



Agenda

**REGULAR MEETING
GOVERNING BODY
CITY OF LENEXA, KANSAS
17101 W. 87th STREET PARKWAY**

**FEBRUARY 1, 2022
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

APPROVE MINUTES

January 18, 2022 City Council meeting draft minutes
(located in the Appendix)

MODIFICATION OF AGENDA

APPOINTMENTS

Police Community Advisory Board:
Jeff Boone
Geoff Garcia
Milton Jeffrey
Alice Nascimento
Vanessa Vaughn West

CONSENT AGENDA

Item Numbers 1 through 3

All matters listed within the Consent Agenda have been distributed to each member of the Governing Body for review, are considered to be routine, and will be enacted by one motion with no separate discussion. If a member of the Governing Body or audience desires separate discussion on an item, that item may be removed from the Consent Agenda and placed on the regular agenda.

1. Resolution calling for a public hearing to consider establishing a Community Improvement District for the 87 Renner Multi-Family Project located at the northeast corner of 87th Street Parkway & Renner Boulevard

The City received an application and petition from 87 Renner, LLC to establish a Community Improvement District (CID) for a mixed-use project located on the northeast corner of 87th Street Parkway & Renner Boulevard. The petition requested the levy of a 1% CID sales tax on all sales within the proposed CID area. A public hearing will be held at the March 1, 2022 City

Council meeting to consider establishing a CID.

2. Resolution approving adjustments to the pay ranges contained in the fiscal year 2022 Pay Plan and authorizing the City Manager to implement the updated pay plan

The City's pay plan is a key component in recruiting and retaining a quality workforce. Staff worked with Lockton Companies, Inc. to review the plan's internal equity and market competitiveness. Staff recommends changes to the pay grades and salary ranges. The estimated cost of annual increases and pay plan adjustments is \$1.75 million.

3. Ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of the 99th Street & Clare Road Improvement Project

For the construction of public improvements associated with the 99th Street & Clare Road Improvement Project, an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation is needed. This ordinance authorizes City staff and its acquisition counsel to file a condemnation petition with the district court to acquire the easements and rights-of-way necessary.

END OF CONSENT AGENDA

OLD BUSINESS

4. Acceptance of the Old Town Wayside Horns Project for maintenance

The project installed wayside horns at the BNSF crossings on Pflumm Road and Noland Road in Old Town. The project also included upgrades to the BNSF railroad equipment.

BUSINESS FROM FLOOR

Comments will be accepted from the audience on items not listed on the agenda. Please limit remarks to a maximum of five (5) minutes per person/issue.

COUNCILMEMBER REPORTS

STAFF REPORTS

ADJOURN

APPENDIX

5. January 18, 2022 City Council meeting draft minutes
6. Community Advisory Board Appointments Memo
7. Item 1 -- 87 Renner CID Petition

Dist. Governing Body; Management Team; Agenda & Minutes Distribution List

IF YOU NEED ANY ACCOMMODATIONS FOR THE MEETING, PLEASE CONTACT THE CITY ADA COORDINATOR, 913/477-7550. KANSAS RELAY SERVICE 800/766-3777. PLEASE GIVE 48 HOURS NOTICE



**CITY COUNCIL
MEMORANDUM**

ITEM 1

SUBJECT: Resolution calling for a public hearing to consider establishing a Community Improvement District for the 87 Renner Multi-Family Project located at the northeast corner of 87th Street Parkway & Renner Boulevard

CONTACT: Sean McLaughlin, City Attorney

DATE: February 1, 2022

ACTION NEEDED:

Adopt a resolution calling for a public hearing to consider establishing a Community Improvement District (CID) for the 87 Renner Multi-Family Project located at the northeast corner of 87th Street Parkway & Renner Boulevard.

PROJECT BACKGROUND/DESCRIPTION:

The City received a petition from 87 Renner, LLC ("Developer"), which owns 100% of the land within the proposed CID. In order to establish a CID, the City must hold a public hearing. The attached resolution provides notice of a public hearing to consider the establishment of a CID over the project located on the northeast corner of 87th Street Parkway & Renner Boulevard. The public hearing will be held at the March 1, 2022 City Council meeting at 7 PM or as soon thereafter as may be heard. At the public hearing, staff will present more detailed information regarding the proposed CID project. After the presentation, all interested persons will be provided an opportunity to be heard. Following the public hearing, the Governing Body, by a majority vote, may pass an ordinance establishing the CID.

The proposed CID will levy a 1% CID sales tax on all property within the CID, which covers 7.07 acres ("Property"). The Developer is constructing a mixed-use multi-family development including 250 multi-family units, 10,000 square feet of retail, structured parking, and other associated infrastructure ("CID Project"). The CID sales tax will commence on or about January 1, 2024 and the funds will be used to pay for approved CID eligible costs associated with the CID Project. Construction on the project is expected to commence in summer 2022 with completion by summer 2024. The applicant previously received approval for Project Plan 4C in the City Center TIF District.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

It is proposed that this will be a reimbursement CID financed with a 1% CID sales tax on retail sales within the CID area.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

1. Map
2. Resolution
3. Petition located in the Appendix

87 Renner CID Area



RESOLUTION NO. _____

A RESOLUTION GIVING NOTICE OF A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT OVER A PORTION OF LAND IN THE CITY OF LENEXA, KANSAS (87 RENNER MULTI-FAMILY PROJECT).

WHEREAS, K.S.A. 12-6a26 *et seq.*, as amended, establishes the Community Improvement District Act (the “Act”) for economic development and any other purpose for which public money may be expended; and

WHEREAS, cities are authorized to create a community improvement district (“CID”) to assist with the financing of eligible projects provided cities comply with the procedures set forth in the Act; and

WHEREAS, the City received a petition from the owners of record of more than 100% of the land within the proposed CID and the owners of record of more than 100% by assessed value of the land area within the proposed CID generally described as the northeast corner of 87th Street Parkway and Renner Boulevard (the “Project”) and legally described in Section 8 herein; and

WHEREAS, in order to assist in the development and redevelopment of the CID Project, the City desires to consider the establishment of a CID as requested by Petitioners and in accordance with the Act; and

WHEREAS, K.S.A. 12-6a29 provides that any city proposing to establish a CID must adopt a resolution stating that the city is considering the establishment of a CID and include in such resolution notice that a public hearing will be held to consider the establishment of the CID.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS, AS FOLLOWS:

SECTION 1. A public hearing to consider the advisability of creating a CID shall be held at the Lenexa City Council meeting on March 1, 2022 at 7:00 p.m., central daylight time or as soon thereafter as it may be heard, in the Council Chambers at the Lenexa City Hall, 17101 W. 87th St. Pkwy, Lenexa, Kansas.

SECTION 2. The general nature of the CID Project consists of the construction of a mixed-use development that is anticipated to include a multi-story apartment building consisting of approximately 250 multi-family units and approximately 10,000 square feet of retail, land acquisition, structured and surface parking, landscaping, hardscaping, utilities, sidewalks, and related site amenities, signage and associated infrastructure improvements on the Petitioner Property. The Petitioner is requesting that revenues generated from a CID Sales Tax be used to pay for or reimburse some or all of the Project costs. The general

components of the Project include but are not limited to such items as site preparation and development, construction of buildings and tenant finish improvements, including FF&E, construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the CID Project as authorized by the Act.

SECTION 3. The estimated total cost of the CID Project is \$54,209,404.

SECTION 4. The proposed method of financing the Project is through a combination of private equity, private debt and Pay-as-you-go financing reimbursed with a CID sales tax in the amount of one percent (1%). The City may entertain a future request to issue CID Special Obligation Bonds if the City deems it is feasible and in the best interest of the City, but the City is not obligated to approve such issuance. Further, the City will not be issuing full faith and credit bonds to finance this proposed Project.

SECTION 5. The amount of the CID sales tax to be levied is one percent (1%) for a term of twenty-two (22) years from the date the CID sales tax is first collected and the Petition proposes an January 1, 2024 commencement date for the CID sales tax.

SECTION 6. There will be no CID special assessment levied on the property as a result of the CID petition.

SECTION 7. A map of the proposed CID is included in Exhibit A attached to this Resolution and incorporated herein.

SECTION 8. The legal description of the proposed CID is as follows:

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 12, RANGE 24, IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 12 S., RANGE. 24 E., JOHNSON COUNTY, KANSAS; THENCE N. 02° 16' 12" W. ON THE WEST LINE OF SAID SECTION A DISTANCE OF 110.00 FEET; THENCE N. 87° 34' 00" E. A DISTANCE OF 50.00 FEET TO A POINT, THIS SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF RENNER ROAD, THE WESTERLY RIGHT-OF-WAY OF INTERSTATE ROUTE 435 AND THE TRUE POINT OF BEGINNING; THENCE N. 2° 16' 12" W. ON SAID EASTERLY RIGHT-OF-WAY A DISTANCE OF 654.54 FEET; THENCE N. 87° 34' 00" E. A DISTANCE OF 535.25 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE ROUTE 435; THENCE S. 8° 55' 33" W ON SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 616.62 FEET; THENCE S. 66° 31' 45" W. ON SAID WESTERLY RIGHT-OF-WAY 139.28 FEET; THENCE S. 87° 34' 00" W. ON SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 285.67 FEET TO THE

.TRUE POINT OF BEGINNING, EXCEPT THAT PART USED OR DEDICATED FOR STREETS, ROADS OR HIGHWAYS.

SURVEYORS RECOMMENDED PROPERTY DESCRIPTION:

ALL THAT PART OF AN UNPLATTED TRACT OF LAND, LYING IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 24 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29-T12S-R24E; THENCE NORTH 02 DEGREES 12 MINUTES 39 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 110.13 FEET; THENCE NORTH. 87 DEGREES 47 MINUTES 21 SECONDS EAST, DEPARTING THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 50.00 FEET, TO THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 435 AND THE EAST RIGHT-OF-WAY LINE OF RENNER BOULEVARD, AS BOTH ARE NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 02 DEGREES 12 MINUTES 39 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RENNER BOULEVARD, A DISTANCE OF 588.91 FEET; THENCE NORTH 58 DEGREES 20 MINUTES 54 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF- WAY LINE OF SAID RENNER BOULEVARD, A DISTANCE OF 50.07 FEET; THENCE NORTH 01 DEGREES 13 MINUTES 27 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RENNER BOULEVARD, A DISTANCE OF 41.21 FEET, TO A POINT ON THE SOUTH LINE OF WATERCREST AT CITY CENTER, A SUBDIVISION IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS; THENCE NORTH 87 DEGREES 38 MINUTES 26 SECONDS EAST, DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID RENNER BOULEVARD, AND ALONG THE SOUTH LINE OF SAID WATERCREST AT CITY CENTER, A DISTANCE OF 489.25 FEET, TO THE SOUTHEAST CORNER OF SAID SUBDIVISION, SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435; THENCE SOUTH 08 DEGREES 59 MINUTES 50 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435, A DISTANCE OF 616.58 FEET; THENCE SOUTH 66 DEGREES 36 MINUTES 11 SECONDS WEST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435, A DISTANCE OF 139.30 FEET; THENCE SOUTH 87 DEGREES 38 MINUTES 11 SECONDS WEST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435, A DISTANCE OF 285.59 FEET, TO THE POINT OF BEGINNING.

SECTION 9. The Governing Body shall consider findings necessary for the establishment of the proposed CID.

SECTION 10. A copy of this Resolution shall be mailed by certified mail, return receipt requested, to each owner and occupant of land within the proposed CID project area at least 10 days prior to the date of the public hearing. The City Clerk shall publish this resolution at least once each week for two consecutive weeks in the official city newspaper with the second publication occurring at least seven days prior to the date fixed for the public hearing.

