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20081002-0000639 10/02/2008
P. 1 of 15 F. \$64.00 02:50:00 PM
Register of Deeds T20080036461
JO CO KS BK:200810 PG:000639

Title of Document: Second Amendment to Declaration Regarding Construction,
Operation and Reciprocal Easements

Date of Document: September 29, 2008

Grantor: 135 Metcalf, L.L.C., an Iowa limited liability company
State Line, L.L.C., an Iowa limited liability company

Grantee: Overland Park Loft Hotel LLC

Grantee's Mailing Address:

Legal Description: Exhibit A, Page 915

Reference Document No: Book 200803, Page 002407
Book 200804, Page 005830

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Please return to:

Robert L. Patterson
First American Title Insurance Company
911 Main St., Suite 2500
Kansas City, MO 64105

WHEN RECORDED RETURN TO:

Max J. Burbach
Koley Jessen P.C., L.L.O.
1125 South 103 Street, Suite 800
Omaha, NE 68124

(Space Above For Recorder's Use Only)

SECOND AMENDMENT TO DECLARATION REGARDING
CONSTRUCTION, OPERATION AND RECIPROCAL
EASEMENTS

made by

135 METCALF, L.L.C.,

an Iowa limited liability company

and

STATE LINE, LLC,

an Iowa limited liability company

and

OVERLAND PARK LOFT HOTEL LLC

a Delaware limited liability company

Reference Book & Page:

Book 200803, Page 002407

Book 200804, Page 005830

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20081002-0000639 10/02/2008
P. 2 of 15 02:50:00 PM
Register of Deeds T20080036461
JO CO KS BK:200810 PG:000639

PLEASE RETURN DOCUMENT TO:

First American Title Insurance Company
National Commercial Services
911 Main, Suite 2500, Kansas City, MO 64105
Attention: Robert L. Patterson
FILE NO. 200803

**SECOND AMENDMENT TO DECLARATION REGARDING
CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENTS**

This Second Amendment to Declaration Regarding Construction, Operation and Reciprocal Easements (the "**Amendment**") is made this 29 day of September, 2008 ("**Effective Date**"), by 135 METCALF, L.L.C., an Iowa limited liability company and STATE LINE, LLC, an Iowa limited liability company (collectively, the "**Developer**") and OVERLAND PARK LOFT HOTEL LLC, a Delaware limited liability company ("**NYLO**").

RECITALS

WHEREAS, 135 Metcalf and State Line previously executed that certain Declaration Regarding Construction, Operation and Reciprocal Easements dated March 5, 2008 and recorded March 7, 2008 at Book 200803, Page 002407, with the Register of Deeds of Johnson County, Kansas, as amended by that certain 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 of Deeds of Johnson County, Kansas (collectively, the "**Declaration**"), pursuant to which 135 Metcalf and State Line jointly as Developer thereunder, established certain terms, provisions, easements, restrictions, covenants and agreements to which that certain real property described on Exhibit "**A**" ("**Shopping Center Property**") is subject to and bound by, pursuant to the terms of the Declaration;

WHEREAS, NYLO is currently the owner of the property described on Exhibit "**B**" attached hereto (the "**NYLO Parcel**");

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

NOW, THEREFORE, in furtherance of all of the foregoing, Developer and NYLO do hereby declare that the Declaration shall be amended as follows:

1. Paragraph B of the Recitals of the Declaration is hereby deleted in its entirety and replaced with the following:

"B. The Shopping Center Property includes: (i) the parcel of land more particularly described in Exhibit "**A-2**" attached hereto (the "**Von Maur Parcel**"), (ii) the parcel of land more particularly described in Exhibit "**A-3**" attached hereto (the "**NYLO Parcel**"), (iii) the parcel of land more particularly described in Exhibit "**A-4**" attached hereto (the "**Parking Structure Parcel**"), (iv) the parcel of land more particularly described in Exhibit "**A-5**" attached hereto (the "**Condominium Parcel**"), (v) the Commerce Bank Parcel, and (vi) various other parcels of land more particularly described in Exhibit "**A-6**" attached hereto (the parcels described in Exhibits "**A-4**" and "**A-6**" are hereinafter collectively referred to as the "**Developer Property**")."

