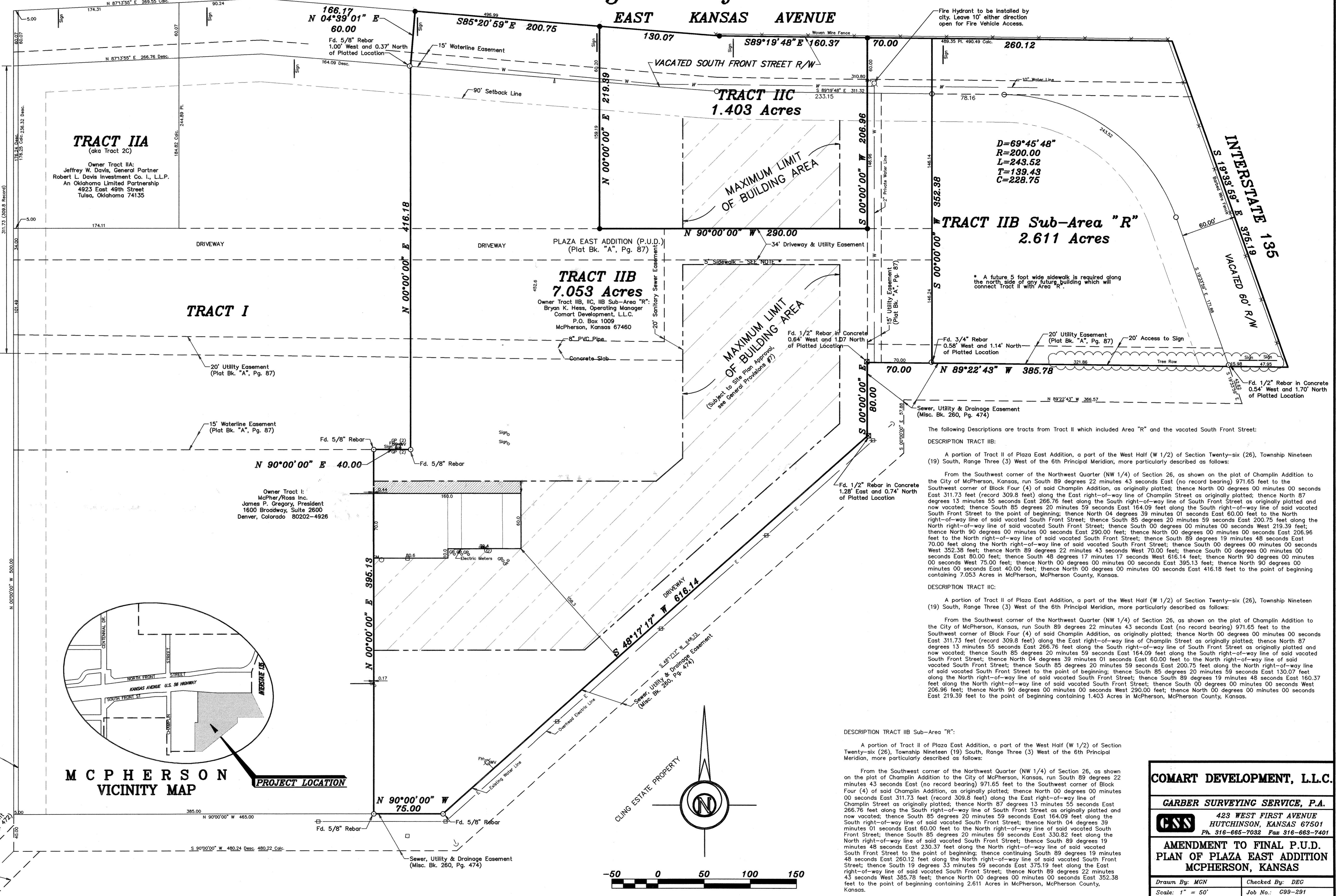


AMENDMENT TO TRACT II FINAL P.U.D. PLAN OF PLAZA EAST ADDITION AS FILED AT REGISTER OF DEEDS PLAT BK. "A", Pg. 87 MCPHERSON, MCPHERSON COUNTY, KANSAS

Page 1 of 2

*Note by Register of Deeds
Plaza East Addition was
Recorded in Plat Book "A"
Page 86 (lhp)*