SECTION 11. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Lenexa City Council this 1st day of February, 2022.

SIGNED by the Mayor this 1st day of February, 2022.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

[illegible]



**CITY COUNCIL
MEMORANDUM**

ITEM 2

SUBJECT: Resolution approving adjustments to the pay ranges contained in the fiscal year 2022 Pay Plan and authorizing the City Manager to implement the updated pay plan

CONTACT: James Bowers, Human Resources Director
Kristin Crow, Human Resources Manager

DATE: February 1, 2022

ACTION NEEDED:

Adopt a resolution approving adjustments to the pay ranges contained in the fiscal year (FY) 2022 Pay Plan and authorizing the City Manager to implement the updated pay plan.

PROJECT BACKGROUND/DESCRIPTION:

The City's pay plan is a key component in recruiting and retaining a quality workforce. During FY 2017, staff worked with Lockton Companies, Inc. ("Lockton") to develop an updated pay plan, which was last updated in 2014. The updated FY 2018 pay plan was approved and implemented in February 2018.

In the fall of 2021, staff again worked with Lockton to conduct a comprehensive Pay Study. Based on this study, Lockton and City staff reviewed the internal equity and market competitiveness of the City's pay plan. The following concepts were used to perform this review:

- Ensuring the pay plan is fair to all employees and maintains internal equity between jobs.
- Using comprehensive and relevant data to review the structure of the pay plan, staff gathered pay data from the same local peer organizations (including the Central Jackson County, MO Fire Protection District, Consolidated Fire District No. 2 -- Johnson County, Johnson County and the cities of Lawrence, Leawood, Olathe, Overland Park, and Shawnee) used for the 2018 pay plan to do this analysis.
- Structuring changes to the pay plan to remain within the budgetary resources allocated for pay in the FY 2022 Budget. As a result of this review, staff recommends changes to the plan's 21 non-public safety pay grades, (shown as pay grades D - U) and the police and fire pay grades, along with the minimum, mid-point and maximum annual base pay amounts listed for each pay grade. The plans and proposed pay ranges are attached.

In addition, a number of employees are recommended to receive market pay adjustment increases. These increases will be effective in the first pay period in March, 2022. All eligible employees will also receive an annual increase of 3% effective August 1, 2022.

Consistent with past practice, the City Manager, or a designee, will determine 2022 allowance payments

(i.e., car allowances and technology allowances, etc.) for eligible positions. Allowance rates are unchanged from 2021; and Governing Body members will receive a compensation increase of 3%, effective August 1, 2022.

In future years, staff will annually review relevant pay data and recommend any required adjustments to the pay ranges and amounts for annual pay increases. These efforts will help ensure the City’s pay plan remains competitive with local peer organizations. Any future pay adjustments are contingent upon available budgetary resources and will require Governing Body approval on an annual basis.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The 2022 budget includes \$1.62 million for market pay adjustments and annual pay increases. The estimated cost of annual pay increases and market pay adjustment increases is \$1.75 million. The \$113,000 difference will be covered by salary savings in FY 2022 due to employee retirements and resignations.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Thriving Economy

Guiding Principles
Values-based Organizational Culture

ATTACHMENTS

- 1. Exhibit
- 2. Resolution

City of Lenexa, Kansas 2022 Pay Plan			
<i>Grade</i>	<i>Minimum</i>	<i>Mid-point</i>	<i>Maximum</i>
D	\$32,064	\$39,199	\$46,333
E	\$34,335	\$41,975	\$49,617
F	\$36,978	\$45,206	\$53,434
G	\$39,491	\$48,278	\$57,066
H	\$42,875	\$52,417	\$61,957
I	\$46,454	\$56,529	\$66,603
J	\$50,452	\$61,306	\$72,906
K	\$54,845	\$67,048	\$79,253
L	\$59,667	\$72,944	\$86,221
M	\$64,995	\$79,458	\$93,920
N	\$71,183	\$87,023	\$102,863
O	\$80,958	\$98,973	\$116,987
P	\$88,826	\$108,591	\$128,357
Q	\$98,020	\$119,832	\$141,643
R	\$105,157	\$128,556	\$151,957
S	\$115,147	\$140,769	\$166,392
T	\$129,474	\$158,284	\$187,096
U	\$143,521	\$175,809	\$207,810

Sworn Fire Pay Grades			
<i>Classification</i>	<i>Minimum</i>	<i>Mid-point</i>	<i>Maximum</i>
Firefighter	\$46,751	\$57,817	\$68,882
MFF/Fire Medic	\$59,817	\$68,784	\$77,750
FF/Paramedic	\$62,721	\$73,849	\$84,976
Fire Lieutenant	\$66,231	\$79,365	\$92,500
Fire Captain	\$75,790	\$87,895	\$100,000
Battalion Chief	\$92,920	\$110,210	\$127,500
Division Chief	\$101,808	\$119,654	\$137,500
Deputy Chief	\$107,464	\$127,482	\$147,500
Sworn Police Pay Grades			
<i>Classification</i>	<i>Minimum</i>	<i>Mid-point</i>	<i>Maximum</i>
Police Officer	\$51,116	\$61,388	\$71,660
MPO	\$59,817	\$72,127	\$84,436
Corporal	\$66,231	\$79,365	\$92,500
Sergeant	\$75,790	\$87,895	\$100,000
Captain	\$92,920	\$110,210	\$127,500
Major	\$101,808	\$119,654	\$137,500
Deputy Chief	\$107,464	\$127,482	\$147,500

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING THE FISCAL YEAR
2022 ANNUAL PAY PLAN ADJUSTMENTS.**

WHEREAS, the City of Lenexa (the “City”) takes pride in its outstanding workforce and a comprehensive pay plan is a key component in recruiting and retaining a quality workforce; and

WHEREAS, during fiscal year 2021, City staff worked with Lockton Companies, Inc. to conduct a comprehensive pay study and review the City’s existing pay plan, its internal equity, and its market competitiveness; and

WHEREAS, as a result, staff recommends adoption of the fiscal year 2022 pay plan, which includes the following (the “2022 Pay Plan”):

- a. The annual compensation increase will be 3.0% for all eligible employees effective on August 1, 2022;
- b. 2022 pay ranges are established per Exhibit A attached hereto and incorporated by reference;
- c. Market pay plan adjustment increases for eligible employees will be calculated by Human Resources staff working with Lockton Companies, Inc. and approved by the City Manager. Market pay plan adjustment increases will be effective in the first pay period in March, 2022;
- d. Consistent with past practice, the City Manager or her designee will determine 2022 allowance payments (i.e., car allowances and technology allowances, etc.) for eligible positions;
- e. Governing Body members will receive a compensation increase of 3.0% effective on August 1, 2022; and

NOW, THEREFORE, be it resolved by the Governing Body of the City of Lenexa, Kansas that:

SECTION ONE: The proposed 2022 Pay Plan as listed above and shown in Exhibit A is hereby approved and the City Manager is authorized to implement the 2022 Pay Plan.

SECTION TWO: This resolution shall become effective immediately upon adoption.

ADOPTED by the Lenexa City Council this 1st day of February, 2022.

SIGNED by the Mayor this 1st day of February, 2022.

CITY OF LENEXA, KANSAS

By: _____
Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 3

SUBJECT: Ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of the 99th Street & Clare Road Improvement Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: February 1, 2022

ACTION NEEDED:

Pass an ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of the 99th Street & Clare Road Improvement Project.

PROJECT BACKGROUND/DESCRIPTION:

The 99th Street & Clare Road Improvement Project ("Project") will construct:

- 99th Street as a four-lane, divided roadway from the current end-of-pavement at 98th Street easterly 2,550 feet to future Clare Road
- Clare Road from the current end-of pavement at 97th Terrace southerly 1,350 feet to the proposed 99th Street extension
- Standard arterial roadway section
- Sidewalks and multi-use trail
- Storm sewers
- Street lighting
- Traffic signal improvements
- Water quality facilities

Clare Road will require grading for the four-lane section, but the Project will only construct the eastern-most two lanes of roadway at this time.

Construction is anticipated to begin spring 2022. This ordinance authorizes the City's property acquisition counsel to file a condemnation petition with the district court to acquire the easements and rights-of-way necessary for the Project.

On May 18, 2021, the City Council adopted Resolution 2021-043, which authorized City staff to begin the acquisition process. Resolution 2021-043 authorized the Community Development Director, or a designee,

to negotiate and approve offers for the easements and rights-of-way necessary for the Project and to enter into agreements accomplishing such acquisition, whose value does not exceed authorization under the City's purchasing policy; and the City Manager, or a designee, to enter into all other agreements accomplishing such acquisition; provided there is sufficient funding available in the approved project budget to accomplish the same.

The Project requires easements from 17 tracts, 14 of which are anticipated to be included in the condemnation proceedings. The City, however, will continue to negotiate the acquisitions for each of the remaining tracts during the condemnation process and remove any tracts from the condemnation proceedings as they are acquired.

Upon passage of the ordinance, the condemnation proceedings will take approximately 90 days. The condemnation proceedings will not affect the timeline for the Project.

The City has contracted with Orrick & Erskine as its acquisition counsel.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This Capital Improvement Program project (Project No. 60100) will be funded with Capital Improvement Funds (general obligation bonds). The total budget is \$7,765,000.

STAFF RECOMMENDATION:

Passage of the ordinance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles




Responsible Economic Development
Strategic Community Investment

ATTACHMENTS

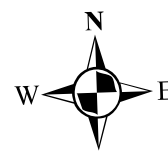
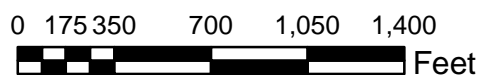
1. Map
2. Ordinance



Legend

-  Sidewalks
 Trails
 Parcels

99th Street and Clare Road Improvements



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF THE 99TH STREET AND CLARE ROAD PUBLIC IMPROVEMENTS PROJECT LENEXA, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Lenexa, Kansas (the "City") did by Resolution No. 2021-043, declare the necessity for, and authorize a survey and description of lands or interests therein to be acquired by the City for the following:

Construction of the 99th Street and Clare Road Improvements Project.

The project includes construction of a sixty-four foot wide roadway with sidewalk, multi-use trail, storm sewer and street lighting systems, utility relocation, landscaping, and all appurtenant facilities, as well as easement and condemnation costs; preliminary and final engineering; survey, staking, grading, and erosion control; appraisal fees; construction supervision/inspection; testing; and other related improvements to be constructed with the main improvement; City administrative costs; legal fees; and costs associated with the bond and interest expense associated with financing the improvement and other necessary appurtenances; and

WHEREAS, said survey and description was prepared and is maintained at the Lenexa City Hall.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: It is hereby authorized and provided that the lands or interests therein, hereafter described, be acquired for the following improvement:

Construction of the 99th Street and Clare Road Improvements Project.

The project includes construction of a sixty-four foot wide roadway with sidewalk, multi-use trail, storm sewer and street lighting systems, utility relocation, landscaping, and all appurtenant facilities, as well as easement and condemnation costs; preliminary and final engineering; survey, staking, grading, and erosion control; appraisal fees; construction supervision/inspection; testing; and other related improvements to be constructed with the main improvement; City administrative costs; legal fees; and costs associated with the bond and interest expense associated with financing the improvement and other necessary appurtenances.

For purposes of this Ordinance, the term “Permanent Drainage Easement” shall mean the following:

“Subject to existing easements and restrictions of record, the permanent and perpetual right for City, its agents, employees, contactors, successors and assigns to enter upon and make use of the described real property to locate, build, construct, maintain and repair storm water drainage facilities, including grading, together with the necessary appurtenances thereto, together with the right of ingress and egress for the purpose of construction, maintenance and repairs to the above stated storm water drainage facilities. The construction, maintenance and repairs to the above stated storm water drainage facilities may result in grade changes. No person shall construct, plant or cause to be placed within the limits of this easement any obstacle of a permanent nature. This easement shall run with the land, is binding upon the heirs, executors, administrators, successors and assigns of Landowners.”

