUS SURVEYS.

DEEDS LINE BOOK 51, PAGE 347 DESCRIBES AREA TO INCLUDE FENCE AND HEDGE.

BOOK 1194, PAGE 215

BOOK 1194, PAGE 215

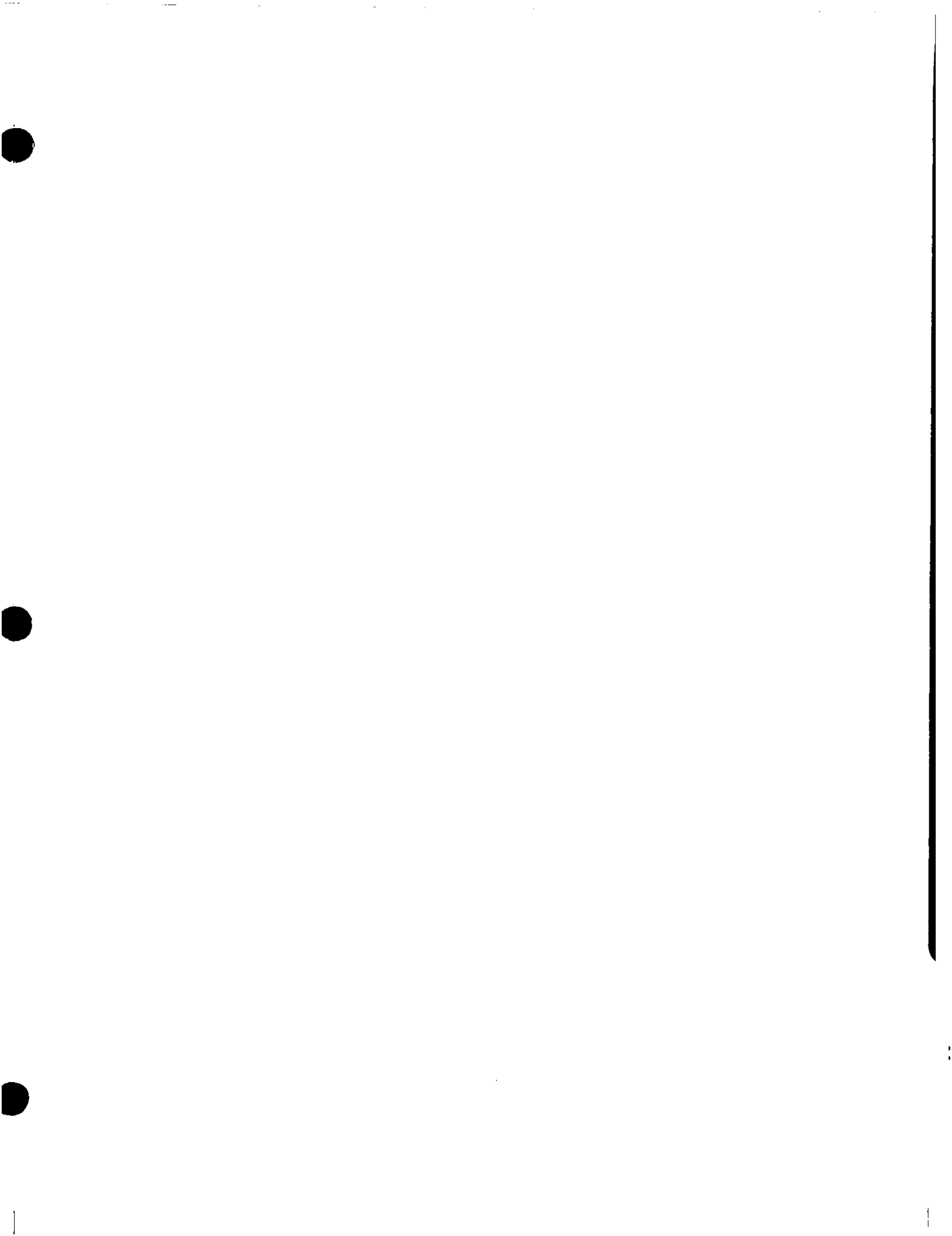
BOOK 689, PAGE 71

BOOK 315, PAGE 88

REVISED TRACT SIZE AS PER BRUCE REED, 9/29/04.