2. Paragraph E of the Recitals of the Declaration is hereby deleted in its entirety and replaced with the following:

"E. The Condominium Parcel is anticipated to be sold and conveyed in fee simple to Penney (as hereinafter defined) on or about the date hereof or shortly hereafter, in connection with which the sale of the Condominium Parcel shall, on or about the date hereof (or as promptly hereafter as is able to be accomplished in

accordance with Kansas law), be subjected to a Declaration of Condominium (the "**Condominium Declaration**") in accordance with the Kansas Apartment Ownership Act and, as a result, established as a condominium (the "**Condominium**") containing three (3) units, being (X) a condominium unit where the Penney Store will be located (the "**Penney Unit**"), (Y) a condominium unit located beneath a portion of the Penney Unit where a covered parking area will be located (the "**Parking Unit**"), and (Z) a condominium unit located beneath a portion of the Penney Unit in which certain Developer's Stores will be located (the "**Small Shops Unit**"), and certain other "**Common Elements**", all as hereinafter and in the Condominium Declaration more particularly described or to be described."

3. The last sentence of Paragraph F of the Recitals of the Declaration is hereby deleted in its entirety and replaced with the following:

"The Penney Unit and Parking Unit described herein are sometimes collectively referred to as the "**Penney Property**" or the "**Penney Parcels**".

4. Subsection (i) within the definition of "**Common Area**" in Section 1.1 of the Declaration shall be deleted in its entirety and replaced with the following:

"(i) with vertical improvements or structures (except for the Parking Unit and the Parking Structure Parcel, for which the Parking Area located on such parcels shall be deemed Common Area), or"

5. The last sentence within the definition of "**Parking Area**" in Section 1.1 of the Declaration shall be deleted in its entirety and replaced with the following:

"Without limitation, the Parking Area includes (i) those portions of the Common Area described in the preceding sentence which are located within the Parking Unit and the Parking Structure Parcel, (ii) the Hotel Parking Area, and (iii) the Hotel Adjacent Parking Area.

6. Throughout the remainder of the Declaration, the term "**Penney Parking Parcel**" shall be deleted and replaced with "**Parking Structure Parcel**".

7. The following language shall be added at the end of Section 2.6 of the Declaration:

"Notwithstanding the foregoing, Developer grants to the Owners of the Penney Unit, the Parking Unit, and the Small Shop Unit (collectively, the "**Condo Owners**"), as well as to the Condominium (including without limitation the entity administering the Condominium pursuant to the Condominium Declaration) an easement to install, maintain and/or replace as part of the improvements constructed or to be constructed on the Condominium Parcel, all foundation systems, including without limitation all footings, slabs, underground supports, building support columns, pillars, piers, buttresses and all other foundation systems that extend beyond the boundary line of the Condominium Parcel onto the Developer Parcels, with the location of such easements granted being located where such items are ultimately installed (collectively, the "**Foundation Encroachments**"). Developer hereby acknowledges and agrees that the Foundation Encroachments, once constructed and installed, may remain in the location ultimately installed and will not be relocated, removed or altered in any fashion without the Condo

Owners' and the Condominium's prior written approval. The easements established relative to the Foundation Encroachments: (1) are perpetual and shall continue in effect following the expiration or termination of this Declaration, so long as the improvements on the Condominium Parcel utilizing the easement area exist (including a reasonable period to permit reconstruction or replacement of such improvements if the same shall be destroyed, damaged or demolished); (2) include the reasonable right of access across the Developer Parcels necessary to exercise and enjoy such grant; and (3) shall be appurtenant to and for the benefit of the Condominium Parcel (including all improvements constructed or to be constructed thereon), the Owners of the Penney Unit, the Parking Unit, and the Small Shop Unit as well as to the Condominium (including without limitation the entity administering the Condominium pursuant to the Condominium Declaration), and shall be binding on, enforceable against and burden the Developer and the Developer's Parcels."

