

JO CO KS BK:202010 PG:007971
20201019-0007971
Electronic Recording 10/19/2020
Pages: 19 F: \$327.00 11:32 AM
Register of Deeds T20200075253

Title of Document: Fifth Amendment to Declaration Regarding Construction,
Operation and Reciprocal Easement

Date of Document: September 28, 2020

Grantor: Aspen Square, Inc.

Grantee: Von Maur, Inc.
J.C. Penney Properties, LLC.

Grantee's Mailing Address: c/o Aspen Square, Inc.
6917 W. 135th Street, Suite B29
Overland Park, Kansas 66223

Legal Description: See Exhibit A

Reference Document No.: Book 200803, Page 002407
Book 200803, Page 002408
Book 200804, Page 005830
Book 200810, Page 000639
Book 201306, Page 008717
Book 201802, Page 006735
Book 20181004, Page 0001754

When Recorded Return To: LSV
First American Title Insurance Company
National Commercial Services
1201 Walnut, Suite 700
Kansas City, MO 64106
File No: NCS AspenAecom

Please return to:

FIFTH AMENDMENT TO DECLARATION REGARDING CONSTRUCTION,
OPERATION AND RECIPROCAL EASEMENTS

THIS FIFTH AMENDMENT TO DECLARATION REGARDING CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENTS (the "**Fifth Amendment**") is made and entered into as of September 28, 2020 (the "**Effective Date**") by and between ASPEN SQUARE, INC., a Kansas corporation ("**Developer**"), VON MAUR, INC., an Illinois corporation ("**Von Maur**"), and J.C. PENNEY PROPERTIES, LLC., a Delaware limited liability company ("**Penney**"). For purposes of this Amendment, the term "**Parties**" shall mean Developer, Von Maur and Penney, and their successors and assigns.

RECITALS:

WHEREAS, 135 Metcalf, L.L.C., an Iowa limited liability company ("**135 Metcalf**") and State Line, LLC, an Iowa limited liability company (together "**Original Developer**") previously executed that certain Declaration Regarding Construction, Operation and Reciprocal Easements dated March 5, 2008 (the "**Original Declaration**"), and recorded March 7, 2008 at Book 200803, Page 002407, with the Register of Deeds of Johnson County, Kansas (the "**Register**"), which Original Declaration was supplemented by that certain Consent and Ratification of Declaration Regarding Construction, Operation and Reciprocal Easements dated February 7, 2008 and recorded March 7, 2008 at Book 200803, Page 002408, with the Register, and which Original Declaration was amended by that certain (i) First Amendment to Declaration Regarding Construction, Operation and Reciprocal Easements dated April 9, 2008 and recorded April 18, 2008 at Book 200804, Page 005830, with the Register, (ii) Second Amendment to Declaration Regarding Construction, Operation and Reciprocal Easements dated September 29, 2008 and recorded October 2, 2008 at Book 200810, Page 000639, with the Register, (iii) Third Amendment dated April 11, 2013 and recorded June 20, 2013 in Book 2013-0620 at Page 008718, (iv) Fourth Amendment to Declaration Regarding Construction, Operation and Reciprocal Easement dated February 6, 2018 and recorded February 28, 2018 in Book 201802 at Page 006735 (the "**Fourth Amendment**"), and (i) Waiver of Developer Rights dated September 28, 2018 and recorded October 4, 2018 in Book 20181004 at Page 0001754 (collectively, the "**Declaration**"), pursuant to which Original Developer established certain terms, provisions, easements, restrictions, covenants and agreements to which that certain real property described in Exhibit A (the "**Shopping Center Property**") is subject to and bound by;

WHEREAS, Von Maur is currently the owner of the Von Maur Parcel (as defined and described in the Declaration);

WHEREAS, Penney is currently the owner of the Condominium Parcel (as defined and described in the Declaration);

WHEREAS, Developer is the current owner of the Apartment Parcel (as defined and described in the Fourth Amendment);

Developer wishes to dedicate certain portions of the parking structure (the "**Parking Structure**") located within the Parking Structure Area (as depicted on Exhibit F to the Fourth Amendment) for residential users and certain portions of the Parking Structure for retail users; and

WHEREAS, Developer, Von Maur and Penney desire and intend to amend certain portions of the Declaration pursuant to the terms specified herein.