THIS PLAT OF SURVEY WAS PREPARED FOR AQUILA AND IS EXPRESSLY FOR THEIR USE AND SAID PLAT OF SURVEY SHALL NOT BE TRANSFERRED TO PARTIES OTHER THAN THOSE HAVING A DIRECT INTEREST IN THE SUBJECT PREMISES AS OF THE DATE OF ISSUANCE OF THIS SURVEY. THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY STATES THAT HE HAS COMPLETED A SURVEY OF THE ABOVE DESCRIBED PREMISES AND ALL MEASUREMENTS SHOWN, ANGULAR AND LINEAR, WERE MEASURED ON THE GROUND AND MONUMENTS WERE SET OR FOUND AS SHOWN. THIS PLAT OF SURVEY HAS BEEN PREPARED FROM INFORMATION COMPILED IN THE FIELD AND OFFICE IN COMPLIANCE WITH THE CURRENT MISSOURI NATIONAL STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

FOR: AQUILA		ORDERED BY: LEROY LUTES				
BOWERS SURVEY COMPANY ESTABLISHED 1962						
110 SOUTH INDEPENDENCE P.O. BOX 71 HARRISONVILLE, MISSOURI 64701 PHONE (816) 380-4821 FAX (816) 380-4635						
SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
5	45	32	CASS	MISSOURI	9/29/04	18241-04
DRAWING NO.	18241F.DWG	DRAWN BY:	GB	CHECKED BY:		
						JERRELL T. BOWERS MO LS 1733



APPENDIX B

Title Report

Coffelt Land Title, Inc.
 401 S. Lexington
 P.O. Box 208
 Harrisonville, MO 64701

Invoice

Customer		Invoice Number	Invoice Date
Hugh E. Clemmons, Jr., Attorney at Law 1010 Industrial Drive P.O.Box 475 Pleasant Hill, MO 64080		27415	08/22/2008
Deliver To		File Number	Branch
Hugh E. Clemmons, Jr., Attorney at Law 1010 Industrial Drive P.O.Box 475 Pleasant Hill, MO 64080		800056565	Production Office
Property Address		Customer Order Number	Customer Order Date
..			08/22/2008
Property Type		Sales Price	Buyer
Search ONLY			Aquila, Inc.
Property County		Seller	
Cass			
Loan Amount		Lender	
Sales Rep		Terms	
John Bastion			

Charge applies regardless of cancellation

Description	Amount
1100 - Title Charges	
Search Fee	\$150.00
Total 1100 - Title Charges	\$150.00
Subtotal	\$150.00
Sales Tax	
Total	\$150.00

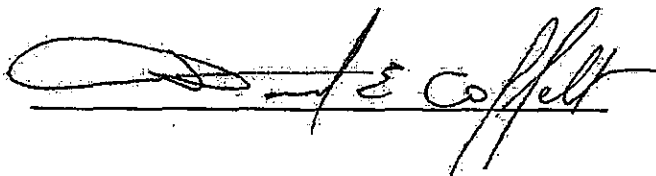
Brief Legal: of Section 5, Township 45 North, Range 32 West, Cass County, Missouri

**COMMITMENT FOR TITLE INSURANCE
PROVIDED TO YOU AS A
VALUED CUSTOMER OF**

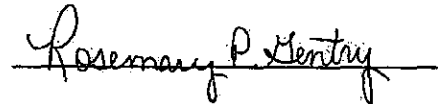
COFFELT LAND TITLE, INC.

**WITH OFFICES IN
MISSOURI & KANSAS**

At **COFFELT LAND TITLE, INC.** every commitment issued has gone through stringent research procedures to assure the highest quality product available. Exceptional standards of service ensure that each title commitment is provided within prompt time guidelines and submitted in a format requested by the valued customer. **COFFELT LAND TITLE, INC.** has carefully selected high quality underwriters who are willing and able to meet the standards set by **COFFELT LAND TITLE, INC.** We are pleased to tell you that your transaction will be researched, prepared and closed by the quality staff at **COFFELT LAND TITLE, INC.** For this transaction, the underwriter we have selected is **STEWART TITLE GUARANTY COMPANY.**

A handwritten signature in cursive script, appearing to read "David E. Coffelt", written over a horizontal line.

David E. Coffelt, Chairman of the Board

A handwritten signature in cursive script, appearing to read "Rosemary P. Gentry", written over a horizontal line.

Rosemary P. Gentry, Production Manager

SCHEDULE A

File Number: 800056565
Customer Order No.

Revision:

Inquiries Should Be Directed To:

Coffelt Land Title, Inc.

207 East Wall

Harrisonville, Missouri 64701

Phone: (816) 380-3445 Fax: (816) 380-3892

- 1. Effective Date: August 18, 2008 at 8:00 a.m.
- 2. Policy or Policies to be issued: Amount of Insurance
 - (a) ALTA Owner's Policy 2006 - 0 -
 Fee
 Proposed Insured:
 - (b) ALTA Loan Policy 2006 - 0 -
 Fee
 Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment is Fee Simple.

