

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.) Signs along U.S. Highway 56 are permitted an additional 5 feet height for a total of 35 feet. Signs along I.H. 135 are permitted an additional 20 feet height for a total of 50 feet. 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 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 2829 dated July 26, 1999.

12.) Temporary and seasonal, sales, display and/or storage areas are allowed outside without screening as long as the required parking area ratio is maintained. Permanent outside storage and display areas are shown and may be fenced as appropriate. Notwithstanding anything to the contrary, the required parking area ratio shall not be greater than the ratio required by the currently existing City Zoning Regulations. Portable storage containers are allowed in Tracts I and 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

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) 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

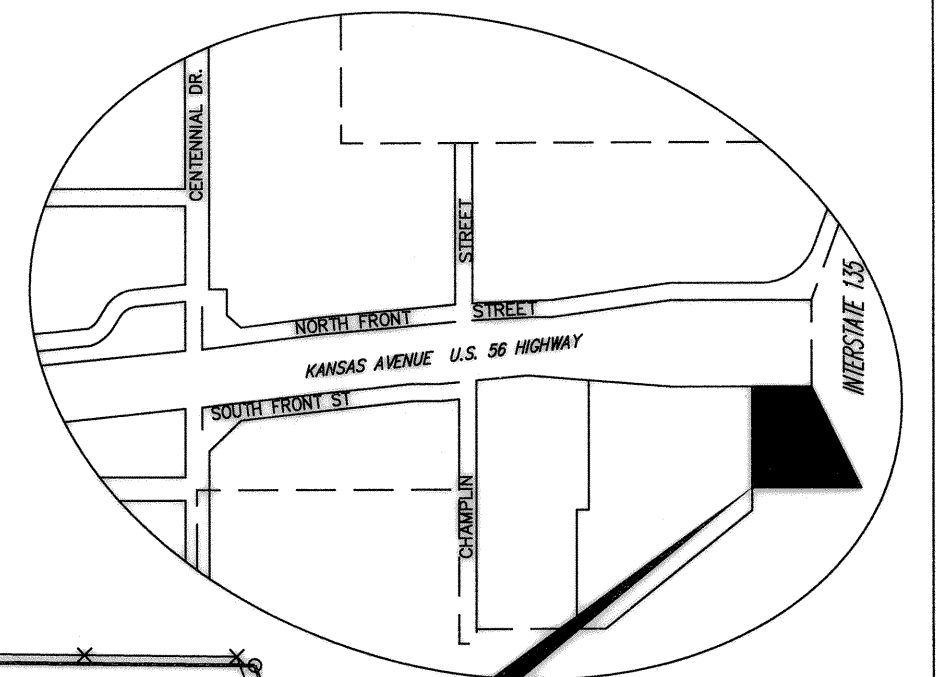
FLOOD CERTIFICATION:  
No portion of this site is in the "Zone A" designated flood area (100-Year Frequency Flood Zone) as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 200217 00200, for the City of McPherson, McPherson County, Kansas, dated March 16, 1993. This site is in Zone C.

