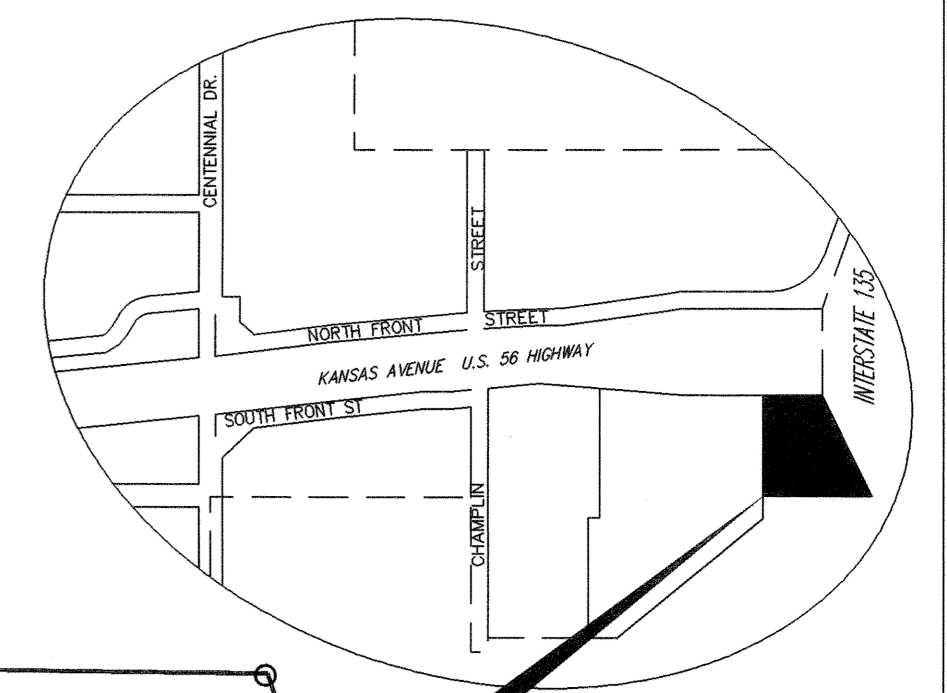


# AMENDMENT TO TRACTS IIB & III - FINAL P.U.D. PLAN OF PLAZA EAST ADDITION MCPHERSON, MCPHERSON COUNTY, KANSAS

Page 1 of 2

U.S. Highway 56

EAST KANSAS AVENUE



VICINITY MAP

**General Provisions:**  
This P.U.D. and the hereon described property is subject to the following:

- 1.) 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.
- 2.) Development Agreement between Wal-Mart Properties, Inc. and McPherson Development Company, a Missouri General Partnership, dated November 8, 1985.
- 3.) Amendment to Development Agreement between Wal-Mart Properties, Inc. and McPherson Development Company dated July 31, 1986.
- 4.) Second Amendment to Development Agreement filed December 12, 1986 filed for record Volume Misc. 264, Page 357.
- 5.) "Ground or pole-type sign shall not exceed 35 feet in height, except the signs located at the southeast corner of Tract III 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.
- 6.) 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.
- 7.) Amendment to Tract II, Final P.U.D. Plan filed for record in Plot Book B page 60 on June 28, 1999.
- 8.) As per agreement with the K.D.O.T., there will be no entrances allowed from Champlin Street any closer than 100 feet from the south right-of-way of U.S. Highway 56.
- 9.) All existing or future outdoor lighting shall be directed or shielded in such a way so as to prevent the creation of a nuisance to adjacent residential properties or the creation of a hazard on any public way.
- 10.) Planned Unit Development Statement filed for record on September 15, 1999 in book Misc. 310 page 824.
- 11.) The uses allowed in this P.U.D. shall be those listed in the City Zoning Regulations under the B-5 Shopping Center Business District including all additions or deletions for this P.U.D. overlay district as approved by the McPherson City Commission under Ordinance Number 2629 dated July 26, 1999.
- 12.) Temporary and seasonal display and storage areas are allowed without screening as long as the required parking area ratio is maintained. Portable storage containers are allowed in Tracts I & IIB behind the buildings. Fire access lanes shall be maintained in accordance with applicable state statute and city ordinance.
- 13.) 6' cedar screening fence to be built along the south property line of Tracts I, IIB and III by developers and Wal-Mart Stores, Inc. when and only when the property adjoining and South of these tracts develops as residential.