4. Title to the fee simple estate or interest in the land is at the effective date vested in:

The City of Peculiar

5. The land referred to in this Commitment is located in the County of Cass, State of, and is described as follows:

Part of a Tract of land described in Book 689 at Page 71 in the Office of the Recorder of Deeds in Cass County, Missouri, being part of the Northwest Quarter of Section 5, Township 45, Range 32, Cass County, Missouri, described as Beginning at the Northwest corner of the Northwest Quarter of Section 5, aforesaid, run thence South 89 degrees 35 minutes 49 seconds East along the North line thereof, 400.00 feet; thence South 17 degrees 21 minutes 24 seconds East, 1189.30 feet; thence North 89 degrees 43 minutes 10 seconds East, 570.00; thence South 0 degree 14 minutes 25 seconds East, parallel with the West line of the Northwest Quarter of said Section 5, 1320.00 feet to a point in an existing fence line as now located; thence South 89 degrees 43 minutes 10 seconds West along said existing fence line, 1320.00 feet to a point in the West line of the Northwest Quarter of said Section 5; thence North 0 degree 14 minutes 25 seconds West along said West line, 2461.64 feet to the point of beginning. Subject to the right of way of East 203rd Street and South Knight Road, and subject to any existing easements.

**SCHEDULE B
PART I
REQUIREMENTS**

File Number: 800056565

Commitment Number:

Requirements:

1. Instruments in insurable form which must be executed, delivered, and duly filed for record.
2. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest or mortgage to be insured.

SCHEDULE B

PART II

File Number: 800056565

Commitment Number:

1. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:
 - a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Standard Exceptions:
 - a. Rights or claims of parties in possession not shown by the public records.
 - b. Easements, or claims of easements, not shown by the public records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an accurate and complete land survey of the Land.
 - d. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - e. Taxes or special assessments which are not shown as existing liens by the public records.

Special Exceptions:

3. Property Address: 8901 E. 203rd Street
Tax I.D. No.: 67-17-2671201
2007 St./Co./Ci. Real Estate Tax: tax exempt
2007 Assessed Value: \$tax exempt
2006 and prior are paid
4. Taxes 2008 and subsequent years.
5. This report is not a guarantee or warranty of title, nor is this a commitment to provide, nor does it provide title insurance. Coffelt Land Title, Inc. disclaims any and all marketability of the title to the real property described herein. Liability hereunder is expressly limited to the consideration paid heretofore.
6. Terms and conditions of an easement granted for an oil and gas pipe line as shown by instrument filed for record in Book 255 at Page 218.
7. Terms and conditions of and easement for underground communications system in the document recorded June 3, 1964 in Book 473 at Page 530.
8. Terms and conditions of and easement for communication equipment station in the document recorded June 3, 1964 in Book 473 at Page 532.
9. Terms and conditions of and easement for electric line filed for record June 16, 1966 in Book 506 at Page 37.
10. Terms and conditions of an easement granted to Public Water Supply District No. 2 filed for record February 27, 1992 in Book 1206 at Page 216.
11. The premises herein described may lie within the boundaries of Public Water Supply District No. 2 as shown by decree recorded June 19, 1992, in Book 1230 at Pages 4 and 5 and may be subject to assessment by reason thereof.

For Your Information: Warranty Deed executed by Aquila, Inc. to The City of Peculiar filed December 30, 2004 as Document No. 315394 in Book 2543 at Page 252, and no other conveyances have been filed of record since this deed other than those contained within the form of this Commitment.

Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, and Charter Land Title Insurance Company.**

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

FEB 27 1992

1206-216

RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable considerations paid to EFFERTZ BROS., INC., a Missouri Corporation, of the County of Cass, State of Missouri, hereinafter referred to as GRANTOR, by the PUBLIC WATER SUPPLY DISTRICT NO. 2 of CASS COUNTY, MISSOURI, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successors and assigns, a perpetual easement with the right to survey, erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove a water line and necessary appurtenances thereto, over, across, and through the following described tracts of land:

16-51
G1-50
EASEMENT NO. 1: A permanent water line easement over part of the Northwest Quarter and part of the Northeast Quarter, in Section 5, Township 45, Range 32, in CASS COUNTY, MISSOURI, said easement being 30 feet in width and lying 15 feet each side of the following described centerline: From the Northwest Corner of the Northwest Quarter of Section 5, aforesaid, run thence South 0 degrees 38 minutes 33 seconds East, along the West line of the Northwest Quarter of Section 5, 1957.0 feet to the True Point of Beginning of the easement centerline to be described; run thence North 88 degrees 21 minutes 28 seconds East, 660.53 feet; thence North 89 degrees 26 minutes 36 seconds East, 932.90 feet; thence South 89 degrees 39 minutes 14 seconds East, 847.73 feet; thence North 88 degrees 56 minutes 36 seconds East, 993.53 feet; thence South 89 degrees 21 minutes 04 seconds East, 943.48 feet; thence North 86 degrees 53 minutes 06 seconds East, 372.11 feet; thence South 44 degrees 01 minutes 24 seconds East, 711.52 feet to a point on the South line of the Northeast Quarter of Section 5, said point being 173.29 feet West of the Southeast corner of the Northeast Quarter of Section 5, as measured along the South line thereof, and being the Point of Ending of said easement centerline.

EASEMENT NO. 2: A permanent water line easement over part of the Northeast Quarter of Section 5, Township 45, Range 32, in CASS COUNTY, MISSOURI, said easement being 30 feet in width and lying 15 feet each side of the following described centerline: From the Northwest Corner of the Northeast Quarter of Section 5, aforesaid, run thence North 89 degrees 50 minutes 16 seconds East, along the North line of said Quarter Section, 291.78 feet; thence South 0 degrees 09 minutes 44 seconds East, 550.0 feet to the True Point of Beginning of the easement centerline to be described; continuing thence South 0 degrees 09 minutes 44 seconds East, 1376.17 feet to the Point of Ending of said easement centerline.

together with the right of ingress and egress over the adjacent land of the GRANTOR, his successors, and assigns, for the purposes of this easement.

It is understood and agreed that the consideration herein stated shall be the full consideration due to GRANTOR from said Water District for going upon said lands and laying of said pipeline, and that the Water District shall be liable for such damages to pastures, trees, shrubs, lawns and crops as may incur in the original construction of said water line, or that may accrue in the future by virtue of the same being located upon said described lands. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, his successors, and assigns.

Title to said water pipe line shall be and remain in the District.

GRANTOR covenants to and with said District that, subject to easements, restrictions, and liens of record, GRANTOR is lawfully seized and possessed of said lands, and has a good and lawful right and power to sell and convey them.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors, and assigns.

001206

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 19
day of February, 1992.



EFFERTZ BROS., INC.

BY: Thomas H. Effertz
President

Michael A. Effertz
Secretary

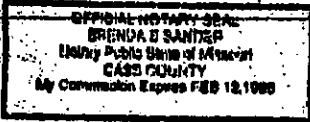
State of Missouri)
County of Cass)

On this 16 day of February, 1992, before me, the undersigned, a
Notary Public in and for the County of Cass, in the State of Missouri,
personally appeared Thomas H. Effertz President of EFFERTZ
BROS., INC., a Missouri Corporation, who acknowledged the foregoing
instrument was signed and sealed in behalf of said corporation and by
authority of its Board of Directors and did acknowledge said instrument
to be the free act and deed of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my notarial
seal at my office in Belton, Missouri, the day and year last above written.

My term expires:

Brenda S. Sander
Notary Public

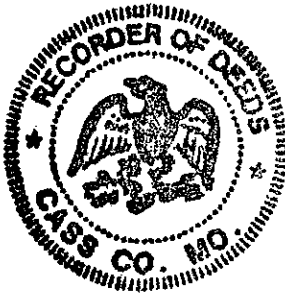


RECORDING FEE \$ 8
STATE USER FEE \$ 5
TOTAL \$ 13

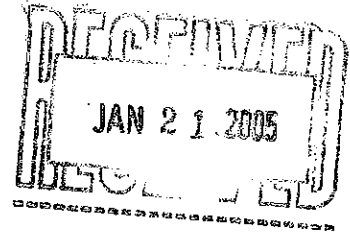
52 FEB 27 P 2:31 9
001206 000216
STATE OF MISSOURI
COUNTY OF CASS
RECORDED
016399



FILE NUMBER 316319
 OR BK 02549 PG 0185
 RECORDED 01/12/2005 09:02:03 AM
 RECORDING FEE 33.00
 SANDRA A (SANDY) GREGORY, RECORDER OF DEEDS
 CASS COUNTY, MISSOURI