NOW THEREFORE, in consideration of the mutual understandings and commitments set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Recitals. The preliminary statements set forth above are accurate, represent the intent of the Parties and are incorporated herein by reference. Unless otherwise defined in this Amendment, capitalized terms used herein will have the same meaning in this Amendment as set forth in the Declaration.

2. Parking Structure Parking Dedication. The Parking Structure has three (3) levels of parking. The Parties wish to and do dedicate certain areas of the Parking Structure solely for retail use, and dedicate certain areas of the Parking Structure solely for Apartment use. Therefore, the Parties dedicate certain areas of the Parking Structure in the manner depicted on **Exhibit B** attached. For avoidance of doubt, (i) the areas marked by hatching on said **Exhibit B** are dedicated for the use of all Owners of the Shopping Center Property, including their respective tenants, guests, contractors, agents, and invitees, other than Apartment Users (defined below) (collectively, "**Retail Users**"), and all Apartment users, including their respective guests, contractors, agents and invitees (collectively, "**Apartment Users**"), are restricted therefrom, and (ii) the remaining areas of the Parking Structure on said Exhibit B are dedicated for the use of all Apartment Users, and all Retail Users are restricted therefrom. As noted on said **Exhibit B**, the areas of the Parking Structure reserved for Retail Users include the entirety of the first floor ground level, 35 spaces on the second floor, and 35 spaces on the third floor, and the areas of the Parking Structure reserved for Apartment Users include no spaces on the first floor ground level, 129 spaces on the second floor, and 131 spaces on the third floor. Nothing herein shall limit the requirements of Section 4.7 of the Declaration, as restated in Section 4 of the Fourth Amendment. Further, Developer covenants and agrees that as of the date of this Fifth Amendment the Shopping Center is in conformance with said Section 4.7 of the Declaration as restated.

3. Parking Charges. Section 4.9 is hereby deleted in its entirety and replaced with the following:

“4.9 Parking Charges. No metered or other direct parking charge shall be made by any Owner on any of its land included in the Shopping Center

or by their successors and assigns, it being the intention of Developer that the right to park in the Common Area shall be free of any direct charge whatsoever except as may be required by law and except that Developer or certain Permittees as provided herein may charge a fee if they provide valet parking services, provided (i) the Developer approve in writing of a designated portion of the Parking Area to be used by such valet parking services and (ii) if the parking spaces used to valet park such vehicles are to be located within the von Maur Control Area or the Penney Control Area, Von Maur Owner and/or Penney Owner, as applicable, approve in writing of a designated portion of the Parking Area to be used by such valet parking services. It is understood and agreed that the foregoing prohibition on direct parking charges in no way limits or abrogates the obligations of the Owners hereunder to pay Common Area Expenses as herein provided. Notwithstanding anything in this Section 4.9 to the contrary, Developer may, in its sole discretion, charge Apartment residents for parking located within the Apartment Parking Areas or underneath the Apartments located within the Apartment Parcel.”

4. Ratification. Except as modified and amended herein, all other terms and conditions of the Declaration shall remain unchanged and in full force and effect.

5. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed an original and all of which together constitute the binding and enforceable agreement of the parties hereto.

[Remainder of Page Intentionally Left Blank.
Signature Page to Follow]

IN WITNESS WHEREOF, the Parties hereto have duly executed and delivered this Amendment as of the day and year last above written.

"DEVELOPER"

ASPEN SQUARE, INC., a Kansas corporation

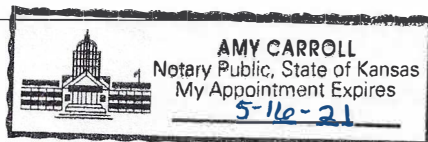
By: Michel L. Schlup
Name: Michel L. Schlup
Title: President

STATE OF Kansas)
) SS.
COUNTY OF Johnson)

The foregoing instrument was acknowledged before me this 28 day of September, 2020, by Michel L. Schlup, the President of ASPEN SQUARE, INC., a Kansas corporation, on behalf of said corporation.