SW Cor. NW 1/4 Sec. 26, T19S, R3W  
Fd. City Monument  
S 89°22'43" E 971.65

CHAMPLIN STREET  
N 00°00'00" E 311.73 (RECORD 309.8)

Owner Tract IIA:  
Jeffrey W. Davis, General Partner  
Robert L. Davis Investment Co. I, L.L.P.  
An Oklahoma Limited Partnership  
4923 East 49th Street  
Tulsa, Oklahoma 74135

Owner Tract IIC:  
James H. Stevens and  
Ann M. Stevens  
2400 N. Woodlawn, Suite 140  
Wichita, Kansas 67220

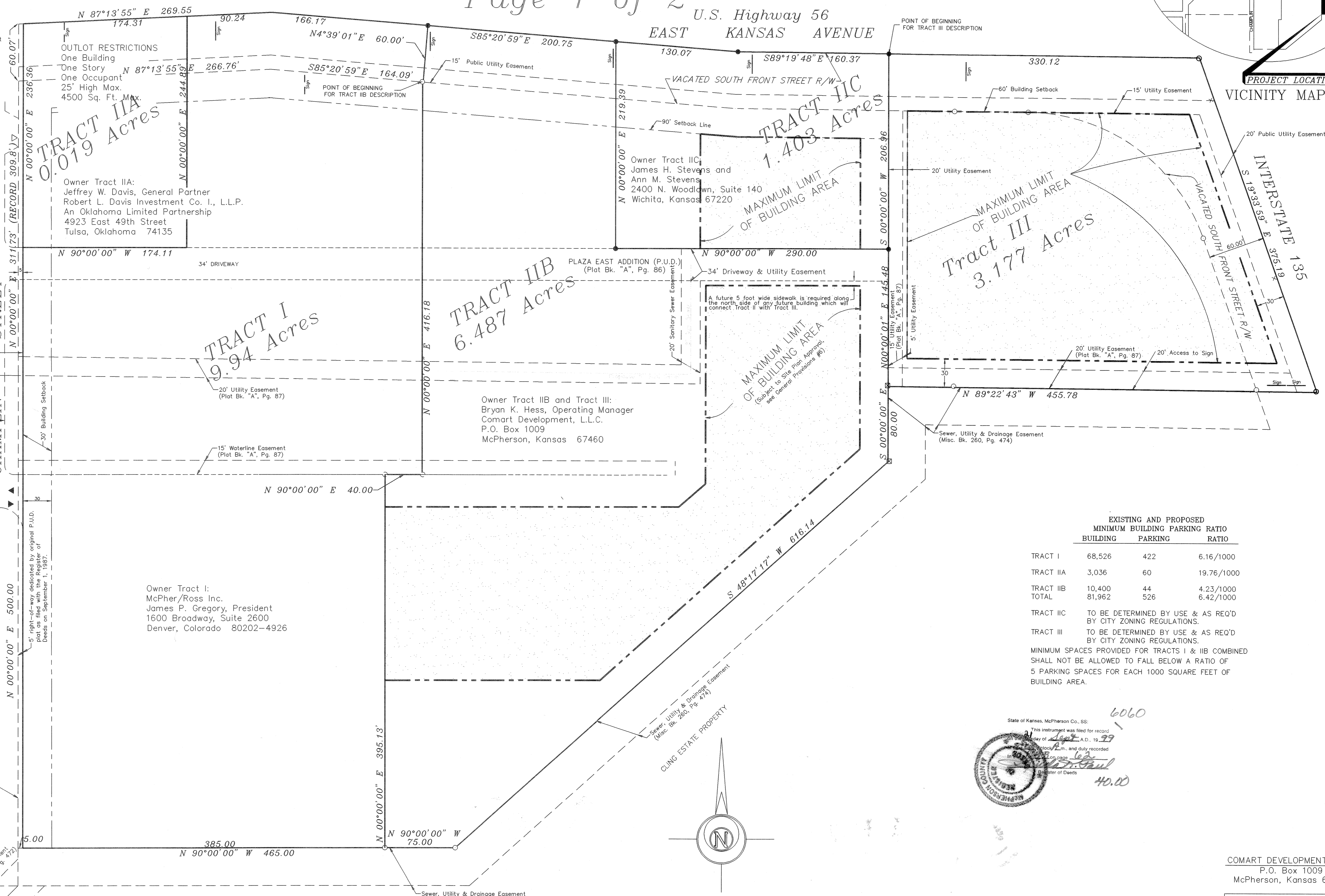
Owner Tract IIB and Tract III:  
Bryan K. Hess, Operating Manager  
Comart Development, L.L.C.  
P.O. Box 1009  
McPherson, Kansas 67460