For purposes of this Ordinance and this action, the term “Temporary Construction Easement” shall mean the following:

“Subject to existing easements of record, an easement commencing on the date City acquires the right of possession and expiring on June 30, 2024, allowing City, its agents, employees and contractors to enter upon and make use of the above-described real property as required to undertake and carry out the laying-out, location, construction, reconstruction, installation, supervision, inspection, repair, maintenance and use of: roads, streets, curbs, gutters, collection inlets, open and closed pipes and culverts, bridges, retaining walls, sidewalks, side-slopes, parking lots, driveways, geologic and geophysical assessment, remediation and/or stabilization, private utility mains, lines, wires, poles, conduit, pipe and appurtenant equipment and facilities for the transmission and distribution of water, electricity, gas and communication, including but not limited to grading, filling, and repairing the grounds within the described lands, and ingress and egress over and across abutting right-of-way, other public easements and abutting property lines for the above-described purposes.

City shall cause its contractor to provide reasonable ingress and egress to the property remaining at all times, regardless of alternative means, during the period of the Temporary Construction Easement, except during actual driveway or entryway construction or reconstruction activities. At the conclusion of construction, all areas disturbed by construction shall be regraded to match the grade of the remaining property, and all established shall be re-sodded and other areas re-seed with grass, with no obligation for future watering or maintenance.”

TRACT 2:

FEE OWNER: Canyon Creek Forest, LLC, a Kansas limited liability company

SITUS

ADDRESS: 25000 W. 99th Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-10-01-001.12-0

MAILING

ADDRESS: 13626 W. 87th Street Parkway, Lenexa, Kansas, 66215

Legal Description of Temporary Construction Easement:

Temporary Construction Easement #1

All that part of an unplatted tract of land located in part of the Northeast Quarter of Section 5, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of said Section 5; thence South 87 degrees 47 minutes 35 seconds West, on the South line of the Northeast Quarter of said Section 5, a distance of 95.86 feet, to a point; thence North 02 degrees 12 minutes 25 seconds West, departing said South line and on a line perpendicular to said South line, a distance of 60.00 feet, to a point on the proposed North right-of-way line of 99th Street, as shown on the unrecorded plat of Canyon Creek Forest, said point also being the **POINT OF BEGINNING**; thence continuing North 02 degrees 12 minutes 25 seconds West, departing said proposed North right-of-way line, a distance of 3.00 feet, to a point; thence South 87 degrees 47 minutes 35 seconds West, on a line being 3.00 feet North of and parallel with said proposed North right-of-way line, a distance of 189.00 feet, to a point; thence South 02 degrees 12 minutes 25 seconds East, a distance of 3.00 feet, to a point on said proposed North right-of-way line; thence South 87 degrees 47 minutes 35 seconds West, on said proposed North right-of-way line, a distance of 145.10 feet, to a point on the East line of a proposed drainage easement 30.00 feet in width as shown on the proposed plat of said Canyon Creek Forest; thence North 02 degrees 01 minutes 27 seconds West, departing said proposed North right-of-way line and on said East line, a distance of 24.00 feet, to a point; thence South 65 degrees 39 minutes 54 seconds East, a distance of 26.85 feet, to a point; thence South 77 degrees 04 minutes 59 seconds East, a distance of 38.33 feet, to a point; thence North 75 degrees 24 minutes 44 seconds East, a distance of 83.95 feet, to a point; thence North 87 degrees 47 minutes 35 seconds East, on a line being 20.00 North of and parallel with said proposed North right-of-way line, a distance of 173.91 feet, to a point; thence North 51 degrees 18 minutes 05 seconds East, a distance of 18.50 feet, to a point; thence South 66 degrees 39 minutes 46 seconds East, a distance of 55.66 feet, to a point; thence South 87 degrees 26 minutes 36 seconds East, a distance of 24.08 feet, to a point; thence North 65 degrees 33 minutes 32 seconds East, a distance of 23.78 feet, to a point on the East line of the Northeast Quarter of said Section 5; thence South 03 degrees 38 minutes 14 seconds East, on

said East line, a distance of 14.00 feet, to a point on said proposed North right-of-way line; thence South 87 degrees 47 minutes 35 seconds West, on said proposed North right-of-way line, a distance of 94.37 feet, to the **POINT OF BEGINNING**, containing 6,195 square feet or 0.1422 acres, more or less.

Temporary Construction Easement #2

All that part of an unplatted tract of land located in part of the Northeast Quarter of Section 5, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of said Section 5; thence South 87 degrees 47 minutes 35 seconds West, on the South line of the Northeast Quarter of said Section 5, a distance of 645.86 feet, to a point; thence North 02 degrees 12 minutes 25 seconds West, departing said South line and on a line perpendicular to said South line, a distance of 60.00 feet, to a point on the proposed North right-of-way line of 99th Street, as shown on the unrecorded plat of Canyon Creek Forest, said point also being the **POINT OF BEGINNING**; thence continuing North 02 degrees 12 minutes 25 seconds West, departing said proposed North right-of-way line, a distance of 3.00 feet, to a point; thence South 87 degrees 47 minutes 35 seconds West, on a line being 3.00 feet North of and parallel with said proposed North right-of-way line, a distance of 354.00 feet, to a point; thence South 02 degrees 12 minutes 25 seconds East, a distance of 3.00 feet, to a point on said proposed North right-of-way line; thence South 87 degrees 47 minutes 35 seconds West, on said proposed North right-of-way line, a distance of 145.72 feet, to a point on the East line of a proposed drainage easement 15.00 feet in width as shown on the proposed plat of said Canyon Creek Forest; thence North 08 degrees 52 minutes 56 seconds West, departing said proposed North right-of-way line and on said East line, a distance of 22.99 feet, to a point; thence North 09 degrees 54 minutes 13 seconds East, on said East line, a distance of 4.26 feet, to a point; thence South 75 degrees 45 minutes 13 seconds East, a distance of 77.67 feet, to a point; thence North 83 degrees 01 minutes 46 seconds East, a distance of 24.08 feet, to a point; thence North 62 degrees 35 minutes 31 seconds East, a distance of 56.36 feet, to a point; thence South 45 degrees 59 minutes 17 seconds East, a distance of 33.24 feet, to a point; thence North 60 degrees 14 minutes 25 seconds East, a distance of 51.88 feet, to a point; thence North 78 degrees 32 minutes 49 seconds East, a distance of 43.57 feet, to a point; thence North 89 degrees 21 minutes 44 seconds East, a distance of 73.03 feet, to a point; thence South 76 degrees 36 minutes 51 seconds East, a distance of 44.64 feet, to a point; thence South 83 degrees 08 minutes 26 seconds East, a distance of 95.19 feet, to a point; thence North 55 degrees 03 minutes 28 seconds East, a distance of 33.29 feet, to a point; thence South 71 degrees 24 minutes 01 seconds East, a distance of 53.49 feet, to a point; thence South 84 degrees 04 minutes 37 seconds East, a distance of 42.43 feet, to a point; thence North 72 degrees 38 minutes 14 seconds East, a distance of 99.45 feet, to a point on the West line of a proposed drainage easement 30.00 feet in width as shown on the proposed plat of said Canyon Creek Forest; thence South 02 degrees 01 minutes 27 seconds East, on said West line, a distance of 28.00 feet, to a

point on said proposed North right-of-way line; thence South 87 degrees 47 minutes 35 seconds West, on said proposed North right-of-way line, a distance of 185.90 feet, to the **POINT OF BEGINNING**, containing 12,599 square feet or 0.2892 acres, more or less.

Temporary Construction Easement #3

All that part of an unplatted tract of land located in part of the Northeast Quarter of Section 5, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of said Section 5; thence South 87 degrees 47 minutes 35 seconds West, on the South line of the Northeast Quarter of said Section 5, a distance of 1,301.50 feet, to a point; thence North 02 degrees 12 minutes 25 seconds West, departing said South line and on a line perpendicular to said South line, a distance of 60.00 feet, to a point being the intersection of the proposed East right-of-way line of W. 98th Place and the proposed North right-of-way line of 99th Street, as shown on the unrecorded plat of Canyon Creek Forest, said point being the beginning of a non-tangent curve, said point also being the **POINT OF BEGINNING**; thence in a Northerly direction on said proposed East right-of-way line and a curve to the right, whose initial tangent bears North 05 degrees 46 minutes 51 seconds East, having a radius of 225.00 feet, through a central angle of 04 degrees 39 minutes 37 seconds, an arc length of 18.30 feet, to a point on a non-tangent line; thence South 81 degrees 48 minutes 57 seconds East, departing said proposed East right-of-way line, a distance of 16.63 feet, to a point; thence North 79 degrees 07 minutes 11 seconds East, a distance of 59.68 feet, to a point; thence North 84 degrees 56 minutes 18 seconds East, a distance of 60.24 feet, to a point on the West line of a proposed drainage easement 15.00 feet in width as shown on the proposed plat of said Canyon Creek Forest; thence South 09 degrees 54 minutes 13 seconds West, on said East line, a distance of 3.53 feet, to a point; thence South 08 degrees 52 minutes 56 seconds East, on said East line, a distance of 23.71 feet, to a point on said proposed North right-of-way line; thence South 87 degrees 47 minutes 35 seconds West, on said proposed North right-of-way line, a distance of 140.82 feet, to the **POINT OF BEGINNING**, containing 3,000 square feet or 0.0689 acres, more or less.

Temporary Construction Easement #4

All that part of an unplatted tract of land located in part of the Northeast Quarter of Section 5, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of said Section 5; thence South 87 degrees 47 minutes 35 seconds West, on the South line of the Northeast Quarter of said Section 5, a distance of 1,351.90 feet, to a point; thence North 02 degrees 12 minutes 25 seconds West, departing said South line and on a line perpendicular to said South line, a distance of 60.00 feet, to a point being the intersection of the proposed North right-of-way line of 99th Street and the proposed West right-of-way line of W. 98th Place, as shown on the unrecorded plat of Canyon Creek Forest, said point being the **POINT OF BEGINNING**; thence South 87 degrees 47 minutes 35 seconds West, on said proposed North right-of-way line, a distance of 40.84 feet, to a point of curvature; thence in a Westerly direction on said proposed North right-of-way line and a curve to the right, having a radius of 631.25 feet, through a central angle of 08 degrees 36 minutes 07 seconds, an arc length of 94.77 feet, to a point on a non-tangent line, said point being on the West line of Tract B of said proposed Canyon Creek Forest and the East line of Tract A of Canyon Creek By The Lake First Plat, a subdivision of land in the City of Lenexa, Johnson County, Kansas, according to the recorded plat thereof; thence North 03 degrees 12 minutes 23 seconds West, departing said proposed North right-of-way line and on said West and East lines, a distance of 6.26 feet, to a point; thence North 86 degrees 28 minutes 24 seconds East, departing said West and East lines, a distance of 25.52 feet, to a point; thence North 61 degrees 21 minutes 25 seconds East, a distance of 16.85 feet, to a point; thence South 48 degrees 29 minutes 57 seconds East, a distance of 26.72 feet, to a point; thence North 83 degrees 24 minutes 42 seconds East, a distance of 65.68 feet, to a point; thence North 18 degrees 38 minutes 51 seconds East, a distance of 22.47 feet, to a point; thence North 79 degrees 45 minutes 59 seconds East, a distance of 7.16 feet, to a point on the proposed West right-of-way line of said W. 98th Place, said point being the beginning of a non-tangent curve; thence in a Southerly direction on said proposed West right-of-way line and a curve to the left, whose initial tangent bears South 10 degrees 39 minutes 57 seconds West, having a radius of 275.00 feet, through a central angle of 06 degrees 20 minutes 40 seconds, an arc length of 30.45 feet, to the **POINT OF BEGINNING**, containing 1,258 square feet or 0.0289 acres, more or less.

