



CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE

WEDNESDAY, AUGUST 3, 2022 at 7:30 p.m.
(or immediately following 6:30 p.m. Community Development Committee)

POWELL COMMUNITY CENTER
6200 MARTWAY

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913.676.8350, with any questions or concerns.

PUBLIC HEARINGS / PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

ACTION ITEMS

1. Acceptance of the July 6, 2022 Finance & Administration Committee Minutes – Robyn Fulks ([page 4](#))

Draft minutes of the July 6, 2022 Finance and Administration Committee meeting are included for review and acceptance.

2. Resolution Calling Public Hearing for Mission Gateway Fifth Amended Tax Increment Financing (TIF) Redevelopment Project Plan – Laura Smith ([page 13](#))

The Gateway Developer has filed a Fifth Amended Tax Increment Financing Redevelopment Plan with the City Clerk which triggers the need to schedule a public hearing to consider the plan in accordance with State statutes. State law requires that the City Council pass a resolution officially calling a public hearing to consider the Redevelopment Project Plan. This Resolution must be passed not less than 30 days and not more than 70 days prior to the date of the hearing. In order to comply with the statutory requirements and to keep all issues related to the Gateway scheduled for one agenda, a Special City Council meeting has been called for Wednesday, September 28, 2022 for the public hearing. The Resolution does not commit the City to any other action besides scheduling the hearing and providing the required notice. It is anticipated that

the City Council will consider a Redevelopment Plan as well as a Development Agreement at that same City Council meeting.

3. Resolution Calling Public Hearing for Gateway Community Improvement District (CID) - Laura Smith ([page 114](#))

The Gateway Developer has submitted a new Community Improvement District (CID) Petition associated with the current project proposal. This would replace the existing 1% CID District (#3) with a new 2% CID District that would begin on January 1, 2024. State statute requires that the County Council pass a Resolution giving notice of the intent to consider the petition, and setting the date and time for a public hearing. The Resolution under consideration officially sets the public hearing on the Gateway Community Improvement District #4 for a Special City Council meeting scheduled for Wednesday, September 28, 2022 at 7:00 p.m. at the Powell Community Center, 6200 Martway, Mission, KS 66202. The Resolution does not commit the City Council to any action except scheduling the public hearing and providing the required notice.

4. Ordinance Transferring Telecommunications Franchise from Consolidated Communications Enterprise Services, Inc. to Everfast Fiber Networks, LLC – Emily Randel ([page 123](#))

Consolidated Communications Enterprise Services, Inc. currently operates the Contract Franchise granted under Ordinance No. 1202 and wishes to assign all rights, interests and obligations granted under that ordinance to Everfast Fiber Networks, LLC on the occasion of Everfast purchasing the customer base and other assets of Consolidated Communications later this year. The Governing Body must approve the attached ordinance before the transfer may take place.

5. CFD2 Special Event Permit for Street Solicitation – Robyn Fulks ([page 140](#))

Consolidated Fire District No. 2 and IAFF Local 1371 will conduct their annual “boot block” to solicit funds to benefit the Muscular Dystrophy Association. They are requesting approval to solicit at the intersection of Johnson Drive and Broadmoor on September 2, 3 and 4 during the times outlined in the application included in the packet. All insurance documentation has been provided and the permit approved by the Chief of Police and the Public Works Department.

6. Resolution for City-Sponsored Festival Event – Penn Almoney ([page 146](#))

The City is required to pass a resolution designating specific City-sponsored Festival Events where alcohol may be consumed. This resolution includes the Concert in the Park at Broadmoor Park scheduled for Friday, September 2, 2022.

DISCUSSION ITEMS

7. Massage Establishment/Therapist Licensing Revisions – Laura Smith ([page 148](#))

The City recently received an inquiry regarding massage establishment and massage therapist licensing as a home occupation. Currently, Mission's Municipal Code regulating massage therapy only allows for massage therapy to be performed on commercial business premises (Section 620.240 (2)(B)). Staff will review information and options and look for further Council direction regarding modifications to the ordinance regulating massage therapy.

8. 2023 Budget Discussion - 2023-2027 Capital Improvement Plan and Infrastructure Funds – Laura Smith ([page 175](#))

Budget discussions related to the City of Mission's 2023-2027 Capital Improvement Plan (CIP) and associated infrastructure funds will continue for discussion on the Community Development Committee agenda. Materials will be uploaded to the packet prior to the Committee meeting.

OTHER

9. Department Updates – Laura Smith

Trent Boultinghouse, Chairperson
Debbie Kring, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	August 3, 2022
Administration	From:	Robyn Fulks

Action items require a vote to recommend the item to full City Council for further action.

RE: July 6, 2022 Finance & Administration Committee Minutes.

RECOMMENDATION: Review and accept the July 6, 2022 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the July 6, 2022 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

July 6, 2022

The Mission Finance and Administration Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, July 6, 2022. The following Committee members were present: Ken Davis, Trent Boultinghouse, Hillary Thomas, Debbie Kring, Lea Loudon, Kristin Inman and Ben Chociej. Mayor Flora was also present. Councilmember Mary Ryherd was absent. Councilmember Boultinghouse called the meeting to order at 7:09 p.m.

The following staff were present: City Administrator Laura Smith, Deputy City Administrator Brian Scott, Assistant City Administrator/Interim City Clerk Emily Randel, Public Works Director Celia Duran, Parks & Recreation Director Penn Almoney and Chief Dan Madden.

Public Comments

Councilmember Boultinghouse reminded the public they could participate via the chat feature on Zoom. All comments would be visible to the group.

There were no public comments.

Public Presentations

There were no public presentations.

Acceptance of the June 1, 2022 Finance and Administration Committee Minutes

Minutes of the June 1, 2022 Finance and Administration Committee Meetings were provided to the Committee. There being no objections or corrections, the minutes were accepted as presented.

Contract for Crossing Guard Services

Chief Madden shared with the Committee that the City of Mission has contracted with All City Management Services, Inc. (ACMS) to provide crossing guard services at: 51st and Lamar (Rushton Elementary) and 62nd and Roe (Highlands Elementary) since August 2016. The Police Department has generally been pleased with their services although, like many employers, they have had difficulties hiring employees which results in Officers or a CSO covering crosswalks. To address these staffing shortages and challenges, All City Management Services, Inc has proposed a 10.7% increase for services provided to attract more candidates. Staff recommends entering into a new agreement for the 2022-2023 school year for a total estimated annual cost of \$19,771.20. The rate increase from \$24.80 per hour to \$27.46 per hour represents a total increase of \$1,915.20 per year.

The Chief advised that since the current plan is for Rushton students to go to Westwood View after the winter break, staff requested language in the contract that will allow for flexibility in canceling the 51st and Lamar crossing guard with notice. This will allow staff to learn more about the logistics of SMSD bussing students to and from Westwood View. After evaluating SMSD's plan, staff will assess the need for a crossing guard at 51st and Lamar with the children's safety being the priority.

The contract is based on an estimated number of hours required to appropriately staff the identified locations. Billing from ACMS reflects only hours worked by their staff, and when Mission personnel are required to cover the shifts, the City is not billed under the proposed contract.

Councilmember Kring commented that she and Councilmembers Davis and Boultinghouse had attended the Rushton open house earlier that evening, and during those presentations, the school district did suggest that the students would be moving at the start of the spring semester and returning to Rushton in the fall of 2024.

Councilmember Davis recommended that the contract be forwarded to the City Council for approval. All agreed and this item will appear on the Consent Agenda.

Discussion Items

2023 Budget

Ms. Smith recapped the information provided during the June 22 and June 29 budget work sessions and advised that discussions for the budget tonight will be focused on the non-capital infrastructure funds which are included in the City of Mission's budget. Those include the: Equipment Reserve and Replacement Fund, Special Alcohol Fund, Mission Convention and Visitors Bureau (MCVB) Fund, Solid Waste Utility Fund, TIF/CID Funds, and the ARPA Fund.

She began with a review of the Equipment Reserve and Replacement Fund. During the development of the 2017 budget, staff recommended establishing an Equipment Reserve and Replacement Fund. Kansas Statutes Annotated 12-1,117 allows municipalities to establish an Equipment Reserve and Replacement Fund as a financing mechanism to build up reserve monies for the routine replacement of city vehicles and equipment. By setting aside funds each budget year, the City can build a reserve account to finance the future purchase of a single

piece of equipment or a group of vehicles that may otherwise prove infeasible to be purchased from the General Fund in a given budget year.

A transfer from the General Fund to the Equipment Reserve and Replacement Fund was authorized in the amount of \$200,000 in the 2017 Budget. Because of the high resale/surplus value of our equipment since the fund was established, there has not been a need to transfer additional funds from the General Fund since 2017. The Equipment Reserve and Replacement Fund work sheet reflects \$246,000 in vehicle and equipment expenditures taken from the supplemental work sheet provided during the June 29th work session. These can be accommodated within the current fund without a transfer from the General Fund in 2023.

Ms. Smith noted, the that Boss Snowrater (sidewalk snow plow) is shown as an expense in 2022. Based on pricing considerations, supply chain constraints and the opportunity to have the equipment for the 2022 snow season, the Public Works Department has requested Council consider authorizing that purchase in the current fiscal year rather than waiting until 2023.

There are two vehicles shown on the supplemental list which have not been included in the current 2023 Budget. Those include: Ford F-250 Truck for PW Assistant Superintendent and a replacement vehicle for Community Services Officers/Animal Control. Ms. Smith said staff is continuing to explore how best to meet these identified needs, whether that be through realignment of the current fleet or retention of a vehicle scheduled for replacement. Once final alternatives and staff recommendations are finalized, they will be presented to the Council for consideration in any final budget decisions for 2023.

She then presented on the Special Alcohol Fund. By statute, the State of Kansas imposes a 10 percent Liquor Drink Tax (aka Alcohol Tax) on the sale of any drink containing alcoholic liquor sold by clubs, caterers, or drinking establishments. Revenue derived from this tax is allocated 30% to the State and 70% to the city or county where the tax is collected. The statute further stipulates that for cities of Mission's size, the portion allocated to the local jurisdiction be proportioned in thirds, with one third to the General Fund, one third to a Special Parks and Recreation Fund, and one third to a Special Alcohol Tax Fund. The Special Alcohol Tax Fund is to support programs "whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers" (KSA 79-41a04 1997).

Alcohol Tax fund revenues were impacted slightly by COVID-19, but have recovered quickly. Total distributions to the City of Mission in 2022 are estimated to be \$270,000, and are expected to increase to \$375,000 in 2023. A third of these funds - \$90,000 in 2022 and \$125,000 in 2023 - will be proportioned to the City's Special Alcohol Tax Fund. Special Alcohol funds have historically been used to support Mission's DARE activities, the mental health co-responder program, and the UCS' Drug & Alcoholism Council recommendations.

The Drug and Alcoholism Council (DAC), a program supported by the United Community Services of Johnson County, offers grants each year to various organizations within the county



that provide alcohol and drug abuse prevention and treatment programs. The grants are structured in such a manner that the awarded organizations have access to funds from multiple participating jurisdictions. Governing Body's in each jurisdiction have the ultimate authority and responsibility to determine which organizations receive funds. The 2023 Budget includes a recommendation to contribute \$60,000 to the DAC, an increase over 2022 of \$10,000.

Approximately \$15,000 is allocated to offset expenses associated with the DARE program provided in our local elementary schools. Since Officer Fleer's retirement, we have not had a designated, trained officer available, so the expenses in 2022 have been eliminated. The Chief has been in conversation with our local elementary school principals who continue to be interested in Mission providing DARE programs/resources in the future.

In 2021/2022, funding for the Johnson County mental health co-responder program was increased to hire a second co-responder. There continues to be sufficient resources in the Special Alcohol Fund to cover the costs associated with this important resource for our Police Department and our community. 2022 Estimated costs reflect grant funding that was secured by the City of Merriam for the program as well as a lapse in getting the second co-responder hired, trained and out on the street. This program continues to be an important priority for the Department and the Council and we will continue to work with our partner cities to explore grant funding opportunities.

Councilmember Boultinghouse expressed his support for the expanded co-responder program and he is proud to be able to offer this resource for our community. Ms. Smith advised that a presentation on the co-responder program would be scheduled for a future meeting.

Councilmember Loudon inquired whether the Chief and the Department would be open to considering finding a more effective program in lieu of the DARE program. Councilmember Thomas would be supportive of exploring this as well, and would be hearing from the Chief.

Ms. Smith indicated the DARE funding was a "placeholder" and doesn't believe that there would be any resistance to exploring other options. The connection to our students and the schools is vital and we want to consider all options. Chief Madden shared some information on how the DARE program has evolved over time, but will be happy to look at anything that maintains the relationships and trust with our school and communities.

Councilmember Chocie expressed his support for a review of the DARE program. In general, anytime we are looking at public health interventions, he would like to make sure it's evidence based so we feel comfortable we are doing the most effective things with our dollars.

Chief Madden hasn't met with new principal at Highlands. During his recent conversation with the Rushton principal, she was very pro DARE, and interested in getting the relationship with the Department back on track.

Councilmember Davis inquired whether the DARE funding was primarily targeted for staff, or does it cover materials as well. Ms. Smith confirmed it was originally intended to be an off-set for personnel costs and it covers approximately 25% of the position's time.

Councilmember Thomas wanted to reiterate there is no interest in taking away funding that keeps officers connected with our schools. Just would like to rename and make sure we are exploring options.

The next fund discussed was the Mission Convention and Visitors Bureau (MCVB) which was formed by City ordinance in February of 2009, and replaced the former Mission Business Development Committee (MBDC), first established in August of 2003 to assist in the revitalization and redevelopment of the Mission business district. In 2016, the Council disbanded the MCVB Committee, but the fund is maintained to account for transient guest tax revenues (9% hotel/motel tax) received by the City. The transient guest tax, sometimes referred to as a hotel/motel tax, is charged on the rental of rooms, lodging, or other sleeping accommodations. A transient guest tax is charged in addition to sales tax, and Mission's rate is at the maximum allowed under current State statute.

Transient guest tax funds are used to attract residents and visitors to our community to spend dollars in support of our local businesses. Since its creation, these funds have primarily been used to support the publication and distribution of five issues of the *Mission Magazine* each year. But can be allocated for beautification, wayfinding, etc. in our commercial districts.

The MCVB Fund also previously served as a "pass through" fund for revenues and expenses associated with the Mission Business District and the Family Adoption program. In 2021, the Mission Business District funds were distributed back to them, and there are plans in 2022 to establish a separate fund to more easily track and monitor the revenues and expenses associated with the Family Adoption Program.

Later this month Staff will be making a withdrawal of the funds carried in the Greater KC Community Foundation's Charitable Fund since 2017 to reimburse the MCVB Fund for expenditures made from 2017-2022 related to the Family Adoption Program. The anticipated reimbursement to the MCVB fund is approximately \$74,000 and will provide an opportunity to consider funding of additional supplemental requests, such as banners for 2023. Market site improvements and E-bike amenities have also been discussed in previous year's budget conversations.

Councilmember Chociey shared that he, like Councilmember Thomas would be supportive of additional market site improvements, particularly shade would be welcome.

Mayor Flora commented that she would like to see E-bikes or scooter proposals remain on the list for discussion and consideration..

Ms. Smith then went on to discuss the Solid Waste Utility Fund which accounts for the fees collected from single-family residential properties which are used to support the annual trash, recycling and yard waste contract with WCA/GFL. The solid waste contract has been funded through a combination of fees collected from residents and a transfer from the General Fund (budgeted at \$85,000 for 2022). As discussed previously, WCA/GFL has requested an increase of 5% for the 2023 contract. Contract language stipulates that any increase over 3% must be mutually agreed to in writing by both parties. Based on CPI data related to garbage and trash collection (May 2021 to May 2022) increased for the industry have been 5.4% and staff does not believe the request for 2023 is unreasonable.

Fees are currently collected from 2,972 households in Mission. Ms Smith then reviewed options for changes in either fees charged, the General Fund transfer, or both, for 2023. The solid waste utility fees are certified to the County as a part of the annual budget process and assessed annually on residential property tax bills. Currently, residents are contributing just under \$200 annually for these services, or less than \$16/month.

Councilmember Kring inquired whether there was any thought being given to changing the income guidelines to qualify for the rebate program. Ms. Smith indicated that could certainly be reviewed as a policy decision for the Council.

Councilmember Chociey expressed that he would like to see how we can provide more equity for multi-family properties to take advantage of pricing or, at a minimum, be able to offer recycling at the multi-family complexes. Councilmember Boultinghouse indicated he was supportive of that. Councilmember Chociey suggested by revising the income guidelines, this might be a good opportunity to give some relief to residents on their property tax bill.

Councilmember Davis asked how much of the funds are used in rebates? Ms. Smith reported that about \$2,200 in rebates had been paid out in 2020 and 2021. Noting that if the income guidelines were changed it would take more money in the budget to accommodate

Councilmember Davis also asked about delinquent taxes and who enforces. Ms. Smith replied that was handled by Johnson County. Typically, a property can go for three years without paying taxes before the County moves to the next step, which could include a sale “on the courthouse steps.”

Mayor Flora asked whether we saw an increase in delinquent taxes during the last recession. Ms. Smith indicated we did not, and that our collections are generally pretty consistent in the 95-98% rate annually.

Councilmember Inman offered her support for the program. Keeping a single hauler in place reduces the impact on our streets. She especially likes the bulky item collection believing it helps to keep the community cleaner.

Ms. Smith acknowledged that there have been some questions about contract performance standards for the hauler and that she and Mr. Scott are reviewing. We want to make sure we are doing all we can to ensure consistent, reliable service for our residents.

Discussion then turned to the separate funds maintained for various development and redevelopment projects which have been approved for Tax Increment Financing (TIF) or Community Improvement Districts (CID). The City currently has several active TIF/CID projects which include. Those funds include: Mission Crossing, Cornerstone Commons, Mission Trails Apartments (The Locale) and Capitol Federal. A fund will be created in the 2023 budget process for the Mission Bowl project, but there would be no anticipated expenditures from the fund in FY2023.

All distributions from these funds are made in accordance with a development agreement for the project and reimburse the developer for certain approved development costs. The TIF property tax revenues are distributed to the City through Johnson County. The TIF sales tax (1% City General) and CID sales tax (1% additional) are received from the State. Staff verifies and performs any necessary calculations prior to distributing to the developer on a quarterly basis.

Councilmember Davis thought it would be helpful to have a work session to understand how monies flow into and out of these funds as well as understanding . The work session could include some historical information on each. He stated he believes he and others might benefit from that discussion.

Councilmember Kring also supports the idea of a work session.

Councilmember Chociey suggested that more narrative be provided regarding the TIF and CID funds to help the public understand their purpose and the revenues and expenses being reflected. Ms. Smith indicated that would be no problem to share more information in the remainder of the budget process.

Finally, Ms. Smith reviewed the American Rescue Plan Act (ARPA) Fund established in 2021 as the repository for the approximately \$1.5 million in ARPA funds that will be distributed to Mission through the State of Kansas. The funds came in two distributions. One in July 2021 and the second in June of this year. The City has until 2024 to obligate the funds and 2026 to expend them. At this time, the 2023 Based Budget anticipates transferring the full amount of ARPA funds into the General Fund to account for revenue losses resulting from the COVID-19 pandemic. As the budget continues to develop, staff will return with specific recommendations and opportunities regarding potential use of these federal stimulus funds.

Ms. Smith then recapped the budget calendar and steps remaining to approve the 2023 Budget. Meeting dates and topics were outlined to include:

July 20	Deadline to Notify County Treasurer of intent to exceed Revenue Neutral Rate for 2023 Budget and set date of public hearing
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- Aug 3 F&A Committee – 2023-2027 CIP/Infrastructure Funds, presentation and recommendations from Climate Action Plan (CAP) Task Force
- Aug 17 Prior to City Council Meeting – Community Dialogue
- Aug 24 Work Session – 2023 Recommended Budget/Budget Resolution
- Aug 31 Work Session – Final Review of 2023 Budget
- Sept 7 Public Hearing on 2023 Budget/Intent to Exceed RNR and Adopt 2023 Budget and 2023-2027 CIP

OTHER

Councilmember Davis was following up on the plan for communicating the information to be shared regarding the upcoming sales tax renewal election.

Department Updates

Chief Madden shared with the Council that with Wayne Brinkley's retirement and our existing CSO on limited duty, we are currently without any Community Service Officers. Calls should still be forwarded to the Police Department for resolution. The Department is interviewing and hiring to fill the position as quickly as possible.

Councilmember Inman asked whether we had heard from any of our partner cities. Ms. Smith explained that each year the fees are re-evaluated based on how the positions are staffed throughout the year and annual contract fees are adjusted accordingly.

Councilmember Davis complimented the Chief for the nice retirement ceremony for Wayne Brinkley.

Meeting Close

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 8:11 p.m.

Respectfully submitted,

Emily J. Randel, Interim City Clerk

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	August 3, 2022
Community Development	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Resolution providing notices of a Public Hearing to consider the Fifth Amended Mission Gateway Tax Increment Financing Redevelopment Plan

RECOMMENDATION: Approve the Resolution calling the Public Hearing for 7:00 p.m. at a Special City Council meeting to be held at 7:00 p.m. on September 28, 2022 at the Powell Community Center, 6200 Martway, Mission, KS 66202.

DETAILS: The Gateway Developer has filed a Fifth Amended Tax Increment Financing Redevelopment Plan with the City Clerk which triggers the need to schedule a public hearing to consider the plan in accordance with State statutes.

State law requires that the City Council pass a resolution officially calling a public hearing to consider the Redevelopment Project Plan. This Resolution must be passed not less than 30 days and not more than 70 days prior to the date of the hearing. In order to comply with the statutory requirements and to keep all issues related to the Gateway scheduled for one agenda, a Special City Council meeting has been called for Wednesday, September 28, 2022 for the public hearing.

This Resolution sets the public hearing date for 7:00 p.m. at a Special City Council meeting on Wednesday, September 28, 2022. The Resolution does not commit the City to any other action besides scheduling the hearing and providing the required notice. Following the public hearing, the City Council will consider adoption of the Redevelopment Project Plan, which would require a 2/3 vote. In conjunction with the consideration of this Redevelopment Project Plan, the City Council will also consider termination of the existing Fourth Amended Tax Increment Financings Redevelopment Plan adopted by the City in 2017. It is anticipated that the City Council will consider a petition to establish a Community Improvement District (CID) levying a 2% sales tax as well as a Development Agreement at that same City Council meeting.

Prior to calling the public hearing, State statutes require the Redevelopment Project Plan be reviewed by the Planning Commission with respect to conformance with Mission's Comprehensive Plan. The Planning Commission considered the Fifth Amended Redevelopment Project Plan at their July 25, 2022 meeting and unanimously (9-0) approved PC Resolution 22-1 finding the plan consistent with the intent of the Comprehensive Plan.

A copy of the PC Resolution is included in the packet along with a copy of the Fifth Amended Mission Gateway Tax Increment Financing Redevelopment Project Plan. The

Related Statute/City Ordinance:	K.S.A. 12-1770, et seq.
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	August 3, 2022
Community Development	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

Project Plan will be reviewed briefly at the August 3 Finance & Administration Committee meeting, with more discussion to follow at the September 7 Finance & Administration Committee meeting and a September 14 City Council Work Session.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	K.S.A. 12-1770, et seq.
Line Item Code/Description:	NA
Available Budget:	NA

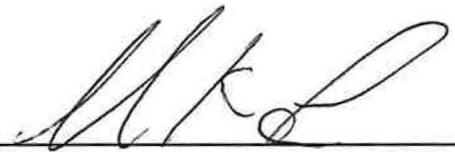
**CITY OF MISSION, KANSAS
PLANNING COMMISSION**

RESOLUTION NO. PC-22-1

A RESOLUTION FINDING THAT THE MISSION GATEWAY FIFTH AMENDED TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN SUBMITTED JUNE 1, 2022 IS CONSISTENT WITH THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF THE CITY OF MISSION, KANSAS.

BE IT RESOLVED by the City of Mission, Kansas Planning Commission that The Mission Gateway Fifth Amended Tax Increment Financing Redevelopment Project Plan, submitted to the City and reviewed by the Planning Commission at its regularly scheduled meeting on July 25, 2022, is consistent with the Comprehensive Plan for the development of the City of Mission, Kansas all in accordance with Kansas law.

ADOPTED by the Planning Commission July 25, 2022.



Mike Lee, Chair

ATTEST:



Brian Scott
Recording Secretary

MISSION GATEWAY

**FIFTH AMENDED TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT PLAN**

SUBMITTED TO THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS
PURSUANT TO K.S.A. § 12-1770 *et seq.*

RECEIVED
JUN 01 2022
BY: 

TABLE OF CONTENTS

- I. Introduction
- II. Mission Gateway – Fifth Amended Redevelopment Project Plan
 - A) The Property
 - B) Established Redevelopment District
 - C) Description of Proposed Project
 - D) Financing Plan
 - E) Feasibility Study
 - 1) Project Costs
 - 2) Eligible Costs
 - 3) Project Revenues
 - 4) Tax Increment Revenues and Special Obligation Bond Financing
 - 5) Summary of the TIF Revenues and Project Costs
 - 6) City of Mission Meetings and Minutes
 - 7) Impact on Outstanding Special Obligation Bonds
 - 8) Significant Contribution to Economic Development in the City
 - F) Relocation Plan
- III. Conclusion

EXHIBIT LIST

- Exhibit A – Legal Description of the Property
- Exhibit B – Map Exhibit of the Property
- Exhibit C – Ordinance No. 1190, Ordinance No. 1195, and Ordinance No. 1508
- Exhibit D – Detailed Budget
- Exhibit E – TIF Bond Proforma
- Exhibit F – City of Mission Meeting Minutes Regarding this Project Plan

I. INTRODUCTION

In accordance with the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et seq.* (the “**Act**”), this Fifth Amended Mission Gateway Tax Increment Financing Redevelopment Project Plan (this “**Project Plan**”) has been submitted to facilitate the redevelopment of an approximately 17-acre site (the “**Property**”) bounded by Johnson Drive on the North, Roe Avenue on the East, Shawnee Mission Parkway on the South, and Roeland Drive on the West in the City of Mission, Kansas (the “**City**”). In the 1980s, the site was developed and utilized as a traditional enclosed shopping mall, and as that concept fell out of favor in the market, vacancy rates rose and the viability of that particular use came into question despite desirable local demographics.

In 2005, The Gateway Developers, LLC (the “**Original Developer**”) purchased the Property and worked closely with the City to formulate a redevelopment plan to demolish the existing mall and construct a modernized concept that would bring the Property to its highest and best use. This plan served both the Original Developer’s goals of creating a long-term stable asset and the City’s goals of rectifying a blighted, outdated use and replacing it with a dense, mixed-use project. It also facilitated an important City-wide goal of making it possible to install critical flood mitigation infrastructure that would enable redevelopment of both the Property and a substantial portion of the City that continuously faced flood issues.

In January of 2006, the Original Developer obtained initial approval of a tax increment financing (“**TIF**”) district for the Property. A TIF redevelopment project plan was then approved that September 2006, and that plan was amended by a later iteration in January 2008, which included a destination aquarium as the focal point. Shortly after this approval, the national economy began to rapidly decline, and market factors beyond the Original Developer’s control delayed commencement of this project. In 2013, a second amended redevelopment project plan was approved for the project, which omitted the destination aquarium in favor of a modern mixed-use concept.