86



WATER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That on the 3rd day of January, 2005, AQUILA, INC., a Delaware Corporation and grantors, hereinafter designated as Grantor, for and consideration of the sum of One Dollar and other valuable consideration, paid and delivered by Public Water Supply District No. 2 of Cass County, Missouri (hereinafter referred to as the District), organized under the laws of the State of Missouri, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells and conveys to said District the perpetual easement and right to enter upon the lands of Grantor, situated in the County of Cass, in the State of Missouri: *GRANTEE

A tract of land Thirty feet (30') in width the centerline of which is described as follows; Beginning on the West line of the Northwest Quarter (NW ¼) of Section 5, Township 45, Range 32, Cass County, Missouri, at a point 1954.35 feet South of the Northwest corner thereof; Thence N89°19'30"E a distance of 83.06 feet; Thence N1°08'44"W a distance of 5 feet; Thence N45°04'34"E a distance of 249.06 feet; Thence N89°55'24"E a distance of 710 feet; Thence S44°55'26"E a distance of 230 feet; Thence S0°13'45"E a distance of 5 feet; Thence N89°19'30"E a distance of 185.70 feet more or less to Grantors East property line and the Point of termination.

The purpose of said easement and right to enter is to construct, install, operate, maintain, repair, replace, remove and patrol on or over said lands, and in and upon all streets, roads, or highways abutting said lands, pipes, or tiles for the transmission of water and all appliances necessary in connection therewith, together with the perpetual right to go in and upon said land for said purposes.

Public Water Supply District No. 2 of Cass Co.

To have and to hold said easement and rights unto said District in perpetuity.

It is understood and agreed that the consideration herein stated shall be the full consideration due to Grantor from said District for the easement and rights herein granted; and that said District shall be responsible for such damages as may be sustained by property retained by the Grantor during the original construction of said water line or that may accrue in the future, incidental to maintenance or replacement of any structural building or improvement which may be placed within the easement right-of-way subsequent to the date of granting this water line easement by Grantor their successors in title.

Grantor and there successors in title expressly understand and agree that the earth cover of approximately 42 inches from the buried depth of the water line to the earth surface shall not be disturbed or diminished and Grantor agrees to not remove the earth cover and subject the water line or other appurtenances to the danger of freezing or structural damage; and in the event of removal of earthen cover by Grantor they shall be liable for any damages sustained to said water line and/or the cost of recovering said line to its original depth.

Title to said water pipeline shall be, to remain with, the District.

Grantor covenants to and with said District that, subject to easements, restrictions, and liens of record, Grantor is lawfully seized and possessed of said lands, and has a good and lawful right and power to sell and convey them.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this 3rd day of January, 2005.

AQUILA, INC.



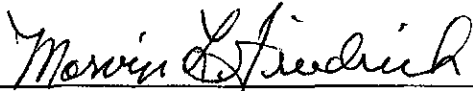
Willis Leroy Lutes
Director
Missouri Transmission
and Substations

ACKNOWLEDGMENT - CORPORATION

STATE OF MISSOURI)
) SS
COUNTY OF JACKSON)

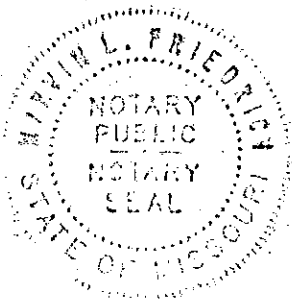
On this 3rd day January, 2005 before me appeared Willis Leroy Lutes, to me personally known, who, being by me duly sworn, did say that he is Director Missouri Transmission and Substations for Aquila, Inc., a Delaware corporation, and that he was authorized to execute said instrument in behalf of said corporation and the said Willis Leroy Lutes acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