TRACT 3:

FEE OWNER: Prairie Star Partners, Inc., a Kansas corporation

SITUS

ADDRESS: 99th and Clare Road, Lenexa, Kansas

Parcel ID: 046-092-04-0-20-01-003.01-0

MAILING

ADDRESS: PO Box 26361, Overland Park, Kansas, 66225

Legal Description of Fee Simple Interest Acquisition:

All that part of an unplatted tract of land located in part of the Northwest Quarter of Section 4, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

BEGINNING at the Southeast corner of Tract B, Canyon Creek By The Lake Second Plat, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, said point also being the beginning of a non-tangent curve; thence in a Northwesterly direction on the Northeasterly line of said Tract B and a curve to the right, whose initial tangent bears North 31 degrees 39 minutes 00 seconds West, having a radius of 1,343.02 feet, through a central angle of 05 degrees 19 minutes 09 seconds, an arc length of 124.68 feet, to a point on a non-tangent line, said point being the Southwest corner of Clare Road, as now established by Book 200605 at Page 002512; thence North 63 degrees 40 minutes 45 seconds East, departing said Northeasterly right-of-way line and on the South right-of-way line of Clare Road, as now established by Book 200605 at Page 002512, a distance of 62.19 feet, to a point on the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction on said center line and a curve to the left, whose initial tangent bears South 26 degrees 20 minutes 32 seconds East, having a radius of 1,281.00 feet, through a central angle of 05 degrees 37 minutes 53 seconds, an arc length of 125.90 feet, to a point on a tangent line; thence South 31 degrees 58 minutes 25 seconds East, on said center line, a distance of 302.42 feet, to a point of curvature; thence in a Southeasterly and Southerly direction on said center line and a curve to the right, having a radius of 1,279.00 feet, through a central angle of 29 degrees 50 minutes 30 seconds, an arc length of 666.15 feet, to a point on a tangent line; thence South 02 degrees 07 minutes 55 seconds East, on said center line, a distance of 192.02 feet, to the Southwest corner of the plat of said Canyon Creek Highlands Second Plat, said point also being the Southeast corner of a certain tract of land conveyed by Warranty Deed recorded in Book 8388 at Page 264; thence South 87

degrees 50 minutes 13 seconds West, on the South line of said certain tract of land conveyed by Warranty Deed recorded in Book 8388 at Page 264; a distance of 445.07 feet, to a point on the West line of the Northwest Quarter of said Section 4; thence North 03 degrees 38 minutes 14 seconds West, on said West line and the West line of said certain tract of land conveyed by Warranty Deed recorded in Book 8388 at Page 264, a distance of 31.52 feet, to a point; thence North 87 degrees 47 minutes 35 seconds East, departing said West lines, a distance of 1.20 feet, to a point; thence North 87 degrees 12 minutes 55 seconds East, on a line being 60.00 feet North of and parallel with the South line of the Northwest Quarter of said Section 4, a distance of 285.83 feet, to a point; thence North 43 degrees 21 minutes 06 seconds East, a distance of 152.71 feet, to a point; thence North 02 degrees 07 minutes 55 seconds West, on a line being 50.00 feet West of and parallel with the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, a distance of 50.43 feet, to a point of curvature; thence in a Northerly and Northwesterly direction on a curve to the left being 50.00 feet Westerly and Southwesterly of and concentric with the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, having a radius of 1,229.00 feet, through a central angle of 29 degrees 50 minutes 30 seconds, an arc length of 640.11 feet, to a point on a tangent line; thence North 31 degrees 58 minutes 25 seconds West, on a line being 50.00 feet Southwesterly of and parallel with the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, a distance of 302.67 feet, to a point of curvature; thence in a Northwesterly direction on a curve to the right being 50.00 feet Southwesterly of the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, having a radius of 1,331.00 feet, through a central angle of 00 degrees 08 minutes 12 seconds, an arc length of 7.04 feet, to a point on a non-tangent line; thence South 58 degrees 19 minutes 47 seconds West, a distance of 12.21 feet, to the **POINT OF BEGINNING**, containing 84,376 square feet or 1.9370 acres, more or less.

Legal Description of Permanent Drainage Easement Description:

All that part of an unplatted tract of land located in part of the Northwest Quarter of Section 4, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of said Section 4; thence North 03 degrees 38 minutes 14 seconds West, on the West line of the Northwest Quarter of said Section 4, a distance of 60.02 feet, to the POINT OF BEGINNING; thence continuing North 03 degrees 38 minutes 14 seconds West, on said West line, a distance of 214.12 feet, to a point; thence North 87 degrees 12 minutes 55 seconds East, on a line parallel with the South line of the Northwest Quarter of said Section 4, a distance of 400.19 feet, to the beginning of a non-tangent curve; thence in a Southerly direction on a curve to the right being 50.00 feet Westerly of and concentric with the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, a subdivision of land in the City of Lenexa, Johnson County

Kansas, according to the recorded plat thereof, whose initial tangent bears South 04 degrees 49 minutes 47 seconds East, having a radius of 1,229.00 feet, through a central angle of 02 degrees 41 minutes 52 seconds, an arc length of 57.87 feet, to a point on a tangent line; thence South 02 degrees 07 minutes 55 seconds East, on a line being 50.00 feet West of and parallel with the center line of said Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, a distance of 50.43 feet, to a point; thence South 43 degrees 21 minutes 06 seconds West, a distance of 152.71 feet, to a point; thence South 87 degrees 12 minutes 55 seconds West, on a line being 60.00 feet North of and parallel with the South line of the Northwest Quarter of said Section 4, a distance of 285.83 feet, to a point; thence South 87 degrees 47 minutes 35 seconds West, a distance of 1.20 feet, to the **POINT OF BEGINNING**, containing 79,585 square feet or 1.8270 acres, more or less.

Legal Description of Temporary Construction Easement Description:

All that part of an unplatted tract of land located in part of the Northwest Quarter of Section 4, Township 13 South, Range 23 East, Lenexa, Johnson County, Kansas, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on July 30, 2021, as follows:

COMMENCING at the Southeast corner of Tract B, Canyon Creek By The Lake Second Plat, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof; thence North 58 degrees 19 minutes 47 seconds East, a distance of 3.21 feet, to the POINT OF BEGINNING; thence continuing North 58 degrees 19 minutes 47 seconds East, a distance of 9.00 feet, to the beginning of a non-tangent curve; thence in a Southeasterly direction on a curve to the left and being 50.00 feet Southwesterly of and concentric with the center line of Clare Road, as shown on the plat of Canyon Creek Highlands Second Plat, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, whose initial tangent bears South 31 degrees 58 minutes 25 seconds East, having a radius of 1,331.00 feet, through a central angle of 00 degrees 18 minutes 12 seconds, an arc length of 7.04 feet, to a point on a tangent line; thence South 31 degrees 58 minutes 25 seconds East, on a line being 50.00 feet Southwesterly of and parallel with the center line of Clare Road, as shown on the plat of said Canyon Creek Highlands Second Plat, a distance of 302.67 feet, to a point of curvature; thence in a Southeasterly and Southerly direction on a curve to the right and being 50.00 feet Southwesterly of and concentric with the center line of Clare Road, as shown on the plat of said Canyon Creek Highlands Second Plat, having a radius of 1,229.00 feet, through a central angle of 27 degrees 08 minutes 38 seconds, an arc length of 582.24 feet, to a point on a non-tangent line; thence South 87 degrees 12 minutes 55 seconds West, on a line being parallel with the South line of the Northwest Quarter of said Section 4, a distance of 8.01 feet, to a point; thence North 13 degrees 56 minutes 14 seconds West, a distance of 69.10 feet, to a point; thence North 06 degrees 49 minutes 09 seconds West, a distance of 106.63 feet, to a point; thence North 15 degrees 30 minutes 53 seconds West, a distance of 66.69 feet, to a point; thence North 28 degrees 02 minutes 36 seconds West, a distance of 67.40 feet, to a point; thence North 36 degrees 08 minutes

56 seconds West, a distance of 60.23 feet, to a point; thence North 25 degrees 27 minutes 59 seconds West, a distance of 118.07 feet, to a point; thence North 19 degrees 37 minutes 00 seconds West, a distance of 173.43 feet, to a point; thence North 32 degrees 43 minutes 42 seconds West, a distance of 226.36 feet, to the **POINT OF BEGINNING**, containing 16,817 square feet or 0.3861 acres, more or less.

TRACT 8:

FEE OWNER: Leslie A. Rollins

SITUS

ADDRESS: 25353 W. 98th Place, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-04-001.00-0

MAILING

ADDRESS: 25353 W. 98th Place, Lenexa, Kansas, 66227

Legal Description of Fee Simple Interest Acquisition:

A parcel of land over a part of Lot 1, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the most Northerly corner of said Lot 1, said point being the intersection of the Southeasterly right-of-way line of W. 98th Place and the Southwesterly right-of-way line of 99th Street, as both streets are now established by the plat of said Canyon Creek Villas, said point also being the beginning of a nontangent curve; thence in a Southeasterly direction on said Southwesterly right-of-way line and a curve to the left, whose initial tangent bears South 48 degrees 24 minutes 23 seconds East, having a radius of 730.00 feet, through a central angle of 03 degrees 25 minutes 55 seconds, an arc length of 43.73 feet, to a point on a nontangent line; thence North 58 degrees 45 minutes 57 seconds West, departing said Southwesterly right-of-way line, a distance of 28.60 feet, to the beginning of a nontangent curve; thence in a Northwesterly direction on a curve to the right, whose initial tangent bears North 49 degrees 37 minutes 36 seconds West, having a radius of 734.00 feet, through a central angle of 01 degrees 15 minutes 26 seconds, an arc length of 16.11 feet, to a point on the Southeasterly right-of-way line of said W. 98th Place, said point also being the beginning of a non-tangent curve; thence in a Northeasterly direction on said Southeasterly right-of-way line and a curve to the left, whose initial tangent bears North 49 degrees 51 minutes 00 seconds East, having a radius of 225.00 feet, through a central angle of 01 degrees 01 minutes 37 seconds, an arc length of 4.03 feet, to the POINT OF BEGINNING, containing 117 square feet or 0.0027 acres, more or less.