8. The following language shall be added at the end of Section 4.2 of the Declaration:

"Notwithstanding the Common Area depicted on the Site Plan, a parking structure not to exceed two (2) levels shall be permitted on the Parking Structure Parcel, subject to ordinances, regulations or requirements of the local municipal or county governing body or other lawful authorities having jurisdiction over the Shopping Center."

9. Except as modified and amended herein, all other terms and conditions of the Declaration shall remain unchanged and in full force and effect. All capitalized terms in this Amendment which are not otherwise defined herein shall have the meaning ascribed to them in the Declaration.

10. 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, Developer has caused this Amendment to be executed the day and date first above written.

"DEVELOPER"

135 METCALF, L.L.C.,
an Iowa limited liability company

By: _____

Name: Jeffrey W. Johnson

Its: Manager

STATE LINE, LLC,
an Iowa limited liability company

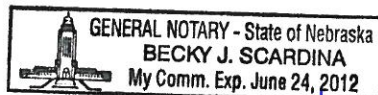
By: _____

Name: Jeffrey W. Johnson

Its: Manager

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) SS.

The foregoing instrument was acknowledged before me this 26 day of September, 2008, by Jeffrey W. Johnson, the Manager of 135 METCALF, L.L.C., an Iowa limited liability company, on behalf of said company.

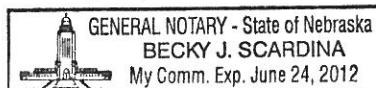


Becky J. Scardina
Notary Public

My Commission Expires: June 24, 2012

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) SS.

The foregoing instrument was acknowledged before me this 26 day of September, 2008, by Jeffrey W. Johnson, the Manager of STATE LINE, LLC, an Iowa limited liability company, on behalf of said company.



Becky J. Scardina
Notary Public

My Commission Expires: June 24, 2012

"NYLO"

OVERLAND PARK LOFT HOTEL LLC, a Delaware
limited liability company

By: 

Name: David Klein

Its: Authorized Signatory

STATE OF Georgia)
COUNTY OF Dekalb)

SS.

The foregoing instrument was acknowledged before me this 29 day of
September, 2008, by David Klein, Authorized Signatory of OVERLAND PARK
LOFT HOTEL LLC, a Delaware limited liability company, on behalf of said company.


Notary Public

My Commission Expires: 2/28/2011



ACKNOWLEDGMENT AND AGREEMENT OF LIEN HOLDER

The First National Bank of Olathe, as the holder of that certain Construction Mortgage, dated October 12, 2007 and recorded October 16, 2007 in Book 200710, at Page 004820 of Official Records (the "Mortgage"), which encumbers a portion of the Shopping Center Property, hereby consents to the execution and recording of this Amendment and states, on behalf of itself and its successors and assigns, that the Mortgage shall be subject and subordinate to the terms and conditions of this Amendment so that such Amendment shall not be terminated but shall continue in effect notwithstanding any foreclosure or other acquisition of title pursuant to the Mortgage.

IN WITNESS WHEREOF, The First National Bank of Olathe has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, all done at Shawnee, Kansas on this 26th day of September, 2008.

THE FIRST NATIONAL BANK OF OLATHE

By

Diane Myers, VP

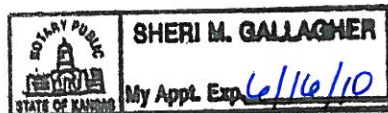
Name

Diane Myers, Vice President
First National Bank of Olathe

STATE OF Kansas)
COUNTY OF Johnson) SS

On this 26th day of September, 2008, before me, a Notary Public in and for said county and state, personally appeared Diane Myers, who executed the foregoing Acknowledgement and Agreement of Lien Holder, and acknowledged before me that he was duly authorized and did execute the same as V.P. of The First National Bank of Olathe, a _____, on behalf of the _____.

GIVEN under my hand and Notarial Seal, this 26th day of September 2008.