In 2016, the Original Developer transferred its interest in the Property to Aryeh Realty, LLC (the “**Developer**”) who redesigned the redevelopment project and redevelopment plan. In August 2017, the City approved an amendment to the redevelopment project plan, and the ordinance approving same was effective January 2019. In the first quarter of 2020, as Developer was in the final stages of closing the private and public financing required to fund construction, the COVID-19 global pandemic began impacting the financial markets and Developer’s private and public financings were unable to close. The Developer asserts that the redevelopment project plan that became effective January 2019 has been abandoned because it is no longer desired or feasible.

The Developer now proposes to re-envision the redevelopment plan and submit this Fifth Amended Mission Gateway Tax Increment Financing Redevelopment Project Plan, which proposes a different redevelopment project and revenue sources from previous plans, for the City’s consideration. This Project Plan proposes a mixed-use center consisting of approximately 139,752 square feet of commercial and small shop retail, restaurants and entertainment space, an approximately 100,000 square foot office or medical facility, an approximately 202 room hotel, and approximately 373 market-rate multi-family residential units, as well as a parking garage and all associated infrastructure (the “**Project**”). The Project will provide living, working, shopping, and entertainment opportunities, culminating in an integrated and cohesive community that brings the Property to its highest and best use. The Project will contribute to the City’s continued revitalization of its economy and progress in the redevelopment of the

East Gateway area of Johnson Drive near the Project site. It is contemplated that the Project will be constructed in two (2) phases:

- **Phase 1:** The first phase of the Project is proposed to include: (i) construction of approximately 49,752 square feet of “small-shop” commercial or restaurant uses; (ii) construction of approximately 90,000 square feet of retail, restaurant, and entertainment space; (iii) construction of approximately 373 apartment units; (iv) construction of related site work; (v) construction of surface parking sufficient for such uses pursuant to the City’s applicable ordinances; and (vi) construction of a parking garage serving the entirety of the Project (collectively referred to herein as “Phase 1”).
- **Phase 2:** The second Phase of the Project is proposed to include: (i) construction of an approximately 202-room hotel and (ii) construction of an approximately 100,000 square foot office or medical facility (collectively referred to herein as “Phase 2”).

This Project Plan is premised on the need for a combination of public and private financing. The redevelopment of the Project has been ongoing for over a decade, and during that time, Developer asserts that it has incurred costs of approximately \$68,394,436 in land acquisition, demolition, predevelopment, and development construction costs in an effort to get the Project off the ground. Developer asserts that market conditions have continued to create difficulties for the Project, and absent the availability of TIF, it is not economically viable to undertake the Project. Accordingly, the Developer hereby proposes that the City approve this Project Plan and authorize the financing described herein. This public-private partnership will be to the shared benefit of all stakeholders – from the City and the Developer, to neighbors of the Project, and the citizens of the City that have a vested interest in seeing the Project move forward.

II. AMENDED TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN

A. The Property

As noted above, the Property subject to this Project Plan consists of approximately 17 acres bordered by Shawnee Mission Parkway, Roe Avenue, Johnson Drive, and Roeland Drive located within the City of Mission, Kansas. A legal description and map of the Property are attached hereto as **Exhibit A** and **Exhibit B**, respectively.

B. Established Redevelopment District

The Property is within an established redevelopment district approved by the City on January 11, 2006 and amended on February 8, 2006, by passage of Ordinance No. 1190 and Ordinance No. 1195, then further divided into Rock Creek Redevelopment District No. 1 (Gateway) pursuant to Ordinance No. 1508 passed on November 18, 2019 (the “Redevelopment District”). Copies of each ordinance listed above are attached hereto as **Exhibit C**. The approved District Plan under Ordinance No. 1508 designates the Property as the sole project area within the Redevelopment District, providing in pertinent part:

Rock Creek Redevelopment District No. 1 (Gateway). A redevelopment district containing one project area consisting of some or all of the following uses: one or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within and around the Rock Creek channel,

streets, sanitary and storm sewers, water lines and all related expenses to redevelop and refinance the redevelopment project and all other associated public and private infrastructure.

As described herein, this Project Plan is consistent with the established Redevelopment District.

C. Description of the Proposed Project

As described above, this Project Plan proposes a mixed-use center of approximately 139,752 square feet of commercial and small shop retail, restaurant, and entertainment space, an approximately 100,000 square foot office or medical facility, an approximately 202 room hotel, and approximately 373 market-rate multi-family residential units, as well as a parking garage and all associated infrastructure. The Project will provide living, working, shopping, and entertainment opportunities, culminating in an integrated and cohesive community that brings the Property to its highest and best use. The Project will contribute to the City's continued revitalization of its economy and progress in the redevelopment of the East Gateway area of Johnson Drive near the Project site. It is contemplated that the Project will be constructed in two (2) phases:

- **Phase 1:** Proposed to include: (i) construction of approximately 49,752 square feet of "small-shop" commercial or restaurant uses; (ii) construction of approximately 90,000 square feet of retail, restaurant, and entertainment space; (iii) construction of approximately 373 apartment units; (iv) construction of related site work; (v) construction of surface parking sufficient for such uses pursuant to the City's applicable ordinances; and (vi) construction of a parking garage serving the entirety of the Project.
- **Phase 2:** Proposed to include: (i) construction of an approximately 202-room hotel and (ii) construction of an approximately 100,000 square foot office or medical facility.

Notwithstanding the foregoing, the Developer will only construct Phase 2 as specific tenants and users are identified. This Plan is not intended to require or limit any particular use, size of any particular component, or inclusion of a particular component in any phase. To the extent certain uses are deemed impracticable, or tenants or users cannot be identified, then particular components of the Project may be modified, reduced, or, in the case of Phase 2, not constructed at all. For example, if the Developer is unable to secure office users or tenants, then the office component may not be constructed, or may be delayed until a time when users or tenants can be secured. To the extent any such particular component is changed or not constructed, then the costs associated with that component may also change or may not be incurred. There may then be corresponding modifications in the amount of TIF revenue generated by a modification, delay, or omission of the construction of any particular component of the Project as contemplated herein.

D. Financing Plan

The viability of this Project is dependent upon a combination of private and public financing mechanisms. In addition to private equity and debt, TIF and Community Improvement District ("CID") financing and other public sources may be utilized as approved by the City. The current iteration of the Project Plan envisions the use of special obligation bonds only, meaning that no City support, backing, or credit of the bonds will occur unless otherwise specifically authorized by the City, and certain tax increment and CID revenues that may be reimbursed to

Developer on a pay-as-you-go basis upon repayment of such bonds, as further set forth in a development agreement to be entered into between the Developer and City. Any reimbursement for Redevelopment Project costs will be made only from tax increment and CID revenues actually received by the City from the Redevelopment District in accordance with the Act. The City will have no responsibility for any other costs of the Project. Further, the City is under no obligation to provide financial assistance if the tax increment or CID revenues generated from the Project do not meet projections.

For the purposes of accurately stating revenue estimates, this Plan provides figures valued in two ways: (1) the gross revenues generated over the period of collection contemplated hereunder (meaning the total collections for that period), and (2) bonded figures, assuming a 5.75% interest rate, 130% coverage, and 14% costs of issuance.

As detailed in Section E below, the total estimated cost to complete the Project is approximately \$268,374,547. Financing of this amount shall be provided by (A) eligible TIF financing; (B) eligible CID financing; and (C) costs not financed with the above funding sources will be financed through private equity and debt. The specific terms and conditions of such financing will be further set forth in a development agreement to be entered into between the Developer and City.

E. Feasibility Study

Pursuant to the Act, a study has been performed to determine whether the Project’s estimated benefits will exceed its cost, and that the income therefrom will be sufficient to pay the costs of the Project. Various consultants retained by the Developer and members of the development team with experience and expertise in the actual design, development, financing, management and leasing of projects of similar scope and nature were utilized for the feasibility study. Further, outside resources were consulted to compare and verify the cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. **Project Costs.** The total estimated cost to complete the Project is \$268,374,547.¹ Below is a summary of the estimated costs, as determined from contract prices, engineering estimates and the Developer’s estimates. A detailed budget is included as Exhibit D.

<u>ESTIMATED TOTAL COSTS</u>	
	<u>Total</u>
Land, Demolition & Predevelopment	\$43,098,570
Site Work, Infrastructure & Parking	\$29,852,464
Hard Costs	\$140,613,840
Soft Costs	\$30,740,278
Loan Closing Costs	\$5,791,496
Interest Reserve	\$18,277,899
Total:	<u>\$268,374,547</u>

¹ This amount is subject to change as actual costs are ascertained and incurred. Costs are exclusive of private interest incurred to finance such costs.

2. **Eligible Costs.** Pursuant to the Act, only certain costs are eligible for TIF financing and reimbursement. Of the total project costs listed above, Developer estimates that \$66,644,434 (or 24.83%) qualifies under the Act as “Eligible Redevelopment Project Costs,” meaning that only those costs may be financed using TIF revenues. The viability of the Project as planned hinges on obtaining TIF financing and reimbursement for a portion of the Eligible Redevelopment Project Costs, Developer’s estimates of which are set forth by category and amount below (and noted in further detail in Exhibit D):

ESTIMATED ELIGIBLE REDEVELOPMENT PROJECT COSTS²

	<u>TIF Eligible</u>	<u>Eligible %</u>
Land, Demolition & Predevelopment	\$14,794,576	34.32%
Site Work, Infrastructure & Parking	\$29,852,464	100.00%
Hard Costs	\$13,036,032	9.27%
Soft Costs	\$2,161,099	17.30%
Loan Closing Costs	\$1,001,929	17.30%
Interest Reserve	\$3,162,077	17.30%
Total:	\$64,008,179	23.85%

3. **Project Revenues**

Gross TIF revenues generated over a period of 20 years, as provided under the Act, are estimated to be \$77,787,830. The estimated TIF revenues presume a 1.5% annual escalation in property taxes and a 2% annual increase in sales revenues. Assuming a 5.75% interest rate, 130% coverage, and 14% costs of issuance, Developer estimates this gross revenue stream could support a net bond issuance of approximately \$27,923,385.

The Project will generate TIF revenues from the following sources permitted by the Act:

- a) *Ad Valorem* Tax Increment Revenues – the differential between the *ad valorem* taxes generated by real property within the established Redevelopment District as of the date the Redevelopment District was established and future *ad valorem* taxes which will be generated after the redevelopment (less *ad valorem* taxes not allowed to be captured pursuant to the Act); and
- b) City Sales Tax – the portion of the City’s Sales Tax undedicated for other purposes, which is currently 1%, plus the portion of the Johnson County sales tax committed to the City, which for the purposes of this Project Plan is assumed to be an additional 0.02551%.

² This amount is subject to change as actual costs are ascertained and incurred provided the same are eligible under the Act. This Project Plan contemplates that all TIF revenue generated hereby will be available to repay Eligible Redevelopment Project Costs, whether on a “pay-as-you-go” basis or by the issuance of TIF bonds. Costs are exclusive of private interest costs incurred to finance such Eligible Redevelopment Project Costs, which shall be reimbursable with TIF revenues if incurred to finance any Eligible Redevelopment Project Costs.

- c) Transient Guest Tax – all transient guest taxes generated from the hotel within the Project, at the City’s current transient guest tax rate of 9%.

A. Ad Valorem Tax Increment Captured

The assessed value of the Property at the time the Redevelopment District was created in 2006 was \$2,532,825, according to the Johnson County Appraiser’s Office. This assessed value serves as the base against which future Project values can be compared in order to determine the amount of *Ad Valorem* Tax Increment Revenues that will be generated by the Project. Upon completion of construction of the Project, it is estimated that the Property will have an assessed value of \$30,708,740, growing annually with inflation at an assumed 1.5%. The cumulative difference between the projected assessed value and the base assessed value creates a tax increment of \$61,309,008 over the TIF collection period (supporting estimated net bond proceeds of \$22,075,625, assuming a 5.75% interest rate, 130% coverage, and 14% costs of issuance).

These conclusions are based on and confirmed against anticipated Project Costs, published tax appraisals for similar developments in Johnson County, and the valuation methodology historically utilized by the Johnson County Appraiser’s Office for comparable property.

B. City Sales Tax Revenue Captured

It is estimated that annual sales within the Project will be \$36,437,764 during the TIF collection period at completion and stabilization of the entire Project, growing 2% annually thereafter for the duration of the Project Plan. Based upon the undedicated portion of the City Sales Tax of 1%, plus the portion of the County sales tax committed to the City, TIF revenues derived from City Sales Tax are anticipated to generate sales tax increment of \$4,543,729 over the TIF collection period (supporting estimated net bond proceeds of \$1,633,831, assuming a 5.75% interest rate, 130% coverage, and 14% costs of issuance).

C. Transient Guest Tax Captured

The hotel within the Project is estimated to produce annual room sales of \$6,399,764 during the TIF collection period at completion and stabilization, growing by 3% annually thereafter for the duration of the Project Plan. All such sales will be subject to City’s 9% transient guest tax rate; of which 89% (i.e. an 8% tax rate) will be captured as TIF revenue, and 11% (i.e. a 1% tax rate) will be retained by the City. Over the course of the TIF collection period and assuming completion of the hotel by December 2026, these transient guest tax revenues are estimated to generate \$11,935,093 during the TIF collection period (supporting estimated net bond proceeds of \$4,213,930, assuming a 5.75% interest rate, 130% coverage, and 14% costs of issuance).

4. Tax Increment Revenues and Special Obligation Bond Financing

Based on the Project’s captured *Ad Valorem* Tax Increment, City Sales Tax, and transient guest tax revenues for a period of 20 years, such revenue stream is estimated to generate \$77,787,830 over the course of the 20-year TIF collection period, which produces \$27,923,385 in net bond proceeds, assuming a 5.75% interest rate, 130% coverage, and 14% costs of issuance. **Exhibit E** sets forth a principal and interest schedule along with the relevant calculations and assumptions utilized to reach these figures. Precise bond factors will be agreed upon if and when bonds are issued in support of the Project. The

balance of any TIF revenue remaining after the repayment of any special obligations issued in support of the Project may be utilized to repay any outstanding Eligible Redevelopment Project Costs on a pay-as-you-go basis, or via a subsequent bond issuance at the discretion of the City.

Prior to any reimbursement to private entities for Redevelopment Project costs, the Developer shall enter into one or more development agreements with the City identifying the procedure and circumstances under which the City will pay or reimburse Redevelopment Project costs and other requirements of the City pertaining to the development of Project and the Redevelopment District.

5. Summary of the TIF Revenues and Project Costs

Based on the Plan's (1) estimated project costs (2) estimated TIF revenues, and (3) private debt/equity and other financial incentives, the net TIF revenues will be sufficient to pay the costs of the Project, as contemplated under the Act, when supplemented by private debt, equity, and such other financial incentives.

6. City of Mission Meetings and Minutes

Upon approval of this Project Plan by the City, the City Clerk will attach the minutes of all City meetings where the Project Plan was discussed as **Exhibit F**.

7. Impact on Outstanding Bonds

If bonds are issued in support of the Project, such bonds shall be payable solely from TIF revenues (or other incentive revenues) generated within the Project. There are no outstanding special obligation tax increment bonds for the Redevelopment District and, therefore, the Redevelopment Project costs are not expected to have any effect on outstanding special obligation tax increment bonds payable from revenues described in subsection (a)(1)(D) of K.S.A. 12-1774, as amended.

8. Significant Contribution to Economic Development in the City

The redevelopment of the Property as proposed herein will provide significant economic benefits for the City by, among other things, creating a substantial commercial activity within a previously blighted area of the City.

In particular, demolition of the former shopping mall on the Property served a vital public purpose of facilitating a City-wide drainage project that benefitted the entire area surrounding the Property. In the future, the Project will provide new shopping and living opportunities, employment for the City's residents, and it will further the City's aim of redeveloping the East Gateway target area. In addition, the Project will create viable long-term sales and property tax revenues for the City, as well as employment and commerce. The benefits derived from the Project should exceed any costs thereof.

There are also immediate and long-term quantifiable monetary benefits to the City from the Project. The following table provides calculations as to financial benefits both during and after the TIF collection period:

**City Financial Benefits During TIF
Period:**

	<u>Annual at Stabilization</u>	<u>Cumulative Over 20- Year TIF Capture Term</u>
.45% of 1% City Sales Tax	\$192,769	\$3,819,910
.375% Street Sales Tax: *	\$160,641	\$3,409,349
.375% Park Sales Tax:*	\$160,641	\$3,409,349
1% Transient Guest Tax:	\$63,998	\$1,491,887
Business License/Franchise Fees:	\$10,404	\$228,406
Stormwater Debt Repayment:	\$599,596	\$11,991,916
Total:	\$1,188,048	\$24,350,816

Annual City Financial Benefits After TIF Period:

	<u>Annual After TIF Period</u>
Annual Sales Tax Revenue:	\$1,077,991
Annual Transient Guest Tax Revenue (9%):	\$952,005
Annual City Property Tax:	\$647,912
Annual City Share of County Sales Tax:	\$15,714
Annual Business License Fees:	\$14,568
Total Annual Revenue After TIF:	\$2,708,190

* Street and Park Sales Taxes have a maximum 10-year term under State law. Unless renewed by voters, the Street Sales Tax will sunset in April 2032, and the Park Sales Tax will sunset in April 2023. The City anticipates seeking voter approval to extend the Park Sales Tax at the same rate for an additional 10-year term in fall 2022. This table assumes both such sales taxes will be collected for the full TIF collection period.

To put these figures in perspective, at stabilization, it is estimated that the annual revenues generated by the Project (after deducting TIF revenues) will equal approximately 7.80% of the City's entire budget. The revenues at stabilization would also equal approximately 22.34% of the City's debt-service payments on other City-wide obligations. At completion of the TIF collection period, it is estimated that the Project will produce revenues equal to approximately 15.16% of the City's budget.

The Project will also generate substantial job creation and annual visitation, which will produce spin-off economic benefits. Estimates are as follows:

Job/Visitation Creation

Est. Jobs Created (1 Employee/1,000 SF):	440
Estimated Annual Visitors:	2,500,000
Estimated Overnight Visitors:	65,000

F. Relocation Plan

The Developer, Aryeh Realty, LLC, or the City owns all of the Property in fee simple. These properties were acquired through negotiated arms-length transactions; thus, any funds required for

relocation were included in the purchase price. Certain relocation payments were made to tenants that occupied the Property at the time it was purchased by the Developer, which are among the predevelopment costs to be reimbursed with TIF revenues.

III. CONCLUSION

Based on the foregoing, the City and Developer hereby submit this Project Plan for public hearing and due consideration.

EXHIBIT A – LEGAL DESCRIPTION

Lots 2-7, The Gateway Second Plat, a subdivision in the City of Mission, Johnson County, Kansas, a replat of Lot 1, The Gateway First Plat, Part of the West half of Section 9, Township 12 South, Range 25 East, City of Mission, Johnson County, Kansas, less any portions in dedicated public street right of way (if any), more particularly described as and also including all of the following:

All that part of the West half of Section 9, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of Section 9, Township 12 South, Range 25 East; thence North 1 degree 49 minutes 20 seconds West along the West line of the Northwest Quarter of said Section 9 a distance of 349.28 feet (339.15 feet Deed) to a point; thence North 88 degrees 10 minutes 40 seconds East a distance of 1740.63 feet (1742.10 feet Deed) to a point on the East right of way line of Roeland Drive, the POINT OF BEGINNING; thence North 33 degrees 29 minutes 13 seconds West along the East right of way line of Roeland Drive a distance of 358.19 feet to a point on the South right of way line of Johnson Drive; thence North 67 degrees 34 minutes 47 seconds East along the South right of way line of Johnson Drive a distance of 143.70 feet to a point; thence North 68 degrees 09 minutes 28 seconds East along the South right of way line of Johnson Drive a distance of 434.76 feet to a point; thence South 21 degrees 50 minutes 32 seconds East along the South right of way line of Johnson Drive a distance of 1.53 feet to a point; thence North 72 degrees 37 minutes 31 seconds East along the South right of way line of Johnson Drive a distance of 342.82 feet to a point; thence in a Northeasterly direction along the South right of way line of Johnson Drive and along a curve to the right, having a radius of 297.25 feet, through a central angle of 9 degrees 19 minutes 18 seconds, an arc distance of 48.36 feet to a point of compound curvature; thence in a Southeasterly direction along the South right of way line of Johnson Drive and along a curve to the right, having a radius of 106.25 feet, through a central angle of 85 degrees 00 minutes 09 seconds, an arc distance of 157.63 feet to a point of compound curvature, said point also lying on the West right of way line of Roe Avenue; thence in a Southeasterly direction along the West right of way line of Roe Avenue and along a curve to the right, having a radius of 397.25 feet, through a central angle of 9 degrees 59 minutes 48 seconds, an arc distance of 69.31 feet to a point; thence South 3 degrees 03 minutes 14 second East along the West right of way line of Roe Avenue a distance of 111.19 feet to a point; thence South 2 degrees 07 minutes 38 seconds East along the West right of way line of Roe Avenue a distance of 200.66 feet to a point; thence South 1 degree 54 minutes 32 seconds East along the West right of way line of Roe Avenue a distance of 42.62 feet to a point on the Northwesterly right of way line of Shawnee Mission Parkway (also known as US Highway 56) as established in Book 200706 at Page 003864; thence South 37 degrees 23 minutes 58 seconds West along the Northwesterly right of way line of said Shawnee Mission Parkway a distance of 936.45 feet to the point of intersection of the Northwesterly right of way line of Shawnee Mission Parkway and the East right of way line of Roeland Drive; thence North 52 degrees 36 minutes 02 seconds West along the East right of way line of Roeland Drive a distance of 44.00 feet to a point; thence in a Northwesterly direction along the East right of way line of Roeland Drive and along a curve to the right, having a radius of 260.50 feet, through a central angle of 53 degrees 32 minutes 02 seconds, an arc distance of 243.40 feet to a point of reverse curvature; thence in a Northwesterly direction along the East right of way line of Roeland Drive and along a curve to the left, having a radius of 490.00 feet, through a central angle of 34 degrees 25 minutes 13 seconds, an arc distance of 294.37 feet to a point; thence North 33 degrees 29 minutes 13 seconds West along the East right of way line of Roeland Drive a distance of 125.55 feet to the POINT OF BEGINNING and containing 721,889 Square Feet or 16.572 Acres, more or less.

EXHIBIT C – ORDINANCE NO. 1190, ORDINANCE NO. 1195, AND ORDINANCE NO. 1508

ORDINANCE NO. 1190

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF MISSION, KANSAS AND ESTABLISHING A REDEVELOPMENT DISTRICT (ROCK CREEK REDEVELOPMENT).

WHEREAS, the City of Mission, Kansas (the "City"), has conducted a public hearing to consider the establishment of a redevelopment district in the City pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act"), and Resolution No. 615 of the City adopted on November 9, 2005; and

WHEREAS, the Act provides that upon the conclusion of the public hearing the Governing Body of the City may pass an ordinance making such findings as are required by the Act and establishing a redevelopment district; and

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. The Governing Body of the City hereby finds and determines that the area proposed to be included as a redevelopment district is as follows:

A parcel within the city of Mission, Kansas, depicted on the attached Exhibit A.

A legal description of the area encompassing the redevelopment district is attached hereto as Exhibit B.

Section 2. The Governing Body of the City hereby finds and determines that (a) the area described in Section 1 of this Ordinance is a "blighted area" because a majority of the property in such area is within a 100-year floodplain area, and therefore, is an "eligible area" as defined in the Act, and (b) the conservation, development and redevelopment of such area is necessary to promote the general and economic welfare of the City.

Section 3. The Governing Body of the City hereby finds and determines that the district plan includes the following redevelopment project areas depicted on the attached Exhibit A which are all located within the redevelopment district described in Section 1 of this Ordinance:

Project Area 1. Redevelopment of the existing Mission Mall shopping center consisting of one or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Project Area 2. One or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Project Area 3. One or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Project Area 4. One or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Section 4. In accordance with the Act and Resolution 615, a redevelopment district is hereby established in the City encompassing the area described in Section 1 of this Ordinance.

Section 5. The Mayor, City Administrator, Finance Director, City Clerk and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage by the governing body of the City and publication once in the official City newspaper.

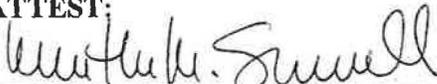
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ADOPTED by the City Council of the City of Mission, Kansas on January 11, 2005. *io*



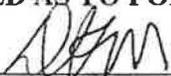
Laura L. McConwell, Mayor

ATTEST:



Martha M. Sumrall, City Clerk

APPROVED AS TO FORM:



David K. Martin, City Attorney

EXHIBIT A
MAP OF ROCK CREEK REDEVELOPMENT DISTRICT

PROPOSED TIF DISTRICT:
ROCK CREEK FLOODPLAIN

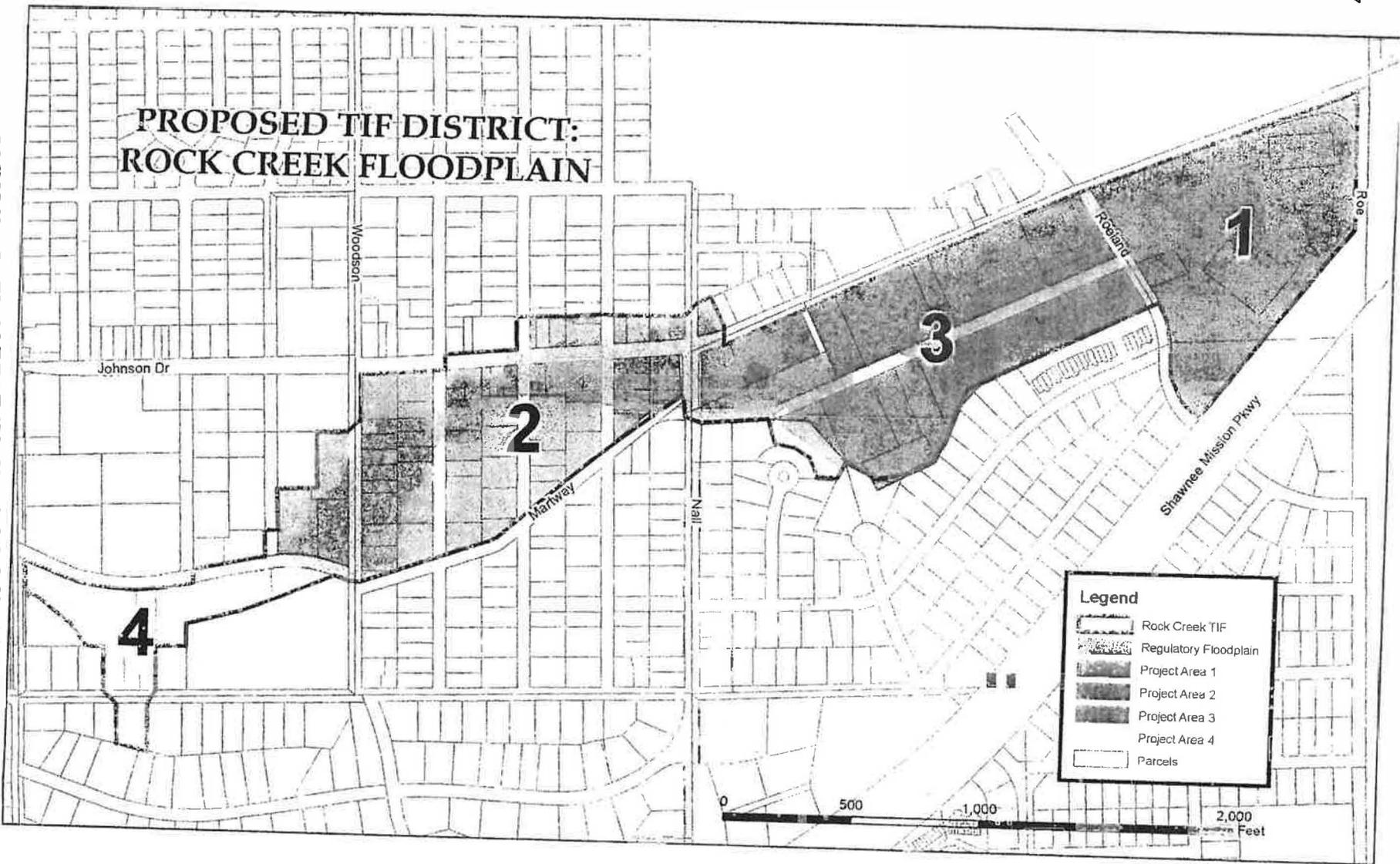


Exhibit B
CITY OF MISSION, KANSAS
ROCK CREEK REDEVELOPMENT DISTRICT
Legal Description

Tax Parcel No.: KP27500000 0020; KP27500000 0042B; KP27500000 0042A

Legal:

Lots 20 and 42, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0080C

Legal:

All that part of the South 55 feet of Lot 80 and all that part of Lot 81, Missionhill Acres, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said Lot 81; thence N 0° 08' 04" E, along the West line of said Lot 81, a distance of 102.32 feet, to the true point of beginning of subject tract; thence S 89° 58' 25" E, along a line parallel with the North line of said Lot 81, a distance of 29.54 feet; thence S 0° 08' 04" W, along a line parallel with the West line of said Lot 81, a distance of 12.92 feet; thence S 89° 58' 25" E, along a line parallel to the North line of said Lot 81, a distance of 110.39 feet, to a point on the East line thereof; thence N 0° 08' 04" E, along the East line of said Lot 81 and along the East line of said Lot 80, a distance of 82.32 feet; thence N 88° 59' 15" W, a distance of 139.95 feet to a point on the West line of said Lot 80; thence S 0° 08' 04" W, along the West line of said Lot 80 and along the West line of said Lot 81, a distance of 71.81 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KP27500000 0104C

Legal:

Lot 104, Except the west 75 feet, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0104B; KP27500000 0104A

Legal:

The East 50 feet of the West 75 feet of Lot 104, Missionhill Acres, and also the West 25 feet of said Lot 104, Missionhill Acres, a subdivision in Johnson County, Kansas, according to the plat thereof.