Amy Carroll
Notary Public

My Commission Expires: _____



"VON MAUR"

VON MAUR, INC., an Illinois corporation

By: 

Name: Robert L. Larsen

Title: CFO

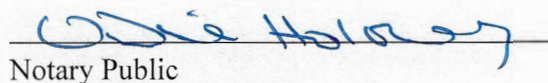
STATE OF IOWA)

)

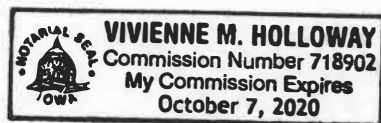
SS.

COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this 21st day of September 2020, by Robert L. Larsen, the Chief Financial Officer of VON MAUR, INC., an Illinois corporation, on behalf of said corporation.

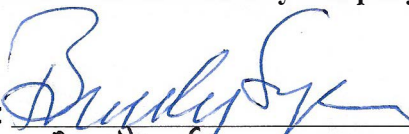

Notary Public

My Commission Expires: 10/7/20




"PENNEY"

J.C. PENNEY PROPERTIES, LLC, a
Delaware limited liability company

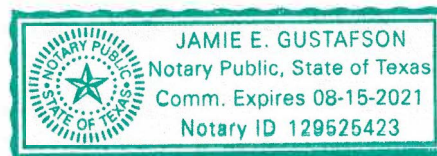
By: 
Name: Bradley Sympson
Title: Vice President

STATE OF Texas)
)
COUNTY OF Collin) SS.

The foregoing instrument was acknowledged before me this 28th day of September, 2020, by Bradley Sympson, the Vice President of J.C. PENNEY PROPERTIES, LLC, a Delaware limited liability company, on behalf of said corporation.


Notary Public

My Commission Expires: August 15, 2021



CONSENT BY SCHEELS ALL SPORTS, INC.

THE UNDERSIGNED, Scheels All Sports, Inc., is the owner of certain property located in a portion of the shopping center commonly known as Corbin Park. Scheels All Sports, Inc., hereby consents to the within and foregoing Fifth Amendment to Declaration Regarding Construction, Operation and Reciprocal Easements.

IN WITNESS WHEREOF, Scheels All Sports, Inc., has executed this Consent as of the ___ day of _____, 2020.

SCHEELS ALL SPORTS, INC., a North Dakota corporation

By: [Signature]

Name: Bill Nelson

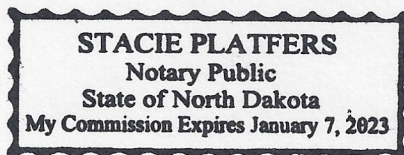
Title: President

STATE OF NORTH DAKOTA)

) SS.

COUNTY OF Cass)

The foregoing instrument was acknowledged before me this 1 day of October, 2020 by Bill Nelson, the President of Scheels All Sports, Inc., a North Dakota corporation, on behalf of said corporation.



[Signature]

Notary Public

My Commission Expires: 1/7/23

CONSENT BY GREAT SOUTHERN BANK

THE UNDERSIGNED, Great Southern Bank, a Missouri charter, is the lender which has collateral of certain property located in a portion of the shopping center commonly known as Corbin Park. Great Southern Bank hereby consents to the within and foregoing Fifth Amendment to Declaration Regarding Construction, Operation and Reciprocal Easements.

IN WITNESS WHEREOF, Great Southern Bank, has executed this Consent as of the 6 day of October, 2020.

GREAT SOUTHERN BANK, a Missouri charter

By: [Signature]

Name: Matt Simons

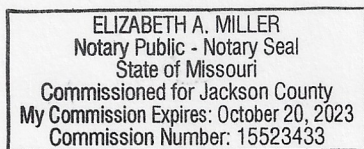
Title: VP

STATE OF MISSOURI)

) SS.

COUNTY OF Jackson)

The foregoing instrument was acknowledged before me this 6 day of October, 2020 by Matt Simons, the VP of Great Southern Bank, a Missouri charter, on behalf of said bank.