Legal Description of Temporary Construction Easement Description:

A parcel of land over a part of Lot 1, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

Commencing at the most Northerly corner of said Lot 1, said point being the intersection of the Southeasterly right-of-way line of W. 98th Place and the Southwesterly right-of-way line of 99th Street, as both streets are now established by the plat of said Canyon Creek Villas, said point also being the beginning of a nontangent curve; thence in a Southwesterly direction on said Southeasterly right-of-way line and a curve to the right, whose initial tangent bears South 48 degrees 49 minutes 22 seconds West, having a radius of 225.00 feet, through a central angle of 01 degrees 01 minutes 37 seconds, an arc length of 4.03 feet, to the beginning of a non-tangent curve, said point also being the POINT OF BEGINNING; thence in a Southeasterly direction on a curve to the left being 4.00 feet Southwesterly of and concentric with said Southwesterly right-of-way line, whose initial tangent bears South 48 degrees 22 minutes 09 seconds East, having a radius of 734.00 feet, through a central angle of 01 degrees 15 minutes 26 seconds, an arc length of 16.11 feet, to a point on a non-tangent line; thence South 58 degrees 45 minutes 57 seconds East, a distance of 28.60 feet, to a point on the Southwesterly right-of-way line of said 99th Street, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction on said Southwesterly right-of-way line and a curve to the left, whose initial tangent bears South 51 degrees 50 minutes 39 seconds East, having a radius of 730.00 feet, through a central angle of 19 degrees 02 minutes 03 seconds, an arc length of 242.51 feet, to a point on the South line of said Lot 1 and the South line of the Northeast Quarter of Section 5, Township 13 South, Range 23 East; thence South 87 degrees 47 minutes 35 seconds West, on said South lines, a distance of 41.81 feet, to a point; thence North 68 degrees 05 minutes 09 seconds West, departing said South lines, a distance of 31.53 feet, to a point; thence North 60 degrees 08 minutes 24 seconds West, a distance of 87.71 feet, to a point; thence North 48 degrees 24 minutes 56 seconds West, a distance of 47.34 feet, to a point; thence North 53 degrees 39 minutes 19 seconds West, a distance of 87.74 feet, to a point on the Southeasterly right-of-way line of said W. 98th Place, said point also being the beginning of a non-tangent curve; thence in a Northeasterly direction on said Southeasterly right-of-way line and a curve to the left, whose initial tangent bears North 51 degrees 23 minutes 48 seconds East, having a radius of 225.00 feet, through a central angle of 01 degrees 32 minutes 48 seconds, an arc length of 6.07 feet, to the POINT OF BEGINNING, containing 3,103 square feet or 0.0712 acres, more or less.

TRACT 9:

FEE OWNER: Kelly Family Wealth Trust, dated December 20, 2016

SITUS

ADDRESS: 9891 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-06-006.00-0

MAILING

ADDRESS: 9891 Garden Street, Lenexa, Kansas, 66227

Legal Description of Fee Simple Interest Acquisition:

A parcel of land over a part of Lot 61, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Southeasterly corner of said Lot 61, said point being the intersection of the Northwesternly right-of-way line of W. 98th Place and the Southwesterly right-of-way line of 99th Street, as both streets are now established, said point also being the beginning of a non-tangent curve; thence in a Southwesterly direction on said Northwesternly right-of-way line and a curve to the right, whose initial tangent bears South 50 degrees 19 minutes 57 seconds West, having a radius of 175.00 feet, through a central angle of 07 degrees 57 minutes 10 seconds, an arc length of 24.29 feet, to a point on a non-tangent line; thence North 17 degrees 45 minutes 28 seconds East, departing said Northwesternly right-of-way line, a distance of 21.61 feet, to a point; thence North 24 degrees 27 minutes 34 seconds West, a distance of 15.87 feet, to a point on said Southwesterly right-of-way line, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears South 42 degrees 12 minutes 47 seconds East, having a radius of 730.00 feet, through a central angle of 02 degrees 15 minutes 09 seconds, an arc length of 28.70 feet, to the **POINT OF BEGINNING**, containing 234 square feet or 0.0054 acres, more or less.

Legal Description of Temporary Construction Easement:

A parcel of land over a part of Lot 61, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 61, said point being on the Southwesterly right-of-way line of 99th Street, as now established, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears

South 38 degrees 41 minutes 20 seconds East, having a radius of 730.00 feet, through a central angle of 03 degrees 31 minutes 27 seconds, an arc length of 44.90 feet, to a point on a non-tangent line; thence South 24 degrees 27 minutes 34 seconds East, departing said Southwesterly right-of-way line, a distance of 15.87 feet, to a point; thence South 17 degrees 45 minutes 28 seconds West, a distance of 21.61 feet, to a point on the Northwesterly right-of-way line of W. 98th Place, as now established; thence North 07 degrees 10 minutes 12 seconds East, departing said Northwesterly right-of-way line, a distance of 23.23 feet, to a point; thence North 44 degrees 51 minutes 51 seconds West, a distance of 35.82 feet, to a point; thence North 35 degrees 06 minutes 21 seconds West, a distance of 23.12 feet, to a point being on the Northerly line of said Lot 61; thence North 74 degrees 14 minutes 54 seconds East, on said Northerly line, a distance of 6.81 feet, to the **POINT OF BEGINNING**, containing 431 square feet or 0.0099 acres, more or less.

TRACT 10:

FEE OWNER: Price Living Trust

SITUS

ADDRESS: 9885 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-06-005.00-0

MAILING

ADDRESS: 9885 Garden Street, Lenexa, Kansas, 66227

Legal Description of Temporary Construction Easement:

A parcel of land over a part of Lot 60, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 60, said point being on the Southwesterly right-of-way line of 99th Street, as now established, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears South 33 degrees 08 minutes 18 seconds East, having a radius of 730.00 feet, through a central angle of 05 degrees 33 minutes 02 seconds, an arc length of 70.72 feet, to a point on a non-tangent line, said point also being the Southeasterly corner of said Lot 60; thence South 74 degrees 14 minutes 54 seconds West, departing said Southwesterly right-of-way line and on the Southerly line of said Lot 60, a distance of 6.81 feet, to a point; thence North 35 degrees 06 minutes 21 seconds West, departing said Southerly line, a distance of 43.00 feet, to a point; thence North 30 degrees 54 minutes 35 seconds West, a distance of 25.98 feet, to a point being on the Northwesterly line of said Lot 60; thence North 62 degrees 43 minutes 00 seconds East,

on said Northwesterly line, a distance of 3.56 feet, to the **POINT OF BEGINNING**, containing 348 square feet or 0.0080 acres, more or less.

TRACT 11:

FEE OWNER: Mark K. Jarvis and Paula M. Jarvis, husband and wife

SITUS

ADDRESS: 9879 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-06-004.00-0

MAILING

ADDRESS: 9879 Garden Street, Lenexa, Kansas, 66227

Legal Description of Temporary Construction Easement Description:

A parcel of land over a part of Lot 59, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 59, said point being on the Southwesterly right-of-way line of 99th Street, as now established, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears South 28 degrees 44 minutes 35 seconds East, having a radius of 730.00 feet, through a central angle of 04 degrees 23 minutes 43 seconds, an arc length of 56.00 feet, to a point on a non-tangent line, said point also being the Southeasterly corner of said Lot 59; thence South 62 degrees 43 minutes 00 seconds West, departing said Southwesterly right-of-way line and on the Southeasterly line of said Lot 59, a distance of 3.56 feet, to a point; thence North 30 degrees 54 minutes 21 seconds West, departing said Southeasterly line, a distance of 29.09 feet, to a point; thence North 34 degrees 51 minutes 38 seconds West, a distance of 26.82 feet, to a point being on the Northwesterly line of said Lot 59; thence North 59 degrees 56 minutes 39 seconds East, on said Northwesterly line, a distance of 5.36 feet, to the **POINT OF BEGINNING**, containing 202 square feet or 0.0046 acres, more or less.

TRACT 12:

FEE OWNER: Anthony W. Stein and Peggy J. Stein

SITUS

ADDRESS: 9873 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-06-003.00-0

MAILING

ADDRESS: 9873 Garden Street, Lenexa, Kansas, 66227

Legal Description of Temporary Construction Easement Description:

A parcel of land over a part of Lot 58, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 58, said point being on the Southwesterly right-of-way line of 99th Street, as now established, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears South 24 degrees 39 minutes 13 seconds East, having a radius of 730.00 feet, through a central angle of 04 degrees 05 minutes 21 seconds, an arc length of 52.10 feet, to a point on a non-tangent line, said point also being the Southeasterly corner of said Lot 58; thence South 59 degrees 56 minutes 39 seconds West, departing said Southwesterly right-of-way line and on the Southeasterly line of said Lot 58, a distance of 5.36 feet, to a point; thence North 34 degrees 51 minutes 38 seconds West, departing said Southeasterly line, a distance of 41.91 feet, to a point; thence North 02 degrees 21 minutes 16 seconds West, a distance of 11.57 feet, to a point being on the Northwesterly line of said Lot 58; thence North 59 degrees 56 minutes 39 seconds East, on said Northwesterly line, a distance of 6.55 feet, to the **POINT OF BEGINNING**, containing 424 square feet or 0.0097 acres, more or less.

TRACT 13:

FEE OWNER: Seamus Ryan

SITUS

ADDRESS: 9867 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-06-002.00-0

MAILING

ADDRESS: 9867 Garden Street, Lenexa, Kansas, 66227

Legal Description of Temporary Construction Easement Description:

A parcel of land over a part of Lot 57, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being

more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 57, said point being on the Southwesterly right-of-way line of 99th Street, as now established, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears South 20 degrees 47 minutes 01 seconds East, having a radius of 730.00 feet, through a central angle of 03 degrees 52 minutes 13 seconds, an arc length of 49.31 feet, to a point on a non-tangent line, said point also being the Southeasterly corner of said Lot 57; thence South 59 degrees 56 minutes 39 seconds West, departing said Southwesterly right-of-way line and on the Southeasterly line of said Lot 57, a distance of 6.55 feet, to a point; thence North 02 degrees 21 minutes 16 seconds West, departing said Southeasterly line, a distance of 1.38 feet, to a point; thence North 16 degrees 05 minutes 57 seconds West, a distance of 31.56 feet, to a point; thence North 48 degrees 12 minutes 16 seconds West, a distance of 18.86 feet, to a point being on the Northwesterly line of said Lot 57; thence North 64 degrees 42 minutes 12 seconds East, on said Northwesterly line, a distance of 10.50 feet, to the **POINT OF BEGINNING**, containing 235 square feet or 0.0054 acres, more or less.

TRACT 14:

FEE OWNER: Elaine Allen and Steven Allen, husband and wife

SITUS

ADDRESS: 9861 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-06-001.00-0

MAILING

ADDRESS: 9861 Garden Street, Lenexa, Kansas, 66227

Legal Description of Fee Simple Interest Acquisition:

A parcel of land over a part of Lot 56, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 56, said point being the intersection of the Southwesterly right-of-way line of 99th Street and the Southerly right-of-way line of 98th Terrace, as both streets are now established, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction, on said Southwesterly right-of-way line and on a curve to the left, whose initial tangent bears South 15 degrees 51 minutes 41 seconds East, having a radius of 730.00 feet, through a central angle of 03 degrees 33 minutes 58 seconds, an arc length of 45.43 feet, to a point on a non-tangent line; thence North 25 degrees 54 minutes 36 seconds West, departing said Southwesterly right-of-way line, a distance of 25.43 feet, to a point; thence North 50 degrees 00 minutes 46 seconds West, a distance of 25.53 feet, to a point on the Southerly right-of-way line of 98th Terrace, as now established; thence North 76 degrees 39 minutes 01 seconds East, on said Southerly right-of-way line, a distance of 17.37 feet, to the **POINT OF BEGINNING**, containing 250 square feet or 0.0057 acres, more or less.