Tax Parcel No.: KP27500000 0081

Legal:

Lot 81, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, except, All that part of the South 55 feet of Lot 80 and all that part of Lot 81, Missionhill

Acres, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said Lot 81; thence N 0° 08' 04" E, along the West line of said Lot 81, a distance of 102.32 feet, to the true point of beginning of subject tract; thence S 89° 58' 25" E, along a line parallel with the North line of said Lot 81, a distance of 29.54 feet; thence S 0° 08' 04" W, along a line parallel with the West line of said Lot 81, a distance of 12.92 feet; thence S 89° 58' 25" E, along a line parallel to the North line of said Lot 81, a distance of 110.39 feet, to a point on the East line thereof; thence N 0° 08' 04" E, along the East line of said Lot 81 and along the East line of said Lot 80, a distance of 82.32 feet; thence N 88° 59' 15" W, a distance of 139.95 feet to a point on the West line of said Lot 80; thence S 0° 08' 04" W, along the West line of said Lot 80 and along the West line of said Lot 81, a distance of 71.81 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KP27500000 0021A

Legal:

Lot 21 and the North ½ of vacated 60 Street adjacent to said Lot 21 on the South, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, EXCEPT beginning at a point on the Southerly prolongation of the West line of said Lot 21 and the centerline of vacated 60 Street; thence Northeasterly along the centerline of vacated 60 Street, 77.39 feet; thence Southwesterly along a curve to the left, 63.81 feet, said curve having a radius of 170 feet, to a point, said point being in the Westerly line of said Lot 21; thence South along the Westerly line of said Lot 21, 27.25 feet to the point of beginning.

Tax Parcel No.: KP27500000 0041; KP27500000 0040B

Legal:

Tract I: Lot 41, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tract II: The North 50 feet of Lot 40, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0082B; KP27500000 0082A; KP27500000 0083A

Legal:

All of Lot 82 and the North 40 feet of Lot 83, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27600000 0003

Legal:

Lot 3, Resurvey of Lot 103, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27600000 0002; KP27600000 0001

Legal: Lots 1 and 2, Resurvey of Lot 103, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0144B; KP27500000 0144C; KP27500000 0144A

Legal:

Tract I:

Beginning at the Northeast corner of Lot 144, in Missionhill Acres, a subdivision in Johnson County, Kansas; thence in a Westerly direction along the North line of said Lot, a distance of 53.50 feet to a point; thence Southerly 117.38 feet to a point which is 52.50 feet West of the Southeast corner of said Lot 144; thence East along the South line of said Lot 52.50 feet to the Southeast corner thereof; thence North along the Easterly line of said Lot, a distance of 120 feet to the point of beginning, all a part of Section 8, Township 12, Range 25, Except that part in roads.

Tract II:

Beginning at a point in the North line of Lot 144, Missionhill Acres, a subdivision in Johnson County, Kansas, which is 30.82 feet East of the Northwest corner of said Lot 144; thence South and parallel to the West line of said Lot 144, a distance of 19.8 feet to the Northeast corner of a store building; thence in a Southerly direction along the East line of said store building a distance of 46.83 feet more or less to the Southeast corner of said store building; thence South and parallel to the West line of said Lot 144 a distance of 48 feet to a point in the South line of said Lot 144, which point is 32.75 feet East of the Southwest corner of Lot 144; thence East along the South line of said Lot 144 a distance of 54.75 feet to a point which is 52.50 feet West of the Southeast corner of Lot 144; thence in a Northerly direction distance of 117.38 feet to a point in the North line of Lot 144, which is 53.50 feet West of the Northeast corner of Lot 144; thence West along the North line of said Lot 144, a distance of 55.85 feet to the point of beginning, except that part in roads.

Tract III:

Beginning at a point on the South line of Lot 144, in Missionhill Acres, a subdivision in Johnson County, Kansas, which is 30 feet East of the Southwest corner of said Lot 144; thence North and parallel to the West line of Lot 144 a distance of 114.6 feet to a point on the North line of said Lot 144; thence East along the North line of Lot 144 distance of .78 feet to a point; thence South and parallel to the West line of Lot 144 a distance of 19.8 feet to the Northeast corner of a store building; thence in a Southerly direction along the East line of said store building a distance of 46.83 feet, more or less, to the Southeast corner of said store building to a point which is 32.75 feet East of the West line and 48 feet North of the South line of said Lot; thence South and parallel to the West line of said Lot 144, a distance of 48 feet to a point on the South line of said Lot 144; thence West 2.75 feet to the point of beginning, and all of the West 30 feet of Lot 144, Missionhill Acres, Except that part in roads.

Tax Parcel No.: KP27500000 0164

Legal:

All of Lot 164 in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas as recorded in Book 7, Plats, at Page 20, Except the following described tract: Beginning at the Southwest corner, Lot 164 in Missionhill Acres; thence North along the West line of said Lot 164 a distance of 47.63 feet to a point; thence in an easterly direction on a line parallel to and 47.63 feet North of the South line of the said Lot 164 a distance of 74.50 feet to a point; thence South along a line that is parallel to and 74.50 feet East of the West line of said Lot 164 a distance of 47.63 feet to a point in the South line of said Lot 164; thence West along the South line of said Lot 164 a distance of 74.50 feet to the point of beginning.

Tax Parcel No.: KP27500000 0205

Legal:

Lot 205, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0226

Legal:

Lot 226 Except the South 19.74 feet in the Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of Lot 226 of said Missionhill Acres; thence N 00° 10' 38" W on the West line of said Lot 226 a distance of 19.74 feet to the point of beginning; thence continuing N 00° 10' 38" W on said West line a distance of 100.26 feet; thence N 88° 44' 05" E on the North line of said Lot 226 a distance of 140.68 feet; thence S 00° 04' 44" E on the East line of said Lot 226 a distance of 103.36 feet; thence N 90° 00' 00" W a distance of 140.48 feet to the point of beginning.

Tax Parcel No.: KP27500000 0225B

Owner: Groundrunner Properties, LLC, a Kansas limited liability company

Legal:

The North ½ of Lot 225 and the South 19.74 feet of Lot 226, in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of Lot 226 of said Missionhill Acres; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 226 a distance of 19.74 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 140.48 feet to a point on the East line of said Lot 226; thence South 00 degrees 04 minutes 44 seconds West on the East line of said Lot 226 and Lot 225, a distance of 79.74 feet to the Southeast corner of the North ½ of said Lot 225; thence South 90 degrees 00 minutes 00 seconds West a distance of 140.34 feet to the Southwest corner of the North ½ of said Lot

225; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 225 a distance of 60.00 feet to the Point of Beginning.

Tax Parcel No.: KP27500000 0164A

Legal:

Beginning at the Southwest corner of Lot 164 in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas; thence North along the West line of said Lot 164, a distance of 47.63 feet to a point; thence in an Easterly direction on a line parallel to and 47.63 feet North of the South line of said Lot 164, a distance of 74.50 feet to a point, thence South along a line that is parallel to and 74.50 feet East of the West line of said Lot 164, a distance of 47.63 feet to a point in the South line of the said Lot 164; thence West along the South line of said Lot 164, a distance of 74.50 feet to the point of beginning.

Tax Parcel No.: KP27500000 0101

Legal:

The North 100 feet of Lot 101 and all of Lot 102, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0145; KP27500000 0146

Legal:

Lots 145 and 146, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0083B

Legal:

The South 80 feet of Lot 83 and the North 40 feet of Lot 84, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0039

Legal:

Lot 39 and the South 70 feet of Lot 40, Missionhill Acres, City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0163; KP27500000 0206B; KP27500000 0206A;
KP27500000 0162

Legal:

Lots 162, 163 and 206, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0225A

Legal:

The South Half of Lot 225, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0084A

Legal:

The South 80 feet of Lot 84 and all of Lot 85, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0207; KP27500000 0207A

Legal:

The North 60 feet of Lot 207 and the South 60 feet of Lot 207, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KF251208-4049; KF251208-4050; KF251208-4040

Owner: Mission Hills Apartments, L.L.C., a Minnesota limited liability company

Legal:

Tract I:

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 degrees 19 minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; for the True Point of Beginning; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 275.81 feet, to a point 520 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 degrees 56 minutes East, along a line 520 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 156 feet; thence South, along a line parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, to a point in the centerline of 60th Street as now established; thence Northwesterly, Westerly and Southwesterly along the centerline of 60th Street to the True Point of Beginning, except that part in 60th Street and Dearborn Street.

Tract II:

Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence North 89 degrees 56 minutes West 149 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of

the Southeast Quarter, 25 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 46 feet; thence South 89 degrees 56 minutes East along a line parallel to the North line of the Northwest Quarter of the Southeast Quarter, 174 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North along said East line 266 feet more or less to the point of beginning, except that part in Woodson Street.

Tract III:

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 degrees 19 minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North, along a line 330 feet West of said parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 495.81 feet, to a point 300 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 degrees 56 minutes East, along a line 300 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 330 feet; thence South, along the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 497.90 feet to the point of beginning, EXCEPT

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 degrees 19 minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; for the True Point of Beginning; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 275.81 feet, to a point 520 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 degrees 56 minutes East, along a line 520 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 156 feet; thence South, along a line parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, to a point in the centerline of 60th Street as now established; thence Northwesterly, Westerly and Southwesterly along the centerline of 60th Street to the True Point of Beginning,

EXCEPT Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence North 89 degrees 56 minutes West 149 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 25 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 46 feet; thence South 89 degrees 56 minutes East along a line parallel to the North line of the Northwest Quarter of the Southeast Quarter, 174 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North along said East line 266 feet more or less to the point of beginning, EXCEPT Beginning at a point on the East line and 300 feet South of the North line of the

Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, thence North 89 degrees 56 minutes West 149 feet to the true point of beginning; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet; thence North and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 220 feet; thence South 89 degrees 56 minutes East along a line 300 feet South and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet to the true point of beginning, all in the City of Mission, Johnson County, Kansas, and except those parts in streets and roads.

Tax Parcel No.: KP27500000 0224A

Legal:

The North One-Half of Lot 224, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0100B

Legal:

All of the North 40 feet of Lot 100 and the South 20 feet of Lot 101, in Missionhill Acres, a subdivision, in Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0224B; KP27500000 0223A

Legal:

Missionhill Acres, South one-half of Lot 224, and the North one-half of Lot 223, subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof

Tax Parcel No.: KP27500000 0147

Legal:

Lot 147, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0161A

Legal:

The North half of Lot 161, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0208; KP27500000 0210

Legal:

Lots 208, 209, 210 and 211, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0100A

Legal:

The South 60 feet of the North 100 feet of Lot 100, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0160

Legal:

Lot 160, and the South half of Lot 161, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0099

Legal:

Lot 99 and the South 20 feet of Lot 100, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0223B

Legal:

The North 50 feet of the South 60 feet of Lot 223, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0148

Legal:

Lot 148, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0222

Legal:

Lot 222 except that South 9 feet thereof, and the South 10 feet of Lot 223, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0149

Legal:

All of Lot 149, Missionhill Acres, a subdivision now in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0159

Legal:

Lot 159, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0221A

Legal:

The North 77 feet of Lot 221, and the South 9 feet of Lot 222, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0220A

Legal:

The South 43 feet of Lot 221, and all of Lot 220, except that portion deeded to the City of Mission for street and highway purposes as recorded in Book 451, Deeds at Page 201, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KF251208-4033

Legal:

All that part of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, Johnson County, Kansas, described as follows: Beginning at a point in the West line of said Quarter Quarter Quarter Section 200 feet north of the Southwest corner; thence South 89 degrees 34 minutes East parallel to the South line of said Quarter Quarter Quarter Section 465.0 feet; thence North and parallel to the West line of said Quarter Quarter Quarter Section 182.63 feet; thence North 67 degrees 05 minutes West 504.84 feet to the West line of said Quarter Quarter Quarter Section; thence South 375.7 feet to the point of beginning,

Except that part described as follows:

The East 10 feet of the West 30 feet of all that part of the Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Section 8, Township 12, Range 25 described as follows: Beginning at a point in the West line of said Quarter Quarter Quarter Section, 200 feet North of the Southwest corner; thence South 89 degrees 34 minutes East parallel to the South line of said Quarter Quarter Quarter Section 465.0 feet; thence North and parallel to the West line of said Quarter Quarter Quarter Section, 182.63 feet; thence North 67 degrees 05 minutes West 504.84 feet to the West line of said Quarter Quarter Quarter Section; thence South 375.7 feet to the point of beginning, in Johnson County, Kansas,

And except

Beginning 398 feet North and 30 feet East of the Southwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Township 12, Range 25; thence East 10 feet; thence North 40 feet; thence West 10 feet; thence South 40 feet to point of beginning, in Johnson County, Kansas,

And except

That part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, described as follows: Beginning at a point on the West line of said Quarter Quarter Quarter Section, 200 feet North of the Southwest corner thereof; thence North 217.50 feet along said West line; thence East 30 feet; thence

Southeasterly 50.99 feet along a curve to the right with a radius of 75.89 feet and tangent to the last described course; thence South 51 degrees, 30 minutes East, 145.30 feet; thence Southeasterly 59.60 feet along a curve to the right with a radius of 205.62 feet and tangent to the last described course; thence South 34 degrees, 53 minutes, 37 seconds East, 54.60 feet; thence Southeasterly 55.30 feet along a curve to the left with a radius of 58.04 feet and tangent to the last described course to a point of a line 200 feet North of the South line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North 89 degrees, 34 minutes, 00 seconds West, 310 feet to the point of beginning.

Tax Parcel No.: KF251208-4043

Legal:

That part of the East 300 feet of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, which lies North of the Mission City Park Property conveyed to the City of Mission by Deed recorded in Book 354 Deeds, at Page 533 and South of 60th Street, being more particularly described as follows: Commencing at a point on the East line of the Northwest Quarter of the Southeast Quarter of said Section 8, which is 527.40 feet North of the Southeast corner thereof; thence South 66 degrees 19 minutes West, along the Northerly boundary line of said Mission City Park property, a distance of 66.24 feet to the point of beginning of the tract herein described, said point of beginning being on the center line of 60th Street, as now dedicated; thence continuing South 66 degrees 19 minutes West, along the Northerly boundary of said Park property, a distance of 294.11 feet, more or less, to a point 330 feet West of the East line of said Quarter Quarter Section; thence North, along a line 330 feet West of and parallel to the East line of said Quarter Quarter Section, a distance of 147.22 feet, more or less, to the center line of the dedicated right of way of said 60th Street; thence Northeasterly, Easterly and Southeasterly along said centerline, a distance of 273.76 feet, more or less, to the point of beginning, except that part in street and roads as conveyed to the City of Mission in Book 436 Deeds, Page 621, and in Book 440 Deeds, Page 367.

Tax Parcel No.: KP27500000 0220B

Legal:

Beginning at a point on the east right-of-way line of Woodson Road, said point being the southwest corner of Lot 220, Missionhill Acres, a subdivision in Section 8, Township 12, Range 25, Johnson County, Kansas, thence north a distance of 40.84 feet to a point 54.0 feet south of the north line of said Lot 220, thence east and parallel to the north line of said Lot 220 a distance of 132.20 feet more or less to a point on the south line of said Lot 220, thence in a southwesterly direction and along the south line of said Lot 220 a distance of 138.37 feet to the point of beginning.

Tax Parcel No.: KF151208-4038

Legal:

That part of the northwest quarter of the Southeast quarter of Section 8, Township 12, Range 25, in Mission, Johnson County, Kansas, described as follows: Beginning at a point 200 feet north of the South line and 540 feet east of the west line of the northwest quarter of the southeast quarter of said Section 8, thence South 89° 43' 30" east along a line parallel with the South line of the northwest quarter of the southeast quarter of said Section 8 a distance of 121.61 feet; thence North 0° 12' 30" east along the west line of the park tract deeded to the City of Mission in Deed Book 345 at page 533 in the Office of the Register of Deeds, Olathe, Kansas, 90 feet; thence north 77° 53' 30" east along the northerly line of said park tract 248.30 feet; thence north 66° 26' 30" east along the northerly line of said park tract 95.16 feet; thence north 0° 01' 40" east 121.99 feet to the south line of 60th Street as established by the deed in Deed Book 436 at page 621 in the Office of the Register of Deeds; thence southwesterly along the south line of said 60th Street, said line being on a curve to the left having a radius of 522.19 feet and whose initial tangent bearing is south 81° 03' 00" west, a distance of 11.95 feet to a point of tangency; thence south 80° 24' 00" west along the south line of said 60th Street 446.49 feet; thence south along a line parallel with the west line of the northwest quarter of the southeast quarter of said Section 8, a distance of 224.94 feet to the point of beginning.

Tax Parcel No.: KF251208-4039

Legal:

The East 75 feet of the West 540 feet of the Northeast Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, Johnson County, Kansas, lying South of 60th Street, except the South 200 feet thereto.

Tax Parcel No.: KF251208-4030

Legal:

All of the West 65 feet of the East 185.82 feet of the South 200 feet of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, except that part in roads.

Tax Parcel No.: KF251208-4029

Legal:

All of the West 60 feet of the East 245.82 feet of the South 200 feet of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 8, Township 12, Range 25, Johnson County, Kansas except that part in streets and roads.

Tax Parcel No.: KF251208-4031

Legal:

The West 80 feet of the East 325.82 feet of the South 200 feet of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, except that part now in 61st Street, now in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP07000006 0009

Legal:

Lot 9, Block 6, Countryside, a subdivision in the City Mission, Johnson County, Kansas.

Tax Parcel No.: KF251209-1008; KF251209-1013; KF251209-2002

Legal:

PARCEL 1:

All that part of the West 1/2 of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, more particularly described as follows: From the West 1/4 corner of said Section 9 (being the same as the Southwest corner of the Northwest 1/4 of said Section 9), run thence North 0 degrees East (this and all other bearings being in relation to the West line of said Section 9, having an assumed bearing of due North-South) along said West line, a distance of 339.15 feet; thence North 90 degrees East a distance of 1742.10 feet to the true point of beginning of the tract of land herein described, said point being on the Easterly right-of-way line of Roeland Drive, as said Street is now established; thence North 31 degrees 28 minutes 08 seconds West, a distance of 358.19 feet to a point on the Southerly right-of-way line of Johnson Drive, as now established; thence North 69 degrees 35 minutes 52 seconds East along said Southerly line, a distance of 143.70 feet; thence North 70 degrees 10 minutes 33 seconds East along said Southerly line a distance of 434.76 feet to a point (being the Northwesterly corner of a tract of land condemned for right-of-way by the Kansas Turnpike Authority as Tract No. J-11 under Suit No. 24661, filed June 6, 1958, in the District Court of Johnson County, Kansas, and conveyed by instrument dated February 7, 1959, in Book 422 Deeds, at Page 233, under Document No. 574033); thence South 19 degrees 49 minutes 27 seconds East along the Westerly line of said tract, a distance of 1.53 feet; thence along the Southerly right-of-way line of the tract so condemned and conveyed, North 74 degrees 38 minutes 36 seconds East, a distance of 342.82 feet; thence Northeasterly on a curve to the right, tangent to the last described course, having a radius of 297.25 feet, a distance of 48.36 feet; thence continuing Northeasterly, Easterly and Southeasterly, on a curve to the right, having a common tangent with the last described curve at the last described point and having a radius of 106.25 feet, a distance of 157.63 feet; thence continuing Southeasterly on a curve to the right, having a common tangent with the last described curve at the last described point and having a radius of 397.25 feet, a distance of 69.33 feet; thence South 1 degree 02 minutes 09 seconds East, tangent to the last described curve, a distance of 111.19 feet; thence South 0 degrees 06 minutes 33 seconds West, parallel with and 44.55 feet West of, measured at right angles thereto, the East line of the West 1/2 of said Section 9, a distance of 200.66 feet, more or less, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence South 39 degrees 25 minutes 03 seconds West, along said Northwesterly right-of-way line, a distance of 969.42 feet to a point on the Easterly right-of-way line of said Roeland Drive; thence North 50 degrees 34 minutes 57 seconds West, along said Easterly right-of-way line of said Roeland Drive; thence North 50 degrees 34 minutes 57 seconds West, along said Easterly right-of-way line, a distance of 17 feet; thence continuing Northwesterly and Northerly, along said Easterly right-of-way line, being a curve to the right, tangent to the last described course and having a radius of 260.50 feet, a distance of 243.40 feet; thence continuing Northerly and Northwesterly, along said Easterly right-of-way line, being a curve to the left having a common tangent with the last described curve at the last described point and having a radius of 490 feet, a distance of 294.36 feet; thence North 31 degrees 28 minutes 08 seconds West along said Easterly right-of-way line, a distance of 125.55 feet, to the point of beginning;

EXCEPT THOSE PORTIONS DESCRIBED AS FOLLOWS:

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the West line of the Northwest 1/4 of the said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, a distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03 seconds East, along the Northwesterly right-of-way line of U.S. Highway No. 50, a distance of 457.42 feet; thence North 50 degrees 34 minutes 57 seconds West, along a line perpendicular to the last described course, a distance of 66.29 feet, to the true point of beginning of subject tract; thence North 50 degrees 44 minutes 32 seconds West, a distance of 286.62 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 157.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 128.87 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 50.50 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 99.75 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 15.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 10 feet; thence North 39 degrees 15 minutes 28 seconds East a distance of 16 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 48 feet; thence South 39 degrees 15 minutes 28 seconds West, a distance of 238.70 feet to the true point of beginning of subject tract;

AND

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the West line of the Northwest 1/4 of said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of

125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and a central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03 seconds East, along the Northwesterly right-of-way line of said U.S. Highway No. 50, a distance of 969.42 feet to a point on the Westerly right-of-way line of Roe Boulevard, as now established; thence North 0 degrees 06 minutes 33 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 200.66 feet; thence North 1 degree 02 minutes 09 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 49.27 feet; thence South 88 degrees 57 minutes 51 seconds West, along a line perpendicular to the last described course, a distance of 21.76 feet, to the true point of beginning of subject tract; thence South 84 degrees 15 minutes 28 seconds West, a distance of 277.17 feet; thence North 5 degrees 44 minutes 32 seconds West, a distance of 132.75 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 252.67 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 91.92 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 24.50 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 40.83 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KF251209-1016; KF251209-1017

Legal:

Parcel 1:

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the West line of the Northwest 1/4 of the said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, a distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03

seconds East, along the Northwesterly right-of-way line of U.S. Highway No. 50, a distance of 457.42 feet; thence North 50 degrees 34 minutes 57 seconds West, along a line perpendicular to the last described course, a distance of 66.29 feet, to the true point of beginning of subject tract; thence North 50 degrees 44 minutes 32 seconds West, a distance of 286.62 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 157.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 128.87 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 50.50 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 99.75 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 15.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 10 feet; thence North 39 degrees 15 minutes 28 seconds East a distance of 16 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 48 feet; thence South 39 degrees 15 minutes 28 seconds West, a distance of 238.70 feet to the true point of beginning of subject tract.

Parcel 2:

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the 3 West line of the Northwest 1/4 of said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and a central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03 seconds East, along the Northwesterly right-of-way line of said U.S. Highway No. 50, a distance of 969.42 feet to a point on the Westerly right-of-way line of Roe Boulevard, as now established; thence North 0 degrees 06 minutes 33 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 200.66 feet; thence North 1 degree 02 minutes 09 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 49.27 feet; thence South 88 degrees 57 minutes 51 seconds West, along a line perpendicular to the last described course, a distance of 21.76 feet, to the true point of beginning of subject tract; thence South 84 degrees 15 minutes 28 seconds West, a distance of 277.17 feet; thence North 5 degrees 44 minutes 32 seconds West, a distance of 132.75 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 252.67 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 91.92 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 24.50 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 40.83 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KF251209-1014; KF251209-1011

Legal:

Commencing at the northwest corner of the northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, in Johnson County, Kansas; thence North 3.70 feet to a point on the west line of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said section; thence deflecting to the right from the last described course 65 degrees 41 minutes 50 seconds, a distance of 1332.57 feet, said line being 9.0 feet south and parallel to the center tangent line of an 18 foot wide brick slab (formerly U.S. Highway No. 50) and now known as Johnson Drive; thence Southeasterly 90 degrees to the last described course a distance of 21 feet to the point of beginning; thence continuing on the last described course a distance of 250 feet; thence in a northeasterly direction along a course which makes an angle of 90 degrees to the last described course, a distance of 335.74 feet to the westerly line of Roeland Drive; thence deflecting to the left 98 degrees 09 minutes 58 seconds a distance of 251.72 feet to the southerly right of way line of said Johnson Drive; thence southwesterly along a line which is 30 feet from the center line of said Johnson Drive 300 feet to the point of beginning AND

All that part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, in the City of Mission, in said county and state, described as follows: From the northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 9; run thence North (this and all subsequent bearings being in relation to the west line of the Southwest $\frac{1}{4}$ of said Section 9, as having an assumed bearing of due North-South), 3.70 feet to a point in a line that is 9.0 feet Southerly distance at right angles to the center tangent line of an 18 foot brick slab known as Johnson Drive formerly U.S. Highway No. 50; run thence North 66 degrees 41 minutes 50 seconds East along said line, 1386.57 feet; run thence South 23 degrees 18 minutes 10 seconds East, 271.0 feet to the true point of beginning of the tract of land herein described; thence North 66 degrees 41 minutes 50 seconds East 281.75 feet to the Westerly right of way line of Roeland Drive as now established; thence South 31 degrees 28 minutes 08 seconds East along said Westerly right of way line, 53.21 feet to the Northerly right of way line of Martway Street, as now established; thence South 66 degrees 51 minutes 57 seconds West along said Northerly right of way line, 289.31 feet; thence North 23 degrees 18 minutes 10 seconds West, 51.82 feet to the point of beginning, EXCEPT

All that part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, described as follows: From the Northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 9; thence run North (this and all subsequent bearings being in relation to the West line of the Southwest $\frac{1}{4}$ of said Section 9 as having an assumed bearing of due North-South) 3.70 feet to a point in a line that is 9.0 feet Southerly distance, at right angles to the center tangent line of an 18 foot wide brick slab known as Johnson Drive, formerly U.S. Highway 50; run thence North 66 degrees 41 minutes 50 seconds East along said line, 1332.57 feet; run thence South 23 degrees 18 minutes 10 seconds East, 21.0 feet to the Southerly right of way line of said

Johnson Drive, as now established, also being the true point of beginning of the tract of land herein described; thence continuing South 23 degrees 18 minutes 10 seconds East, 250.00 feet; thence North 66 degrees 41 minutes 50 seconds East, 54.0 feet; thence North 23 degrees 18 minutes 10 seconds West 250.00 feet to the Southerly right of way line of said Johnson Drive; thence South 66 degrees 41 minutes 50 seconds West along said Southerly right of way line 54.0 feet to the point of beginning.