- General Provisions:**
This P.U.D. and the hereon described property is subject to the following:
- Easements with Covenants and Restrictions affecting land "ECR" dated November 8, 1985 between Wal-Mart Properties, Inc. and McPherson Development Company, a Missouri General Partnership, filed for record November 14, 1985 in Volume Misc. 260 at Page 440.
 - Development Agreement between Wal-Mart Properties, Inc. and McPherson Development Company, a Missouri General Partnership, dated November 8, 1985.
 - Amendment to Development Agreement between Wal-Mart Properties, Inc. and McPherson Development Company dated July 31, 1986.
 - Second Amendment to Development Agreement filed December 12, 1986 filed for record Volume Misc. 264, Page 357.
 - *Ground or pole-type sign shall not exceed 35 feet in height, except the signs located at the southeast corner of Tract "R" which due to the interchange may not exceed 50 feet in height. Signs shall not exceed a gross surface area of 300 square feet per sign or total sign area per business shall not exceed three square feet of signage per linear foot store frontage. This plan indicates general location and number of ground or pole-type signs per tract only and not exact sign locations. Signs shall otherwise comply with sign regulations for the B-5 Shopping Center Business District as found in the City Zoning Regulations.
 - Parking Ratio shall not be less than 5 car spaces for each 1,000 square feet of building area.
 - A separate site plan is required for approval of each building to be built within the defined "maximum building area" at the time of construction.
- BENCHMARK:**
Chiseled "I" (Square) on top of Headwall at Southwest corner of East branch, Dry Turkey Creek culverts under East Kansas Avenue (1/2 mile West of site) RMS National Flood Rate Map, Panel 20 of 20.
Elevation = 1487.91 USGS
- TEMPORARY BENCHMARK:**
"I" on East side of Concrete Pole Base.
Elevation = 1502.94 USGS
- FLOOD CERTIFICATION:**
No portion of this site is in the "Zone A" designated flood area (100-Year Frequency Flood Zone) as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 200217 00200, for the City of McPherson, McPherson County, Kansas, dated March 16, 1983.



TRACT IIB Sub-Area "R"
2.611 Acres

$D=69^{\circ}45'48''$
 $R=200.00$
 $L=243.52$
 $T=139.43$
 $C=228.75$

* A future 5 foot wide sidewalk is required along the north side of any future building which will connect Tract I with Area "R".

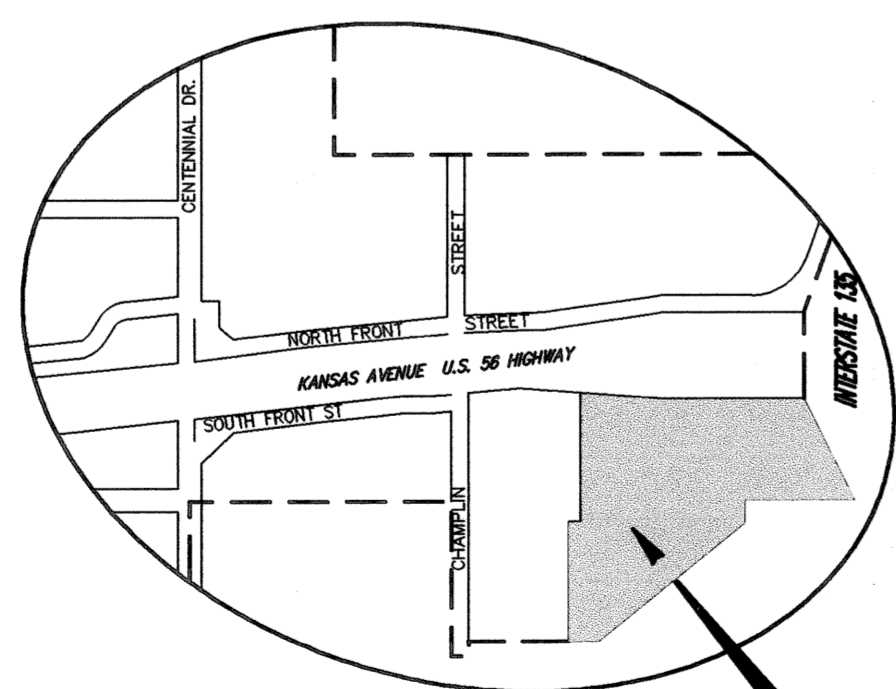
The following Descriptions are tracts from Tract II which included Area "R" and the vacated South Front Street:

DESCRIPTION TRACT IIB:
A portion of Tract II of Plaza East Addition, a part of the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the 6th Principal Meridian, more particularly described as follows:
From the Southwest corner of the Northwest Quarter (NW 1/4) of Section 26, as shown on the plat of Champlin Addition to the City of McPherson, Kansas, run South 89 degrees 22 minutes 43 seconds East (no record bearing) 971.65 feet to the Southwest corner of Block Four (4) of said Champlin Addition, as originally platted; thence North 00 degrees 00 minutes 00 seconds East 311.73 feet (record 309.8 feet) along the East right-of-way line of Champlin Street as originally platted; thence North 87 degrees 13 minutes 55 seconds East 266.76 feet along the South right-of-way line of South Front Street as originally platted and now vacated; thence South 85 degrees 20 minutes 59 seconds East 164.09 feet along the South right-of-way line of said vacated South Front Street to the point of beginning; thence North 04 degrees 39 minutes 01 seconds East 60.00 feet to the North right-of-way line of said vacated South Front Street; thence South 85 degrees 20 minutes 59 seconds East 200.75 feet along the North right-of-way line of said vacated South Front Street; thence South 00 degrees 00 minutes 00 seconds East 219.39 feet along the North right-of-way line of said vacated South Front Street; thence North 00 degrees 00 minutes 00 seconds East 206.96 feet to the North right-of-way line of said vacated South Front Street; thence South 89 degrees 19 minutes 48 seconds East 70.00 feet along the North right-of-way line of said vacated South Front Street; thence South 00 degrees 00 minutes 00 seconds West 352.38 feet; thence North 89 degrees 22 minutes 43 seconds West 70.00 feet; thence South 00 degrees 00 minutes 00 seconds East 80.00 feet; thence South 48 degrees 17 minutes 17 seconds West 616.14 feet; thence North 90 degrees 00 minutes 00 seconds West 75.00 feet; thence North 00 degrees 00 minutes 00 seconds East 395.13 feet; thence North 90 degrees 00 minutes 00 seconds East 40.00 feet; thence North 00 degrees 00 minutes 00 seconds East 416.18 feet to the point of beginning containing 7.053 Acres in McPherson, McPherson County, Kansas.

DESCRIPTION TRACT IIC:
A portion of Tract II of Plaza East Addition, a part of the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the 6th Principal Meridian, more particularly described as follows:
From the Southwest corner of the Northwest Quarter (NW 1/4) of Section 26, as shown on the plat of Champlin Addition to the City of McPherson, Kansas, run South 89 degrees 22 minutes 43 seconds East (no record bearing) 971.65 feet to the Southwest corner of Block Four (4) of said Champlin Addition, as originally platted; thence North 00 degrees 00 minutes 00 seconds East 311.73 feet (record 309.8 feet) along the East right-of-way line of Champlin Street as originally platted; thence North 87 degrees 13 minutes 55 seconds East 266.76 feet along the South right-of-way line of South Front Street as originally platted and now vacated; thence South 85 degrees 20 minutes 59 seconds East 164.09 feet along the South right-of-way line of said vacated South Front Street to the point of beginning; thence North 04 degrees 39 minutes 01 seconds East 60.00 feet to the North right-of-way line of said vacated South Front Street; thence South 85 degrees 20 minutes 59 seconds East 200.75 feet along the North right-of-way line of said vacated South Front Street to the point of beginning; thence South 85 degrees 20 minutes 59 seconds East 130.07 feet along the North right-of-way line of said vacated South Front Street; thence South 89 degrees 19 minutes 48 seconds East 160.37 feet along the North right-of-way line of said vacated South Front Street; thence South 00 degrees 00 minutes 00 seconds West 206.96 feet; thence North 90 degrees 00 minutes 00 seconds East 395.13 feet; thence North 00 degrees 00 minutes 00 seconds East 219.39 feet to the point of beginning containing 1.403 Acres in McPherson, McPherson County, Kansas.