Owner Tract I:  
McPherson/Ross Inc.  
James P. Gregory, President  
1600 Broadway, Suite 2600  
Denver, Colorado 80202-4926

BENCHMARK:  
Chiseled (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) RM3 National Flood Rate Map, Panel 20 of 20.  
Elevation = 1487.91 USGS

TEMPORARY BENCHMARK:  
'd' on East side of Concrete Pole Base.  
Elevation = 1502.94 USGS

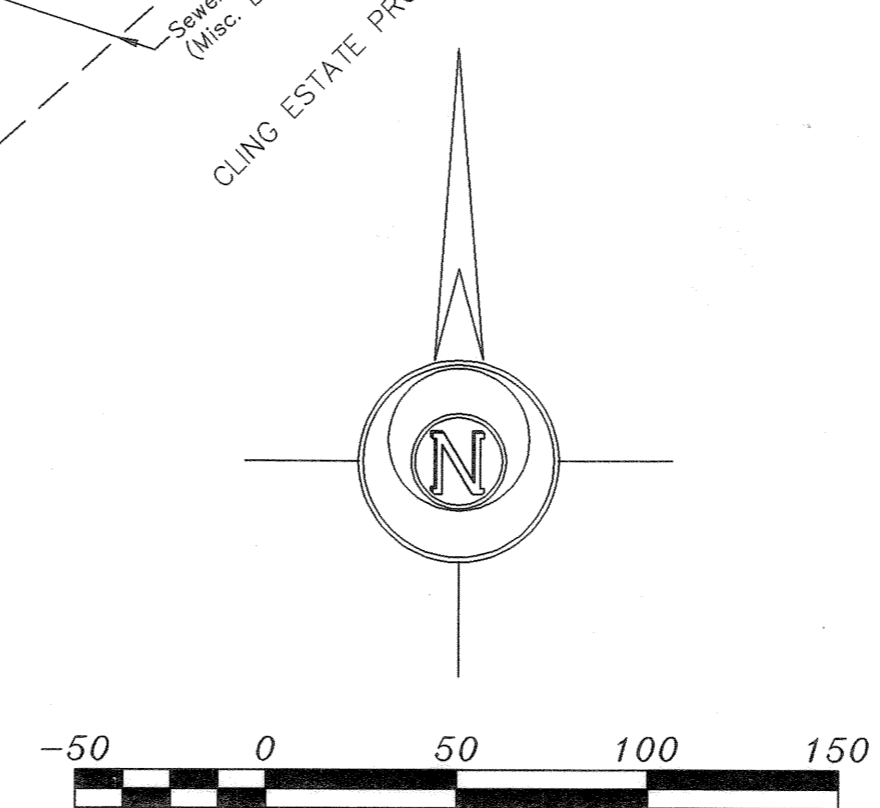
FLOOD CERTIFICATION:  
This site is in Zone C as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 200217 00200, for the City of McPherson, McPherson County, Kansas, dated March 16, 1983.



	EXISTING AND PROPOSED MINIMUM BUILDING PARKING RATIO		
	BUILDING	PARKING	RATIO
TRACT I	68,526	422	6.16/1000
TRACT IIA	3,036	60	19.76/1000
TRACT IIB	10,400	44	4.23/1000
TOTAL	81,962	526	6.42/1000
TRACT IIC	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.		
TRACT III	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.		