# NOVEMBER 2009 AMENDMENT TO FINAL P.U.D. PLAN OF PLAZA EAST ADDITION MCPHERSON, MCPHERSON COUNTY, KANSAS

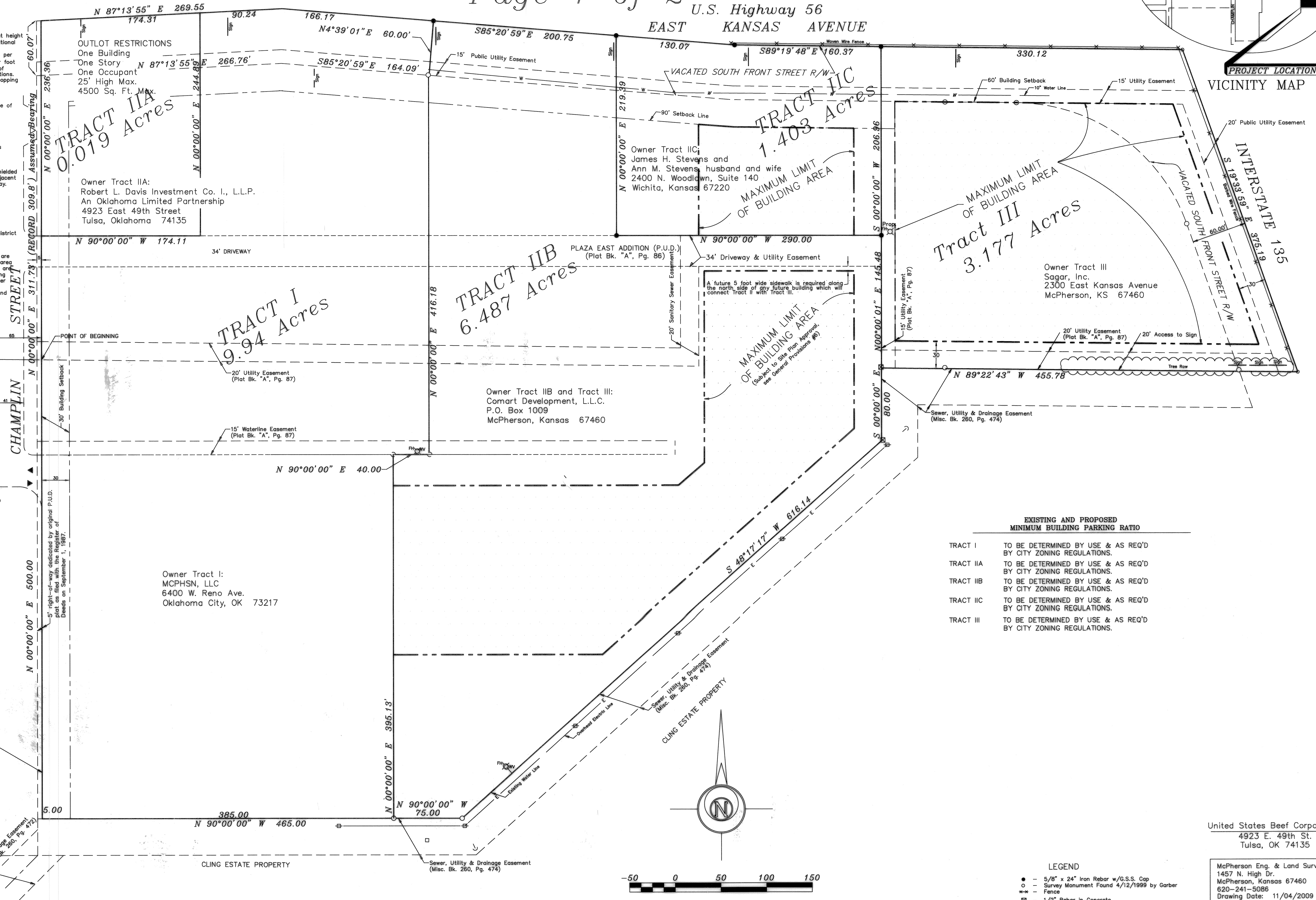
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U.S. Highway 56

EAST KANSAS AVENUE



PROJECT LOCATION  
VICINITY MAP



## EXISTING AND PROPOSED MINIMUM BUILDING PARKING RATIO

TRACT I	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
TRACT IIA	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
TRACT IIB	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
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.

## LEGEND

- - 5/8" x 24" Iron Rebar w/G.S.S. Cap
- - Survey Monument Found 4/12/1999 by Garber
- - Fence
- ⊠ - 1/2" Rebar in Concrete

United States Beef Corporation  
4923 E. 49th St.  
Tulsa, OK 74135

McPherson Eng. & Land Surveying  
1457 N. High Dr.  
McPherson, Kansas 67460  
620-241-5086  
Drawing Date: 11/04/2009



NOVEMBER 2009 AMENDMENT TO  
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 is the description of the boundary of Tracts I, IIA, II, and III of the Final P.U.D. Plan of the Plaza East Addition based on survey on April 12, 1999 per the Amendment to Tract II as certified by Dan Garber, as filed at the Register of Deeds Plat Bk. "B", Page 60 in McPherson County, McPherson County, Kansas. The basis of origin is from Francis Rankin survey Champlin Addition 1/9/1970. No boundary survey was performed and no pins were set at time of this filing.

Commencing at the Southwest corner of the NW1/4 of Section Twenty-six, Township 19 South, Range Three West of the Sixth Principal Meridian, in McPherson County, Kansas, thence S89°22'43"E a distance of 976.65 feet measured (971.65 feet recorded) to the point of beginning; thence N 00°00'00" W, 371.80' along the east right-of-way of Champlin Street; thence N 87°13'55" E, 269.55'; thence S 85°20'59" E, 496.99'; thence S 89°19'48" E, 490.49'; thence S 19°33'59" E, 375.19'; thence N 89°22'43" W, 455.78'; thence S 00°00'00" E, 80.00'; thence S 48°17'17" W, 616.14'; thence S 90°00'00" W, 465.00'; thence N 00°00'00" W, 500.00' to the point of beginning containing 19.38 acres more or less. Precision: 1:17398.37

Date 11-05, 20 09

[SEAL]

Melanie L. Thrower RLS #1297

**COUNTY SURVEYOR CERTIFICATE**

State of Kansas }  
County of McPherson }

Reviewed by the Unified Government Surveyor this 5<sup>th</sup> day of Nov., 20 09. This survey has been reviewed for filing, pursuant to K.S.A. 58-2005 and K.S.A. 58-2011 for content only and is in compliance with those provisions. No other warranties are extended or implied.

William B. Heller, LS #1202 McPherson County Surveyor

STATE OF KANSAS }  
COUNTY OF MCPHERSON }

The foregoing instrument was acknowledged before me this 3rd day of December, 2009, by Satish Patel.