DESCRIPTION TRACT IIB Sub-Area "R":
A portion of Tract II of Plaza East Addition, a part of the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the 6th Principal Meridian, more particularly described as follows:
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- LEGEND**
- 5/8" x 24" Iron Rebar Set w/G.S.S. Cap
 - Survey Monument Found
 - Fence
 - ⊕ Gas Meter
 - ⊕ Gas Valve
 - ⊕ Light Pole
 - ⊕ Power Pole
 - ⊕ Guy Anchor
 - ⊕ Fire Hydrant
 - ⊕ Water Meter
 - ⊕ Water Valve
 - ⊕ Monitor Well
 - ⊕ Underground Telephone Pedestal
 - ⊕ Sanitary Sewer Manhole
 - ⊕ Sanitary Sewer Cleanout
 - ⊕ Storm Sewer Manhole
 - ⊕ Mail Box
 - ⊕ Calculated
 - ⊕ Described
 - ⊕ Measured
 - ⊕ Platted
 - ⊕ Prorated
 - ⊕ Electric Lines
 - ⊕ Underground Gas Line
 - ⊕ Sanitary Sewer Line
 - ⊕ Underground Telephone Line
 - ⊕ Underground TV Cable
 - ⊕ Underground Water Line



COMART DEVELOPMENT, L.L.C.

GARBER SURVEYING SERVICE, P.A.

GSS 423 WEST FIRST AVENUE
HUTCHINSON, KANSAS 67501
Ph. 316-665-7032 Fax 316-665-7401

**AMENDMENT TO FINAL P.U.D.
PLAN OF PLAZA EAST ADDITION
MCPHERSON, KANSAS**

Drawn By: MCN Checked By: DGC
Scale: 1" = 50' Job No.: G99-291
Date: 04/19/99 Sheet 1 of 2 Sheets

AMENDMENT TO TRACT II, FINAL P.U.D. PLAN OF PLAZA EAST ADDITION AS FILED AT REGISTER OF DEEDS PLAT BK. "A", PG. 87 MCPHERSON, MCPHERSON COUNTY, KANSAS PAGE 2 OF 2

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION:

I, the undersigned, registered land surveyor of the State of Kansas, do hereby certify that the following described tract was surveyed on April 12, 1999 and the accompanying final P.U.D. Plat/Plan prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

DESCRIPTION TRACT IIB:

A portion of Tract II of Plaza East Addition, a part of the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the 6th Principal Meridian, more particularly described as follows:

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DESCRIPTION TRACT IIC:

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DESCRIPTION TRACT IIB, Sub-Area "R":

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Date May 13, 19 99.

Daniel E. Garber
Daniel E. Garber, Registered Professional Land Surveyor, RLS #683

OWNER'S CERTIFICATE AND DEDICATION:

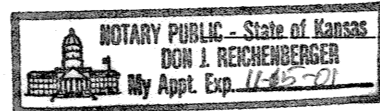
STATE OF KANSAS }
COUNTY OF MCPHERSON }SS

This is to certify that the undersigned owner(s) of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of Plaza East Addition; (an addition to the City of McPherson, McPherson County, Kansas); that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purposes of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations, and convenants now on file or hereafter filed in the Office of the Register of Deeds of McPherson County, Kansas.

Bryan K. Hess
Bryan K. Hess
TRACT IIB, IIC, AND R
Comart Development, L.L.C.
James P. Gregory
James P. Gregory
TRACT I
McPher/Ross Inc.
Jeffrey W. Davis
Jeffrey W. Davis
TRACT IIC
Robert L. Davis Investment Co. I., L.L.C.

STATE OF KANSAS }
COUNTY OF MCPHERSON }SS

The foregoing instrument was acknowledged before me this 12th day of May, 19 99, by Bryan K. Hess.



My commission expires:

STATE OF COLORADO }
COUNTY OF Denver }SS

The foregoing instrument was acknowledged before me this 24th day of May, 19 99, by James P. Gregory.

James P. Gregory
Notary Public

My commission expires: 5/21/2001

STATE OF OKLAHOMA }
COUNTY OF Tulsa }SS

The foregoing instrument was acknowledged before me this 4 day of June, 19 99, by Jeffrey W. Davis.

Jeffrey W. Davis
Notary Public
My commission expires: 5/17/2003

MORTGAGE HOLDER

We, Home State Bank and Trust by Paul K. Ediger, President, holders of a mortgage on the above described property do hereby consent to the plat of Plaza East Addition, City of McPherson, McPherson County, Kansas.