Legal Description of Temporary Construction Easement Description:

A parcel of land over a part of Lot 56, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on November 8, 2021, as follows:

COMMENCING at the Northeasterly corner of said Lot 56, said point being the intersection of the Southerly right-of-way line of 98th Terrace and the Southwesterly right-of-way line of 99th Street, as both streets are now established; thence South 76 degrees 39 minutes 01 seconds West, on said Southerly right-of-way line, a distance of 17.37 feet, to the POINT OF BEGINNING; thence South 50 degrees 00 minutes 46

seconds East, departing said Southerly right-of-way line, a distance of 25.53 feet, to a point; thence South 25 degrees 54 minutes 36 seconds East, a distance of 25.43 feet, to a point on the Southwesterly right-of-way line of said 99th Street, said point also being the beginning of a non-tangent curve; thence in a Southeasterly direction on said Southwesterly right-of-way line and a curve to the left, whose initial tangent bears South 19 degrees 25 minutes 39 seconds East, having a radius of 730.00 feet, through a central angle of 01 degrees 21 minutes 22 seconds, an arc length of 17.28 feet, to a point on a non-tangent line, said point also being the Southeasterly corner of said Lot 56; thence South 64 degrees 42 minutes 12 seconds West, departing said Southwesterly right-of-way line and on the Southeasterly line of said Lot 56, a distance of 10.50 feet, to a point; thence North 48 degrees 12 minutes 16 seconds West, departing said Southeasterly line, a distance of 5.46 feet, to a point; thence North 09 degrees 35 minutes 41 seconds East, a distance of 16.24 feet, to a point; thence North 20 degrees 34 minutes 21 seconds West, a distance of 25.98 feet, to a point; thence North 56 degrees 21 minutes 13 seconds West, a distance of 26.56 feet, to a point on the Southerly right-of-way line of said 98th Terrace; 2 thence North 76 degrees 39 minutes 01 seconds East, on said Southerly right-of-way line, a distance of 5.64 feet, to the **POINT OF BEGINNING**, containing 348 square feet or 0.0080 acres, more or less.

TRACT 15:

FEE OWNER: Carol Linea Cooley Living Trust

SITUS

ADDRESS: 9825 Garden Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-20-05-009.00-0

MAILING

ADDRESS: 9825 Garden Street, Lenexa, Kansas, 66227

Legal Description of Fee Simple Interest Acquisition:

A parcel of land over a part of Lot 50, Canyon Creek Villas, a subdivision of land in the City of Lenexa, Johnson County, Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on August 19, 2021, as follows:

BEGINNING at the Northeasterly corner of said Lot 50, said point being the intersection of the Southwesterly right-of-way line of 99th Street and the Southeasterly right-of-way line of Canyon Creek Boulevard, as both streets are now established; thence South 30 degrees 19 minutes 37 seconds East, departing said Southeasterly right-of-way line and on said Southwesterly right-of-way line, a distance of 16.60 feet, to a point on the Southeasterly line of an existing drainage easement, 20.00 feet in width, as shown on the plat of said Canyon Creek Villas; thence South 59 degrees 15 minutes 05 seconds West, departing said Southwesterly right-of-way line

and on said Southeasterly line, a distance of 3.00 feet, to a point; thence North 53 degrees 39 minutes 23 seconds West, departing said Southeasterly line, a distance of 18.56 feet, to a point; thence South 73 degrees 54 minutes 08 seconds West, a distance of 12.10 feet, to a point on the Southeasterly right-of-way line of said Canyon Creek Boulevard, said point also being the beginning of a non-tangent curve; thence in a Northeasterly direction, on said Southeasterly right-of-way line and on a curve to the left, whose initial tangent bears North 60 degrees 07 minutes 54 seconds East, having a radius of 1,330.00 feet, through a central angle of 00 degrees 48 minutes 10 seconds, an arc length of 18.63 feet, to a point on a non-tangent line; thence South 75 degrees 55 minutes 17 seconds East, on said Southeasterly right-of-way line, a distance of 4.83 feet, to the **POINT OF BEGINNING**, containing 155 square feet or 0.0036 acres, more or less.

TRACT 16:

FEE OWNER: Joshua T. & Jami J. Snider

SITUS

ADDRESS: 9712 Pickering Street, Lenexa, Kansas, 66227

Parcel ID: 046-093-05-0-12-02-001.00-0

MAILING

ADDRESS: 9712 Pickering Street, Lenexa, Kansas, 66227

Legal Description of Fee Simple Interest Acquisition:

A parcel of land over a part of Lot 29, Canyon Creek by the Park First Plat, a subdivision of land in the City of Lenexa, Johnson County, Kansas, according to the recorded plat thereof, being more particularly described by Timothy B. Wiswell, Kansas PS-1136, of Olsson, Kansas LS-114, on August 19, 2021, as follows:

BEGINNING at the Southeasterly corner of said Lot 29, said point being the intersection of the Northwesternly right-of-way line of Canyon Creek Boulevard and the Southwesterly right-of-way line of 99th Street, as both streets are now established, said point also being the beginning of a non-tangent curve; thence in a Southwesterly direction, on said Northwesternly right-of-way line and on a curve to the right, whose initial tangent bears South 58 degrees 43 minutes 50 seconds West, having a radius of 1,210.00 feet, through a central angle of 00 degrees 08 minutes 22 seconds, an arc length of 2.95 feet, to a point on a non-tangent line; thence North 15 degrees 57 minutes 53 seconds West, departing said Northwesternly right-of-way line, a distance of 10.36 feet, to a point on the Southwesterly right-of-way line of said 99th Street; thence South 32 degrees 28 minutes 37 seconds East, on said Southwesterly right-of-way line, a distance of 10.00 feet, to the **POINT OF BEGINNING**, containing 15 square feet or 0.0003 acres, more or less.

SECTION TWO: It is further authorized and provided that, as soon as practicable after the passage of this ordinance, action be initiated to exercise the power

of eminent domain in accordance with K.S.A. 26-501, *et seq.*, the Eminent Domain Procedure Act, to condemn all lands and interests therein hereinbefore described.

SECTION THREE: This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 1st day of February, 2022.

SIGNED by the Mayor this 1st day of February, 2022.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 4

SUBJECT: Acceptance of the Old Town Wayside Horns Project for maintenance

CONTACT: Tim Green, Deputy Community Development Director

DATE: February 1, 2022

ACTION NEEDED:

Accept the Old Town Wayside Horns Project for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

The project installed wayside horns at the BNSF crossings on Pflumm Road and Noland Road. Wayside horns are stationary horns installed at railroad crossings that warn motorists of oncoming trains by blowing a focused sound pattern aimed towards the direction of oncoming vehicular traffic, thereby reducing noise pollution in the surrounding neighborhoods.

Staff performed a final inspection on December 1, 2021 and the wayside horns were placed into service. The maintenance bonds for this project shall go into force upon acceptance by the Governing Body on February 1, 2022 and will expire on February 1, 2024.

The contractor for this project was CTC, Inc.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

Funding source:	Unallocated Capital Improvement Funds
Project budget:	\$540,000
Actual final cost:	\$518,330

STAFF RECOMMENDATION:

Acceptance for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods
Integrated Infrastructure & Transportation

Guiding Principles

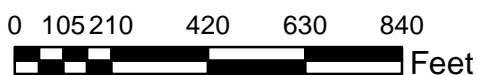
Strategic Community Investment

ATTACHMENTS

1. Map



**Wayside Horns
Old Town Lenexa**



APPENDIX



**MINUTES OF THE
JANUARY 18, 2022
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Boehm called the meeting to order at 7 PM.

Cub Scout Pack 3181 led the Pledge of Allegiance. Scoutmaster David Peak and scouts Gavin Peak, Graeme Ashley, Anthony Seay, Nate Neugebauer, Nolan Ehler, Reid Walters, and Dominic Cain attended the meeting for the Building a Better World badge.

ROLL CALL

Councilmembers Karlin, Eiterich, Nicks, Roh, Arroyo, Sayers, and Denny were present with Mayor Boehm presiding. Councilmember Nolte was absent.

Staff present included Beccy Yocham, City Manager; Todd Pelham, Deputy City Manager; Mike Nolan, Assistant City Administrator; Scott McCullough, Community Development Director; Sean McLaughlin, City Attorney; Jennifer Martin, City Clerk; and other City Staff.

APPROVE MINUTES

Councilmember Eiterich made a motion to approve the January 4, 2022 City Council meeting draft minutes and Councilmember Sayers seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Mayor Boehm proclaimed the month of January as National Slavery and Human Trafficking Prevention Month and presented the proclamation to Lenexa Rotary Club members Lenet Compton and Steve Nettles.

CONSENT AGENDA

1. Acceptance of a sidewalk easement as shown on Lenexa Popeyes final plat
This final plat is for Lenexa Popeyes, a fast-food restaurant with a drive-thru, located at 9460 Quivira Road. A sidewalk easement is being dedicated to the City as part of the final plat. PT22-04F
2. Acceptance of drainage easements as shown on Meritex Lenexa Executive Park

Surface, Second Plat

This final plat is for Meritex Lenexa Executive Park Surface, Second Plat. This development consists of one 189,000 square feet warehouse building on 27.9 acres, located near 99th Street & Britton Street. Two drainage easements are being dedicated to the City as part of the final plat. PT22-02F

3. Acceptance of a drainage easement as shown on Meritex Lenexa Executive Park Surface, Third Plat
This final plat is for Meritex Lenexa Executive Park Surface, Third Plat. This development consists of two warehouse buildings totaling 151,200 square feet on 14.4 acres. This project is located on 99th Street west of Britton Street. A drainage easement is being dedicated to the City as part of the final plat. PT22-01F
4. Resolution authorizing the Mayor to execute an amendment to an agreement with the Kansas Department of Transportation for the construction of the 87th Street Parkway & I-435 Interchange Improvements Project
The City entered into an agreement with the Kansas Department of Transportation (KDOT) for the federally funded 87th Street Parkway & I-435 Interchange Improvements Project on October 8th, 2019. This supplemental agreement modifies certain terms of the original agreement as proposed by KDOT.
5. Consideration of agreements relating to AJ3 Hospitality LLC d/b/a Cosmo Burger for the Lenexa Public Market
 - a. Adopt a resolution approving and authorizing the City Manager to execute a lease agreement with AJ3 Hospitality LLC for merchant space within the Lenexa Public Market
 - b. Resolution approving and authorizing the City Manager to execute an agreement with Centric Projects LLC for the design and construction of the initial tenant improvements for Cosmo Burger
Market staff has been in negotiations with the owners of Cosmo Burger for approximately 553 square feet of vendor space in the southwest corner of the Public Market. Staff requests approval of a three-year lease agreement with a fixed total rent of \$157,208. Under the lease agreement, the City agrees to construct the initial tenant improvements, so an agreement with Centric Projects LLC for the design and construction of the improvements is necessary. The total cost of improvements will be \$200,674.

END OF CONSENT AGENDA

Councilmember Roh made a motion to approve items 1 through 5 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

6. Approval of a revised preliminary plan for Vista Village, located at the southeast corner of Prairie Star Parkway & Ridgeview Road, to allow a PUD, Planned Unit Development

including residential and commercial uses

This mixed-use development consists of seven retail buildings, a 207-unit condominium building, and 119 townhomes on 46 acres, zoned PUD, Planned Unit Development. It will include amenity features such as an amphitheater, a plaza, bike rental, and scenic overlooks. The site fronts both Prairie Star Parkway and Ridgeview Road.

Scott McCullough, Community Development Director, said this request revises a formerly approved preliminary plan known as Jayhawk Ridge. He presented a location map reflecting Prairie Star Parkway and Ridgeview Road, the undermined area, and the grade change on the property, as well as a Ridgeview Road corridor map reflecting future road alignment.

Mr. McCullough discussed uses in the area and said the surrounding zoning supports a mix of uses.

Mr. McCullough reviewed the previously approved preliminary plans from 2015 and 2019, explaining that the residential component has expanded with each plan. He said that this plan maintains a focal point at the corner of Prairie Star Parkway and Ridgeview Road and also includes amenities like a public plaza, amphitheater, lookouts, and pedestrian connectivity. He then presented elevations of the condominium buildings.

Mr. McCullough explained the stipulations of approval and said that both staff and the Planning Commission recommend approval.

The applicant was present.

Councilmember Karlin asked if there would be a U-turn allowed on Prairie Star Parkway to access the northern drive into the development and Mr. McCullough said he would have to find out.

Discussion followed regarding access on the north end of the development and considerations for the possibility of a high-traffic business locating in the retail building proposed.