MINIMUM SPACES PROVIDED FOR TRACTS I & IIB COMBINED SHALL NOT BE ALLOWED TO FALL BELOW A RATIO OF 5 PARKING SPACES FOR EACH 1000 SQUARE FEET OF BUILDING AREA.

State of Kansas, McPherson Co., SS:  
This instrument was filed for record on this day of Sept 1999 at 6:00 o'clock P.m. and duly recorded in 6060 Volume 40.00 of the Register of Deeds.



COMART DEVELOPMENT L.L.C.  
P.O. Box 1009  
McPherson, Kansas 67460

Melanie L. Thrower, P.E., L.S.  
P.O. Box 662  
McPherson, Kansas 67460  
316-241-5086  
Drawing Date: 07/20/1999

- LEGEND**
- - 5/8" x 24" Iron Rebar w/G.S.S. Cap
  - - Survey Monument Found
  - - Fence
  - - 1/2" rebar in concrete

# AMENDMENT TO TRACTS IIB & III - FINAL P.U.D. PLAN OF PLAZA EAST ADDITION 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:

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 West 219.39 feet; thence North 90 degrees 00 minutes 00 seconds East 290.00 feet; thence South 00 degrees 00 minutes 01 seconds West 145.48 feet; thence South 00 degrees 00 minutes 00 seconds East 80 feet; thence South 48 degrees 13 minutes 17 seconds West 616.14 feet; thence North 90 degrees 00 minutes 00 seconds West 75 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 6.487 Acres in McPherson, McPherson County, Kansas.

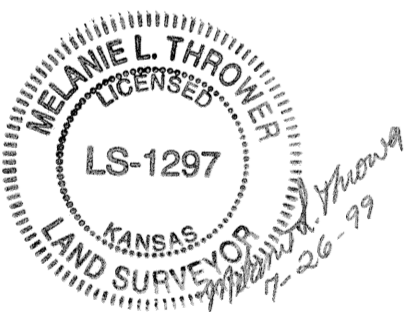
**DESCRIPTION TRACT III:**

A portion of Tract II and all of Area "R" 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; 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 89 degrees 19 minutes 48 seconds East 330.12 feet along the North right-of-way line of said vacated South Front Street; thence South 19 degrees 33 minutes 59 seconds East 375.19 feet along the East right-of-way line of said vacated South Front Street; thence North 89 degrees 22 minutes 43 seconds West 455.78 feet; thence North 00 degrees 00 minutes 01 seconds East 145.48 feet; thence North 00 degrees 00 minutes 00 seconds East 206.96 feet to the point of beginning containing 3.177 Acres in McPherson County, Kansas.

Date July 26 19 99

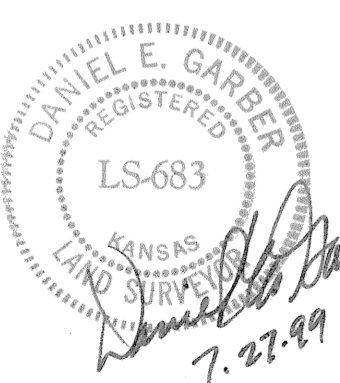
[SEAL]



Melanie L. Thrower  
Melanie L. Thrower RLS #1297

Date July 27 19 99

[SEAL]



Daniel E. Garber  
Daniel E. Garber RLS #683

**COUNTY SURVEYOR'S CERTIFICATE**

I have reviewed this plat, survey and legal description and hereby certify that they comply with all applicable state statutes and that all reports and documentation relating to the survey shown herein have been filed with the County Engineer's Office in accordance with Chapter 58, Article 20, inclusive, of the Kansas Statutes Annotated.

Date Signed 9/21/99

William B. Heller  
William B. Heller, Lic. No. 1202  
McPherson County Surveyor



**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 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 covenants 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 11B, AND III  
Comart Development, L.L.C.

Jeffrey W. Davis  
Jeffrey W. Davis  
TRACT IIC  
Robert L. Davis Investment Co. I, L.L.C.

James P. Gregory  
James P. Gregory  
TRACT I  
McPher/Ross Inc.