Home State Bank And Trust
223 N. Main Street
McPherson, Kansas
Paul K. Ediger
Paul K. Ediger, President

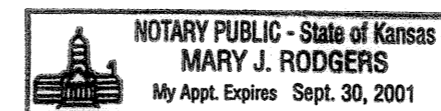
MORTGAGE HOLDER

We, Mellon Mortgage Company by Anna E. Mustapic, Officer, holders of a mortgage on the above described property do hereby consent to the plat of Plaza East Addition, City of McPherson, McPherson County, Kansas.

Mellon Mortgage Company
Mortgage Banking group
1422 Euclid Avenue, Suite 900
Cleveland, Ohio 44115-2092
(See Attachment)
Anna E. Mustapic, Officer

STATE OF KANSAS }
COUNTY OF MCPHERSON }SS

The foregoing instrument was acknowledged before me this 21st day of June, 19 99, by Paul K. Ediger.



My commission expires:

Sept. 30, 2001

STATE OF LOUISIANA }
COUNTY OF _____ }SS (See Attachment)

The foregoing instrument was acknowledged before me this _____ day of _____, 19 _____, by Anna E. Mustapic.

My commission expires:

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS }
CITY OF MCPHERSON }SS

This plat was approved by the McPherson City Planning Commission on May 4, 19 99.

Signed June 24, 19 99
Melvin I. Tarum
Melvin I. Tarum, Chairperson

ATTEST: *Donna S. Lehner*
Donna S. Lehner, Secretary

COUNTY CLERK AND CITY CLERK CERTIFICATE

STATE OF KANSAS }
COUNTY OF MCPHERSON }SS
CITY OF MCPHERSON }

We, the undersigned, County Clerk of McPherson County, Kansas, and City Clerk of the City of McPherson, Kansas, within our respective jurisdictions, do hereby certify that at the date of this certificate, all currently due and owing taxes and special assessments of any kind assessed against any of the land included in this plat, have been paid.

Date Signed June 28, 1999 Date Signed JUNE 28, 1999
Susan R. Meng by *Susan R. Meng* by *Susan R. Meng*
Susan R. Meng, County Clerk (SEAL) deputy clerk Gary L. Meagher, City Clerk (SEAL)

CERTIFICATE AS TO CITY PUBLIC IMPROVEMENTS

STATE OF KANSAS }
CITY OF MCPHERSON }SS

We, the undersigned, do hereby certify that the required guarantees are posted with the City for the completion of the improvements covering all streets, storm sewers, sanitary sewer system, and domestic water supply and distribution system pertaining to the subject plat and not under other Federal, State, or County completion obligations; which are based on a licensed engineer's plans and specifications; and which are approved by all public authorities having jurisdiction.

Dated Signed 6/24/99
William J. Gering
William J. Gering, Acting City Engineer
City of McPherson, Kansas

Dated Signed 6/25/99
Richard N. Anderson
Richard N. Anderson, General Manager
Board of Public Utilities,
City of McPherson, Kansas

GOVERNING BODY CERTIFICATE:

STATE OF KANSAS }
CITY OF MCPHERSON }SS

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of McPherson, Kansas, on JUNE 28, 19 99.

Vernon Dossett
Vernon Dossett, Mayor

ATTEST: *Gary L. Meagher*
Gary L. Meagher, City Clerk

REGISTER OF DEEDS CERTIFICATE:

State of Kansas, McPherson Co., SS:
This instrument was filed for record on the 28th day of June, A.D. 19 99 at 8:00 o'clock P.M., and duly recorded in book Plat B, page 60
Paul
Register of Deeds
4243
60.00

TRANSFER RECORD

Entered on transfer record this 28th day of June, 19 99.

Susan R. Meng by *Susan R. Meng* by *Susan R. Meng*
Susan R. Meng, County Clerk deputy clerk



| | |
|--|-----------------------------------|
| COMART DEVELOPMENT, L.L.C. | |
| GARBER SURVEYING SERVICE, P.A. | |
| 423 WEST FIRST AVENUE HUTCHINSON, KANSAS 67501 Ph. 316-665-7032 Fax 316-663-7401 | |
| AMENDMENT TO FINAL P.U.D. PLAN OF PLAZA EAST ADDITION MCPHERSON, KANSAS | |
| Drawn By: <u>MGN</u> | Checked By: <u>DEC</u> |
| Scale: <u>N/A</u> | Job No.: <u>099-291</u> |
| Date: <u>04/19/99</u> | Sheet <u>2</u> of <u>2</u> Sheets |