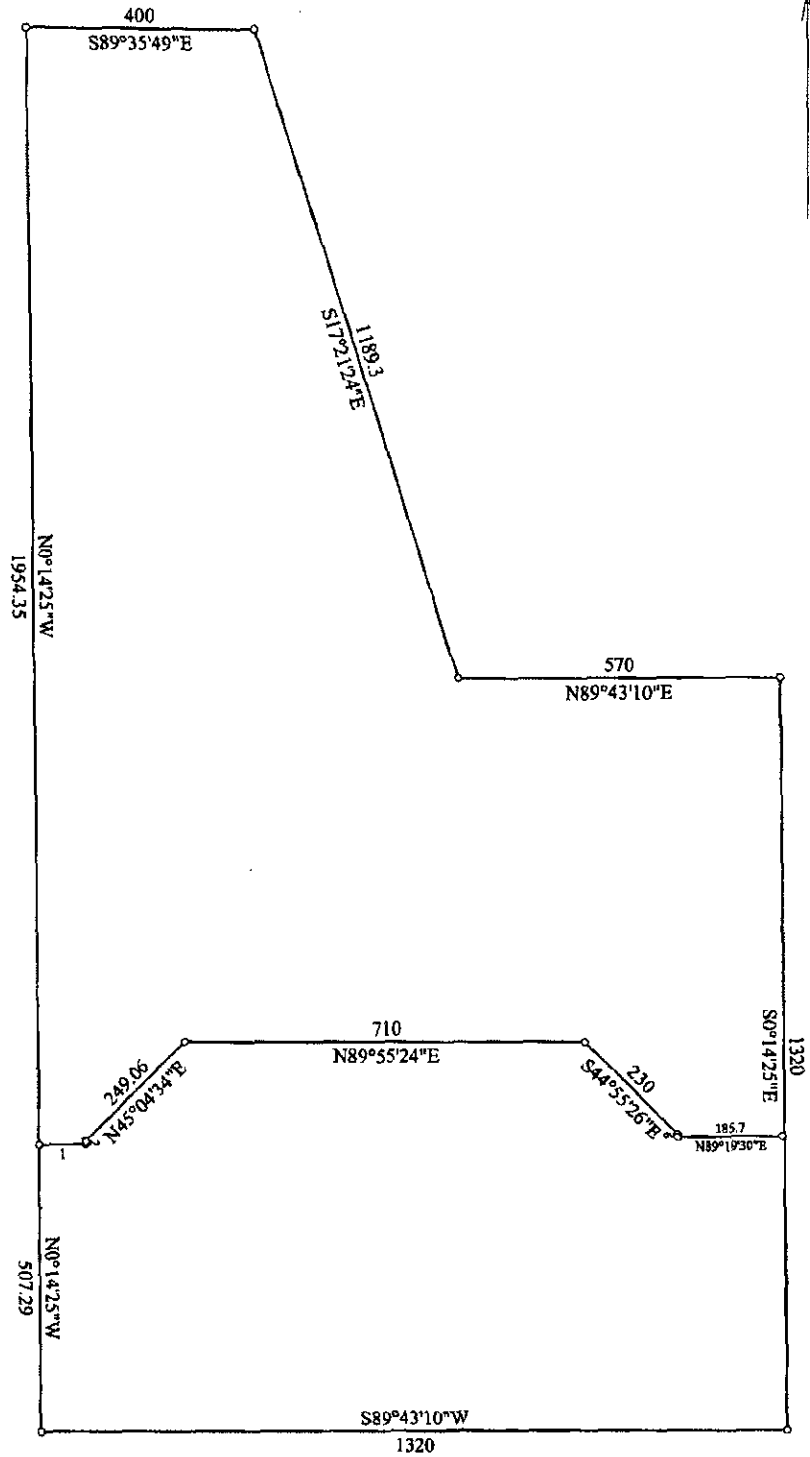


Marvin L. Friedrich
Notary Public in and for said County and State

My Commission Expires; March 10, 2007



Bel-Pec Sub



Title:

Date: 12-29-2004

Scale: 1 inch = 326 feet

File: Bel-Pec Water Easement Trial.des



S G

FILE NUMBER 316318
OR BK 02549 PG 0183
RECORDED 01/12/2005 09:02:03 AM
RECORDING FEE 27.00
SANDRA A (SANDY) GREGORY, RECORDER OF DEEDS
CASS COUNTY, MISSOURI

T-45 N | LEGAL - Easements ()
R-32 W | Cass County
S-5 | Missouri State

PARTIAL RELEASE OF EASEMENT

THIS PARTIAL RELEASE, made and entered into this 10 day of January, 2005
by and between **PUBLIC WATER SUPPLY DISTRICT NO. 2 OF CASS COUNTY, MISSOURI**, "GRANTOR", and **AQUILA, INC.** a Delaware Corporation, "GRANTEE", and/or its successors and assigns.

After recording mail to: Bruce P. Reed 700-2
Aquila, Inc.
P.O. BOX 11739
Kansas City, MO. 64138

WHEREAS, heretofore, **PUBLIC WATER SUPPLY DISTRICT NO. 2 OF CASS COUNTY, MISSOURI** ("Grantor"), was granted certain easement rights along, over and across certain parcels of land in Cass County, Missouri, by an Easement Conveyance Recorded in **Book 1206** at **Page 216**, at the office of the Recorder of Deeds for Cass County, Missouri.