Tax Parcel No.: KP38000000 0007

Legal:

Lots 7, 8, 9, 10, 21 and 22, Lot 23, except the East 10 feet thereof, and the East 95 feet of Lot 20, Block 5, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP38000000 0005; KP38000000 0006

Legal:

Lots 5 and 6, Block 5, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP38000000 0025A; KP38000000 0025; KP38000000 0024;
KP38000000 0023B

Legal:

All of Lots 24, 25 and 26, and the East 10 feet of Lot 23, all in Mission Village, Block 5, a subdivision in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 26; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly line of said Lot 26, 137.74 feet to a point of curvature; thence Southeasterly along said Easterly line, on a curve to the right being tangent to the last described course having a radius of 440 feet, and an arc length of 48.65 feet to the Southeasterly corner of said Lot 26; thence South 66 degrees 41 minutes 50 seconds West along the Southerly line of said Lot 23 thru 26, 413.42 feet; thence North 23 degrees 03 minutes 34 seconds West, 185.87 feet to a point on the Northerly line of said Lot 23; thence North 66 degrees 51 minutes 26 seconds East, along the Northerly line of said Lots 23 thru 26, 389.09 feet to the point of beginning.

Tax Parcel No.: KP38000000 0004; KP38000000 0003; KP38000000 0019A;
KP38000000 0002; KP38000000 0018; KP38000000 0017; KP37500004 0002B;
KP38000000 0012A; KP38000000 0012B

Legal:

Tract I:

All that part of Lot 2, Block 4, Mission Village, a subdivision of land now in the City of Mission, Johnson County, Kansas, lying Easterly of the following described line: Beginning at a point on the Northerly line of said Lot 2, which point is 9.92 feet Southwesterly from the Northeasterly corner of said Lot 2; thence Southeasterly, to a

point in the Southerly line of said Lot 2, which is 10.83 feet Southwesterly from the Southeasterly corner of said Lot 2, and also all of Lots 3, 4 and 5, all in said Block 4, and also vacated Birch Street.

Tract II:

All that part of Lots 12 and 13, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 13; thence South 66 degrees 51 minutes 26 seconds West, along the Northwesterly line of said Lot 13, a distance of 134.11 feet, to the Northwesterly corner thereof; thence Southwesterly and Westerly, along the Northerly line of said Lot 12, said line being on a curve to the right, having a radius of 250 feet, a distance of 74.05 feet; thence South 00 degrees East, a distance of 0.80 feet; thence South 86 degrees 07 minutes 00 seconds East, a distance of 154.66 feet, thence South 41 degrees East a distance of 210 feet, to a point on the Southerly line of said Lot 13, thence South 63 degrees 16 minutes 00 seconds East, along the Southerly line of said Lot 13, a distance of 8.41 feet, to the Southeasterly corner thereof, thence Northwesterly, along the Northeasterly line of said Lot 13, to the point of beginning, and also all of Lots 2, 3, 4, 15, 17, 18, 19 and all of Lot 20, Except the East 95 feet thereof of said Mission Village, Block 5, and also all of vacated Birch Street, lying adjacent to Lots 2 and 3, of said Mission Village, Block 5, all except that part thereof in roads and streets.

Tract III:

All that part of Lots 12 and 13, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 13, thence South 85 degrees 53 minutes, 10 seconds East, along the Southerly line of said Lot 13, a distance of 81.87 feet; thence North 24 degrees, 58 minutes, 41 seconds East, along said Southerly line, a distance of 79.22 feet; thence North 41 degrees West a distance of 210.00 feet; thence North 86 degrees, 07 minutes West, a distance of 154.66 feet; thence South 13 degrees, 23 minutes, 09 seconds East, a distance of 107.56 feet to a point on the Southerly line of said Lot 12; thence Southcasterly along said Southerly line of Lot 12 and the Westerly line of said Lot 13; said lines being on a curve to the right, having an initial tangent bearing of North 77 degrees, 21 minutes 56 seconds East, a radius of 125 feet, and an arc length of 232.21 feet to the point of beginning.

Tax Parcel No.: KP35000000 0001

Legal:

Beginning 72.77 feet North and 25 feet East of the Southwest corner of the Northwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, thence Northeasterly along the Northerly line of U.S. Highway No. 50, 113.7 feet, thence North 23 degrees 23 minutes West 135 feet; thence South 66 degrees and 37 minutes West 60.1 feet, thence South 131.8 feet to the beginning; also known as Lot 1, Mission Vale, an addition according to the recorded plat thereof.

Tax Parcel No.: KP37500004 0001; KP38000000 0001

Legal:

Tract I:

All of Lot 1, EXCEPT the West 10 feet of Lot 1, Block 4, taken under Condemnation Suit No. 45522, and Lot 2, Block 4, Mission Village, lying Westerly of the following described line: Beginning at a point on the Northerly line of said Lot 2, which point is 9.92 feet Southwesterly from the Northeasterly corner of said Lot 2; thence Southeasterly to a point in the Southerly line of said Lot 2, which is 10.83 feet Southwesterly from the Southeasterly corner of said Lot 2, all in Block 4, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas.

Tract II:

All of Lot 1, Mission Village, Block 5, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP38000000 0015

Legal:

Lot 15, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP38000000 0016

Legal:

Lot 16, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas, also called Martway Pumping Station.

ORDINANCE NO. 1195

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 1190 ESTABLISHING A REDEVELOPMENT DISTRICT (ROCK CREEK REDEVELOPMENT)

WHEREAS, on January 11, 2006, the City of Mission, Kansas (the "City"), established the Rock Creek Redevelopment District pursuant to K.S.A. 12-1770 *et seq.*, as amended, by passage of Ordinance No. 1190; and

WHEREAS, Exhibit A to Ordinance No. 1190 depicted the boundaries of redevelopment project areas within the Rock Creek Redevelopment District; and

WHEREAS, the City wishes to modify the boundary between the areas designated as Project Area 1 and Project Area 3 on Exhibit A attached to Ordinance No. 1190; and

WHEREAS, the amendment to the boundary between Project Area 1 and Project Area 3 does not constitute an addition of area to the Rock Creek Redevelopment District or a substantial change to the Rock Creek Redevelopment District;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. The Governing Body of the City hereby finds and determines that the area proposed to be included as a redevelopment district is as follows:

A parcel within the city of Mission, Kansas, depicted on the attached Exhibit A.

A legal description of the area encompassing the redevelopment district is attached hereto as Exhibit B.

Section 2. The Governing Body of the City hereby finds and determines that (a) the area described in Section 1 of this Ordinance is a "blighted area" because a majority of the property in such area is within a 100-year floodplain area, and therefore, is an "eligible area" as defined in the Act, and (b) the conservation, development and redevelopment of such area is necessary to promote the general and economic welfare of the City.

Section 3. The Governing Body of the City hereby finds and determines that the district plan includes the following redevelopment project areas depicted on the attached Exhibit A which are all located within the redevelopment district described in Section 1 of this Ordinance:

Project Area 1. Redevelopment of the existing Mission Mall shopping center and adjacent property consisting of one or more commercial and residential facilities

and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Project Area 2. One or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Project Area 3. One or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

Project Area 4. One or more commercial and residential facilities and all related infrastructure improvements including storm water improvements within the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the redevelopment project.

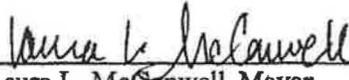
Section 4. In accordance with the Act and Resolution 615, a redevelopment district is hereby established in the City encompassing the area described in Section 1 of this Ordinance. The redevelopment district does not contain any property not referenced in Resolution 615 which provided notice of the public hearing.

Section 5. The Mayor, City Administrator, Finance Director, City Clerk and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

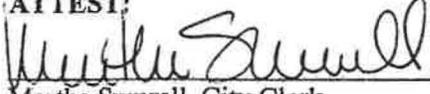
Section 6. This Ordinance shall be in full force and effect from and after its passage by the governing body of the City and publication once in the official City newspaper.

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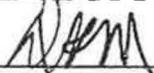
ADOPTED by the City Council of the City of Mission, Kansas on February 8,
2006.



Laura L. McConwell, Mayor

ATTEST:


Martha Sumrall, City Clerk

APPROVED AS TO FORM:


David K. Martin, City Attorney

EXHIBIT A

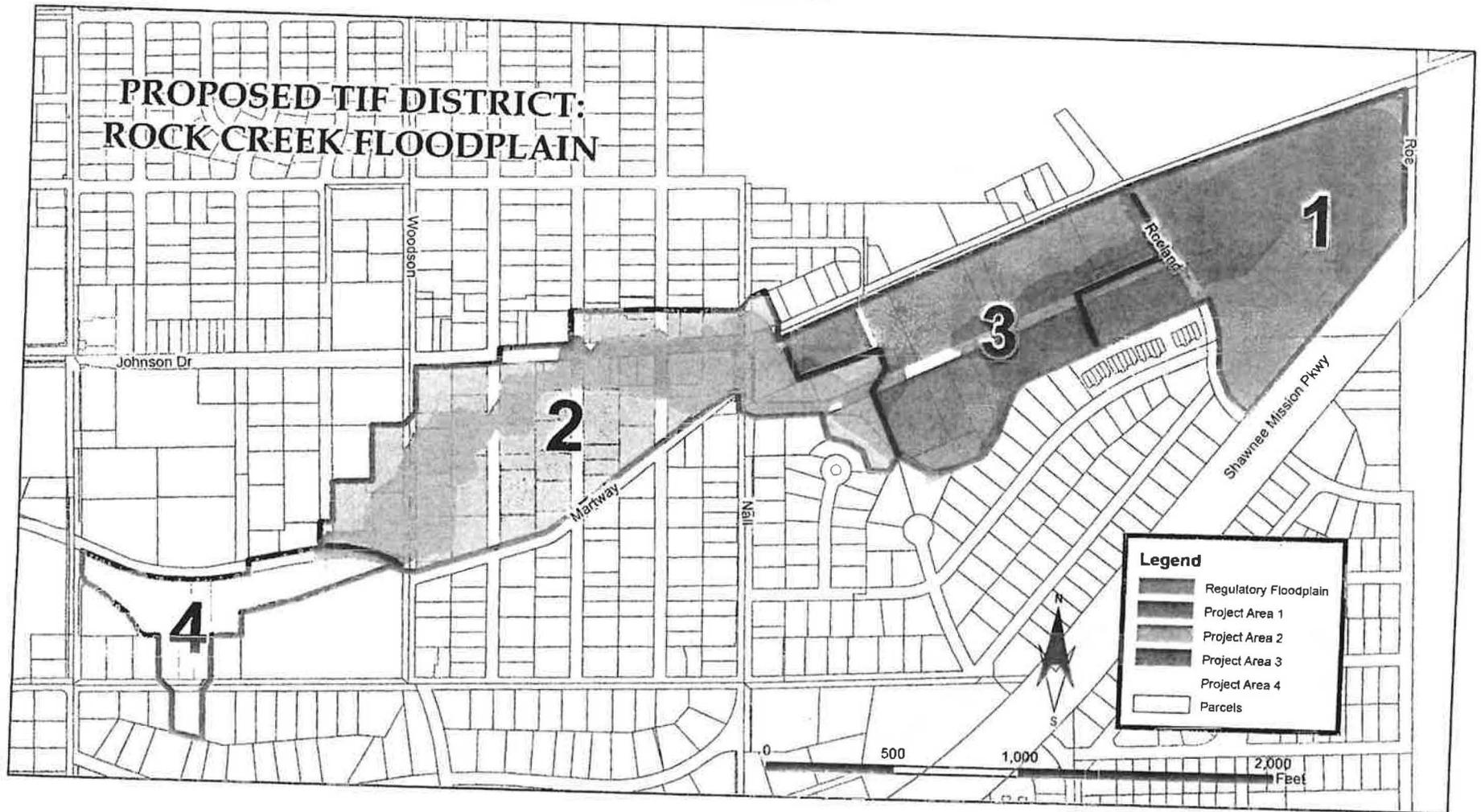


Exhibit B
CITY OF MISSION, KANSAS
ROCK CREEK REDEVELOPMENT DISTRICT
Legal Description

Tax Parcel No.: KP27500000 0020; KP27500000 0042B; KP27500000 0042A

Legal:

Lots 20 and 42, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0080C

Legal:

All that part of the South 55 feet of Lot 80 and all that part of Lot 81, Missionhill Acres, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said Lot 81; thence N 0° 08' 04" E, along the West line of said Lot 81, a distance of 102.32 feet, to the true point of beginning of subject tract; thence S 89° 58' 25" E, along a line parallel with the North line of said Lot 81, a distance of 29.54 feet; thence S 0° 08' 04" W, along a line parallel with the West line of said Lot 81, a distance of 12.92 feet; thence S 89° 58' 25" E, along a line parallel to the North line of said Lot 81, a distance of 110.39 feet, to a point on the East line thereof; thence N 0° 08' 04" E, along the East line of said Lot 81 and along the East line of said Lot 80, a distance of 82.32 feet; thence N 88° 59' 15" W, a distance of 139.95 feet to a point on the West line of said Lot 80; thence S 0° 08' 04" W, along the West line of said Lot 80 and along the West line of said Lot 81, a distance of 71.81 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KP27500000 0104C

Legal:

Lot 104, Except the west 75 feet, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0104B; KP27500000 0104A

Legal:

The East 50 feet of the West 75 feet of Lot 104, Missionhill Acres, and also the West 25 feet of said Lot 104, Missionhill Acres, a subdivision in Johnson County, Kansas, according to the plat thereof.

Tax Parcel No.: KP27500000 0081

Legal:

Lot 81, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, except, All that part of the South 55 feet of Lot 80 and all that part of Lot 81, Missionhill

Acres, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said Lot 81; thence N 0° 08' 04" E, along the West line of said Lot 81, a distance of 102.32 feet, to the true point of beginning of subject tract; thence S 89° 58' 25" E, along a line parallel with the North line of said Lot 81, a distance of 29.54 feet; thence S 0° 08' 04" W, along a line parallel with the West line of said Lot 81, a distance of 12.92 feet; thence S 89° 58' 25" E, along a line parallel to the North line of said Lot 81, a distance of 110.39 feet, to a point on the East line thereof; thence N 0° 08' 04" E, along the East line of said Lot 81 and along the East line of said Lot 80, a distance of 82.32 feet; thence N 88° 59' 15" W, a distance of 139.95 feet to a point on the West line of said Lot 80; thence S 0° 08' 04" W, along the West line of said Lot 80 and along the West line of said Lot 81, a distance of 71.81 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KP27500000 0021A

Legal:

Lot 21 and the North ½ of vacated 60 Street adjacent to said Lot 21 on the South, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, EXCEPT beginning at a point on the Southerly prolongation of the West line of said Lot 21 and the centerline of vacated 60 Street; thence Northeasterly along the centerline of vacated 60 Street, 77.39 feet; thence Southwesterly along a curve to the left, 63.81 feet, said curve having a radius of 170 feet, to a point, said point being in the Westerly line of said Lot 21; thence South along the Westerly line of said Lot 21, 27.25 feet to the point of beginning.

Tax Parcel No.: KP27500000 0041; KP27500000 0040B

Legal:

Tract I: Lot 41, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tract II: The North 50 feet of Lot 40, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0082B; KP27500000 0082A; KP27500000 0083A

Legal:

All of Lot 82 and the North 40 feet of Lot 83, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27600000 0003

Legal:

Lot 3, Resurvey of Lot 103, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27600000 0002; KP27600000 0001

Legal: Lots 1 and 2, Resurvey of Lot 103, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0144B; KP27500000 0144C; KP27500000 0144A

Legal:

Tract I:

Beginning at the Northeast corner of Lot 144, in Missionhill Acres, a subdivision in Johnson County, Kansas; thence in a Westerly direction along the North line of said Lot, a distance of 53.50 feet to a point; thence Southerly 117.38 feet to a point which is 52.50 feet West of the Southeast corner of said Lot 144; thence East along the South line of said Lot 52.50 feet to the Southeast corner thereof; thence North along the Easterly line of said Lot, a distance of 120 feet to the point of beginning, all a part of Section 8, Township 12, Range 25, Except that part in roads.

Tract II:

Beginning at a point in the North line of Lot 144, Missionhill Acres, a subdivision in Johnson County, Kansas, which is 30.82 feet East of the Northwest corner of said Lot 144; thence South and parallel to the West line of said Lot 144, a distance of 19.8 feet to the Northeast corner of a store building; thence in a Southerly direction along the East line of said store building a distance of 46.83 feet more or less to the Southeast corner of said store building; thence South and parallel to the West line of said Lot 144 a distance of 48 feet to a point in the South line of said Lot 144, which point is 32.75 feet East of the Southwest corner of Lot 144; thence East along the South line of said Lot 144 a distance of 54.75 feet to a point which is 52.50 feet West of the Southeast corner of Lot 144; thence in a Northerly direction distance of 117.38 feet to a point in the North line of Lot 144, which is 53.50 feet West of the Northeast corner of Lot 144; thence West along the North line of said Lot 144, a distance of 55.85 feet to the point of beginning, except that part in roads.

Tract III:

Beginning at a point on the South line of Lot 144, in Missionhill Acres, a subdivision in Johnson County, Kansas, which is 30 feet East of the Southwest corner of said Lot 144; thence North and parallel to the West line of Lot 144 a distance of 114.6 feet to a point on the North line of said Lot 144; thence East along the North line of Lot 144 distance of .78 feet to a point; thence South and parallel to the West line of Lot 144 a distance of 19.8 feet to the Northeast corner of a store building; thence in a Southerly direction along the East line of said store building a distance of 46.83 feet, more or less, to the Southeast corner of said store building to a point which is 32.75 feet East of the West line and 48 feet North of the South line of said Lot; thence South and parallel to the West line of said Lot 144, a distance of 48 feet to a point on the South line of said Lot 144; thence West 2.75 feet to the point of beginning, and all of the West 30 feet of Lot 144, Missionhill Acres, Except that part in roads.

Tax Parcel No.: KP27500000 0164

Legal:

All of Lot 164 in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas as recorded in Book 7, Plats, at Page 20, Except the following described tract: Beginning at the Southwest corner, Lot 164 in Missionhill Acres; thence North along the West line of said Lot 164 a distance of 47.63 feet to a point; thence in an easterly direction on a line parallel to and 47.63 feet North of the South line of the said Lot 164 a distance of 74.50 feet to a point; thence South along a line that is parallel to and 74.50 feet East of the West line of said Lot 164 a distance of 47.63 feet to a point in the South line of said Lot 164; thence West along the South line of said Lot 164 a distance of 74.50 feet to the point of beginning.

Tax Parcel No.: KP27500000 0205

Legal:

Lot 205, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0226

Legal:

Lot 226 Except the South 19.74 feet in the Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of Lot 226 of said Missionhill Acres; thence N 00° 10' 38" W on the West line of said Lot 226 a distance of 19.74 feet to the point of beginning; thence continuing N 00° 10' 38" W on said West line a distance of 100.26 feet; thence N 88° 44' 05" E on the North line of said Lot 226 a distance of 140.68 feet; thence S 00° 04' 44" E on the East line of said Lot 226 a distance of 103.36 feet; thence N 90° 00' 00" W a distance of 140.48 feet to the point of beginning.

Tax Parcel No.: KP27500000 0225B

Owner: Groundrunner Properties, LLC, a Kansas limited liability company

Legal:

The North ½ of Lot 225 and the South 19.74 feet of Lot 226, in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of Lot 226 of said Missionhill Acres; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 226 a distance of 19.74 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 140.48 feet to a point on the East line of said Lot 226; thence South 00 degrees 04 minutes 44 seconds West on the East line of said Lot 226 and Lot 225, a distance of 79.74 feet to the Southeast corner of the North ½ of said Lot 225; thence South 90 degrees 00 minutes 00 seconds West a distance of 140.34 feet to the Southwest corner of the North ½ of said Lot

225; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 225 a distance of 60.00 feet to the Point of Beginning.

Tax Parcel No.: KP27500000 0164A

Legal:

Beginning at the Southwest corner of Lot 164 in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas; thence North along the West line of said Lot 164, a distance of 47.63 feet to a point; thence in an Easterly direction on a line parallel to and 47.63 feet North of the South line of said Lot 164, a distance of 74.50 feet to a point, thence South along a line that is parallel to and 74.50 feet East of the West line of said Lot 164, a distance of 47.63 feet to a point in the South line of the said Lot 164; thence West along the South line of said Lot 164, a distance of 74.50 feet to the point of beginning.

Tax Parcel No.: KP27500000 0101

Legal:

The North 100 feet of Lot 101 and all of Lot 102, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0145; KP27500000 0146

Legal:

Lots 145 and 146, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0083B

Legal:

The South 80 feet of Lot 83 and the North 40 feet of Lot 84, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0039

Legal:

Lot 39 and the South 70 feet of Lot 40, Missionhill Acres, City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0163; KP27500000 0206B; KP27500000 0206A;
KP27500000 0162

Legal:

Lots 162, 163 and 206, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0225A

Legal:

The South Half of Lot 225, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0084A

Legal:

The South 80 feet of Lot 84 and all of Lot 85, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0207; KP27500000 0207A

Legal:

The North 60 feet of Lot 207 and the South 60 feet of Lot 207, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KF251208-4049; KF251208-4050; KF251208-4040

Owner: Mission Hills Apartments, L.L.C., a Minnesota limited liability company

Legal:

Tract I:

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 degrees 19 minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; for the True Point of Beginning; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 275.81 feet, to a point 520 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 degrees 56 minutes East, along a line 520 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 156 feet; thence South, along a line parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, to a point in the centerline of 60th Street as now established; thence Northwesterly, Westerly and Southwesterly along the centerline of 60th Street to the True Point of Beginning, except that part in 60th Street and Dearborn Street.

Tract II:

Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence North 89 degrees 56 minutes West 149 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of

the Southeast Quarter, 25 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 46 feet; thence South 89 degrees 56 minutes East along a line parallel to the North line of the Northwest Quarter of the Southeast Quarter, 174 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North along said East line 266 feet more or less to the point of beginning, except that part in Woodson Street.

Tract III:

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 degrees 19 minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North, along a line 330 feet West of said parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 495.81 feet, to a point 300 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 degrees 56 minutes East, along a line 300 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 330 feet; thence South, along the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 497.90 feet to the point of beginning, EXCEPT

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 degrees 19 minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; for the True Point of Beginning; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 275.81 feet, to a point 520 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 degrees 56 minutes East, along a line 520 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 156 feet; thence South, along a line parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, to a point in the centerline of 60th Street as now established; thence Northwesterly, Westerly and Southwesterly along the centerline of 60th Street to the True Point of Beginning,

EXCEPT Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence North 89 degrees 56 minutes West 149 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 25 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 46 feet; thence South 89 degrees 56 minutes East along a line parallel to the North line of the Northwest Quarter of the Southeast Quarter, 174 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North along said East line 266 feet more or less to the point of beginning, EXCEPT Beginning at a point on the East line and 300 feet South of the North line of the

Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, thence North 89 degrees 56 minutes West 149 feet to the true point of beginning; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet; thence North and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 220 feet; thence South 89 degrees 56 minutes East along a line 300 feet South and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet to the true point of beginning, all in the City of Mission, Johnson County, Kansas, and except those parts in streets and roads.

Tax Parcel No.: KP27500000 0224A

Legal:

The North One-Half of Lot 224, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0100B

Legal:

All of the North 40 feet of Lot 100 and the South 20 feet of Lot 101, in Missionhill Acres, a subdivision, in Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0224B; KP27500000 0223A

Legal:

Missionhill Acres, South one-half of Lot 224, and the North one-half of Lot 223, subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof

Tax Parcel No.: KP27500000 0147

Legal:

Lot 147, Missionhill Acres; a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0161A

Legal:

The North half of Lot 161, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0208; KP27500000 0210

Legal:

Lots 208, 209, 210 and 211, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0100A

Legal:

The South 60 feet of the North 100 feet of Lot 100, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0160

Legal:

Lot 160, and the South half of Lot 161, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0099

Legal:

Lot 99 and the South 20 feet of Lot 100, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0223B

Legal:

The North 50 feet of the South 60 feet of Lot 223, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0148

Legal:

Lot 148, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0222

Legal:

Lot 222 except that South 9 feet thereof, and the South 10 feet of Lot 223, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP27500000 0149

Legal:

All of Lot 149, Missionhill Acres, a subdivision now in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0159

Legal:

Lot 159, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP27500000 0221A

Legal:

The North 77 feet of Lot 221, and the South 9 feet of Lot 222, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP27500000 0220A

Legal:

The South 43 feet of Lot 221, and all of Lot 220, except that portion deeded to the City of Mission for street and highway purposes as recorded in Book 451, Deeds at Page 201, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KF251208-4033

Legal:

All that part of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, Johnson County, Kansas, described as follows: Beginning at a point in the West line of said Quarter Quarter Quarter Section 200 feet north of the Southwest corner; thence South 89 degrees 34 minutes East parallel to the South line of said Quarter Quarter Quarter Section 465.0 feet; thence North and parallel to the West line of said Quarter Quarter Quarter Section 182.63 feet; thence North 67 degrees 05 minutes West 504.84 feet to the West line of said Quarter Quarter Quarter Section; thence South 375.7 feet to the point of beginning,

Except that part described as follows:

The East 10 feet of the West 30 feet of all that part of the Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Section 8, Township 12, Range 25 described as follows: Beginning at a point in the West line of said Quarter Quarter Quarter Section, 200 feet North of the Southwest corner; thence South 89 degrees 34 minutes East parallel to the South line of said Quarter Quarter Quarter Section 465.0 feet; thence North and parallel to the West line of said Quarter Quarter Quarter Section, 182.63 feet; thence North 67 degrees 05 minutes West 504.84 feet to the West line of said Quarter Quarter Quarter Section; thence South 375.7 feet to the point of beginning, in Johnson County, Kansas,

And except

Beginning 398 feet North and 30 feet East of the Southwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Township 12, Range 25; thence East 10 feet; thence North 40 feet; thence West 10 feet; thence South 40 feet to point of beginning, in Johnson County, Kansas,

And except

That part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, described as follows: Beginning at a point on the West line of said Quarter Quarter Quarter Section, 200 feet North of the Southwest corner thereof; thence North 217.50 feet along said West line; thence East 30 feet; thence

Southeasterly 50.99 feet along a curve to the right with a radius of 75.89 feet and tangent to the last described course; thence South 51 degrees, 30 minutes East, 145.30 feet; thence Southeasterly 59.60 feet along a curve to the right with a radius of 205.62 feet and tangent to the last described course; thence South 34 degrees, 53 minutes, 37 seconds East, 54.60 feet; thence Southeasterly 55.30 feet along a curve to the left with a radius of 58.04 feet and tangent to the last described course to a point of a line 200 feet North of the South line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North 89 degrees, 34 minutes, 00 seconds West, 310 feet to the point of beginning.