Councilmember Roh asked about condominium parking and Mr. McCullough said that parking would be under the buildings and compliant with code.

Patrick Watkins, representative for Westar Development, introduced some of the team present and said they are excited to be back with this plan, which has a lot of improvements on a site that is difficult to develop. He clarified that the condos are part of phase 3 of the development and could end up being a combination of multi-family and owner-occupied condos or all multi-family as the development partner for that portion has not been finalized. He added that the development around the condo area would be for the area with community partnerships to share amenities.

Mr. Watkins said that there is a designated left-turn in to the development from westbound Prairie Star Parkway with a right-in right-out out of the development for eastbound Prairie Star Parkway.

Chad Porter, Payne and Brockway, said there is a westbound left turn off Prairie Star Parkway into this development that was approved under the Jayhawk Ridge final development plan, which is currently under construction and will provide three-quarter access. He confirmed that the same situation is on Ridgeview Road.

Councilmember Nicks asked if the density would change if the condos were to be done any differently and Mr. Watkins said they would keep them the same.

Councilmember Karlin said he appreciated the answers on the access as he did not see that turn shown on the exhibit. He said he would love to see the units owner-occupied.

Councilmember Roh said he likes this plan and how it has developed over time; he likes the phasing and appreciates that the amenities will be completed right away. He added that he thinks this is in line with the housing options discussed last week and it is on track with Vision 2040.

Councilmember Nicks said he is always concerned about density, but this plan and the amenities keep getting better, and he is in support.

Councilmember Arroyo said she is excited about the amenities offered and the multi-family portion. She asked if the amphitheater will be for the public, who would manage and maintain it.

Mayor Boehm said that this is a private development that would be managed privately, but some events in the space would be open to the public.

Councilmember Eiterich said she loves the idea of the townhomes, and it is a good mix for the area. She likes the bike rentals near the trails and how that offering ties in with Vision 2040. She is in support of this great project.

Councilmember Sayers said she believes the sidewalks on the north of Prairie Star Parkway connect somehow, but she did not see them shown on the map.

Mayor Boehm shared concern about the villas, which likely indicates they would be owner occupied and likely have a higher-end price point. The applicant said that a price-point has not been established yet, but they would not be rentals.

Mayor Boehm said he would like to know the price-point once it is determined. He agreed that this is a greatly improved plan, but said he is not sure this is the right plan for this location. He talked about condominiums and how this could eventually become a multi-family apartment, which is not the plan for this area.

Councilmember Roh made a motion to approve item 6 and Councilmember Eiterich seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

BUSINESS FROM FLOOR

There was no business from the floor.

COUNCILMEMBER REPORTS

Councilmember Roh thanked City staff for quickly removing the snow following the recent winter storm.

STAFF REPORTS

Carmen Chopp, Public Market Manager, introduced Atit Patel of Cosmo Burger, who said he is excited to be joining the Market with the smash burger concept and talked about his ties to the area.

Beccy Yocham, City Manager, talked about the Johnson County health update from last Friday, mask ordinances recently passed in other cities, enforcement and staff concerns.

Mayor Boehm asked for Councilmember comments.

Councilmember Arroyo said she has had some resident input and is personally concerned that the data suggests Omicron spreads quickly. Although she agrees with staff's concern about enforcement, she believes masking aligns with Lenexa's values.

Councilmember Roh asked how violations would be reported.

Ms. Yocham said that could happen in a variety of ways, but calls to 911 would be possible.

Councilmember Roh said he does not see any practical way to enforce this.

Councilmember Eiterich asked if there was any data on the number of violation calls received during the last mask mandate.

Ms. Yocham said that the last mandate was a County order that was enforced by the County, so calls were directed there.

Chief Layman said implementing a mask mandate through the City would put a responsibility on police officers to identify violators, issue citations, and potentially create other issues, which she would not want to do. She added with the County mask mandate, police officers had an administrative and educational role.

Councilmember Eiterich said her concern is that when there is no rule in place for people to follow, they will not take it seriously. She said she understands that enforcement would be a problem but asked if there is some short-term administrative way to exemplify how important it is for the public to wear masks to keep people safe. She thinks the City should explore ways to do that since the County is not using its

power to relay that message.

Mayor Boehm said he is concerned about taking steps that could lead to state legislation taking away City control despite home rule.

Sean McLaughlin, City Attorney, said that home rule is easily overturned by uniform enactments by legislation.

Councilmember Karlin said he looks at this as a personal rights and personal responsibility perspective and believes mandating masks should lie with County. He said he is not in favor of a mandate.

Councilmember Sayers said that inconsistency in mandates across the area makes this difficult and it also requires enforcement, so she is not in favor of a mandate in Lenexa.

Councilmember Denny said he thinks people are going to wear masks or not regardless of a mandate. He thinks a violator would just pay the fine and continue not wearing a mask if that is what they feel is their right. He is not supportive of a mask mandate.

Councilmember Nicks said he is not supportive of a mandate because of the enforcement issues.

Mayor Boehm said right now the consensus is not to mandate in Lenexa, but the issue can be revisited in the future if needed.

Ms. Yocham said staff will continue to post information about and resources for COVID-19 on the website and social media as it has been during the pandemic.

Mayor Boehm said that congressional maps are now available. He asked Mike Nolan, Assistant City Manager, if there was any legislative update.

Mr. Nolan said he would have a bill tracker to send out later this week. He said Senator Thompson, Shawnee, has introduced a bill called the Kansas Property Evaluation Act that could affect how property taxes are collected, which affects how the City budgets. He said there should be more information on that soon.

ADJOURN

Councilmember Sayers made a motion to adjourn and Councilmember Eiterich seconded the motion. Motion passed unanimously.

The meeting adjourned at 8:08 PM.

TO: LEXEXA CITY COUNCIL

FROM: MIKE BOEHM

DATE: FEBRUARY 1, 2022

RE: POLICE COMMUNITY ADVISORY BOARD APPOINTMENTS

It is my pleasure to recommend the following appointments to the Police Community Advisory Board as a result of the ordinance passed by City Council on December 7, 2021 to establish the Lenexa Community Advisory Board.

The Lenexa Police Department has long been known as a progressive law enforcement agency, proactive in its operations, and guided by the City's vision, mission, and values. The Department is constantly looking for ways to maintain and build partnerships within the community in an effort to reduce crime and enhance the quality of life for all who live, work, and visit our city. In the early 2000s, the Department informally established a community advisory board to provide a forum where key stakeholders serve as community liaisons and connectors between the Chief of Police and the community. That board has operated informally over the years.

Due to the changing landscape of the law enforcement field, the Chief of Police desires to formally adopt and organize the Community Advisory Board to operate as a resource to, and provide certain counsel for, the Department on contemporary issues such as biased-based policing, use of force, mental health response, and homelessness. The seven Board members will serve three-year terms (with the initial terms being staggered) and will function in an advisory capacity to the Chief of Police.

1. Jeff Boone - Term ending December 31, 2022
2. Geoff Garcia - Term ending December 31, 2022
3. Milton Jeffrey - Term ending December 31, 2023
4. Alice Nascimento - Term ending December 31, 2023
5. Vanessa Vaughn West - Term ending December 31, 2024
6. *Vacant
7. *Vacant

These individuals devote countless hours to the City in their respective roles and are an integral part of our success. I recommend approval of these appointments with much gratitude for their service.

*An application process to fill the two vacant positions is underway and I hope to have those additional appointments before you in the coming weeks.

**PETITION FOR COMMUNITY IMPROVEMENT DISTRICT (CID)
87 RENNER MULTI-FAMILY PROJECT**

To: The City of Lenexa, Kansas (the "City")

87 Renner LLC, a Kansas limited liability company (the "**Petitioner**") is the owner of record of certain real property legally described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Petitioner Property**"). Petitioner desires to establish a community improvement district over the Petitioner Property, generally described in **Section 1.a.** herein, and are petitioning the City for the same.

The Petitioner owns in fee simple 100% of the land area within the proposed community improvement district and 100% of the land measured by assessed value of the land area within the proposed community improvement district. As such, Petitioner hereby requests that the City establish a community improvement district over the Petitioner Property and authorize the proposed community improvement district project described in **Section 2** herein (hereinafter defined as the "**Project**") in the manner provided by K.S.A. 12-6a26 *et seq.* (the "**CID Act**") for the purpose of financing, in part, the CID Reimbursable Costs (hereinafter defined) associated with the Project.

The Petition states as follows:

1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

- a The area proposed to be included in the community improvement district (the "**District**") includes the approximately 7.07 acres legally described on **Exhibit A** (the "**CID Property**").
- b A general map depiction of the proposed District is attached hereto as **Exhibit B** and incorporated herein by reference.
- c The name of the proposed District is the "87 Renner Community Improvement District."

2. GENERAL NATURE OF THE PROJECT

The general nature of the CID Project consists of the construction of a multi-story apartment building consisting of approximately 250 multi-family units and approximately 10,000 square feet of retail, land acquisition, structured and surface parking, landscaping, hardscaping, utilities, sidewalks, and related site amenities, signage and associated infrastructure improvements on the Petitioner Property. The Petitioner is requesting that revenues generated from a CID Sales Tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include but are not limited to such items as demolition and site preparation, construction of buildings and tenant finish improvements, including FF&E, construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the CID Project as authorized by the Act. The CID Eligible Costs are described on **Exhibit C** attached hereto and incorporated herein by reference. The Project improvements

proposed to be financed, in part, with CID financing consist of any and all improvements associated with the Project, the costs of which are eligible for reimbursement under the CID Act subject to any limitations set forth in the CID Act or in the City's CID Policy and CID Procedures adopted August 3, 2010, as may be amended, and codified in Article GB05-1 and AD05-1, respectively (collectively, the "**City CID Policy**") (the "**CID Reimbursable Costs**"). The CID Reimbursable Costs are generally described on *Exhibit C*, attached hereto and incorporated herein by reference.

3. ESTIMATED COST OF THE PROJECT

The estimated total cost of the proposed Project is approximately \$54,209,404.

4. PROPOSED METHOD OF FINANCING

The Project is proposed to be financed initially through a combination of private equity, private debt and Pay-as-you-go financing, as defined in the CID Act. Petitioner will be reimbursed for CID Reimbursable Costs from a CID sales tax generated solely from the Project constructed on the CID Property and such reimbursement shall be made in accordance with the provisions set forth in an approved CID Development Agreement (the "**Development Agreement**") to be entered into between the City and Petitioner. Petitioner reserves the right to request the City to issue special obligation bonds, in accordance with the CID Act and the City's CID Policy, at a future date in order to fund the CID Reimbursable Costs of the Project that have not been reimbursed previously, but understands that the City is not obligated to issue such bonds.

In addition, on or about December 18, 2018, the City adopted Ordinance No. 5701 approving and adopting Redevelopment (TIF) Project Plan 4C (the "Project Plan") covering the substantially same area as the CID Property, which was subsequently amended on May 5, 2020 by Ordinance No. 5779. Pursuant to that Disposition and Development Agreement dated as of May 5, 2020 and amended on July 20, 2021 (the "TIF Agreement"), the incremental ad valorem property taxes generated from the Project Plan area will be used to fund eligible costs associated with the Project. The TIF Agreement specifically contemplates that Petitioner intends to make application to the City for the establishment of a District under the CID Act. The Petitioner cannot be reimbursed twice for the same cost in the District and the Project Plan area.

5. PROPOSED AMOUNT AND METHOD OF ASSESSMENT

No special assessments shall be levied for the District.