Elizabeth A. Miller

Notary Public

My Commission Expires:

EXHIBIT "A"

Legal Description of Shopping Center Property

1. COMMERCE BANK PROPERTY

LOT 12, CORBIN PARK, TENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS

II. 133 METCALF PROPERTY

1. TRACT A, CORBIN PARK, FIRST PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

2. TRACT A, C, E, F, G, I, K, L, M, O AND P, CORBIN PARK, SECOND PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

3. SOUTHERLY AND SOUTHEASTERLY HALF OF TRACT Q, CORBIN PARK, THIRD PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

4. LOT 1, 2, 3 AND 4, CORBIN PARK, FOURTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

5. LOT 22, CORBIN PARK, NINTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

6. TRACTS D AND T, CORBIN PARK, TENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

7. LOT 24, CORBIN PARK, TWELFTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

8. LOT 29, CORBIN PARK, THIRTEENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

9. ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, THENCE NORTH 87°49'01" EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 70.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF METCALF AVENUE, THENCE NORTH 1°54'05" WEST ALONG THE EAST RIGHT OF WAY LINE OF METCALF AVENUE A DISTANCE OF 718.69 FEET TO THE POINT OF BEGINNING, THENCE NORTH 1°54'06" WEST ALONG THE EAST RIGHT OF WAY LINE OF METCALF AVENUE A DISTANCE OF 1844.88 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 135TH STREET, THENCE NORTH 88°07'14" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF 135TH STREET A DISTANCE OF 2539.22 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE, THENCE SOUTH 1°58'41" EAST ALONG THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE A DISTANCE OF 103.56 FEET TO A POINT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2580.00 FEET, THROUGH A CENTRAL ANGLE OF 7°53'10", AN ARC DISTANCE OF 352.35 FEET TO A POINT, THENCE SOUTH 5°56'29" WEST ALONG THE WEST RIGHT OF WAY LINE OF SAID LAMAR AVENUE A DISTANCE OF 215.17 FEET TO A POINT, THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 34°34'50", AN ARC DISTANCE OF 537.15 FEET TO A POINT OF REVERSE CURVATURE, THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2500 FEET, THROUGH A CENTRAL ANGLE OF 93°16'32", AN ARC DISTANCE OF 40.70 FEET TO A POINT OF COMPOUND CURVATURE, THENCE

ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 607.18 FEET, THROUGH A CENTRAL ANGLE OF 14°51'05", AN ARC DISTANCE OF 157.38 FEET TO A POINT. THENCE SOUTH 78°28'17" WEST A DISTANCE OF 461.23 FEET TO A POINT. THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 835.00 FEET, THROUGH A CENTRAL ANGLE OF 37°41'13", AN ARC DISTANCE OF 417.88 FEET TO A POINT. THENCE SOUTH 41°48'04" WEST A DISTANCE OF 438.44 FEET TO A POINT. THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 585.00 FEET, THROUGH A CENTRAL ANGLE OF 46°19'31", AN ARC DISTANCE OF 456.82 FEET TO A POINT. THENCE SOUTH 88°37'38" WEST A DISTANCE OF 46.75 FEET TO A POINT. THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 842.31 FEET, THROUGH A CENTRAL ANGLE OF 27°54'07", AN ARC DISTANCE OF 410.18 FEET TO A POINT. THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 645.00 FEET, THROUGH A CENTRAL ANGLE OF 27°55'40", AN ARC DISTANCE OF 314.39 FEET TO A POINT. THENCE SOUTH 88°05'54" WEST A DISTANCE OF 134.99 FEET TO THE POINT OF BEGINNING.