Tax Parcel No.: KF251208-4043

Legal:

That part of the East 300 feet of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, which lies North of the Mission City Park Property conveyed to the City of Mission by Deed recorded in Book 354 Deeds, at Page 533 and South of 60th Street, being more particularly described as follows: Commencing at a point on the East line of the Northwest Quarter of the Southeast Quarter of said Section 8, which is 527.40 feet North of the Southeast corner thereof; thence South 66 degrees 19 minutes West, along the Northerly boundary line of said Mission City Park property, a distance of 66.24 feet to the point of beginning of the tract herein described, said point of beginning being on the center line of 60th Street, as now dedicated; thence continuing South 66 degrees 19 minutes West, along the Northerly boundary of said Park property, a distance of 294.11 feet, more or less, to a point 330 feet West of the East line of said Quarter Quarter Section; thence North, along a line 330 feet West of and parallel to the East line of said Quarter Quarter Section, a distance of 147.22 feet, more or less, to the center line of the dedicated right of way of said 60th Street; thence Northeasterly, Easterly and Southeasterly along said centerline, a distance of 273.76 feet, more or less, to the point of beginning, except that part in street and roads as conveyed to the City of Mission in Book 436 Deeds, Page 621, and in Book 440 Deeds, Page 367.

Tax Parcel No.: KP27500000 0220B

Legal:

Beginning at a point on the east right-of-way line of Woodson Road, said point being the southwest corner of Lot 220, Missionhill Acres, a subdivision in Section 8, Township 12, Range 25, Johnson County, Kansas, thence north a distance of 40.84 feet to a point 54.0 feet south of the north line of said Lot 220, thence east and parallel to the north line of said Lot 220 a distance of 132.20 feet more or less to a point on the south line of said Lot 220, thence in a southwesterly direction and along the south line of said Lot 220 a distance of 138.37 feet to the point of beginning.

Tax Parcel No.: KF151208-4038

Legal:

That part of the northwest quarter of the Southeast quarter of Section 8, Township 12, Range 25, in Mission, Johnson County, Kansas, described as follows: Beginning at a point 200 feet north of the South line and 540 feet east of the west line of the northwest quarter of the southeast quarter of said Section 8, thence South 89° 43' 30" east along a line parallel with the South line of the northwest quarter of the southeast quarter of said Section 8 a distance of 121.61 feet; thence North 0° 12' 30" east along the west line of the park tract deeded to the City of Mission in Deed Book 345 at page 533 in the Office of the Register of Deeds, Olathe, Kansas, 90 feet; thence north 77° 53' 30" east along the northerly line of said park tract 248.30 feet; thence north 66° 26' 30" east along the northerly line of said park tract 95.16 feet; thence north 0° 01' 40" east 121.99 feet to the south line of 60th Street as established by the deed in Deed Book 436 at page 621 in the Office of the Register of Deeds; thence southwesterly along the south line of said 60th Street, said line being on a curve to the left having a radius of 522.19 feet and whose initial tangent bearing is south 81° 03' 00" west, a distance of 11.95 feet to a point of tangency; thence south 80° 24' 00" west along the south line of said 60th Street 446.49 feet; thence south along a line parallel with the west line of the northwest quarter of the southeast quarter of said Section 8, a distance of 224.94 feet to the point of beginning.

Tax Parcel No.: KF251208-4039

Legal:

The East 75 feet of the West 540 feet of the Northeast Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, Johnson County, Kansas, lying South of 60th Street, except the South 200 feet thereto.

Tax Parcel No.: KF251208-4030

Legal:

All of the West 65 feet of the East 185.82 feet of the South 200 feet of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, except that part in roads.

Tax Parcel No.: KF251208-4029

Legal:

All of the West 60 feet of the East 245.82 feet of the South 200 feet of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 8, Township 12, Range 25, Johnson County, Kansas except that part in streets and roads.

Tax Parcel No.: KF251208-4031

Legal:

The West 80 feet of the East 325.82 feet of the South 200 feet of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, except that part now in 61st Street, now in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP07000006 0009

Legal:

Lot 9, Block 6, Countryside, a subdivision in the City Mission, Johnson County, Kansas.

Tax Parcel No.: KF251209-1008; KF251209-1013; KF251209-2002

Legal:

PARCEL 1:

All that part of the West 1/2 of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, more particularly described as follows: From the West 1/4 corner of said Section 9 (being the same as the Southwest corner of the Northwest 1/4 of said Section 9), run thence North 0 degrees East (this and all other bearings being in relation to the West line of said Section 9, having an assumed bearing of due North-South) along said West line, a distance of 339.15 feet; thence North 90 degrees East a distance of 1742.10 feet to the true point of beginning of the tract of land herein described, said point being on the Easterly right-of-way line of Roeland Drive, as said Street is now established; thence North 31 degrees 28 minutes 08 seconds West, a distance of 358.19 feet to a point on the Southerly right-of-way line of Johnson Drive, as now established; thence North 69 degrees 35 minutes 52 seconds East along said Southerly line, a distance of 143.70 feet; thence North 70 degrees 10 minutes 33 seconds East along said Southerly line a distance of 434.76 feet to a point (being the Northwesterly corner of a tract of land condemned for right-of-way by the Kansas Turnpike Authority as Tract No. J-11 under Suit No. 24661, filed June 6, 1958, in the District Court of Johnson County, Kansas, and conveyed by instrument dated February 7, 1959, in Book 422 Deeds, at Page 233, under Document No. 574033); thence South 19 degrees 49 minutes 27 seconds East along the Westerly line of said tract, a distance of 1.53 feet; thence along the Southerly right-of-way line of the tract so condemned and conveyed, North 74 degrees 38 minutes 36 seconds East, a distance of 342.82 feet; thence Northeasterly on a curve to the right, tangent to the last described course, having a radius of 297.25 feet, a distance of 48.36 feet; thence continuing Northeasterly, Easterly and Southeasterly, on a curve to the right, having a common tangent with the last described curve at the last described point and having a radius of 106.25 feet, a distance of 157.63 feet; thence continuing Southeasterly on a curve to the right, having a common tangent with the last described curve at the last described point and having a radius of 397.25 feet, a distance of 69.33 feet; thence South 1 degree 02 minutes 09 seconds East, tangent to the last described curve, a distance of 111.19 feet; thence South 0 degrees 06 minutes 33 seconds West, parallel with and 44.55 feet West of, measured at right angles thereto, the East line of the West 1/2 of said Section 9, a distance of 200.66 feet, more or less, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence South 39 degrees 25 minutes 03 seconds West, along said Northwesterly right-of-way line, a distance of 969.42 feet to a point on the Easterly right-of-way line of said Roeland Drive; thence North 50 degrees 34 minutes 57 seconds West, along said Easterly right-of-way line of said Roeland Drive; thence North 50 degrees 34 minutes 57 seconds West, along said Easterly right-of-way line, a distance of 17 feet; thence continuing Northwesterly and Northerly, along said Easterly right-of-way line, being a curve to the right, tangent to the last described course and having a radius of 260.50 feet, a distance of 243.40 feet; thence continuing Northerly and Northwesterly, along said Easterly right-of-way line, being a curve to the left having a common tangent with the last described curve at the last described point and having a radius of 490 feet, a distance of 294.36 feet; thence North 31 degrees 28 minutes 08 seconds West along said Easterly right-of-way line, a distance of 125.55 feet, to the point of beginning;

EXCEPT THOSE PORTIONS DESCRIBED AS FOLLOWS:

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the West line of the Northwest 1/4 of the said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, a distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03 seconds East, along the Northwesterly right-of-way line of U.S. Highway No. 50, a distance of 457.42 feet; thence North 50 degrees 34 minutes 57 seconds West, along a line perpendicular to the last described course, a distance of 66.29 feet, to the true point of beginning of subject tract; thence North 50 degrees 44 minutes 32 seconds West, a distance of 286.62 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 157.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 128.87 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 50.50 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 99.75 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 15.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 10 feet; thence North 39 degrees 15 minutes 28 seconds East a distance of 16 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 48 feet; thence South 39 degrees 15 minutes 28 seconds West, a distance of 238.70 feet to the true point of beginning of subject tract;

AND

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the West line of the Northwest 1/4 of said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of

125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and a central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03 seconds East, along the Northwesterly right-of-way line of said U.S. Highway No. 50, a distance of 969.42 feet to a point on the Westerly right-of-way line of Roe Boulevard, as now established; thence North 0 degrees 06 minutes 33 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 200.66 feet; thence North 1 degree 02 minutes 09 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 49.27 feet; thence South 88 degrees 57 minutes 51 seconds West, along a line perpendicular to the last described course, a distance of 21.76 feet, to the true point of beginning of subject tract; thence South 84 degrees 15 minutes 28 seconds West, a distance of 277.17 feet; thence North 5 degrees 44 minutes 32 seconds West, a distance of 132.75 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 252.67 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 91.92 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 24.50 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 40.83 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KF251209-1016; KF251209-1017

Legal:

Parcel 1:

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the West line of the Northwest 1/4 of the said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, a distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03

seconds East, along the Northwesterly right-of-way line of U.S. Highway No. 50, a distance of 457.42 feet; thence North 50 degrees 34 minutes 57 seconds West, along a line perpendicular to the last described course, a distance of 66.29 feet, to the true point of beginning of subject tract; thence North 50 degrees 44 minutes 32 seconds West, a distance of 286.62 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 157.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 128.87 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 50.50 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 99.75 feet; thence North 39 degrees 15 minutes 28 seconds East, a distance of 15.10 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 10 feet; thence North 39 degrees 15 minutes 28 seconds East a distance of 16 feet; thence South 50 degrees 44 minutes 32 seconds East, a distance of 48 feet; thence South 39 degrees 15 minutes 28 seconds West, a distance of 238.70 feet to the true point of beginning of subject tract.

Parcel 2:

All that part of the West 1/2 of Section 9, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 9; thence North 0 degrees East, along the 3 West line of the Northwest 1/4 of said Section 9, a distance of 339.15 feet; thence North 90 degrees East, a distance of 1742.10 feet, to a point on the Easterly right-of-way line of Roeland Drive, as now established; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 125.55 feet, to a point of curvature; thence Southeasterly and Southerly, along the Easterly right-of-way line of said Roeland Drive, said line being on a curve to the right, having a radius of 490 feet, and a central angle of 34 degrees 25 minutes 13 seconds, a distance of 294.36 feet, to a point of reverse curvature; thence Southerly and Southeasterly, along a curve to the left, having a radius of 260.50 feet, a central angle of 53 degrees 32 minutes 02 seconds, and whose initial tangent bearing is South 2 degrees 57 minutes 05 seconds West, distance of 243.40 feet, to a point of tangency; thence South 50 degrees 34 minutes 57 seconds East, along the Easterly right-of-way line of said Roeland Drive, a distance of 17 feet, to a point on the Northwesterly right-of-way line of U.S. Highway No. 50, as now established; thence North 39 degrees 25 minutes 03 seconds East, along the Northwesterly right-of-way line of said U.S. Highway No. 50, a distance of 969.42 feet to a point on the Westerly right-of-way line of Roe Boulevard, as now established; thence North 0 degrees 06 minutes 33 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 200.66 feet; thence North 1 degree 02 minutes 09 seconds West, along the Westerly right-of-way line of said Roe Boulevard, a distance of 49.27 feet; thence South 88 degrees 57 minutes 51 seconds West, along a line perpendicular to the last described course, a distance of 21.76 feet, to the true point of beginning of subject tract; thence South 84 degrees 15 minutes 28 seconds West, a distance of 277.17 feet; thence North 5 degrees 44 minutes 32 seconds West, a distance of 132.75 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 252.67 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 91.92 feet; thence North 84 degrees 15 minutes 28 seconds East, a distance of 24.50 feet; thence South 5 degrees 44 minutes 32 seconds East, a distance of 40.83 feet, to the true point of beginning of subject tract.

Tax Parcel No.: KF251209-1014; KF251209-1011

Legal:

Commencing at the northwest corner of the northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, in Johnson County, Kansas; thence North 3.70 feet to a point on the west line of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said section; thence deflecting to the right from the last described course 65 degrees 41 minutes 50 seconds, a distance of 1332.57 feet, said line being 9.0 feet south and parallel to the center tangent line of an 18 foot wide brick slab (formerly U.S. Highway No. 50) and now known as Johnson Drive; thence Southeasterly 90 degrees to the last described course a distance of 21 feet to the point of beginning; thence continuing on the last described course a distance of 250 feet; thence in a northeasterly direction along a course which makes an angle of 90 degrees to the last described course, a distance of 335.74 feet to the westerly line of Roeland Drive; thence deflecting to the left 98 degrees 09 minutes 58 seconds a distance of 251.72 feet to the southerly right of way line of said Johnson Drive; thence southwesterly along a line which is 30 feet from the center line of said Johnson Drive 300 feet to the point of beginning AND

All that part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, in the City of Mission, in said county and state, described as follows: From the northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 9; run thence North (this and all subsequent bearings being in relation to the west line of the Southwest $\frac{1}{4}$ of said Section 9, as having an assumed bearing of due North-South), 3.70 feet to a point in a line that is 9.0 feet Southerly distance at right angles to the center tangent line of an 18 foot brick slab known as Johnson Drive formerly U.S. Highway No. 50; run thence North 66 degrees 41 minutes 50 seconds East along said line, 1386.57 feet; run thence South 23 degrees 18 minutes 10 seconds East, 271.0 feet to the true point of beginning of the tract of land herein described; thence North 66 degrees 41 minutes 50 seconds East 281.75 feet to the Westerly right of way line of Roeland Drive as now established; thence South 31 degrees 28 minutes 08 seconds East along said Westerly right of way line, 53.21 feet to the Northerly right of way line of Martway Street, as now established; thence South 66 degrees 51 minutes 57 seconds West along said Northerly right of way line, 289.31 feet; thence North 23 degrees 18 minutes 10 seconds West, 51.82 feet to the point of beginning, EXCEPT

All that part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, described as follows: From the Northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 9; thence run North (this and all subsequent bearings being in relation to the West line of the Southwest $\frac{1}{4}$ of said Section 9 as having an assumed bearing of due North-South) 3.70 feet to a point in a line that is 9.0 feet Southerly distance, at right angles to the center tangent line of an 18 foot wide brick slab known as Johnson Drive, formerly U.S. Highway 50; run thence North 66 degrees 41 minutes 50 seconds East along said line, 1332.57 feet; run thence South 23 degrees 18 minutes 10 seconds East, 21.0 feet to the Southerly right of way line of said

Johnson Drive, as now established, also being the true point of beginning of the tract of land herein described; thence continuing South 23 degrees 18 minutes 10 seconds East, 250.00 feet; thence North 66 degrees 41 minutes 50 seconds East, 54.0 feet; thence North 23 degrees 18 minutes 10 seconds West 250.00 feet to the Southerly right of way line of said Johnson Drive; thence South 66 degrees 41 minutes 50 seconds West along said Southerly right of way line 54.0 feet to the point of beginning.

Tax Parcel No.: KP38000000 0007

Legal:

Lots 7, 8, 9, 10, 21 and 22, Lot 23, except the East 10 feet thereof, and the East 95 feet of Lot 20, Block 5, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP38000000 0005; KP38000000 0006

Legal:

Lots 5 and 6, Block 5, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Tax Parcel No.: KP38000000 0025A; KP38000000 0025; KP38000000 0024;
KP38000000 0023B

Legal:

All of Lots 24, 25 and 26, and the East 10 feet of Lot 23, all in Mission Village, Block 5, a subdivision in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 26; thence South 31 degrees 28 minutes 08 seconds East, along the Easterly line of said Lot 26, 137.74 feet to a point of curvature; thence Southeasterly along said Easterly line, on a curve to the right being tangent to the last described course having a radius of 440 feet, and an arc length of 48.65 feet to the Southeasterly corner of said Lot 26; thence South 66 degrees 41 minutes 50 seconds West along the Southerly line of said Lot 23 thru 26, 413.42 feet; thence North 23 degrees 03 minutes 34 seconds West, 185.87 feet to a point on the Northerly line of said Lot 23; thence North 66 degrees 51 minutes 26 seconds East, along the Northerly line of said Lots 23 thru 26, 389.09 feet to the point of beginning.

Tax Parcel No.: KP38000000 0004; KP38000000 0003; KP38000000 0019A;
KP38000000 0002; KP38000000 0018; KP38000000 0017; KP37500004 0002B;
KP38000000 0012A; KP38000000 0012B

Legal:

Tract I:

All that part of Lot 2, Block 4, Mission Village, a subdivision of land now in the City of Mission, Johnson County, Kansas, lying Easterly of the following described line: Beginning at a point on the Northerly line of said Lot 2, which point is 9.92 feet Southwesterly from the Northeasterly corner of said Lot 2; thence Southeasterly, to a

point in the Southerly line of said Lot 2, which is 10.83 feet Southwesterly from the Southeasterly corner of said Lot 2, and also all of Lots 3, 4 and 5, all in said Block 4, and also vacated Birch Street.

Tract II:

All that part of Lots 12 and 13, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 13; thence South 66 degrees 51 minutes 26 seconds West, along the Northwesterly line of said Lot 13, a distance of 134.11 feet, to the Northwesterly corner thereof; thence Southwesterly and Westerly, along the Northerly line of said Lot 12, said line being on a curve to the right, having a radius of 250 feet, a distance of 74.05 feet; thence South 00 degrees East, a distance of 0.80 feet; thence South 86 degrees 07 minutes 00 seconds East, a distance of 154.66 feet, thence South 41 degrees East a distance of 210 feet, to a point on the Southerly line of said Lot 13, thence South 63 degrees 16 minutes 00 seconds East, along the Southerly line of said Lot 13, a distance of 8.41 feet, to the Southeasterly corner thereof, thence Northwesterly, along the Northeasterly line of said Lot 13, to the point of beginning, and also all of Lots 2, 3, 4, 15, 17, 18, 19 and all of Lot 20, Except the East 95 feet thereof of said Mission Village, Block 5, and also all of vacated Birch Street, lying adjacent to Lots 2 and 3, of said Mission Village, Block 5, all except that part thereof in roads and streets.

Tract III:

All that part of Lots 12 and 13, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 13, thence South 85 degrees 53 minutes, 10 seconds East, along the Southerly line of said Lot 13, a distance of 81.87 feet; thence North 24 degrees, 58 minutes, 41 seconds East, along said Southerly line, a distance of 79.22 feet; thence North 41 degrees West a distance of 210.00 feet; thence North 86 degrees, 07 minutes West, a distance of 154.66 feet; thence South 13 degrees, 23 minutes, 09 seconds East, a distance of 107.56 feet to a point on the Southerly line of said Lot 12; thence Southeasterly along said Southerly line of Lot 12 and the Westerly line of said Lot 13; said lines being on a curve to the right, having an initial tangent bearing of North 77 degrees, 21 minutes 56 seconds East, a radius of 125 feet, and an arc length of 232.21 feet to the point of beginning.

Tax Parcel No.: KP35000000 0001

Legal:

Beginning 72.77 feet North and 25 feet East of the Southwest corner of the Northwest ¼ of Section 9, Township 12, Range 25, thence Northeasterly along the Northerly line of U.S. Highway No. 50, 113.7 feet, thence North 23 degrees 23 minutes West 135 feet; thence South 66 degrees and 37 minutes West 60.1 feet, thence South 131.8 feet to the beginning; also known as Lot 1, Mission Vale, an addition according to the recorded plat thereof.

Tax Parcel No.: KP37500004 0001; KP38000000 0001

Legal:

Tract I:

All of Lot 1, EXCEPT the West 10 feet of Lot 1, Block 4, taken under Condemnation Suit No. 45522, and Lot 2, Block 4, Mission Village, lying Westerly of the following described line: Beginning at a point on the Northerly line of said Lot 2, which point is 9.92 feet Southwesterly from the Northeasterly corner of said Lot 2; thence Southeasterly to a point in the Southerly line of said Lot 2, which is 10.83 feet Southwesterly from the Southeasterly corner of said Lot 2, all in Block 4, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas.

Tract II:

All of Lot 1, Mission Village, Block 5, a subdivision in the City of Mission, Johnson County, Kansas.

Tax Parcel No.: KP38000000 0015

Legal:

Lot 15, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas

Tax Parcel No.: KP38000000 0016

Legal:

Lot 16, Mission Village, Block 5, a subdivision of land now in the City of Mission, Johnson County, Kansas, also called Martway Pumping Station.

Exhibit C

(Published in *The Legal Record* on November 26, 2019)

ORDINANCE NO. 1508

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS, MAKING FINDINGS AND DIVIDING THE ROCK CREEK REDEVELOPMENT DISTRICT INTO FIVE REDEVELOPMENT DISTRICTS PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, the City of Mission, Kansas (the "City") created a redevelopment district (the "Redevelopment District") pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act") and Ordinance No. 1190 passed by the City Council of the City (the "Governing Body") on January 11, 2006, as amended by Ordinance No. 1195 passed by the Governing Body on February 8, 2006; and

WHEREAS, the City is considering the division of the Redevelopment District into five separate redevelopment districts pursuant to K.S.A. 12-1771(h); and

WHEREAS, as part of the division of the Redevelopment District, the City desires to adjust the boundary between former Project Area 1 and Project Area 3 to include the property currently occupied by Wendy's in proposed Rock Creek Redevelopment District No. 3 (Mission Mart and Bowl) as shown on **Exhibit A**.

WHEREAS, the Governing Body adopted Resolution No. 1035 on October 16, 2019, establishing this date as the date for the public hearing to consider the division of the Redevelopment District into five (5) redevelopment districts; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, the public hearing was held and closed on this date; and

WHEREAS, the Governing Body hereby finds and determines it to be necessary and advisable to divide the Redevelopment District into five (5) redevelopment districts.

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

Section 1. The Governing Body hereby finds that all required notices for the public hearing were disseminated in accordance with the Act.

Section 2. The Governing Body affirms its finding that the conservation, development or redevelopment of the Redevelopment District as divided herein is necessary to promote the general and economic welfare of the City.

Section 3. The Governing Body hereby finds that it is necessary and desirable to divide the Redevelopment District into five (5) separate redevelopment districts in accordance with K.S.A. 12-1771(h). The redevelopment districts are depicted on the map attached hereto as **Exhibit A** and legally described in **Exhibit B**, and generally described as follows:

Rock Creek Redevelopment District No. 1 (Gateway). A redevelopment district containing

one project area consisting of some or all of the following uses: one or more commercial or residential facilities, parking facilities and all related infrastructure improvements, including storm water improvements within and around the Rock Creek channel, streets, sanitary sewers, water lines and all related expenses to redevelop and finance the project.

Rock Creek Redevelopment District No. 2. A redevelopment district containing one project area consisting of some or all of the following uses: one or more commercial and residential facilities and all related infrastructure improvements, including storm water improvements within and around the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and refinance the redevelopment project and all other associated public and private infrastructure.

Rock Creek Redevelopment District No. 2A (Capitol Federal). A redevelopment district containing one project area consisting of some or all of the following uses: an approximately 3,800 square foot commercial banking building and all related infrastructure improvements, including storm water improvements within and around the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the project and all other associated public and private infrastructure.

Rock Creek Redevelopment District No. 3 (Mission Mart and Bowl). A redevelopment district containing one project area consisting of some or all of the following uses: one or more commercial or residential facilities and all related infrastructure improvements, including storm water improvements within and around the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and finance the project and all other associated public and private infrastructure.

Rock Creek Redevelopment District No. 4. A redevelopment district containing one project area consisting of some or all of the following uses: one or more commercial and residential facilities and all related infrastructure improvements, including storm water improvements within and around the Rock Creek channel, streets, sanitary and storm sewers, water lines and all related expenses to redevelop and refinance the redevelopment project and all other associated public and private infrastructure.

Section 4. The Governing Body hereby finds that the actions contemplated by this Ordinance do not cause a “substantial change” (as defined in the Act) to (a) the Mission Gateway Fourth Amended Tax Increment Financing Redevelopment Project Plan (the “Gateway Plan”) adopted by the Governing Body on October 18, 2017, pursuant to Ordinance No. 1468, or (b) the Redevelopment Project Plan – Capitol Federal Savings Bank Development (the “Capitol Federal Plan”) adopted by the Governing Body on May 20, 2009, pursuant to Ordinance No. 1299.

Section 5. The Governing Body hereby finds that the respective feasibility studies prepared for the Gateway Plan and the Capitol Federal Plan presented on this date show that the tax increment revenue related to each respective plan is expected to be sufficient to pay the redevelopment project costs for each respective plan.

Section 6. The Mayor, City Administrator, Finance Director, City Clerk and other officials and employees of the City, including the City Attorney, and Gilmore & Bell, P.C., Bond Counsel to the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

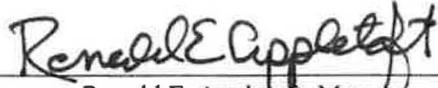
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Section 8. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

ADOPTED by the Governing Body this November 18, 2019.

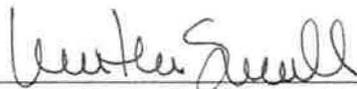
SIGNED by the Mayor this November 18, 2019.