NOW, THEREFORE, In consideration of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged on January 11, 2005, **PUBLIC WATER SUPPLY DISTRICT NO. 2 OF CASS COUNTY, MISSOURI** hereby RELEASES AND DISCLAIMS all its rights heretofore granted under and by virtue of this Easement aforesaid **ONLY** insofar as they affects:

Part of a tract of land described in book 689, page 71 in the office of the Recorder of Deeds in Cass county, Missouri, being part of the Northwest Quarter of section 5, Township 45, range 32, Cass County, Missouri, described as Beginning at the Northwest corner of the Northwest Quarter of said Section 5, thence South 89°35'49" East along the North line thereof, 400.00 feet; thence South 17°21'24" East, 1189.30 feet; thence North 89°43'10" East, 570.00 feet; thence South 0°14'25" East, parallel with the West line of the Northwest Quarter of said section 5, a distance of 1320.00 feet to a point in an existing fence line as now located; thence South 89°43'10" West along said existing

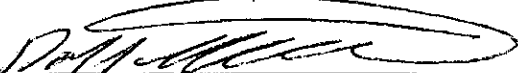
Public Water Supply District No. 2 of Cass County

fence line, 1320.00 feet to a point in the West line of the Northwest Quarter of said section 5; thence North 0°14'25" West along said West line, 2461.64 feet to the Point of Beginning. contains 55.03 acres, more or less.

With respect to all other lands covered by said Easement Conveyances, Grantor hereby expressly RESERVES AND RETAINS all its said easement rights heretofore granted under and by virtue of the Easement Conveyances aforesaid.

This Release shall be null and void if not recorded in the above designated office within sixty (60) days of the date of the acknowledgment of this instrument.

**PUBLIC WATER SUPPLY DISTRICT NO. 2
OF CASS COUNTY, MISSOURI**

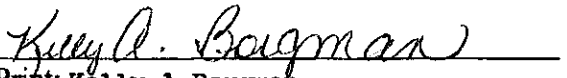
By: 
Print: D. Strausbaugh
Title: President

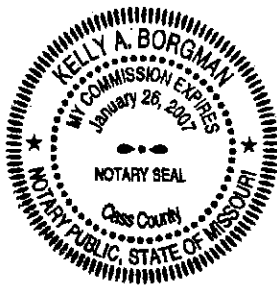
ACKNOWLEDGMENT - CORPORATION

STATE OF Missouri)
) SS
COUNTY OF Cass)

On this 11 day January, 2005 before me appeared Daniel Strausbaugh, to me personally known, who, being by me duly sworn, did say that he/she is President for **PUBLIC WATER SUPPLY DISTRICT NO. 2 OF CASS COUNTY, MISSOURI**, and that he/she was authorized to execute said instrument in behalf of said corporation and the said Daniel Strausbaugh acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.


Print: Kelly A Borgman
Notary Public in and for said County and State



My Commission Expires; January 26, 2007

ORIGINAL

WATER FACILITY RELOCATION AGREEMENT

THIS AGREEMENT, made and entered into this 10 day of ~~December~~ ^{January}, 2004⁵, by and between PUBLIC WATER SUPPLY DISTRICT NO. 2 OF CASS COUNTY, MISSOURI, hereinafter "District" and AQUILA, INC., a Delaware corporation having its principal office in Kansas City, Missouri, hereinafter "Aquila".

WHEREAS District is a governmental subdivision engaged in distribution and supply of potable water to customers located within its geographical boundaries, and

WHEREAS Aquila now contemplates developing and constructing an electric substation (hereinafter "Substation") within District's boundaries, and

WHEREAS Aquila does not desire water service for said Substation, and

WHEREAS Aquila desires to construct part of its Substation in an area where District currently has water lines and/or related appurtenances, and

WHEREAS District is agreeable to Aquila's application to move, at Aquila's expense, that portion of water lines and appurtenances necessary for construction of said Substation;

IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

1. That as a condition precedent to the approval of the water line relocation, Aquila hereby deposits with District the sum of \$4,000.00, which shall be paid to a mutually agreeable, qualified engineering firm, hereinafter "Engineer", for the purpose of both a "Water Feasibility Study" ("WFS") and to design and direct relocation of District facilities as required by Substation design and construction.

2. Engineer shall, as part of the WFS, determine the adequacy of water availability and water pressure to permit relocation. The WFS will include a waterline project cost estimate of all costs of construction incidental to the proposed waterline relocation, said cost estimate to include anticipated engineering services, legal services, inspection fees and all any other reasonable and normal costs associated with water line relocation.