EXCEPT

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH 88°07'14" WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, 794.90 FEET TO A POINT; THENCE SOUTH 1°52'46" EAST, 100.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 135TH STREET, THE POINT OF BEGINNING; THENCE SOUTH 88°07'14" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF 135TH STREET, 485.79 FEET TO A POINT; THENCE SOUTH 1°54'23" EAST, 231.04 FEET TO A POINT; THENCE NORTH 88°06'37" EAST, 335.29 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 12°26'40", AN ARC DISTANCE OF 54.30 FEET TO A POINT; THENCE NORTH 75°38'57" EAST, 128.21 FEET TO A POINT; THENCE NORTH 14°21'03" WEST, 18.58 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 13°04'17", AN ARC DISTANCE OF 57.03 FEET TO A POINT; THENCE NORTH 1°16'46" WEST, 81.38 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 100.47 FEET, THROUGH A CENTRAL ANGLE OF 36°35'65" AN ARC DISTANCE OF 64.15 FEET TO THE POINT OF BEGINNING.

FURTHER EXCEPT

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH 1°54'08" EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 1100.82 FEET TO A POINT; THENCE NORTH 88°06'54" EAST A DISTANCE OF 301.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH 1°54'22" WEST A DISTANCE OF 170.31 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 7°23'54", AN ARC DISTANCE OF 84.58 FEET TO A POINT; THENCE NORTH 9°18'16" WEST A DISTANCE OF 279.78 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 255.00 FEET, THROUGH A CENTRAL ANGLE OF 10°47'43", AN ARC DISTANCE OF 484.69 FEET TO A POINT; THENCE SOUTH 84°30'33" EAST A DISTANCE OF 734.87 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1200.00 FEET, THROUGH A CENTRAL ANGLE OF 7°23'50", AN ARC DISTANCE OF 154.93 FEET TO A POINT; THENCE NORTH 88°05'37" EAST A DISTANCE OF 758.18 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 12°26'40", AN ARC DISTANCE OF 54.30 FEET TO A POINT; THENCE NORTH 75°38'57" EAST A DISTANCE OF 117.17 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1000.00 FEET, THROUGH A CENTRAL ANGLE OF 10°58'23", AN ARC DISTANCE OF 190.93 FEET TO A POINT; THENCE NORTH 86°35'20" EAST A DISTANCE OF 51.97 FEET TO A POINT; THENCE IN A SOUTHEASTERLY

DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.12 FEET, THROUGH A CENTRAL ANGLE OF 91°30'18", AN ARC DISTANCE OF 239.75 FEET TO A POINT, THENCE SOUTH 1°54'22" EAST A DISTANCE OF 198.72 FEET TO A POINT, THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 13°44'53", AN ARC DISTANCE OF 95.98 FEET TO A POINT, THENCE SOUTH 15°39'14" EAST A DISTANCE OF 8.97 FEET TO A POINT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 77°27'20", AN ARC DISTANCE OF 101.38 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 399.00 FEET, THROUGH A CENTRAL ANGLE OF 8°17'39", AN ARC DISTANCE OF 37.78 FEET TO A POINT, THENCE SOUTH 53°30'26" WEST A DISTANCE OF 85.06 FEET TO A POINT, THENCE SOUTH 38°28'34" EAST A DISTANCE OF 188.64 FEET TO A POINT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 124°35'12", AN ARC DISTANCE OF 489.25 FEET TO A POINT, THENCE SOUTH 88°05'38" WEST A DISTANCE OF 482.75 FEET TO A POINT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 45°00'00", AN ARC DISTANCE OF 117.81 FEET TO A POINT, THENCE SOUTH 43°05'38" WEST A DISTANCE OF 42.24 FEET TO A POINT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 45°00'00", AN ARC DISTANCE OF 196.35 FEET TO A POINT, THENCE SOUTH 88°05'38" WEST A DISTANCE OF 508.35 FEET TO A POINT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 20°30'21", AN ARC DISTANCE OF 178.95 FEET TO A POINT, THENCE SOUTH 87°35'17" WEST A DISTANCE OF 91.73 FEET TO A POINT, THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 119°42'52", AN ARC DISTANCE OF 355.20 FEET TO A POINT, THENCE NORTH 7°18'09" EAST A DISTANCE OF 86.50 FEET TO A POINT, THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 15°12'39", AN ARC DISTANCE OF 132.74 FEET TO A POINT, THENCE NORTH 7°54'30" WEST A DISTANCE OF 28.86 FEET TO A POINT, THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 6°00'09", AN ARC DISTANCE OF 52.38 FEET TO THE POINT OF BEGINNING.