Ann M. Stevens  
Ann M. Stevens  
TRACT IIC

**NOTARY CERTIFICATES**

STATE OF KANSAS }  
COUNTY OF MCPHERSON }SS

The foregoing instrument was acknowledged before me this 30 day of July, 1999, by Bryan K. Hess.

Jeffrey W. Davis Notary Public  
NOTARY PUBLIC - State of Kansas  
NANCY TREASE  
My Comm. Expires: 5/27/2002

STATE OF COLORADO }  
COUNTY OF Denver }SS

The foregoing instrument was acknowledged before me this 3rd day of August, 1999, by James P. Gregory.

Lincoln Notary Public  
NOTARY PUBLIC - State of Kansas  
NANCY TREASE  
My Commission Expires: 5-27-2002

STATE OF OKLAHOMA }  
COUNTY OF Delaware }SS

The foregoing instrument was acknowledged before me this 2nd day of September, 1999, by Jeffrey W. Davis.

Jeffrey W. Davis Notary Public  
NOTARY PUBLIC  
My Commission Expires: 5/27/2002

STATE OF KANSAS }  
COUNTY OF Sedgewick }SS

The foregoing instrument was acknowledged before me this 3rd day of September, 1999, by James H. Stevens and Ann M. Stevens.

James H. Stevens Notary Public  
NOTARY PUBLIC  
My commission expires: 3/17/2001

**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, Bankers Trust Company of California, N.A., as trustee for Aetna 1995 Commercial Mortgage Trust, Multi Pass-Through Certificates, Series 1995-C5, by Gary Vaughn, Officer, do hereby consent to the plat of Plaza East Addition, City of McPherson, McPherson County, Kansas.

Bankers Trust Company of California, N.A.  
Trustee for Aetna 1995 Commercial Mortgage Trust  
3 Park Plaza, 16th Floor  
Irvine, CA 92614  
Gary Vaughn  
Gary Vaughn, Officer

**MORTGAGE HOLDER**

We, Nationsbank, by Mark Heiman, Vice 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.

Nationsbank  
100 N. Broadway Street  
Wichita, Kansas 67220  
Mark Heiman  
Mark Heiman, Vice President

**NOTARY CERTIFICATES**

STATE OF KANSAS }  
COUNTY OF MCPHERSON }SS

The foregoing instrument was acknowledged before me this 30 day of July, 1999, by Paul K. Ediger.

Paul K. Ediger Notary Public  
NOTARY PUBLIC - State of Kansas  
NANCY TREASE  
My Commission Expires: 5-27-2002

STATE OF CALIFORNIA }  
COUNTY OF Orange }SS

The foregoing instrument was acknowledged before me this 15th day of September, 1999, by Gary Vaughn.

Gary Vaughn Notary Public  
NOTARY PUBLIC  
My commission expires: 5/22/2002

STATE OF KANSAS }  
COUNTY OF Sedgewick }SS

The foregoing instrument was acknowledged before me this 3rd day of September, 1999, by Mark Heiman.

Mark Heiman Notary Public  
NOTARY PUBLIC  
My commission expires: 6/3/2000

**PLANNING COMMISSION CERTIFICATE**

STATE OF KANSAS }  
CITY OF MCPHERSON }SS

This plat was approved by the McPherson City Planning Commission on August 3, 19 99.

Signed September 21, 19 99  
Britte Colle  
Britte Colle, 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 9-21-99 Susan R. Meng County Clerk (SEAL)  
Date Signed 9-20-99 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 9/20/99 William J. Gering Acting Public Works Director  
Dated Signed 9/20/99 Richard N. Anderson General Manager  
City of McPherson, Kansas 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 9-20, 1999.

Vernon Dossett Mayor

ATTEST:  
Gary L. Meagher City Clerk

**REGISTER OF DEEDS CERTIFICATE:**

**TRANSFER RECORD**

Entered on transfer record this 21st day of September, 1999.

Susan R. Meng County Clerk

COMART DEVELOPMENT L.L.C.  
P.O. Box 1009  
McPherson, Kansas 67460

Melanie L. Thrower, P.E., L.S.  
P.O. Box 662  
McPherson, Kansas 67460  
316-241-5086  
Drawing Date 7/20/1999