(SEAL)

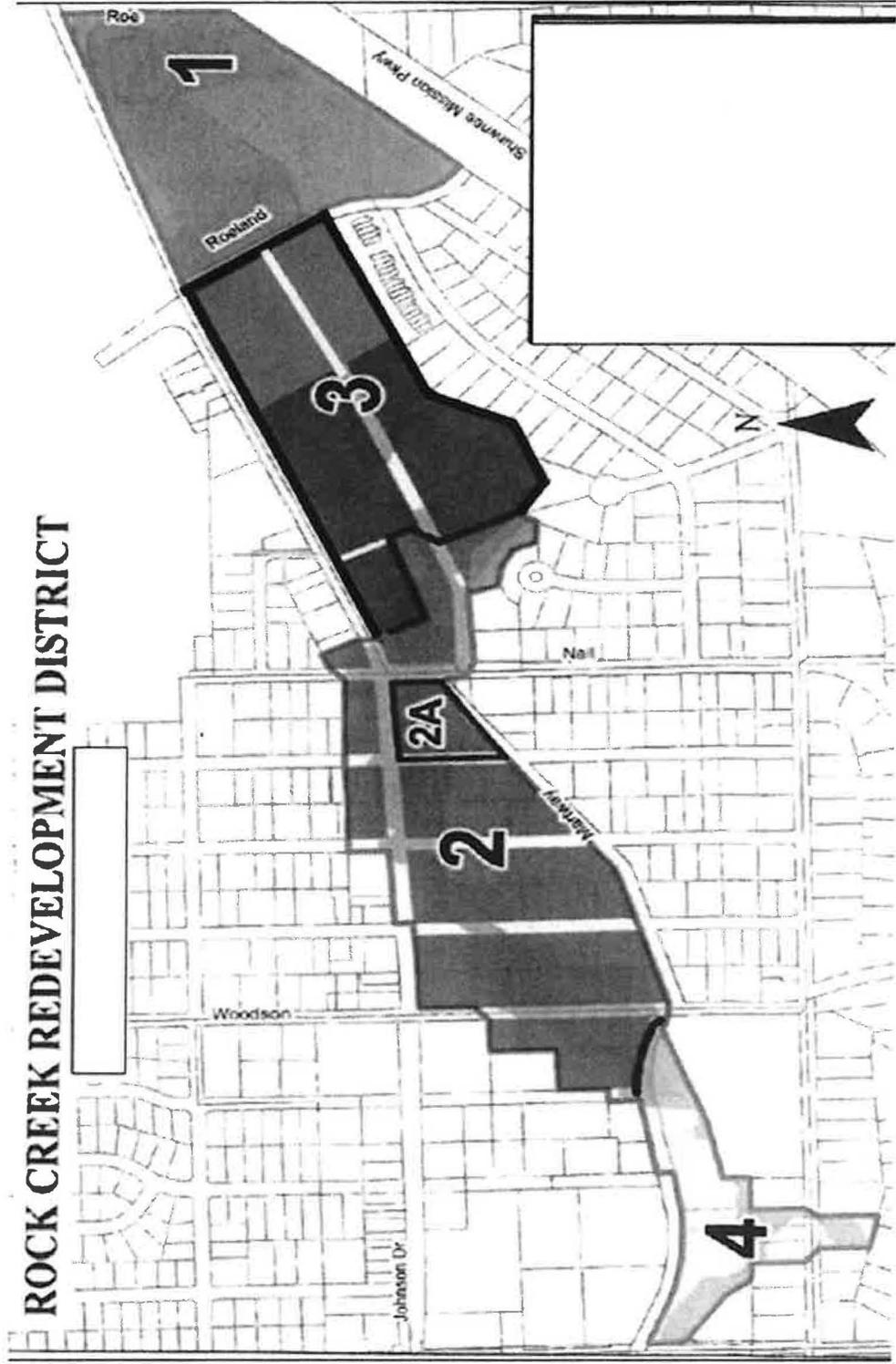


Ronald E. Appletoft, Mayor

ATTEST:



Martha Sumrall, City Clerk



ROCK CREEK REDEVELOPMENT DISTRICT

MAP OF REDEVELOPMENT DISTRICTS

EXHIBIT A

EXHIBIT B

LEGAL DESCRIPTIONS OF REDEVELOPMENT DISTRICTS

[see attached]

PROJECT AREA 1 – Gateway Site

Parcel Id.: KP58100000 0001

Legal:

Lot 1, THE GATEWAY FIRST PLAT, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KR251209-1005

Legal:

9-12-25 PT SE 1/4 NW 1/4 BG INTRC W RTWY/L ROE & SLY RTWY/L JOHNSON DR S 30' WLY 95.4' TO PT IN S/L JO DR ELY 100' ON S/L JO DR TO PT OF BG (JOHNSON DR) .03 ACS M/L MIC-0096B0001 BTAO #864

Parcel Id.: KR251209-1006

Legal:

9-12-25 PT NW 1/4 BEG 76.42' S & 40' W INTRC CTR/L JOHNSON DR & ROE AVE S 517.93' SWLY 7.18' N 202.73' NLY 111.19' NLY 69.33' NWLY ON CURVE 157.63' WLY 48.36' SWLY 342.82' NLY 1.53' NELY ON SLY/L JOHNSON DR 441.24' ELY 94.08' TO BG EX .04 AC PLATTED (JOHNSON DR & ROE AVE) .40 ACS M/L MIC 96B 3 BTAO 1458 1

PROJECT AREA 2a – Capitol Federal Bank Site

Parcel Id.: KR27500000 0021C

Legal:

MISSIONHILL ACRES BG 15' W NE CR LT 21 E 15' S 152.79' SW TOPT 40' W C/L NALL AVE N TO PT 10' S N/L LT 21 NW TO POB (NALL AVE)

Parcel Id.: KP06500000 0001

Legal:

Lot 1, CAPITOL FEDERAL FIRST PLAT, a subdivision in the City of Mission, Johnson County, Kansas.

PROJECT AREA 2 – Nall Ave. to Dearborn St., Between Johnson Drive and Martway Street

Parcel Id.: KF251208-4040; KF251208-4049; KF251208-4050

Legal:

TRACT I:

Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, thence North 89 Degrees 56 Minutes West 149 feet to the true point of beginning; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet; thence North and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 220 feet; thence South 89 Degrees 56 Minutes East along a line 300 feet South and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet to the true point of beginning, all in the City of Mission, Johnson County, Kansas.

Tract II:

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 Degrees 19 Minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; for the TRUE POINT OF BEGINNING; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 275.81 feet, to a point 520 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 Degrees 56 Minutes East, along a line 520 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 156 feet; thence South, along a line parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, to a point in the centerline of 60th Street as now established; thence Northwesterly, Westerly and Southwesterly along the centerline of 60th Street to the TRUE POINT OF BEGINNING, except that part in 60th Street and Dearborn Street.

TRACT III:

Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence North 89 Degrees 56 Minutes West 149 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 25 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 46 feet; thence South 89 Degrees 56 Minutes East along a line parallel to the North line of the Northwest Quarter of the Southeast Quarter, 174 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North along said East line 266 feet more or less to the point of beginning, except that part in Woodson Street.

TRACT IV:

Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 Degrees 19 Minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of-Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 495.81 feet, to a point 300 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 Degrees 56 Minutes East, along a line 300 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 330 feet; thence South, along the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 497.90 feet to the point of beginning, EXCEPT Beginning at a point on the East line and 527.40 feet North of the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence South 66 Degrees 19 Minutes West, along the Northerly property line of the Mission City Park property, 66.24 feet to the centerline of 60th Street, as now dedicated; thence Northwesterly, Westerly and Southwesterly, along the centerline of said 60th Street Right-of Way, 273.76 feet, to a point 330 feet West of the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; for the TRUE POINT OF BEGINNING; thence North, along a line 330 feet West of and parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, 275.81 feet, to a point 520 feet South of the North line of the Southeast Quarter of Section 8; thence South 89 Degrees 56 Minutes East, along a line 520 feet South of and parallel to the North line of the Southeast Quarter of Section 8, 156 feet; thence South, along a line parallel to the East line of the Northwest Quarter of the Southeast Quarter of Section 8, to a point in the centerline of 60th Street as now established; thence Northwesterly, Westerly and Southwesterly along the centerline of 60th Street to the TRUE POINT OF BEGINNING, EXCEPT Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, City of Mission, Johnson County, Kansas; thence North 89 degrees 56 Minutes West 149 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 25 feet; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 46 feet; thence South 89 Degrees 56 Minutes East along a line parallel to the North line of the Northwest Quarter of the Southeast Quarter, 174 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North along said East line 266 feet more or less to the point of beginning, EXCEPT Beginning at a point on the East line and 300 feet South of the North line of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, thence North 89 Degrees 56 Minutes West 149 feet to the true point of beginning; thence South and parallel to the East line of the Northwest Quarter of the Southeast Quarter 220 feet; thence West and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet; thence North and parallel to the East line of the Northwest Quarter of the Southeast Quarter, 220 feet; thence South 89 Degrees 56 Minutes East along a line 300 feet South and parallel to the North line of the Northwest Quarter of the Southeast Quarter, 156 feet to the true point of beginning, all in the City of Mission, Johnson County, Kansas, and except those parts in streets and roads.

Parcel Id.: KP27500000 0020; KP27500000 0042A; and KP27500000 0042B

Legal:

Lots 20 and 42, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0081

Legal:

LEGAL DESCRIPTION-TRACT 1

ALL THAT PART OF THE SOUTH 55 FEET OF LOT 80 AND ALL THAT PART OF LOT 81, MISSION HILL ACRES, A SUBDIVISION OF LAND NOW IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 81; THENCE N 0° 08' 04" E, ALONG THE WEST LINE OF SAID LOT 81, A DISTANCE OF 102.32 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE S 89° 58' 25" E, ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 81, A DISTANCE OF 29.54 FEET; THENCE S 0° 08' 04" W, ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 81, A DISTANCE OF 12.92 FEET; THENCE S 89° 58' 25" E, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 81, A DISTANCE OF 110.39 FEET, TO A POINT ON THE EAST LINE THEREOF; THENCE N 0° 08' 04" E, ALONG THE EAST LINE OF SAID LOT 81 AND ALONG THE EAST LINE OF SAID LOT 80, A DISTANCE OF 82.32 FEET; THENCE N 88° 59' 15" W, A DISTANCE OF 139.85 FEET TO A POINT ON THE WEST LINE OF SAID LOT 80; THENCE S 0° 08' 04" W, ALONG THE WEST LINE OF SAID LOT 80 AND ALONG THE WEST LINE OF SAID LOT 81, A DISTANCE OF 71.81 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 11,308 SQUARE FEET, MORE OR LESS.

Parcel Id.: KP27500000 0082A; KP27500000 0082B; and KP27500000 0083A

Legal:

All of Lot 82 and the North 40 feet of Lot 83, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0083B

Legal:

The South 80 feet of Lot 83 and the North 40 feet of Lot 84, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0084A

Legal:

The South 80 feet of Lot 84 and all of Lot 85, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0099

Legal:

Lot 99, and the South 20 feet Lot 100, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0100A

Legal:

The South 60 feet of the North 100 feet of Lot 100, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0100B

Legal:

All of the North 40 feet of Lot 100 and the South 20 feet of Lot 101, in MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0101

Legal:

The North 100 feet of Lot 101 and all of Lot 102, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0104A and KP27500000 0104B

Legal:

Tract 1:

All of the East 50 feet of the West 75 feet of Lot 104, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof. (Commonly known as 5622 Johnson Drive, Mission, Kansas)

Tract 2:

The West 25 feet of Lot 104, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof. (Commonly known as 5636 Johnson Drive, Mission, Kansas)

Parcel Id.: KP27500000 0104C

Legal:

Lot 104, MISSIONHILL ACRES, except the West 75 feet thereof, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0144A

Legal:

Beginning at a point on the South line of Lot 144, in Missionhill Acres, a subdivision in Johnson County, Kansas, which is 30 feet East of the Southwest corner of said Lot 144; thence North and parallel to the West line of Lot 144 a distance of 114.6 feet to a point on the North line of said Lot 144; thence East along the North line of Lot 144 a distance of .78 feet to a point; thence South and parallel to the West line of said Lot 144 a distance of 19.8 feet to the Northeast corner of a store building; thence in a Southerly direction along the East line of said Store building a distance of 46.83 feet, more or less, to the Southeast corner of said store building to a point which is 32.75 feet East of the West line and 48 feet North of the South line of said lot; thence South and parallel to the West line of said Lot 144, a distance of 48 feet to a point on the South line of said Lot 144; thence West 2.75 feet to the point of beginning, and all of the West 30 feet of Lot 144, Missionhill Acres, Except that part in roads.

Parcel Id.: KP27500000 0144B

Legal:

Beginning at the Northeast corner of Lot 144, in Missionhill Acres, a subdivision in Johnson County, Kansas; thence in a Westerly direction along the North line of said Lot, a distance of 53.50 feet to a point; thence Southerly 117.38 feet to a point which is 52.50 feet West of the Southeast corner of said Lot 144; thence East along the South line of said Lot 52.50 feet to the Southeast corner thereof; thence North along the Easterly line of said Lot, a distance of 120 feet to the point of beginning, all a part of Section 8, Township 12, Range 25, Except that part in roads.

Parcel Id.: KP27500000 0144C

Legal:

Beginning at a point in the North line of Lot 144 in Missionhill Acres, a subdivision in Johnson County, Kansas, which is 30.82 feet East of the Northwest corner of said Lot 144; thence South and parallel to the West line of said Lot 144, a distance of 19.8 feet to the Northeast corner of a store building; thence in a Southerly direction along the East line of said store building a distance of 46.83 feet more or less to the Southeast corner of said store building; thence South and parallel to the West line of said Lot 144 a distance of 48 feet to a point on the South line of said Lot 144, which point is 32.75 feet East of the Southwest corner of Lot 144; thence East along the South line of said Lot 144 a distance of 54.75 feet to a point which is 52.50 feet West of the Southeast corner of Lot 144; thence in a Northerly direction a distance of 117.38 feet to a point in the North line of Lot 144 which is 53.50 feet West of the Northeast corner of Lot 144; thence West along the North line of said Lot 144, a distance of 55.85 feet to the point of beginning, Except that part in roads.

Parcel Id.: KP27500000 0145 and KP27500000 0146

Legal:

Lots 145 and 146, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0147

Legal:

Lot 147, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0148

Legal:

Lot 148, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0149

Legal:

All of Lot 149, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0159

Legal:

Lot 159, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0160

Legal:

Lot 160 and the South half of Lot 161, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0161A

Legal:

The North half of Lot 161, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0162; KP27500000 0163; and KP27500000 0206A; and KP27500000 0206B

Legal:

Lots 162, 163 and Lot 206, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0164

Legal:

All of Lot 164 in MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas as recorded in Book 7, Plats, at Page 20, except the following described tract: beginning at the Southwest corner, Lot 164 in Mission Hill Acres; thence North along the West line of said Lot 164 a distance of 47.63 feet to a point; thence in an easterly direction on a line parallel to and 47.63 feet North of the South line of the said Lot 164 a distance of 74.50 feet to a point; thence South along a line that is parallel to and 74.50 feet East of the West line of said Lot 164 a distance of 47.63 feet to a point in the South line of the said Lot 164; thence West along the South line of said Lot 164 a distance of 74.50 feet to the point of beginning.

Parcel Id.: KP27500000 0164A

Legal:

Beginning at the Southwest corner of Lot 164 in Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas; thence North along the West line of said Lot 164, a distance of 47.63 feet to a point; thence in an Easterly direction on a line parallel to and 47.63 feet North of the South line of said Lot 164, a distance of 74.60 feet to a point, thence South along a line that is parallel to and 74.60 feet East of the West line of said Lot 164, a distance of 47.63 feet to a point in the South line of the said Lot 164; thence West along the South line of said Lot 164, a distance of 74.60 feet to the point of beginning.

Parcel Id.: KP27500000 0205

Legal:

Lot 205, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat filed in Book 7, Page 20.

Parcel Id.: KP27500000 0207 and KP27500000 0207A

Legal:

The North 60 feet of Lot 207 and the South 60 feet of Lot 207, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0208 and Parcel Id.: KP27500000 0210

Legal:

Lots 208, 209, 210 and 211, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0220A

Legal:

The South 43 feet of Lot 221, and all of Lot 220, EXCEPT that portion deeded to the City of Mission for street and highway purposes as recorded in Deed Book 451 at Page 201, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KR27500000 0220B

Legal:

Beginning at a point on the east right-of-way line of Woodson Road, said point being the southwest corner of Lot 220, MISSIONHILL ACRES, a subdivision in Section 8, Township 12, Range 25, Johnson County, Kansas, thence north a distance of 40.84 feet to a point 54.0 feet south of the north line of said Lot 220, thence east and parallel to the north line of said Lot 220 a distance of 132.20 feet more or less to a point on the south line of said Lot 220, thence in a

southwesterly direction and along the south line of said Lot 220 a distance of 138.37 feet to the point of beginning.

Parcel Id.: KP27500000 0221A

Legal:

The North 77 feet of Lot 221 and the South 9 feet of Lot 222, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0222

Legal:

Lot 222, EXCEPT the South 9 feet thereof, and the South 10 feet of Lot 223, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0223A and KP27500000 0224B

Legal:

MISSIONHILL ACRES, South one-half (S. ½) of Lot 224, and the North one-half (N. ½) of Lot 223, subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0223B

Legal:

The North 50 feet of the South 60 feet of Lot 223, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0224A

Legal:

The North one-half of Lot 224, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27500000 0225A

Legal:

The South half of Lot 225, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KP27500000 0226

Legal:

**Lot 226, Except the South 19.74 feet in the MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows:
Commencing at the Southwest corner of Lot 226 of said MISSIONHILL ACRES; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 226 a distance of 19.74 feet to the Point of Beginning; thence continuing North 00 degrees 10 minutes 38 seconds West on said West line a distance of 100.26 feet; thence North 88 degrees 44 minutes 05 seconds East on the North line of said Lot 226 a distance of 140.68 feet; thence South 00 degrees 04 minutes 44 seconds East on the East line of said Lot 226 a distance of 103.36 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 140.48 feet to the point of beginning.**

ACCESS EASEMENT FOR TRACT B:

A tract of land for ingress-egress over the South 10.00 feet of the North 1/2 of Lot 225, also the West 20.00 feet of the East 25.00 feet of Lot 225 and the West 20.00 feet of the East 25.00 feet of the South 19.74 feet of Lot 226, all in MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of Lot 225 of said MISSIONHILL ACRES; thence South 00 degrees 10 minutes 38 seconds East on the West line of said Lot 225 a distance of 50.00 feet to the Point of Beginning; thence South 90 degrees 00 minutes 00 seconds East a distance of 115.34 feet; thence North 00 degrees 04 minutes 44 seconds West a distance of 69.74 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 20.00 feet; thence South 00 degrees 04 minutes 44 seconds East a distance of 79.74 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 135.34 feet to the West line of said Lot 225; thence North 00 degrees 10 minutes 38 seconds West on said West line 10.00 feet to the Point of Beginning.

Parcel Id.: KP27600000 0001 and KP27600000 0002

Legal:

Lots 1 and 2, Resurvey of Lot 103, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP27600000 0003

Legal:

Lots 3, Resurvey of Lot 103, MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP35000000 0001

Legal:

Lot 1, MISSION VALE, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP37500004 0001

Legal:

**All of Lot 1, EXCEPT the West 10 feet of Lot 1, Block 4, taken under Condemnation Suit No. 45522, and Lot 2, Block 4, Mission Village, lying Westerly of the following described line:
Beginning at a point on the Northerly line of said Lot 2, which point is 9.92 feet Southwesterly from the Northeasterly corner of said Lot 2; thence Southeasterly to a point in the Southerly line of said Lot 2, which is 10.83 feet Southwesterly from the Southeasterly corner of said Lot 2, all in Block 4, Mission Village, a subdivision in the City of Mission, Johnson County, Kansas.**

Parcel Id.: KP38000000 0001

Legal:

All of Lot 1, MISSION VILLAGE, BLOCK 5, a subdivision in the City of Mission, Johnson County, Kansas

Parcel Id.: KP27500000 0080C

Legal:

ALL THAT PART OF THE SOUTH 55 FEET OF LOT 80 AND ALL THAT PART OF LOT 81, MISSION HILL ACRES, A SUBDIVISION OF LAND NOW IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 81; THENCE N 0° 08' 04" E, ALONG THE WEST LINE OF SAID LOT 81, A DISTANCE OF 102.32 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE S 89° 58' 25" E, ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 81, A DISTANCE OF 29.54 FEET; THENCE S 0° 08' 04" W, ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 81, A DISTANCE OF 12.92 FEET; THENCE S 89° 58' 25" E, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 81, A DISTANCE OF 110.39 FEET, TO A POINT ON THE EAST LINE THEREOF; THENCE N 0° 08' 04" E, ALONG THE EAST LINE OF SAID LOT 81 AND ALONG THE EAST LINE OF SAID LOT 80, A DISTANCE OF 82.32 FEET; THENCE N 88° 50' 15" W, A DISTANCE OF 138.85 FEET TO A POINT ON THE WEST LINE OF SAID LOT 80; THENCE S 0° 08' 04" W, ALONG THE WEST LINE OF SAID LOT 80 AND ALONG THE WEST LINE OF SAID LOT 81, A DISTANCE OF 71.81 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 11,308 SQUARE FEET, MORE OR LESS.

Parcel Id.: KR37500004 0001A

Legal:

The West Ten (10) feet of Lot 1, Block 4 Mission Village, a subdivision in the City of Mission, Johnson County, Kansas (Being Tract #40 in Condemnation Action #45522 in District Court of Johnson County, Kansas).

Parcel Id.: KP27500000 0225B

Legal:

The North 1/2 of Lot 226 and the South 19.74 feet of Lot 226, in MISSIONHILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of Lot 226 of said MISSIONHILL ACRES; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 226 a distance of 19.74 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 140.48 feet to a point on the East line of said Lot 226; thence South 00 degrees 04 minutes 44 seconds West on the East line of said Lot 226 and Lot 225, a distance of 78.74 feet to the Southeast corner of the North 1/2 of said Lot 226; thence South 90 degrees 00 minutes 00 seconds West a distance of 140.34 feet to the Southwest corner of the North 1/2 of said Lot 226; thence North 00 degrees 10 minutes 38 seconds West on the West line of said Lot 225 a distance of 60.00 feet to the Point of Beginning.

Parcel Id.: KR27500000 0164B

Legal:

Permanent Right of Way

All that part of Lot 164, Missionhill Acres, a subdivision lying in the Southeast Quarter of Section 8, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of Section 8, Township 12 South, Range 25 East; thence North 88 degrees 01 minutes 42 seconds East along the North line of the Southeast Quarter of said Section 8 a distance of 1676.68 feet to a point on the Northerly prolongation of the East right of way line of Outlook Avenue; thence South 2 degrees 00 minutes 42 seconds East along the East right of way line of Outlook Avenue and said prolongation a distance of 48.93 feet to the POINT OF BEGINNING; thence North 84 degrees 56 minutes 17 seconds East a distance of 140.20 feet to a point; thence South 2 degrees 00 minutes 42 seconds East a distance of 5.34 feet to a point; thence South 85 degrees 55 minutes 04 seconds West a distance of 140.09 feet to a point on the East right of way line of Outlook Avenue; thence North 2 degrees 00 minutes 42 seconds West along the East right of way line of Outlook Avenue a distance of 2.94 feet to the POINT OF BEGINNING and containing 580 Square Feet or 0.013 Acres, more or less.

Parcel Id.: KR27500000 0020A

Legal:

Permanent Right of Way

All that part of Lots 20 and 42, Missionhill Acres, a subdivision lying in the Northeast Quarter of Section 8, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, described as follows:

COMMENCING at the Southwest corner of the Northeast Quarter of Section 8, Township 12 South, Range 25 East; thence North 88 degrees 01 minutes 42 seconds East along the South line of the Northeast Quarter of said Section 8 a distance of 2336.67 feet to a point on the Southerly prolongation of the West line of Lot 42, Missionhill Acres; thence North 1 degree 49 minutes 20 seconds West along the West line of said Lot 42 and said prolongation a distance of 46.80 feet to the POINT OF BEGINNING; thence continuing North 1 degree 49 minutes 20 seconds West along the West line of said Lot 42 a distance of 36.25 feet to a point; thence North 88 degrees 10 minutes 40 seconds East a distance of 6.92 feet to a point; thence South 0 degrees 09 minutes 51 seconds West a distance of 25.13 feet to a point; thence in a Southeasterly direction along a curve to the right whose initial tangent bears North 85 degrees 53 minutes 35 seconds East, having a radius of 51.00 feet, through a central angle of 17 degrees 10 minutes 57 seconds, an arc distance of 15.29 feet to a point of reverse curvature; thence along a curve to the left, having a radius of 49.00 feet, through a central angle of 17 degrees 50 minutes 14 seconds, an arc distance of 15.25 feet to a point; thence North 85 degrees 14 minutes 19 seconds East a distance of 48.29 feet to a point; thence North 82 degrees 03 minutes 36 seconds East a distance of 36.07 feet to a point; thence North 85 degrees 14 minutes 19 seconds East a distance of 73.48 feet to a point; thence South 4 degrees 59 minutes 52 seconds East a distance of 6.98 feet to a point; thence South 84 degrees 56 minutes 11 seconds West a distance of 194.48 feet to the POINT OF BEGINNING and containing 1515 Square Feet or 0.035 Acres, more or less.

Parcel Id.: KR27500000 0226A

Legal:

All that part of Lot 226, MISSIONHILL ACRES, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northwest corner of said Lot 226; thence East, along the North line of said Lot 226 to the Northeast corner thereof; thence South, along the East line of said Lot 226, to a point 28 feet South of the Northline thereof; thence Westerly, to a point 79 feet West of the East line and 47 feet South of the North line of said Lot 226; thence Westerly, to a point on the west line of said Lot 226 and 44 feet South of the Northeast corner thereof; thence Northerly, along the West line of said Lot 226, a distance of 44 feet, to the point of beginning.

Parcel Id.: KP32400000 0002

Legal:

Lot 2, MISSION MART, a subdivision in the City of Mission, Johnson County, Kansas.

PROJECT AREA 3 – Roeland Drive to Nall Ave., Between Johnson Drive and Martway

Parcel Id.: KF251209-1011 and KF251209-1014

Legal:

Commencing at the northwest corner of the northwest 1/4 of the Southwest 1/4 of Section 9, Township 12, Range 25, in Johnson County, Kansas; thence North 3.70 feet to a point on the west line of the southwest 1/4 of the northwest 1/4 of said section; thence deflecting to the right from the last described course 66 degrees 41 minutes 50 seconds, a distance of 1332.57 feet, said line being 9.0 feet south and parallel to the center tangent line of an 18 foot wide brick slab (formerly U.S. Highway No. 50) and now known as Johnson Drive; thence southeasterly 90 degrees to the last described course a distance of 21 feet to the point of beginning; thence continuing on the last described course a distance of 250 feet; thence in a northeasterly direction along a course which makes an angle of 90 degrees to the last described course, a distance of 335.74 feet to the westerly line of Roeland Drive; thence deflecting to the left 98 degrees 09 minutes 58 seconds a distance of 251.72 feet to the southerly right of way line of said Johnson Drive; thence southwesterly along a line which is 30 feet from the center line of said Johnson Drive 300 feet to the point of beginning AND

All that part of the South 1/2 of the Northwest 1/4 of Section 9, Township 12, Range 25, in the City of Mission, in said county and state, described as follows: From the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 9; run thence North (this and all subsequent bearings being in relation to the West line of the Southwest 1/4 of said Section 9, as having an assumed bearing of due North-South), 3.70 feet to a point in a line that is 9.0 feet Southerly distance at right angles to the center tangent line of an 18 foot brick slab known as Johnson Drive formerly U.S. Highway No. 50; run thence North 66 degrees 41 minutes 50 seconds East along said line, 1386.57 feet; run thence South 23 degrees 18 minutes 10 seconds East, 271.0 feet to the true point of beginning of the tract of land herein described; thence North 66 degrees 41 minutes 50 seconds East 181.75 feet to the Westerly right of way line of Roeland Drive as now established; thence South 31 degrees 28 minutes 08 seconds East along said Westerly right of way line, 53.21 feet to the Northerly right of way line of Martway Street, as now established; thence South 66 degrees 51 minutes 57 seconds West along said Northerly right of way line, 289.31 feet; thence North 23 degrees 18 minutes 10 seconds West, 51.82 feet to the point of beginning, EXCEPT

All that part of the South 1/2 of the Northwest 1/4 of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, described as follows: From the Northwest corner of the Northwest 1/4 of the Southwest 1/4

of said Section 9; thence run North (this and all subsequent bearings being in relation to the West line of the Southwest 1/4 of said Section 9 as having an assumed bearing of due North-South) 3.70 feet to a point in a line that is 9.0 feet Southerly distance, at right angles to the center tangent line of an 18 foot wide brick slab known as Johnson Drive, formerly U.S. Highway No. 50; run thence North 66 degrees 41 minutes 50 seconds East along said line, 1332.57 feet; run thence South 23 degrees 18 minutes 10 seconds East, 21.0 feet to the Southerly right of way line of said Johnson Drive, as now established, also being the true point of beginning of the tract of land herein described; thence continuing South 23 degrees 18 minutes 10 seconds East, 250.00 feet; thence North 66 degrees 41 minutes 50 seconds East, 54.0 feet; thence North 23 degrees 18 minutes 10 seconds West 250.00 feet to the Southerly right of way line of said Johnson Drive; thence South 66 degrees 41 minutes 50 seconds West along said Southerly right of way line 54.0 feet to the point of beginning.