FURTHER EXCEPT

THAT PART PLATTED AS CORBIN PARK, FIRST PLAT, SECOND PLAT, THIRD PLAT, FOURTH PLAT, FIFTH PLAT, SEVENTH PLAT, EIGHTH PLAT, NINTH PLAT, TENTH PLAT, TWELFTH PLAT AND THIRTEENTH PLAT.

135 METCAL ESTATE LINE PROPERTY

1. TRACT M, CORBIN PARK, SECOND PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
2. NORTHERLY AND NORTHEASTERLY HALF OF TRACT O, CORBIN PARK, THIRD PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
3. TRACT R AND S AND LOT 17, CORBIN PARK, FIFTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
4. LOT 18 AND TRACT U, CORBIN PARK, SIXTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
5. LOT 19 AND TRACT V, CORBIN PARK, SEVENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
6. LOT 20, CORBIN PARK, EIGHTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.

7 LOTS 25, 26 AND 27, CORBIN PARK ELEVENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

8 ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, THENCE SOUTH 1°54'06" EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 1100.52 FEET TO A POINT; THENCE NORTH 88°05'54" EAST A DISTANCE OF 301.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH 1°54'22" WEST A DISTANCE OF 170.31 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 7°23'54", AN ARC DISTANCE OF 14.50 FEET TO A POINT; THENCE NORTH 9°18'16" WEST A DISTANCE OF 278.78 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 265.00 FEET, THROUGH A CENTRAL ANGLE OF 104°47'43", AN ARC DISTANCE OF 484.89 FEET TO A POINT; THENCE SOUTH 84°30'33" EAST A DISTANCE OF 234.67 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1200.00 FEET, THROUGH A CENTRAL ANGLE OF 7°23'50", AN ARC DISTANCE OF 154.93 FEET TO A POINT; THENCE NORTH 88°05'37" EAST A DISTANCE OF 758.18 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 12°28'40", AN ARC DISTANCE OF 54.30 FEET TO A POINT; THENCE NORTH 75°38'37" EAST A DISTANCE OF 117.17 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1000.00 FEET, THROUGH A CENTRAL ANGLE OF 10°56'23", AN ARC DISTANCE OF 190.93 FEET TO A POINT; THENCE NORTH 88°35'20" EAST A DISTANCE OF 51.97 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.12 FEET, THROUGH A CENTRAL ANGLE OF 91°30'18", AN ARC DISTANCE OF 239.75 FEET TO A POINT; THENCE SOUTH 1°54'22" EAST A DISTANCE OF 198.72 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 13°44'53", AN ARC DISTANCE OF 95.88 FEET TO A POINT; THENCE SOUTH 15°39'14" EAST A DISTANCE OF 8.97 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 77°27'20", AN ARC DISTANCE OF 101.39 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 309.00 FEET, THROUGH A CENTRAL ANGLE OF 8°17'39", AN ARC DISTANCE OF 57.76 FEET TO A POINT; THENCE SOUTH 53°30'26" WEST A DISTANCE OF 66.06 FEET TO A POINT; THENCE SOUTH 38°29'34" EAST A DISTANCE OF 188.64 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 124°35'12", AN ARC DISTANCE OF 489.28 FEET TO A POINT; THENCE SOUTH 88°05'38" WEST A DISTANCE OF 487.73 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 45°00'00", AN ARC DISTANCE OF 117.81 FEET TO A POINT; THENCE SOUTH 43°05'38" WEST A DISTANCE OF 42.24 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 45°00'00", AN ARC DISTANCE OF 156.35 FEET TO A POINT; THENCE SOUTH 88°05'38" WEST A DISTANCE OF 508.35 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 20°30'21", AN ARC DISTANCE OF 178.85 FEET TO A POINT; THENCE SOUTH 87°35'17" WEST A DISTANCE OF 91.73 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 119°42'32", AN ARC DISTANCE OF 355.20 FEET TO A POINT; THENCE NORTH 7°18'00" EAST A DISTANCE OF 96.50 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 15°12'39", AN ARC DISTANCE OF 132.74 FEET TO A POINT; THENCE NORTH 7°54'30" WEST A DISTANCE OF 28.66 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 5°00'09", AN ARC DISTANCE OF 52.38 FEET TO THE POINT OF BEGINNING