6. PROPOSED AMOUNT OF CID SALES TAX

The proposed amount of the community improvement district sales tax to be levied over the District (the "**CID Sales Tax**") is:

One percent (1.0%)

The CID Sales Tax shall be levied for 22 years from the date the State Director of Taxation begins collecting the CID Sales Tax, or such lesser number of years as may be

required to produce the revenues sufficient for the payment of the maximum CID Reimbursable Costs identified in **Exhibit C**. Petitioner requests the City notify the Kansas Department of Revenue to commence collection of the CID Sales Tax on January 1, 2024 or as soon thereafter as possible.

7. NOTICE TO SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS AFTER THE GOVERNING BODY BEGINS CONSIDERATION OF THIS PETITION, OR, LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF, WHICHEVER OCCURS FIRST.

8. ACKNOWLEDGEMENTS

- a Petitioner has received, read and understand the City's CID Policy and agree to comply therewith.
- b Approval of the proposed Project or this Petition does not eliminate compliance with all applicable zoning, planning, permit and other laws relating to development of the Petitioner Property within the District.
- c The estimated amount of eligible CID Project costs are anticipated to far exceed the aggregate maximum amount of CID Reimbursable Costs set forth in **Exhibit C**; but based upon the anticipated amount of allowable CID Revenues to be generated over the CID Term, Petitioner is only requesting reimbursement of CID Reimbursable Costs in the aggregate maximum amount of \$1,750,000 over the CID Term.
- d The City is relying on the estimated cost of the CID Reimbursable Costs set forth in this petition without independent investigation as to the accuracy of such estimate.
- e Reimbursement from the CID Sales Tax is subject to the terms of a Development Agreement to be entered into between the City and Petitioner or any other entity allowed by the Development Agreement and approved by the City for reimbursement.
- f Petitioner acknowledges that it is requesting a public incentive and certifies that it has no financial interest in any real estate in Lenexa, Kansas with delinquent special assessments or ad valorem taxes.

[Remainder of Page Intentionally Left Blank. Signature Pages to follow]

87 Renner LLC, a Kansas limited liability company

By: 

Name: Douglas M. Price

Title: Manager

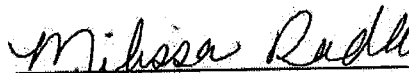
VERIFICATION

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

The foregoing Petition was acknowledged before me this January day of 21, 2022, by Douglas M. Price, (TITLE) Manager, on behalf of 87 Renner LLC, a Kansas limited liability company, and acknowledges he has authority to execute the Petition and said instrument is executed as the free act and deed of said corporation.

Subscribed and sworn to before me this 21 day of January, 2022

(Seal)


Notary Public in and for said
County and State

My Commission Expires: 4/25/2022



----- For Office Use Only -----

This Petition was filed in the office of the Lenexa City Clerk this 21st day of January, 2022

By: Jennifer Martin
Lenexa City Clerk

EXHIBIT A

Legal Description of District

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 12, RANGE 24, IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 12 S., RANGE. 24 E., JOHNSON COUNTY, KANSAS; THENCE N. 02° 16' 12" W. ON THE WEST LINE OF SAID SECTION A DISTANCE OF 110.00 FEET; THENCE N. 87° 34' 00" E. A DISTANCE OF 50.00 FEET TO A POINT, THIS SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF RENNER ROAD, THE WESTERLY RIGHT-OF-WAY OF INTERSTATE ROUTE 435 AND THE TRUE POINT OF BEGINNING; THENCE N. 2° 16' 12" W. ON SAID EASTERLY RIGHT-OF-WAY A DISTANCE OF 654.54 FEET; THENCE N. 87° 34' 00" E. A DISTANCE OF 535.25 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE ROUTE 435; THENCE S. 8° 55' 33" W ON SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 616.62 FEET; THENCE S. 66° 31' 45" W. ON SAID WESTERLY RIGHT-OF-WAY 139.28 FEET; THENCE S. 87° 34' 00" W. ON SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 285.67 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PART USED OR DEDICATED FOR STREETS, ROADS OR HIGHWAYS.

SURVEYORS RECOMMENDED PROPERTY DESCRIPTION:

ALL THAT PART OF AN UNPLATTED TRACT OF LAND, LYING IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 24 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29-T12S-R24E; THENCE NORTH 02 DEGREES 12 MINUTES 39 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 110.13 FEET; THENCE NORTH. 87 DEGREES 47 MINUTES 21 SECONDS EAST, DEPARTING THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 50.00 FEET, TO THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 435 AND THE EAST RIGHT-OF-WAY LINE OF RENNER BOULEVARD, AS BOTH ARE NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 02 DEGREES 12 MINUTES 39 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RENNER BOULEVARD, A DISTANCE OF 588.91 FEET; THENCE NORTH 58 DEGREES

20 MINUTES 54 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF- WAY LINE OF SAID RENNER BOULEVARD, A DISTANCE OF 50.07 FEET; THENCE NORTH 01 DEGREES 13 MINUTES 27 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RENNER BOULEVARD, A DISTANCE OF 41.21 FEET, TO A POINT ON THE SOUTH LINE OF WATERCREST AT CITY CENTER, A SUBDIVISION IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS; THENCE NORTH 87 DEGREES 38 MINUTES 26 SECONDS EAST, DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID RENNER BOULEVARD, AND ALONG THE SOUTH LINE OF SAID WATERCREST AT CITY CENTER, A DISTANCE OF 489.25 FEET, TO THE SOUTHEAST CORNER OF SAID SUBDIVISION, SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435; THENCE SOUTH 08 DEGREES 59 MINUTES 50 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435, A DISTANCE OF 616.58 FEET; THENCE SOUTH 66 DEGREES 36 MINUTES 11 SECONDS WEST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435, A DISTANCE OF 139.30 FEET; THENCE SOUTH 87 DEGREES 38 MINUTES 11 SECONDS WEST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 435, A DISTANCE OF 285.59 FEET, TO THE POINT OF BEGINNING.

EXHIBIT B

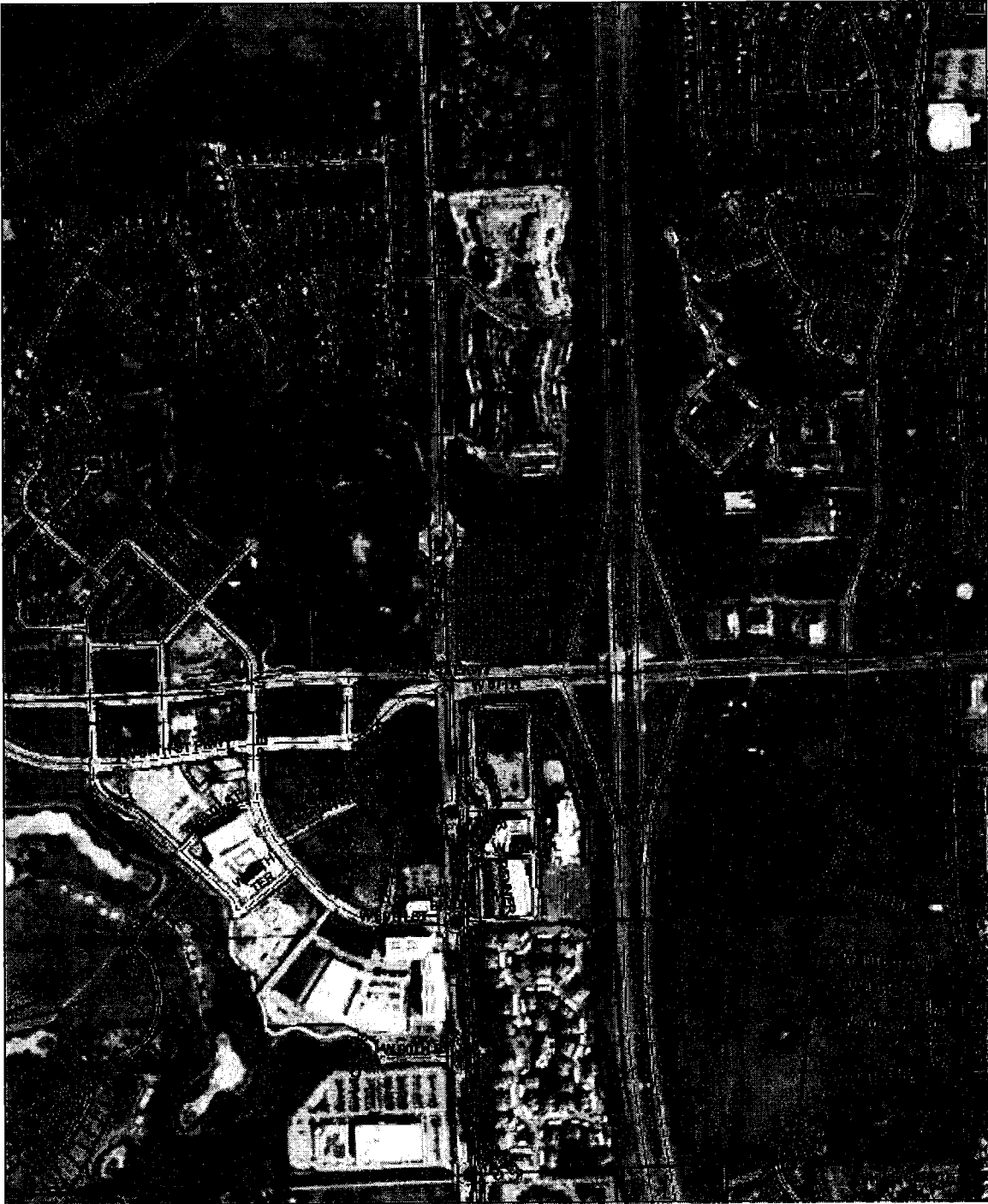


EXHIBIT C

CID ELIGIBLE COSTS

Description of Cost Item	Estimated Cost
Land Acquisition	\$2,500,000
Vertical building, structure and facility improvements, including costs associated with meeting certain standards/quality for the CID Project	\$32,583,803
Site work, including but not limited to grading, storm and sanitary sewers, drainage systems, utilities and similar site preparation improvements	\$387,268
Landscaping and irrigation	\$121,686
Streetscape, including lighting, street furniture, trash receptacles, walls, and other associated costs	\$347,677
Streets, sidewalks and associated costs and the costs of financing the same.	\$246,851
Sculptures, fountains and other cultural amenities	n/a
Constructing and operating parking lots and parking structures	\$6,800,000
Engineering and other professional consultant fees, excluding attorney's fees	\$1,918,000
Signage	n/a
Tenant Improvement Costs, including FF&E	n/a
Security personnel, equipment and facilities within the CID	n/a
Public transportation shelters, facilities and informational kiosks	n/a
Providing or contracting for the cleaning, maintenance and other services to public or private property within the CID	n/a
Marketing, sales and promotion of tourism and other special events within the CID including but not limited to advertising, decoration of public places, promotion of the events and furnishing music in any public place	n/a
Marketing and supporting business activity, development and recruitment of developers and businesses	n/a
Ongoing ordinary and necessary maintenance and operational costs as authorized by the CID Act	n/a
Aggregate Maximum Estimated Amount of CID Eligible Costs	\$44,905,285 +/-
MAXIMUM AGGREGATE CID REIMBURSABLE COSTS	\$1,750,000^{1,2}

¹ The City has only authorized a maximum aggregate reimbursement to the Developer of \$1,750,000; therefore, the maximum aggregate reimbursement of CID Reimbursable Costs is less than the subtotal of the estimated costs. The Developer will be responsible for all expenses of Developer, including costs associated with constructing the Project as well as the CID Reimbursable Costs even if they exceed the CID Revenue generated from the District.

² Although the total CID Reimbursable Costs are anticipated to exceed the Aggregate Maximum Amount of CID Reimbursable Costs, in no event will Developer be reimbursed for costs incurred in excess of the Aggregate Maximum Amount.