Parcel Id.: KR251209-1018

Legal:

All that part of the South 1/2 of the Northwest 1/4 of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, as described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 9; thence North (assumed bearing of due North-South), a distance of 3.70 feet to a point on the West line of the Southwest 1/4 of the Northwest 1/4 of said Section 9; thence North 66° 42' 30" East, a distance of 1386.57 feet, said line being 8 feet South and parallel to the center tangent line of Johnson Drive; thence South 23° 18' 10" East, distance of 21 feet to the Southerly right-of-way line of Johnson Drive, as now established, also being the true point of beginning; thence South 23° 18' 10" East, a distance of 5.68 feet; thence North 69° 33' 35" East, a distance of 122.25 feet; thence North 66° 41' 50" East, a distance of 102.14 feet; thence South 73° 53' 09" East, a distance of 34.42 feet to a point on the Westerly right-of-way line of Roeland Drive as now established; thence North 31° 28' 08" West along said Westerly line, a distance of 9.00 feet; thence North 72° 23' 09" West along the right-of-way line as now established, a distance of 37.78 feet to the Southerly right-of-way line of Johnson Drive as now established; thence South 66° 41' 50" West along said Southerly line, a distance of 221.00 feet to the point of beginning; containing 2,487 square feet more or less.

Parcel Id.: KP38000000 0005 and KP38000000 0006

Legal:

Lots 5 and 6, MISSION VILLAGE, Block 5, a subdivision in the City of Mission, Johnson County, Kansas

Parcel Id.: KP38000000 0007

Legal:

Lots 7, 8, 9, 10, 21 and 22, Lot 23, except the East 10 feet thereof, and the East 95 feet of Lot 20, Block 5, MISSION VILLAGE, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof;

Together with the non-exclusive right appurtenant to and for the benefit of the above described property to use existing and future parking facilities, drive aisles and access drives to the adjacent street created and granted by the Reciprocal License and Building Setback Line Agreement dated May 19, 1971, by and among Mission Mart, Inc., a Kansas corporation, Metropolitan Life Insurance Company, a New York corporation, and Safeway Stores, Incorporated, a Maryland corporation, filed for record September 1, 1971, in the Office of the Register of Deeds in and for Johnson County, Kansas, Register of Deeds No. 889503, and recorded in Book 223 Misc. at Page 208, over, upon and across the following described property in the City of Mission, Johnson County, Kansas, described as follows, to wit;

All that part of the South 1/2 of the Northwest 1/4 of Section 9, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 9; thence North (this and all subsequent bearings being in relation to the West line of the Southwest 1/4 of said Section 9 as having an assumed bearing of due North-South) 3.70 feet to a point in a line that is 9.0 feet Southerly distance at right angles to the center tangent line of an 18-foot wide brick slab known as Johnson Drive, formerly U.S. Highway No. 50; thence North 66 degrees 41 minutes 50 seconds East along said line, 1386.47 feet (Deed-1386.57); thence South 23 degrees 18 minutes 10 seconds East, 21.0 feet to the Southerly right of way line of said Johnson Drive, as now established, also being the true point of beginning of the tract of land herein described; thence continuing South 23 degrees 18 minutes 10 seconds East, 301.82 feet to the Northerly right of way line of Hartway Street as now established; thence North 66 degrees 51 minutes 57 seconds East, along said Northerly right of way line, 389.31 feet to the Westerly right of way line of Roeland Drive, as now established; thence North 31 degrees 32 minutes 08 seconds West, along said Westerly right of way line, 304.90 feet to the Southerly right of way line of said Johnson Drive; thence Southwesterly along said Southerly right of way line, being a curve to the left and having a radius of 4470.0 feet, an initial tangent bearing of South 67 degrees 49 minutes 28 seconds West, an arc distance of 87.88 feet; thence South 66 degrees 41 minutes 50 seconds West, along said Southerly right of way line, 158.12 feet to the point of beginning.

Parcel Id.: KP38000000 0016

Legal:

Lot 16, MISSION VILLAGE BLOCK 5, a subdivision in the City of Mission, Johnson County, Kansas

Parcel Id.: KP38000000 0023B

Legal:

East 10 feet of Lot 23 and the West 50 feet of Lot 24, MISSION VILLAGE BLOCK 5, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP38000000 0024

Legal:

East 50 feet of Lot 24, MISSION VILLAGE BLOCK 5, a subdivision in the City of Mission, Johnson County, Kansas

Parcel Id.: KP38000000 0025

Legal:

Lot 25 except the East 49.1 feet, MISSION VILLAGE BLOCK 5, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP38000000 0025A

Legal:

East 49.1 feet of Lot 25 and all of Lot 26, MISSION VILLAGE BLOCK 5, a subdivision in the City of Mission, Johnson County, Kansas, except the following tract:

All that part of Lot 26, Block 5, MISSION VILLAGE, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Lot 26; thence S 33° 28' 53" E, along the East line of said Lot 26, a distance of 137.74 feet, to a point of curvature; thence Southerly along the Easterly line of said Lot 26, said line being on a curve to the right having a radius of 440 feet and a central angle of 6° 20' 05", a distance of 48.63 feet, to the Southeast corner thereof; thence S 64° 41' 03" W, along the South line of said Lot 26, a distance of 10.63 feet; thence N 29° 28' 17" W, a distance of 167.95 feet; thence N 72° 55' 50" W, a distance of 12.63 feet; thence S 64° 19' 42" W, a distance of 191.69 feet, to a point on the West line of said Lot 26; thence N 25° 09' 19" W, along the West line of said Lot 26, a distance of 10.50 feet, to the Northwest corner thereof; thence N 64° 50' 41" E, along the North line of said Lot 26, a distance of 200 feet, to the point of beginning. All subject to that part thereof, now dedicated for permanent street right-of-way.

Parcel Id.: KR38000000 0026A

Legal:

All that part of Lot 26, Block 5, MISSION VILLAGE, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Lot 26; thence S 33° 28' 53" E, along the East line of said Lot 26, a distance of 137.74 feet, to a point of curvature; thence Southerly along the Easterly line of said Lot 26, said line being on a curve to the right having a radius of 440 feet and a central angle of 6° 20' 05", a distance of 48.63 feet, to the Southeast corner thereof; thence S 64° 41' 03" W, along the South line of said Lot 26, a distance of 10.63 feet; thence N 29° 28' 17" W, a distance of 167.95 feet; thence N 72° 55' 50" W, a distance of 12.63 feet; thence S 64° 19' 42" W, a distance of 191.69 feet, to a point on the West line of said Lot 26; thence N 25° 09' 19" W, along the West line of said Lot 26, a distance of 10.50 feet, to the Northwest corner thereof; thence N 64° 50' 41" E, along the North line of said Lot 26, a distance of 200 feet, to the point of beginning. All subject to that part thereof, now dedicated for permanent street right-of-way.

Parcel Id.: KP24950000 0001

Legal:

Lot 1, MISSION CELL TOWER, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP32400000 0001

Legal:

Lot 1, MISSION MART, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP32400000 0003

Legal:

Lot 3, MISSION MART, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP32400000 0004

Legal:

Lot 4, MISSION MART, a subdivision in the City of Mission, Johnson County, Kansas.

**PROJECT AREA 4 – between Woodson Road and Lamar Ave., South of Martway Street,
Generally Following the Rock Creek**

Parcel Id.: KF251208-4033

Legal:

All that part of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12 South, Range 25 East, sixth principal meridian, City of Mission, Johnson County, Kansas described as follows; Commencing at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 8; thence North 01 degree 51 minutes 53 seconds East, along the West line of the Northwest Quarter of the Southeast Quarter of said Section 8, a distance of 200.00 feet; thence South 88 degrees 08 minutes 08 seconds East, a distance of 465.00 feet; thence North 01 degree 53 minutes 54 seconds East, a distance of 182.63 feet to the point of beginning; thence North 65 degrees 50 minutes 09 seconds West, a distance of 86.59 feet to a point on the Southerly right of way line Martway Street; thence Southeasterly along said right of way on a curve to the left having a radius of 548.98 feet, an initial tangent bearing of South 82 degrees 56 minutes 06 seconds East, a central angle of 08 degrees 22 minutes 18 seconds, a distance of 80.21 feet; thence South 01 degree 53 minutes 54 seconds West, a distance of 31.44 feet to the point of beginning containing 1,181 square feet or 0.03 acres more or less.

Parcel Id.: KP20600000 0001

Legal:

Lot 1, MARTWAY OFFICE BUILDINGS, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KF251208-4029

Legal:

All of the West 60 feet of the East 245.82 feet of the South 200 feet of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range, 25, in Mission, Johnson County, Kansas, except that part in streets and roads.

Parcel Id.: KF251208-4030

Legal:

All of the West 65 feet of the East 185.82 feet of the South 200 feet of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, except that part in roads.

Parcel Id.: KF251208-4031

Legal:

The West 80 feet of the East 325.82 feet of the South 200 feet of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, except that part now in 61st Street now in the City of Mission, Johnson County, Kansas.

Parcel Id.: KF251208-4039

Legal:

The East 75 feet of the West 540 feet of the Northwest Quarter of the Southeast Quarter of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, lying South of 60th Street, except the South 200 feet thereof.

Parcel Id.: KF251208-4043

Legal:

THAT PART OF THE EAST 300 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 12, RANGE 25, IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, WHICH LIES NORTH OF THE MISSION CITY PARK PROPERTY CONVEYED TO THE CITY OF MISSION BY DEED RECORDED IN BOOK 354 DEEDS, AT PAGE 533 AND SOUTH OF 60TH STREET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8, WHICH IS 527.40 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 66 DEGREES 19 MINUTES WEST, ALONG THE NORTHERLY BOUNDARY LINE OF SAID MISSION CITY PARK PROPERTY, A DISTANCE OF 66.24 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, SAID POINT OF BEGINNING BEING ON THE CENTER LINE OF 60TH STREET, AS NOW DEDICATED; THENCE CONTINUING SOUTH 66 DEGREES 19 MINUTES WEST, ALONG THE NORTHERLY BOUNDARY OF SAID PARK PROPERTY, A DISTANCE OF 294.11 FEET, MORE OR LESS, TO A POINT 330 FEET WEST OF THE EAST LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH, ALONG A LINE 330 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION, A DISTANCE OF 147.22 FEET, MORE OR LESS, TO THE CENTER LINE OF THE DEDICATED RIGHT OF WAY OF SAID 60TH STREET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 273.76 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, EXCEPT THAT PART IN STREET AND ROADS AS CONVEYED TO THE CITY OF MISSION IN BOOK 436 DEEDS, PAGE 621 AND IN BOOK 440 DEEDS, PAGE 367.

Parcel Id.: KP07000006 0009

Legal:

Lot 9, Block 6, COUNTRYSIDE, a subdivision in the City of Mission, Johnson County, Kansas, according to the recorded plat thereof.

Parcel Id.: KR251208-4054

Legal:

A TRACT OF LAND FOR PERMANENT RIGHT-OF-WAY PURPOSES LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 25 EAST, IN MISSION, JOHNSON COUNTY, KANSAS, BEARINGS ARE REFERENCED TO GRID NORTH OF THE KANSAS STATE PLANE COORDINATE SYSTEM, 1983, NORTH ZONE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 8, T12S, R25E, BEING A FOUND DISK IN MONUMENT BOX; THENCE S02°05'18"E ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 831.95 FEET; THENCE N87°54'42"E ALONG A LINE THAT IS PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; THENCE S56°13'55"W, A DISTANCE OF 17.63 FEET TO A POINT THAT IS 30.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, AS MEASURED PERPENDICULAR TO SAID WEST LINE; THENCE N02°05'18"W ALONG A LINE THAT IS PARALLEL WITH AND 30.00 FEET EAST OF SAID WEST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 54.98 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MARTWAY DRIVE, AS NOW ESTABLISHED; THENCE S69°19'24"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 16.27 FEET TO A POINT THAT IS 45.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, AS MEASURED PERPENDICULAR TO SAID WEST LINE; THENCE S02°05'18"E ALONG A LINE THAT IS PARALLEL WITH AND 45.00 FEET EAST OF SAID WEST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 39.43 FEET TO THE POINT OF BEGINNING.

THE TRACT DESCRIBED ABOVE CONTAINS 708 SQUARE FEET, OR 0.0163 ACRES, MORE OR LESS.

Parcel Id.: KP20600000 0002

Legal:

Lot 2, MARTWAY OFFICE BUILDINGS, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP20600000 0003

Legal:

Lot 3, MARTWAY OFFICE BUILDINGS, a subdivision in the City of Mission, Johnson County, Kansas.

Parcel Id.: KP20600000 0T0A

Legal:

**Tract A, MARTWAY OFFICE BUILDINGS, a subdivision in the City of Mission, Johnson
County, Kansas.**

EXHIBIT D – DETAILED BUDGET

Project Budget (2021 Update)		
	Development Budget	TIF Eligible Project Costs
<u>Land, Demolition & Predevelopment Costs</u>		
Property Acquisition	7,550,000	7,550,000
Tenant Buyouts and Relocation	512,568	512,568
Demotion / Earthwork	2,534,838	2,534,838
Architectural / Survey / Site Design	7,420,005	-
Engineering	2,944,401	-
Legal	1,861,125	-
Real Estate Taxes Paid-to-Date	2,428,909	-
Storm Water Assessment Paid-to-Date	4,197,170	4,197,170
Interest on Past Loans	5,244,330	-
Closing Costs / Mortgage Tax on Past Loans	1,962,642	-
Prior Contractor General Conditions / Fees / Other	1,285,255	-
Marketing / Promotions	580,009	-
Miscellaneous 3rd Party Expenses	820,238	-
Developer- General Conditions	548,654	-
Developer- Miscellaneous	485,862	-
Developer- Project Management / Coordination	976,641	-
Developer - Travel / Lodging / Meals	461,140	-
Developer- Meals & Entertainment	20,904	-
Developer - Allocated Overhead	651,550	-
Developer- Other Legacy less Minimum Rents	612,329	-
Total Demolition & Predevelopment Costs	43,098,570	14,794,576
<u>Site Work, Infrastructure & Parking</u>		
Hard Costs- Parking Garage Spaces	16,162,382	16,162,382
Stormwater Improvements*	6,595,554	6,595,554
Sitework	4,902,267	4,902,267
Offsite	2,192,261	2,192,261
Total Site Work	29,852,464	29,852,464
<u>Hard Costs</u>		
Hard Costs Retail (Roeland)	3,854,490	346,821
Hard Costs Retail (Johnson)	202,500	18,221
Hard Costs Cinergy / Food Hall Space	18,242,780	1,641,459
Hard Costs Hotel (includes Restaurant & Spa)	23,088,057	2,077,430
Hard Costs Residential	52,013,611	4,680,109
Hard Costs Office	13,736,172	1,235,961

Payment & Performance Bonds	931,838	207,889
Insurance/Builders Risk	2,109,847	453,513
General Contractor Fee	4,706,373	786,551
Tenant Improvements	14,609,785	-
Contingency	7,118,388	1,588,080
Total Hard Costs	140,613,840	13,036,034
<u>Soft Costs</u>		
Architecture/Engineering Services	6,300,295	1,089,951
Legal	1,343,492	232,424
Platting	-	-
Civil Engineer (includes geo-tech and survey)	540,000	93,420
Testing & Special Inspections	890,946	154,134
Real Estate Taxes (Forward)	567,317	-
Residential Marketing and FF&E	325,000	-
Project Branding & Marketing	452,500	-
Farmers Interest	-	-
Hotel Pre-Opening	200,000	-
Hotel Supplies	-	-
Hotel FFE	5,050,000	-
Hotel Operator Technical Services Fee	75,000	-
Development Fee	5,929,805	-
Project Staffing	1,550,000	-
Residential Staffing	160,000	-
Permit & Fees	861,459	149,032
Accounting (Audit, etc.)	261,712	45,276
Developer Reimbursements	415,053	-
Leasing Commissions	3,523,698	-
Soft Cost Contingency	2,294,000	396,862
Total Soft Costs	30,740,278	2,161,099

<u>Financing Costs</u>		
Mortgage Broker Fee	522,200	90,341
Origination Fee	1,508,850	261,031
Title Insurance	755,587	130,716
Mortgage Recording Tax	-	-
Legal (Owner and Lender)	2,631,192	455,196
Construction Monitoring	338,667	58,589
3rd Parties	35,000	6,055
Construction Interest Reserve	18,277,899	3,162,077
Bond Payment Reserve	-	-
Total Financing Costs	24,069,395	4,164,005
Total Budget	268,374,548	64,008,179

EXHIBIT E – TIF BOND PROFORMA
(Follows on separate page)

MISSION GATEWAY - INCENTIVE REVENUE PROJECTIONS

TIF Bond Proceeds: **\$27,923,385**

	Square Footage/Keys	Appraised Value PSF/Key	Appraised Value	Assessed Value	Sales PSF	Room Sales	Food & Beverage	Total Sales
PROJECT COMPONENT								
Small Shop Commercial/Restaurant	49,752	\$ 280	\$ 13,930,560	\$ 3,482,640	\$ 250			\$ 12,438,000
Retail and Entertainment	90,000	\$ 303	\$ 17,100,000	\$ 4,275,000	\$ 180			\$ 16,200,000
Residential	373	\$ 190,000	\$ 70,870,000	\$ 8,150,050				
Hotel	202	\$ 75,000	\$ 15,150,000	\$ 3,787,500		\$ 6,399,764	\$ 1,400,000	\$ 7,799,764
Office	100,000	\$ 150	\$ 15,000,000	\$ 3,750,000				
Parking Structure	292,000	\$ 100	\$ 29,141,600	\$ 7,285,400				
TOTAL:			\$ 161,192,160	\$ 30,730,590		\$ 6,399,764	\$ 1,400,000	\$ 36,437,764
Commercial Assessment:	25%							
Residential Assessment:	11.5%							

Year	Base Assessed Value	Projected Assessed Value	Total Sales Increment	Hotel Room Sales	Real Estate Increment	TIF Sales Tax Revenue	TIF Transient Guest Tax Revenue	Total TIF Revenue
1	\$ 2,532,825	\$ 2,532,825	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	\$ 2,532,825	\$ 18,438,354	\$ 21,862,658	\$ 3,839,858	\$ 1,653,984	\$ 147,921	\$ 307,189	\$ 2,109,093
3	\$ 2,532,825	\$ 29,194,061	\$ 34,615,876	\$ 6,079,776	\$ 2,772,449	\$ 199,218	\$ 486,382	\$ 3,458,048
4	\$ 2,532,825	\$ 30,730,590	\$ 36,437,764	\$ 6,399,764	\$ 2,932,229	\$ 209,703	\$ 511,981	\$ 3,653,913
5	\$ 2,532,825	\$ 31,191,549	\$ 37,166,519	\$ 6,591,757	\$ 2,980,163	\$ 213,897	\$ 527,341	\$ 3,721,401
6	\$ 2,532,825	\$ 31,659,422	\$ 37,909,850	\$ 6,789,510	\$ 3,028,817	\$ 218,175	\$ 543,161	\$ 3,790,152
7	\$ 2,532,825	\$ 32,134,313	\$ 38,668,047	\$ 6,993,195	\$ 3,078,200	\$ 222,538	\$ 559,456	\$ 3,860,194
8	\$ 2,532,825	\$ 32,616,328	\$ 39,441,408	\$ 7,202,991	\$ 3,128,323	\$ 226,989	\$ 576,239	\$ 3,931,552
9	\$ 2,532,825	\$ 33,105,573	\$ 40,230,236	\$ 7,419,080	\$ 3,179,199	\$ 231,529	\$ 593,526	\$ 4,004,254
10	\$ 2,532,825	\$ 33,602,157	\$ 41,034,840	\$ 7,641,653	\$ 3,230,838	\$ 236,160	\$ 611,332	\$ 4,078,330
11	\$ 2,532,825	\$ 34,106,189	\$ 41,855,537	\$ 7,870,902	\$ 3,283,251	\$ 240,883	\$ 629,672	\$ 4,153,806
12	\$ 2,532,825	\$ 34,617,782	\$ 42,692,648	\$ 8,107,030	\$ 3,336,450	\$ 245,700	\$ 648,562	\$ 4,230,713
13	\$ 2,532,825	\$ 35,137,049	\$ 43,546,501	\$ 8,350,240	\$ 3,390,448	\$ 250,614	\$ 668,019	\$ 4,309,082
14	\$ 2,532,825	\$ 35,664,104	\$ 44,417,431	\$ 8,600,748	\$ 3,445,255	\$ 255,627	\$ 688,060	\$ 4,388,942
15	\$ 2,532,825	\$ 36,199,066	\$ 45,305,780	\$ 8,858,770	\$ 3,500,885	\$ 260,739	\$ 708,702	\$ 4,470,326
16	\$ 2,532,825	\$ 36,742,052	\$ 46,211,895	\$ 9,124,533	\$ 3,557,349	\$ 265,954	\$ 729,963	\$ 4,553,266
17	\$ 2,532,825	\$ 37,293,183	\$ 47,136,133	\$ 9,398,269	\$ 3,614,660	\$ 271,273	\$ 751,862	\$ 4,637,795
18	\$ 2,532,825	\$ 37,852,580	\$ 48,078,856	\$ 9,680,217	\$ 3,672,831	\$ 276,699	\$ 774,417	\$ 4,723,947
19	\$ 2,532,825	\$ 38,420,369	\$ 49,040,433	\$ 9,970,624	\$ 3,731,874	\$ 282,233	\$ 797,650	\$ 4,811,756
20	\$ 2,532,825	\$ 38,996,675	\$ 50,021,242	\$ 10,269,742	\$ 3,791,803	\$ 287,877	\$ 821,579	\$ 4,901,259
21	\$ 2,532,825	\$ 39,581,625	\$ 51,021,666	\$ 10,577,835				
22	\$ 2,532,825	\$ 40,175,349	\$ 52,042,100	\$ 10,895,170				
TOTALS					\$ 61,309,008	\$ 4,543,729	\$ 11,935,093	\$ 77,787,830
NET PRESENT VALUE	5.750%				\$ 33,370,131	\$ 2,469,744	\$ 6,369,894	\$ 42,209,769
		Gross Bond Proceeds (NPV of Revenue Divided by DSCR)		130%	\$ 25,669,331	\$ 1,899,803	\$ 4,899,918	\$ 32,469,053
		Less: Bond Issuance		14%	\$ (3,593,706)	\$ (265,972)	\$ (685,989)	\$ (4,545,667)
		Net Bond Proceeds			\$ 22,075,625	\$ 1,633,831	\$ 4,213,930	\$ 27,923,385

Notes:

	<u>Assessed Value</u>	<u>Sales</u>		<u>Mill Levy Rates (2021)</u>	<u>Captured</u>
(1) Percentage Online Year 1:	35%	35%		512 Bond	7.438
(2) Percentage Online Year 2:	60%	60%		512 Sch Gen	0.000
(3) Percentage Online Year 3:	95%	95%		512 Unified	24.229
(4) Percentage Online Year 4:	100%	100%		Comm College	9.110
(5) Annual Increase in sales:		2%		JC CON FR #2	10.775
(6) Annual increase in assessed value:		1.5%		JO CO Library	3.908
(7) TIF Mill Levy Rate:		103.988		JO CO Park	3.096
(8) City Sales Tax Subject to TIF, includes City's share of County sales tax:		0.5755100%		Johnson County	18.564
(9) Transient Guest Tax Rate Subject to TIF:		8%		City of Mission	16.369
(10) Current Base Assessed Value:		\$254,696		Rock CR S Dr	10.499
(11) TIF Base Assessed Value:		\$2,532,825		State	1.500
(12) CID Rate:		2%			0.000
(13) Hotel Room Sales Annual Increase:		3%		TOTAL	125.488
					103.988

EXHIBIT F – CITY OF MISSION MEETING MINUTES REGARDING THIS PROJECT PLAN

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	August 3, 2022
Community Development	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Resolution giving notice that the City of Mission is considering the establishment of a new Community Improvement District (2022 Mission Gateway CID) for the Gateway project and setting a date and time for a public hearing.

RECOMMENDATION: Approve the Resolution setting the date and time for a public hearing to consider the petition for the 2022 Mission Gateway Community Improvement District for 7:00 p.m. on Wednesday, September 28, 2022 at the Powell Community Center, 6200 Martway, Mission, KS 66202.

DETAILS: The Gateway Developer has submitted a new Community Improvement District (CID) Petition associated with the current project proposal. This would replace the existing 1% CID (#3) with a new 2% CID (2022 Mission Gateway CID) that would begin levying such additional sales tax on January 1, 2024. State statute requires that the City Council pass a Resolution giving notice of the intent to consider the petition, and setting the date and time for a public hearing.

The Resolution under consideration officially sets the public hearing on the 2022 Mission Gateway Community Improvement District for a Special City Council meeting scheduled for Wednesday, September 28, 2022 at 7:00 p.m. at the Powell Community Center, 6200 Martway, Mission, KS 66202. The Resolution does not commit the City Council to any action except scheduling the public hearing and providing the required notice. It is anticipated that the City Council will consider a Tax Increment Financing Redevelopment Plan as well as a Development Agreement at that same City Council meeting.

A copy of the 2022 Mission Gateway Community Improvement District Petition is included in the packet. The petition will be reviewed briefly at the August 3 Finance & Administration Committee meeting, with more discussion to follow at the September 7 Finance & Administration Committee meeting and a September 14 City Council Work Session.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	K.S.A. 12-6a26 <i>et seq.</i>
Line Item Code/Description:	NA
Available Budget:	NA

**PETITION FOR THE CREATION OF THE 2022 MISSION GATEWAY
COMMUNITY IMPROVEMENT DISTRICT**

TO: The Governing Body,
City of Mission, Kansas

The undersigned, being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district;

hereby petitions the City of Mission, Kansas (the “City”) to create a community improvement district and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A § 12-6a26, *et seq.* (the “Act”). In furtherance of such request, the petitioner states as follows:

1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map generally depicting the proposed community improvement district (the “District”) is attached hereto as **EXHIBIT “A”**. The legal description of the District is attached hereto as **EXHIBIT “B”**.

2. GENERAL NATURE OF THE PROJECTS

The general nature of the proposed projects to be funded in part by the District (the “Projects”) is to promote the development of a new mixed-use commercial development located generally at the northeast corner of Shawnee Mission Parkway and Roeland Drive in the City. The Projects, which shall be subject to prior approval by the City, may be more particularly described as the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land acquisition, infrastructure related items, sidewalks, parking lots, drainage improvements, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and the petitioner’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act and approved by the City.

3. ESTIMATED COST

The estimated or probable cost of the Projects is \$268,374,548. See the attached **EXHIBIT “C”** for a detailed budget.

4. PROPOSED METHOD OF FINANCING

RECEIVED
JUL 27 2022
BY: 

It is proposed that the Projects be financed through a combination of private equity, private debt, community improvement district financing, tax increment financing, and industrial revenue bonds (such industrial revenue bonds to be issued solely to provide a sales tax exemption on construction materials and furniture, fixtures, and equipment). It is proposed that community improvement district revenue will be made available to finance the cost of the Projects through the issuance of pay-as-you-go financing, as defined in the Act, special obligation revenue bonds, or any combination of these methods as further described herein.