[SEAL]

My commission expires: DATE 12, 2013

**OWNER'S CERTIFICATE AND DEDICATION:**

STATE OF KANSAS }  
COUNTY OF MCPHERSON }

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 covenants now on file or hereafter filed in the Office of the Register of Deeds of McPherson County, Kansas.

Bryan K. Hess, Operating Manager  
TRACT 11B  
Comart Development, L.L.C.

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

Terry J. Zerby, Manager  
TRACT I  
MCPHSN, L.L.C.

James H. Stevens  
TRACT IIC

Satish Patel  
TRACT III  
Sagar, Inc.

Ann M. Stevens  
TRACT IIC

**NOTARY CERTIFICATES**

STATE OF KANSAS }  
COUNTY OF MCPHERSON }

The foregoing instrument was acknowledged before me this 6th day of Nov., 2009, by Bryan K. Hess, Operating Manager, Comart Development, L.L.C.

[SEAL] Carol A. Niekirk, Notary Public

My commission expires: June 1, 2013

STATE OF OKLAHOMA }  
COUNTY OF OKLAHOMA }

The foregoing instrument was acknowledged before me this 23 day of February, 2010, by Terry J. Zerby, Manager, MCPHSN L.L.C.

[SEAL] Catherine Kane, Notary Public

My commission expires: 12/02/2010 + 01/05/2005

STATE OF OKLAHOMA }  
COUNTY OF TULSA }

The foregoing instrument was acknowledged before me this 24th day of November, 2009, by Jeffrey W. Davis.

[SEAL] Kenneth, Notary Public

My commission expires: 5/26/12

STATE OF KANSAS }  
COUNTY OF SEDGWICK }

The foregoing instrument was acknowledged before me this 15th day of January, 2010, by James H. Stevens and Ann M. Stevens.

[SEAL] Cynthia Lane, Notary Public

My commission expires: 4/10/2011

**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

Ted Odle  
Paul K. Ediger, President  
Ted Odle

**MORTGAGE HOLDER**

We, Bank of Hydro, by Calvin Campbell, 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.

Bank of Hydro  
146 W. Main Street  
Hydro, Oklahoma 73048

Fred Schamburg  
Calvin Campbell, President  
Fred Schamburg

**MORTGAGE HOLDER**

We, Bank of America, by Mark Heiman, Senior 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.

Bank of America  
P.O. Box 4  
Wichita, Kansas 67201

Mark E. Heiman  
Mark Heiman, Senior Vice-President

**NOTARY CERTIFICATES**

STATE OF KANSAS }  
COUNTY OF MCPHERSON }

The foregoing instrument was acknowledged before me this 9th day of November, 2009, by Paul K. Ediger, President Home State Bank and Trust.

[SEAL] Carol A. Niekirk, Notary Public

My commission expires: 01-19-11

STATE OF OKLAHOMA }  
COUNTY OF Nowata }

The foregoing instrument was acknowledged before me this 2 day of February, 2010, by Calvin Campbell, President Bank of Hydro.

[SEAL] LYNDEE HAMAR, Notary Public

My commission expires: 01-19-11

STATE OF KANSAS }  
COUNTY OF Sedgewick }

The foregoing instrument was acknowledged before me this 12th day of March, 2010, by Mark Heiman, Senior Vice-President Bank of America.

[SEAL] Pauline Cough, Notary Public

My commission expires: 5-24-2012

**PLANNING COMMISSION CERTIFICATE**

STATE OF KANSAS }  
CITY OF MCPHERSON }

This plat was approved by the McPherson City Planning Commission on

November 3, 2009.

Signed Donna S. Lehner, 20 10.

March 3, 2010  
Donna S. Lehner, Chairperson

ATTEST:

Gail Lauderdale  
Gail Lauderdale, Secretary

**COUNTY CLERK AND CITY CLERK CERTIFICATE**

STATE OF KANSAS }  
COUNTY 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 3/8/10

Date Signed 3/8/10

Susan R. Sheng, County Clerk (SEAL)

Tamra K. Seely, City Clerk (SEAL)

**GOVERNING BODY CERTIFICATE:**

STATE OF KANSAS }  
CITY OF MCPHERSON }

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of McPherson, Kansas, on March 8, 20 10.

Thomas A. Brown, Mayor

[SEAL]

ATTEST:

Tamra K. Seely, City Clerk

**REGISTER OF DEEDS CERTIFICATE:**

State of Kansas, McPherson Co., ss:

This instrument was filed for record on the 17 day of March, A.D., 2010.

at 1:00 P.M., and duly recorded in book Plat C.

Shirley Paul, Register of Deeds

**TRANSFER RECORD**

Entered on transfer record this 17th day of March, 2010.

Susan R. Sheng, County Clerk

United States Beef Corporation  
4923 E. 49th St.  
Tulsa, OK 74135

McPherson Eng. & Land Surveying  
1457 N. High Dr.  
McPherson, Kansas 67460  
620-241-5086  
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