Sheri M. Gallagher
Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION OF SHOPPING CENTER PROPERTY

I. COMMERCE BANK PROPERTY

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

II. 135 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, N, 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

Exhibit "A"

WAY LINE OF METCALF AVENUE; THENCE NORTH 1°54'05" WEST ALONG THE EAST RIGHT OF WAY LINE OF METCALF AVENUE A DISTANCE OF 716.69 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°56'41" 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 2560.00 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 890.00 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 25.00 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°51'06", AN ARC DISTANCE OF 157.39 FEET TO A POINT; THENCE SOUTH 79°29'17" 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 635.00 FEET, THROUGH A CENTRAL ANGLE OF 37°41'13", AN ARC DISTANCE OF 417.68 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 565.00 FEET, THROUGH A CENTRAL ANGLE OF 46°19'31", AN ARC DISTANCE OF 456.82 FEET TO A POINT; THENCE SOUTH 88°07'38" 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°54'00", AN ARC DISTANCE OF 410.16 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°05'37" 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

Exhibit "A"

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, 19.68 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, 61.39 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°35'05" 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°54'06" 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 64.56 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 265.00 FEET, THROUGH A CENTRAL ANGLE OF 104°47'43", AN ARC DISTANCE OF 484.69 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°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°56'23", 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 196.72 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 6.97 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 399.00 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 36°29'34" EAST A DISTANCE OF 188.64 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT,

Exhibit "A"

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 462.75 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 506.35 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 67°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 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 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.

III. 135 METCALF/STATE 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 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.
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.

Exhibit "A"

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. LOT 28, LOT 30 AND TRACT B, CORBIN PARK, FOURTEENTH 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 NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH $1^{\circ}54'06''$ EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 1100.52 FEET TO A POINT; THENCE NORTH $88^{\circ}05'54''$ EAST A DISTANCE OF 301.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH $1^{\circ}54'22''$ 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 $7^{\circ}23'54''$, AN ARC DISTANCE OF 64.56 FEET TO A POINT; THENCE NORTH $9^{\circ}18'16''$ 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 265.00 FEET, THROUGH A CENTRAL ANGLE OF $104^{\circ}47'43''$, AN ARC DISTANCE OF 484.69 FEET TO A POINT; THENCE SOUTH $84^{\circ}30'33''$ 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 $7^{\circ}23'50''$, AN ARC DISTANCE OF 154.93 FEET TO A POINT; THENCE NORTH $88^{\circ}05'37''$ 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 $12^{\circ}26'40''$, AN ARC DISTANCE OF 54.30 FEET TO A POINT; THENCE NORTH $75^{\circ}38'57''$ 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 $10^{\circ}56'23''$, AN ARC DISTANCE OF 190.93 FEET TO A POINT; THENCE NORTH $86^{\circ}35'20''$ 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 $91^{\circ}30'18''$, AN ARC DISTANCE OF 239.75 FEET TO A POINT; THENCE SOUTH $1^{\circ}54'22''$ EAST A DISTANCE OF 196.72 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 $13^{\circ}44'53''$, AN ARC DISTANCE OF 95.98 FEET TO A POINT; THENCE SOUTH $15^{\circ}39'14''$ EAST A DISTANCE OF 6.97 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 $77^{\circ}27'20''$, AN ARC DISTANCE OF 101.39 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 399.00 FEET, THROUGH A CENTRAL ANGLE OF $8^{\circ}17'39''$, AN ARC DISTANCE OF 57.76 FEET TO A POINT; THENCE SOUTH $53^{\circ}30'26''$ WEST A DISTANCE OF 66.06 FEET TO A POINT; THENCE SOUTH $36^{\circ}29'34''$ EAST A DISTANCE OF 188.64 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT,

Exhibit "A"

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 462.75 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 506.35 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 67°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 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 6°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.

FURTHER EXCEPT

LOT 28, LOT 30 AND TRACT B, CORBIN PARK, FOURTEENTH 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.

Exhibit "A"

EXHIBIT "B"

NYLO PARCEL

LOT 28, CORBIN PARK, FOURTEENTH PLAT, A SUBDIVISION IN THE CITY
OF OVERLAND PARK, JOHNSON COUNTY, KANSAS.

Exhibit "B"

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