EXCEPT

ALL OF THOSE PARTS PLATTED AS TRACT M, SECOND PLAT, THE NORTHERLY AND NORTHEASTERLY HALF OF TRACT Q, THIRD PLAT, LOT 17 AND TRACT R AND S, FIFTH PLAT, LOT 18, AND TRACT U, SIXTH PLAT, LOT 19 AND TRACT V, SEVENTH PLAT AND LOT 20, EIGHTH PLAT ALL IN CORBIN PARK SUBDIVISION.

FURTHER EXCEPT

ALL OF THAT PART PLATTED AS CORBIN PARK NINTH PLAT AND ALL OF THAT PLATTED AS CORBIN PARK TENTH PLAT

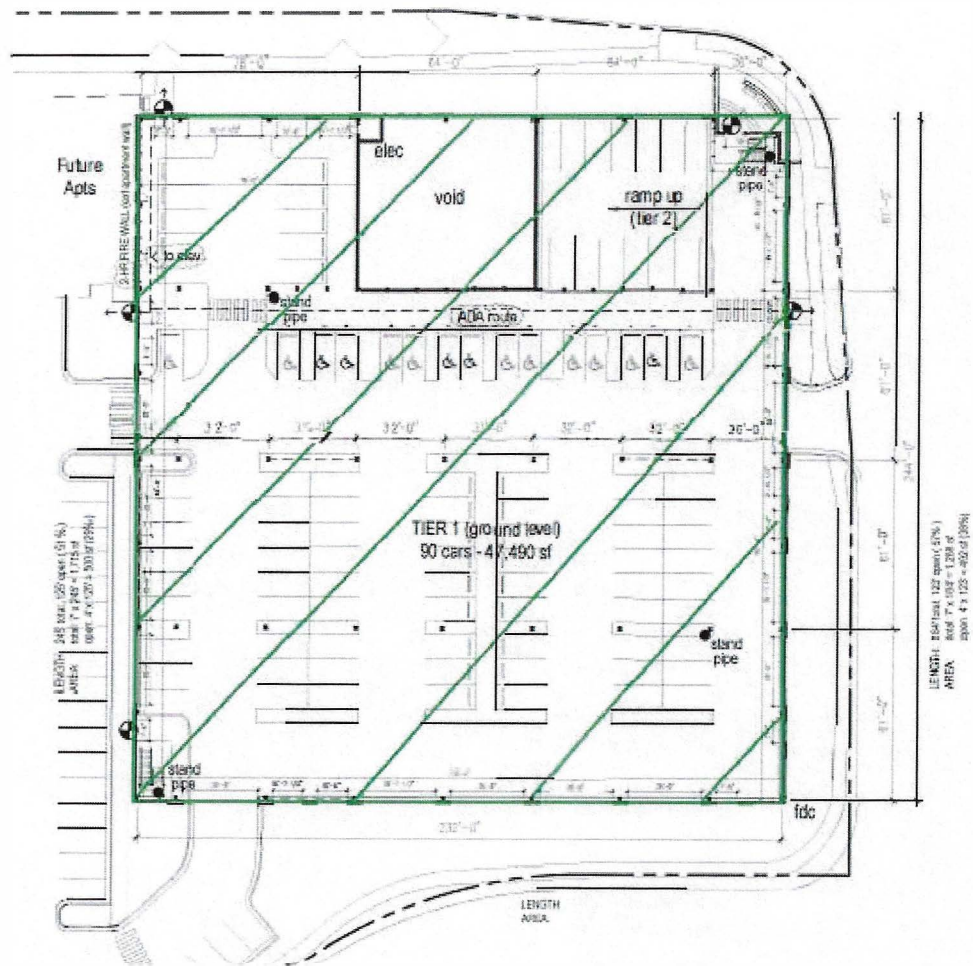
FURTHER EXCEPT

LOTS 25, 26 AND 27, CORBIN PARK, ELEVENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS

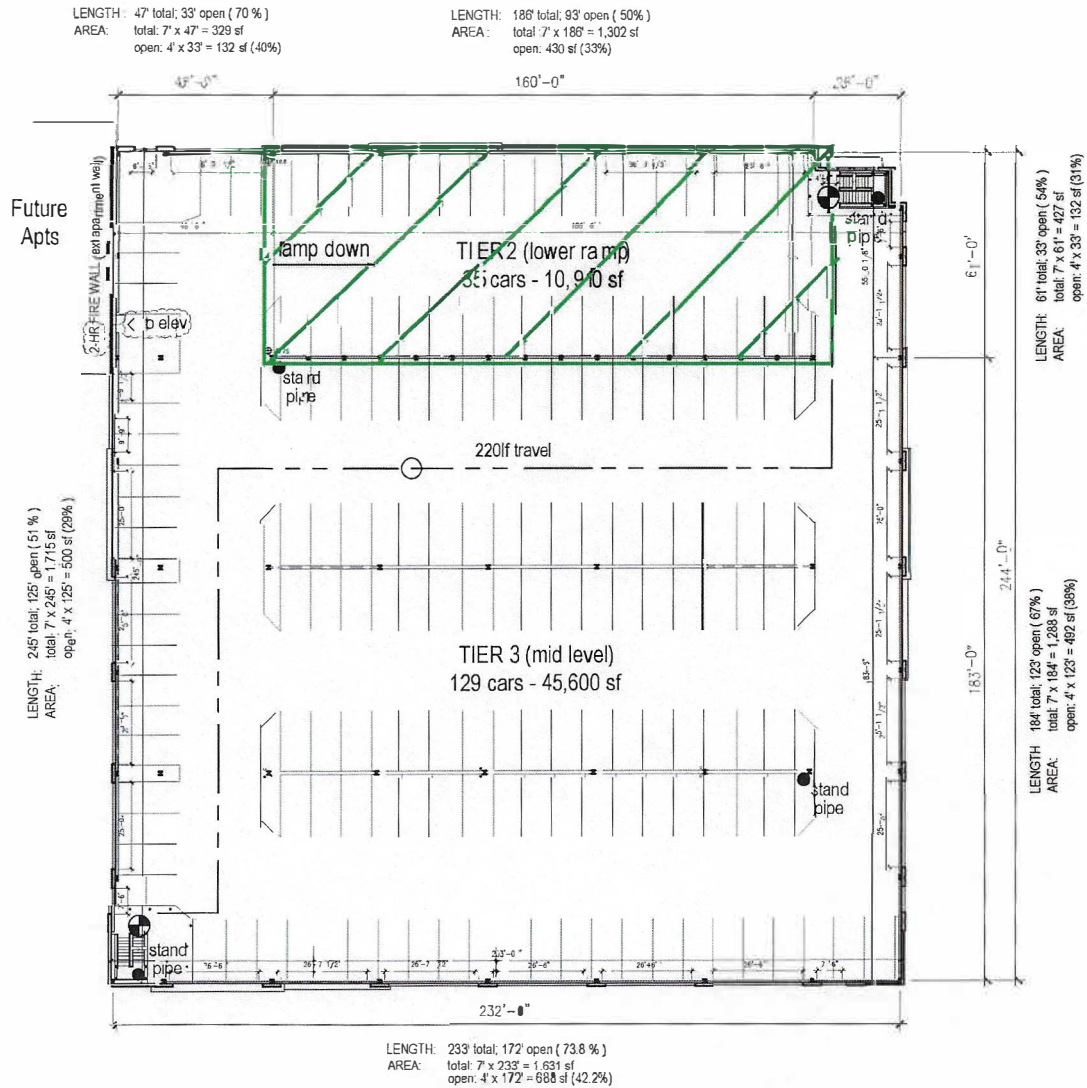
DEPICTION OF RESTRICTED PARKING AREAS

**[areas hatched are for Retail Users, only;
remaining areas are for Apartment Users, only]**

Ground Level



Second Level



Third Level