3. District agrees that District and Aquila shall mutually select alternate routes and placements for Districts facilities on or crossing Aquila's land.

4. District agrees to release any easements, located on or adjacent to the parcel described above, reasonably required for Aquila to satisfy its stated purpose of building Substation, provided that Aquila agrees to provide District with alternate, suitable easement(s) or right of way(s) to replace the surrendered easements.

5. Should the WFS involve engineering costs exceeding the above described initial fee, Aquila agrees to cover those additional costs, upon demand, where said additional costs are reasonable and well founded.

6. Should Aquila decide, at any time for whatever reasons, in its sole discretion, to terminate construction of Substation, Aquila shall provide District with notice of said decision, in writing. If Aquila exercises its right under this provision, District agrees to immediately stop further work and to refund, to Aquila, any balance remaining from the initial engineering fee or supplemental engineering fee described above, within forty-five days of receipt of said written notice.

7. Accuracy and completeness of specification shall be approved by Engineer prior to selection of a contractor by District.

8. Aquila agrees to pay District an amount equal to Engineer's good faith estimate of construction cost (where construction cost includes all costs and fees reasonably related to construction, including permit fees, materials, labor and inspection fees), prior to construction. In the event construction costs reasonably exceed Engineer's good faith estimate, Aquila agrees to promptly pay additional costs as incurred. In the event construction costs are less than Engineer's good faith estimate, District agrees to refund, within 45 days of construction completion, the difference between actual construction costs and the prepaid estimated construction costs. For purposes of this section, construction shall cease proceeding (be "complete") when water facility construction and engineering is approved and accepted by district.

9. Aquila understands and agrees that at such time as the system is accepted by District that ownership of all relocated

water lines and appurtenances, shall become vested in District. Aquila shall save and hold District harmless from all costs incidental to the design and construction of the system, including court costs and reasonable attorney fees in the event any dispute is ultimately the subject of any threatened or actual arbitration or litigation, where District shall prevail.

10. All damage to growing crops, yards, driveways, fence, gates, landscaping, trees and similar damage resulting to property owned by third parties which resulted during initial construction shall be the responsibility of Aquila and Aquila agrees to hold District harmless from any obligation or liability in connection with such damage, including court costs and reasonable attorneys fees arising therefrom, where any party prevails against District.

11. This contract shall be binding upon and inure to the benefit of the parties hereto, and to their respective successors, legal representatives and assigns; and this contract shall not be modified or amended in any way after its execution without the mutual agreement of the parties, as evidenced by a written agreement incorporating the changes or amendments agreed upon.

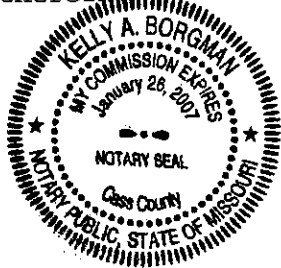
12. No provision of this contract shall be construed for or against any party based upon the fact that it was written by or for said party.

PUBLIC WATER SUPPLY DISTRICT
NO. 2 OF CASS COUNTY, MISSOURI
By: [Signature]
Print Name: D. Strausbaugh
President
DISTRICT

AQUILA, INC.
By: [Signature]
Print Name: Curtis P. Kiefer
Title: operating VP

STATE OF MISSOURI)
) ss.
COUNTY OF CASS)

On the day and date last written above, before me, a Notary in and for the state and county aforesaid, personally did appear Daniel Strausbaugh ~~President~~, known to me, and having been sworn, stated they are authorized to bind the respective parties and subscribed their names to the foregoing instrument for the reasons and purposes stated therein



[Signature]
NOTARY - Kelly A Borgman
Notary Public in and for said
County and State

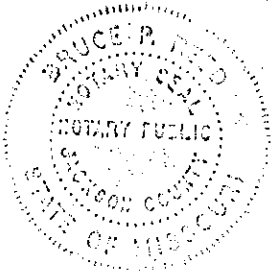
STATE OF MISSOURI)
) ss.
COUNTY OF Jackson)

On this 30th day of December, 2004, before me, a Notary in and for the state and county aforesaid, personally did appear Glenn P. Keefe, Operating Vice President - Missouri Electric, known to me, and having been sworn, stated that he is authorized to execute said instrument in behalf of Aquila, Inc., a Delaware Corporation, and the said Glenn P. Keefe acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

Jan 3, 2007
My Commission Expires

Bruce P. Reed
NOTARY - Bruce P. Reed
Notary Public in and for said
County and State



BRUCE P. REED
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Jan. 3, 2007