5. PROPOSED AMOUNT OF SALES TAX

It is being proposed that the Projects be financed in part through the levying of a two percent (2.00%) community improvement retail sales tax as authorized by the Act with such sales tax to commence on January 1, 2024 or such other date as shall be approved by ordinance of the City, and to continue for a maximum term of twenty-two (22) years.

6. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

There are no assessments proposed by this Petition other than the sales tax described herein.

7. NOTICE TO PETITION SIGNATORY

Names may not be withdrawn from this Petition by the signatory hereto after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

EXHIBIT "A"
MAP OF DISTRICT

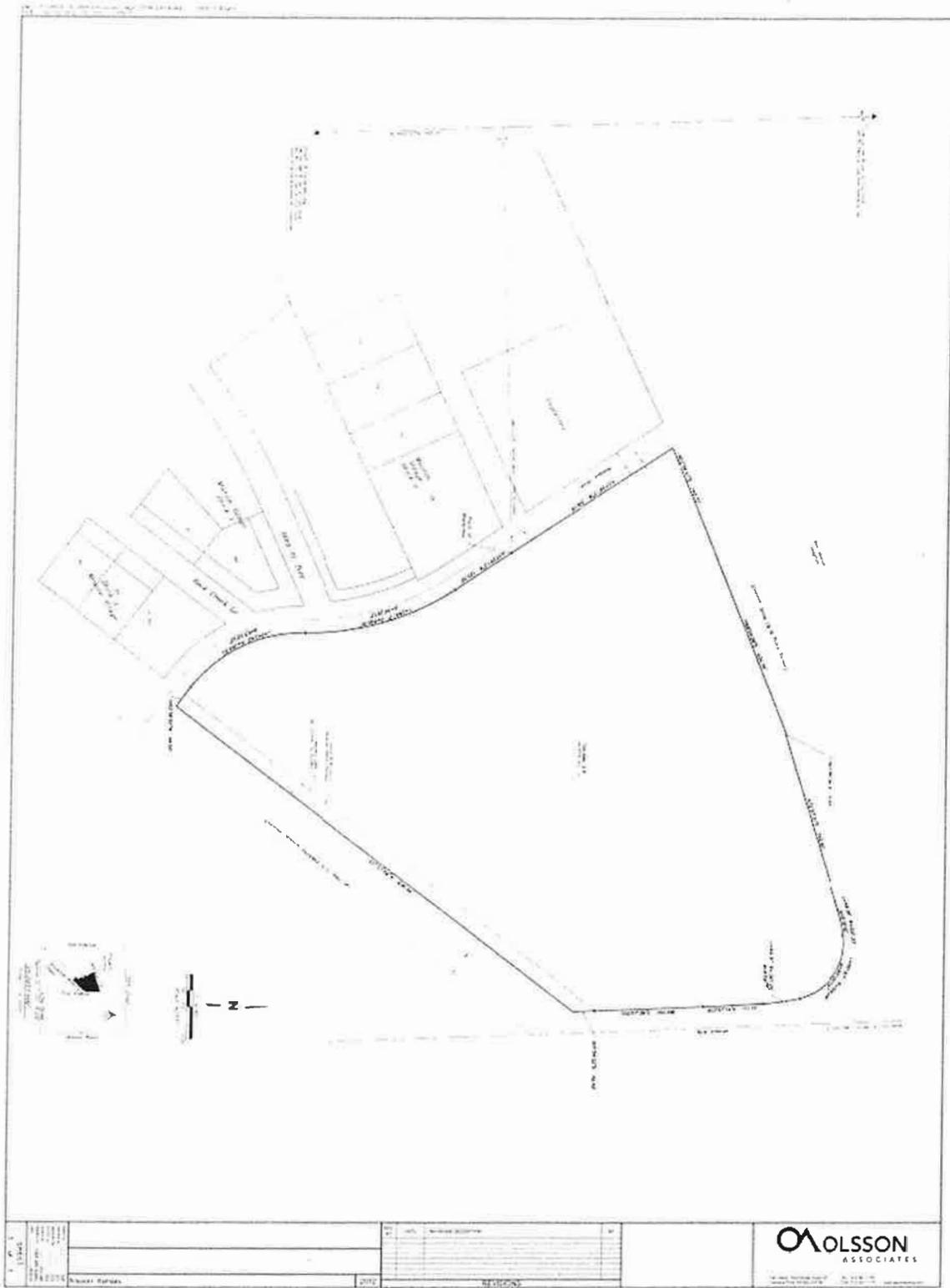


EXHIBIT "B"

LEGAL DESCRIPTION OF DISTRICT

Lots 2-7, The Gateway Second Plat, a subdivision in the City of Mission, Johnson County, Kansas, a replat of Lot 1, The Gateway First Plat, Part of the West half of Section 9, Township 12 South, Range 25 East, City of Mission, Johnson County, Kansas, less any portions in dedicated public street right of way (if any), more particularly described as and also including all of the following:

All that part of the West half of Section 9, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of Section 9, Township 12 South, Range 25 East; thence North 1 degree 49 minutes 20 seconds West along the West line of the Northwest Quarter of said Section 9 a distance of 349.28 feet (339.15 feet Deed) to a point; thence North 88 degrees 10 minutes 40 seconds East a distance of 1740.63 feet (1742.10 feet Deed) to a point on the East right of way line of Roeland Drive, the POINT OF BEGINNING; thence North 33 degrees 29 minutes 13 seconds West along the East right of way line of Roeland Drive a distance of 358.19 feet to a point on the South right of way line of Johnson Drive; thence North 67 degrees 34 minutes 47 seconds East along the South right of way line of Johnson Drive a distance of 143.70 feet to a point; thence North 68 degrees 09 minutes 28 seconds East along the South right of way line of Johnson Drive a distance of 434.76 feet to a point; thence South 21 degrees 50 minutes 32 seconds East along the South right of way line of Johnson Drive a distance of 1.53 feet to a point; thence North 72 degrees 37 minutes 31 seconds East along the South right of way line of Johnson Drive a distance of 342.82 feet to a point; thence in a Northeasterly direction along the South right of way line of Johnson Drive and along a curve to the right, having a radius of 297.25 feet, through a central angle of 9 degrees 19 minutes 18 seconds, an arc distance of 48.36 feet to a point of compound curvature; thence in a Southeasterly direction along the South right of way line of Johnson Drive and along a curve to the right, having a radius of 106.25 feet, through a central angle of 85 degrees 00 minutes 09 seconds, an arc distance of 157.63 feet to a point of compound curvature, said point also lying on the West right of way line of Roe Avenue; thence in a Southeasterly direction along the West right of way line of Roe Avenue and along a curve to the right, having a radius of 397.25 feet, through a central angle of 9 degrees 59 minutes 48 seconds, an arc distance of 69.31 feet to a point; thence South 3 degrees 03 minutes 14 second East along the West right of way line of Roe Avenue a distance of 111.19 feet to a point; thence South 2 degrees 07 minutes 38 seconds East along the West right of way line of Roe Avenue a distance of 200.66 feet to a point; thence South 1 degree 54 minutes 32 seconds East along the West right of way line of Roe Avenue a distance of 42.62 feet to a point on the Northwesterly right of way line of Shawnee Mission Parkway (also known as US Highway 56) as established in Book 200706 at Page 003864; thence South 37 degrees 23 minutes 58 seconds West along the Northwesterly right of way line of said Shawnee Mission Parkway a distance of 936.45 feet to the point of intersection of the Northwesterly right of way line of Shawnee Mission Parkway and the East right of way line of Roeland Drive; thence North 52 degrees 36 minutes 02 seconds West along the East right of way line of Roeland Drive a distance of 44.00 feet to a point; thence in a Northwesterly direction along the East right of way line of Roeland Drive and along a curve to the right, having a radius of 260.50 feet, through a central angle of 53 degrees 32 minutes 02 seconds, an arc distance of 243.40 feet to a point of reverse curvature; thence in a Northwesterly direction along the East right of way line of Roeland Drive and along a curve to the left, having a radius of 490.00 feet, through a central angle of 34 degrees 25 minutes 13 seconds, an arc distance of 294.37 feet to a point; thence North 33 degrees 29 minutes 13 seconds West along the East right of way line of Roeland Drive a distance of 125.55 feet to the POINT OF BEGINNING and containing 721,889 Square Feet or 16.572 Acres, more or less.

EXHIBIT "C"
ESTIMATED PROBABLE COST OF PROJECTS

<u>Project Budget (2022 Update)</u>	
	Development Budget
<u>Land, Demolition & Predevelopment Costs</u>	
Property Acquisition	7,550,000
Tenant Buyouts and Relocation	512,568
Demotion / Earthwork	2,534,838
Architectural / Survey / Site Design	7,420,005
Engineering	2,944,401
Legal	1,861,125
Real Estate Taxes Paid-to-Date	2,428,909
Storm Water Assessment Paid-to-Date	4,197,170
Interest on Past Loans	5,244,330
Closing Costs / Mortgage Tax on Past Loans	1,962,642
Prior Contractor General Conditions / Fees / Other	1,285,255
Marketing / Promotions	580,009
Miscellaneous 3rd Party Expenses	820,238
Developer- General Conditions	548,654
Developer- Miscellaneous	485,862
Developer- Project Management / Coordination	976,641
Developer - Travel / Lodging / Meals	461,140
Developer- Meals & Entertainment	20,904
Developer - Allocated Overhead	651,550
Developer- Other Legacy less Minimum Rents	612,329
Total Demolition & Predevelopment Costs	43,098,570
<u>Site Work, Infrastructure & Parking</u>	
Hard Costs- Parking Garage Spaces	16,162,382
Stormwater Improvements*	6,595,554
Sitework	4,902,267
Offsite	2,192,261
Total Site Work	29,852,464
<u>Hard Costs</u>	
Hard Costs Retail (Roeland)	3,854,490
Hard Costs Retail (Johnson)	202,500
Hard Costs Cinergy / Food Hall Space	18,242,780
Hard Costs Hotel (includes Restaurant & Spa)	23,088,057
Hard Costs Residential	52,013,611

Hard Costs Office	13,736,172
Payment & Performance Bonds	931,838
Insurance/Builders Risk	2,109,847
General Contractor Fee	4,706,373
Tenant Improvements	14,609,785
Contingency	7,118,388
Total Hard Costs	140,613,840
<u>Soft Costs</u>	
Architecture/Engineering Services	6,300,295
Legal	1,343,492
Platting	-
Civil Engineer (includes geo-tech and survey)	540,000
Testing & Special Inspections	890,946
Real Estate Taxes (Forward)	567,317
Residential Marketing and FF&E	325,000
Project Branding & Marketing	452,500
Farmers Interest	-
Hotel Pre-Opening	200,000
Hotel Supplies	-
Hotel FFE	5,050,000
Hotel Operator Technical Services Fee	75,000
Development Fee	5,929,805
Project Staffing	1,550,000
Residential Staffing	160,000
Permit & Fees	861,459
Accounting (Audit, etc.)	261,712
Developer Reimbursements	415,053
Leasing Commissions	3,523,698
Soft Cost Contingency	2,294,000
Total Soft Costs	30,740,278

<u>Financing Costs</u>	
Mortgage Broker Fee	522,200
Origination Fee	1,508,850
Title Insurance	755,587
Mortgage Recording Tax	-
Legal (Owner and Lender)	2,631,192
Construction Monitoring	338,667
3rd Parties	35,000
Construction Interest Reserve	18,277,899
Bond Payment Reserve	-
Total Financing Costs	24,069,395
Total Budget	268,374,548

City of Mission	Item Number:	4
ACTION ITEM SUMMARY	Date:	August 3, 2022
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: Ordinance Transferring Telecommunications Franchise from Consolidated Communications Enterprise Services, Inc. to Everfast Fiber Networks, LLC

RECOMMENDATION: Approve ordinance transferring telecommunications franchise from Consolidated Communications Enterprise Services, Inc. to Everfast Fiber Networks, LLC

DETAILS: Consolidated Communications Enterprise Services, Inc. currently operates the Contract Franchise granted under Ordinance No. 1202 in 2006 and wishes to assign all rights, interests and obligations granted under that ordinance to Everfast Fiber Networks, LLC on the occasion of Everfast's plans to purchase the customer base and other assets of Consolidated Communications later this year.

The original agreement was with Everest Midwest Licensee, LLC which then changed its name to SureWest Kansas Licenses, LLC and then changed to Consolidated Communications Enterprise Services, Inc.

The Governing Body must approve the attached ordinance before the transfer may take place.

CFAA CONSIDERATIONS/IMPACTS: Strong telecommunications infrastructure and choice in providers helps residents to be involved in city affairs.

Related Statute/City Ordinance:	Ord. 1202
Line Item Code/Description:	N/A
Available Budget:	N/A

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE PROPOSED ASSIGNMENT OF THE CONTRACT FRANCHISE GRANTED UNDER ORDINANCE NO. 1202 FROM CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES, INC. TO EVERFAST FIBER NETWORKS, LLC IN THE CITY OF MISSION, KANSAS.

WHEREAS, on May 10, 2006, the City of Mission, Kansas, granted a Contract Franchise to Everest Midwest Licensee, LLC under Ordinance No. 1202 to provide telecommunications services within the City; and

WHEREAS, Everest Midwest Licensee, LLC subsequently changed its name to SureWest Kansas Licenses, LLC; and

WHEREAS, SureWest Kansas Licenses, LLC was then purchased by Consolidated Communications Enterprise Services, Inc.; and

WHEREAS, Consolidated Communications Enterprise Services, Inc. currently operates the Contract Franchise granted under Ordinance No. 1202; and

WHEREAS, Consolidated Communications Enterprise Services, Inc. wishes to assign all its rights, interests, and obligations under the Contract Franchise granted under Ordinance No. 1202 to Everfast Fiber Networks LLC; and

WHEREAS, under Section 12 of Ordinance No. 1202, Consolidated Communications Enterprise Services, Inc. cannot complete said assignment without approval from the City of Mission, Kansas; and

WHEREAS, the City of Mission, Kansas wishes to approve said assignment, subject to the following terms and conditions.

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

SECTION 1: DEFINITIONS. For purposes of this Ordinance, the following words and phrases shall have the meaning given herein. When not inconsistent within the context, words used in the present tense shall include the future tense and words in the singular number shall include the plural number. The word “shall” is always mandatory, not merely discretionary.

- A. “Assignee” - means Everfast Fiber Networks LLC.
- B. “Assignment” – means the proposed transfer from Assignor to Assignee of all Assignor’s rights, privileges, and obligations under the Contract Franchise granted under Ordinance No. 1202.

- C. “Assignor” - means Consolidated Communications Enterprise Services, Inc., the current operator of the Contract Franchise granted under Ordinance No. 1202.
- D. “City” – means the City of Mission, Kansas.
- E. “Contract Franchise” – means Ordinance No. 1202 granting the right, privilege and franchise to Assignor to provide telecommunications services within the City.
- F. “Telecommunications Services” – means providing the means of transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

SECTION 2: APPROVAL OF ASSIGNMENT OF CONTRACT FRANCHISE. As requested by the Assignor and Assignee and as required by Section 12 of the Contract Franchise, the City consents to the Assignment by Assignor to Assignee of the Contract Franchise, subject to the following contingencies. The City’s approval is contingent upon acceptance of this Ordinance by Assignor and Assignee by completing affidavits of acceptance. The City’s approval is further contingent upon Assignor and Assignee providing sufficient evidence documenting the assignment of the Contract Franchise. Upon Assignor and Assignee satisfying said contingencies, Assignee shall be liable for all Assignor’s obligations to the City under the Contract Franchise and Assignee shall be subject to all the terms and conditions of the Contract Franchise, which are expressly integrated into this Ordinance. Until Assignor and Assignee satisfy said contingencies, Assignor shall remain liable for all of Assignor’s obligations to the City under the Contract Franchise and shall remain subject to all the terms and conditions of the Contract Franchise.

SECTION 3: INSURANCE REQUIREMENT AND PERFORMANCE BOND. No later than one (1) week after Assignor and Assignee complete the documentation evidencing the assignment of the Contract Franchise, Assignor shall (1) demonstrate to the satisfaction of the City that it is insured to the extent required by the Contract Franchise and (2) deliver or otherwise satisfy the performance bond as required in Section 6 of the Contract Franchise.

SECTION 4: POINT OF CONTACT AND NOTICES. Assignee shall, at all times, maintain with the City a local point of contact who shall be available at all times to act on behalf of Assignee in the event of an emergency. Assignee shall provide City with said local contact’s name, address, telephone number, fax number, and email address. Emergency notice by Assignee to the City may be made by telephone to the City Clerk or Public Works Director. All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. mail, certified mail, return receipt requested, or by facsimile. Any notice served by U.S. mail or certified mail, return receipt requested, shall be deemed delivered five (5) calendar days after the date of such deposit in the U.S. mail unless otherwise provided. Any notice given by facsimile is deemed received by the next business day. “Business day” for purposes of this section shall mean Monday through Friday, City-observed holidays excepted. The addresses for notices shall be designated by the parties in writing.

SECTION 5: ACCEPTANCE OF TERMS. Assignor and Assignee shall have ninety (90) days after the final passage of approval of this Ordinance to file with the City Clerk their acceptance in writing of the assignment of this Contract Franchise, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths.

PASSED by the Governing Body of the City of Mission, Kansas on this 17th day of August, 2022.

APPROVED by the Mayor this 17th day of August, 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

AFFIDAVIT OF ACCEPTANCE

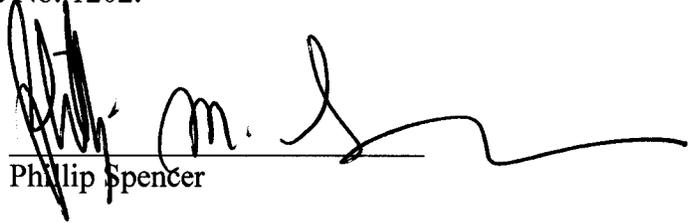
STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

I, Phillip Spencer, of lawful age, upon being duly sworn, state the following:

I am the President of Everest Midwest Licensee, LLC (“Everest”). I have read and hereby accept the terms of Ordinance No. 1202, passed by the Governing Body of the City of Mission, Kansas.

Said ordinance, passed by the governing body on May 10, 2005, grants Everest Midwest Licensee, LLC a Contract franchise to construct, operate and maintain a telecommunications system in the City of Mission, Kansas, and prescribes the terms of said Contract franchise.

Pursuant to Section 14, Everest hereby submits its acceptance of the provisions, terms and conditions contained in Ordinance No. 1202.


Phillip Spencer

Subscribed and sworn before me this 13th day of June, 2006.


Notary Public

My appointment expires:



ORDINANCE NO. 1202

AN ORDINANCE GRANTING TO EVEREST MIDWEST LICENSEE, LLC., A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF MISSION, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE.

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

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance the following words and phrases shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future tense and words in the single number include the plural number. The word "shall" is always mandatory, and not merely directory.

- a. "Access line" - shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.
- b. "Access line count" - means the number of access lines serving consumers within the corporate boundaries of the City on the last day of each month.
- c. "Access line fee" - means a fee determined by the City, up to a maximum as set out in K.S.A. 12-2001(c)(2), and amendments thereto, to be used by Grantee in calculating the amount of Access line remittance.
- d. "Access line remittance" - means the amount to be paid by Grantee to City, the total of which is calculated by multiplying the Access line fee, as determined in the City, by the number of Access lines served by Grantee within the City for each month in that calendar quarter.
- e. "City" - means the City of Mission, Kansas.
- f. "Contract franchise" - means this Ordinance granting the right, privilege and franchise to Grantee to provide telecommunications services within the City.
- g. "Facilities" - means telephone and telecommunication lines, conduits, manholes, ducts, wires, cables, pipes, poles, towers, vaults, appliances, optic fiber, and all equipment used to provide telecommunication services.

- h. "Grantee" - means Everest Midwest Licensee, LLC., a telecommunications local exchange service provider providing local exchange service within the City. References to Grantee shall also include as appropriate any and all successors and assigns.
- i. "Gross Receipts" - shall mean only those receipts collected from within the corporate boundaries of the City enacting the contract franchise and which are derived from the following: (1) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (2) Recurring local exchange access line services for pay phone lines provided by Grantee to all pay phone service providers; (3) Local directory assistance revenue; (4) Line status verification/ busy interrupt revenue; (5) Local operator assistance revenue; (6) Nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills; and (7) Revenue received by Grantee from resellers or others which use Grantee's Facilities. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts. If Grantee offers additional services of a wholly local nature which if in existence on or before July 1, 2002 would have been included with the definition of Gross Receipts, such services shall be included from the date of the offering of such services within the City.
- j. "Local exchange service" - means local switched telecommunications service within any local exchange service area approved by the state Corporation Commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.
- k. "Public right-of-way" - means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.
- l. "Telecommunication services" - means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

SECTION 2. GRANT OF CONTRACT FRANCHISE.

- a. There is hereby granted to Grantee this nonexclusive Contract franchise to construct, maintain, extend and operate its Facilities along, across, upon or under any Public right-of-way for the purpose of supplying Telecommunication services to the consumers or recipients of such service located within the corporate boundaries of the City, for the term of this Contract franchise, subject to the terms and conditions of this Contract franchise.

- b. The grant of this Contract franchise by the City shall not convey title, equitable or legal, in the Public right-of-way, and shall give only the right to occupy the Public right-of-way, for the purposes and for the period stated in this Contract franchise. This Contract franchise does not:
- (1) Grant the right to use Facilities or any other property, telecommunications related or otherwise, owned or controlled by the City or a third-party, without the consent of such party;
 - (2) Grant the authority to construct, maintain or operate any Facility or related appurtenance on property owned by the City outside of the Public right-of-way, specifically including, but not limited to, parkland property, City Hall property or public works facility property; or
 - (3) Excuse Grantee from obtaining appropriate access or attachment agreements before locating its Facilities on the Facilities owned or controlled by the City or a third-party.
- c. As a condition of this grant, Grantee is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the City, the FCC or the Kansas Corporation Commission (KCC). Grantee shall also comply with all applicable laws, statutes and/or city regulations (including, but not limited to those relating to the construction and use of the Public right-of-way or other public property).
- d. Grantee shall not provide any additional services for which a franchise is required by the City without first obtaining a separate franchise from the City or amending this Contract franchise, and Grantee shall not knowingly allow the use of its Facilities by any third party in violation of any federal, state or local law. In particular, this Contract franchise does not provide Grantee the right to provide cable service as a cable operator (as defined by 47 U.S.C. § 522 (5)) within the City. Grantee agrees that this franchise does not permit it to operate an open video system without payment of fees permitted by 47 U.S.C. § 573(c)(2)(B) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. § 573.
- e. This authority to occupy the Public right-of-way shall be granted in a competitively neutral and nondiscriminatory basis and not in conflict with state or federal law.

SECTION 3. USE OF PUBLIC RIGHT-OF-WAY.

- a. Pursuant to K.S.A. 17-1902, and amendments thereto, and subject to the provisions of this Contract franchise, Grantee shall have the right to construct, maintain and operate its Facilities along, across, upon and under the Public right-of-way. Such Facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use by other utilities.
- b. Grantee's use of the Public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the City. The City may exercise its home rule powers in its administration and regulation related to the management of the Public right-of-way; provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Grantee shall be

subject to all applicable laws and statutes, and/or rules, regulations, policies, resolutions and ordinances adopted by the City, relating to the construction and use of the Public right-of-way,.

- c. Grantee shall participate in the Kansas One Call utility location program.

SECTION 4. COMPENSATION TO THE CITY.

- a. In consideration of this Contract franchise, Grantee agrees to remit to the City a franchise fee of 5% of Gross Receipts. To determine the franchise fee, Grantee shall calculate the Gross Receipts and multiply such receipts by 5%. Thereafter, subject to subsection (b) hereafter, compensation for each calendar year of the remaining term of this Contract franchise shall continue to be based on a sum equal to 5% of Gross Receipts, unless the City notifies Grantee prior to ninety days (90) before the end of the calendar year that it intends to switch to an Access line fee in the following calendar year; provided, such Access line fee shall not exceed the maximum Access line fee allowed by Statute. In the event the City elects to change its basis of compensation, nothing herein precludes the City from switching its basis of compensation back; provided the City notifies Grantee prior to ninety days (90) before the end of the calendar year.
- b. Beginning January 1, 2004, and every 36 months thereafter, the City, subject to the public notification procedures set forth in K.S.A. 12-2001 (m), and amendments thereto, may elect to adopt an increased Access line fee or gross receipts fee subject to the provisions and maximum fee limitations contained in K.S.A. 12-2001, and amendments thereto, or may choose to decline all or any portion of any increase in the Access line fee.
- c. Grantee shall pay on a quarterly basis without requirement for invoice or reminder from the City, and within 45 days of the last day of the quarter for which the payment applies franchise fees due and payable to the City. If any franchise fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest thereon shall accrue from the due date until received, at the applicable statutory interest rate.
- d. Upon written request by the City, but no more than once per quarter, Grantee shall submit to the City a certified statement showing the manner in which the franchise fee was calculated.
- e. No acceptance by the City of any franchise fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any franchise fee payment be construed as a release of any claim of the City. Any dispute concerning the amount due under this Section shall be resolved in the manner set forth in K.S.A. 12-2001, and amendments thereto.
- f. The City shall have the right to examine, upon written notice to Grantee no more often than once per calendar year, those records necessary to verify the correctness of the franchise fees paid by Grantee.
- g. Unless previously paid, within sixty (60) days of the effective date of this Contract franchise, Grantee shall pay to the City a one-time application fee of One Thousand Dollars (\$1000.00). The parties agree that such fee reimburses the City for its reasonable, actual and verifiable costs of reviewing and approving this Contract franchise.

- h. The franchise fee required herein shall be in addition to, not in lieu of, all taxes, charges, assessments, licenses, fees and impositions otherwise applicable that are or may be imposed by the City under K.S.A. 12-2001 and 17-1902, and amendments thereto. The franchise fee is compensation for use of the Public right-of-way and shall in no way be deemed a tax of any kind.
- i. Grantee shall remit an access line (franchise) fee or a gross receipts (franchise) fee to the City on those access lines that have been resold to another telecommunications local exchange service provider, but in such case the City shall not collect a franchise fee from the reseller service provider and shall not require the reseller service provider to enter a contract franchise ordinance.

SECTION 5. INDEMNITY AND HOLD HARMLESS.

It shall be the responsibility of Grantee to take adequate measures to protect and defend its Facilities in the Public right-of-way from harm or damage. If Grantee fails to accurately or timely locate Facilities when requested, in accordance with the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., it has no claim for costs or damages against the City and its authorized contractors unless such parties are responsible for the harm or damage by its negligence or intentional conduct. The City and its authorized contractors shall be responsible to take reasonable precautionary measures including calling for utility locations and observing marker posts when working near Grantee's Facilities.

Grantee shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of Grantee, any agent, officer, director, representative, employee, affiliate or subcontractor of Grantee, or its respective officers, agents, employees, directors or representatives, while installing, repairing or maintaining Facilities in the Public right-of-way.

The indemnity provided by this subsection does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors or subcontractors. If Grantee and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the City and Grantee and does not create or grant any rights, contractual or otherwise, to any other person or entity.

Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

SECTION 6. INSURANCE REQUIREMENT AND PERFORMANCE BOND

- a. During the term of this Contract franchise, Grantee shall obtain and maintain insurance coverage at its sole expense, with financially reputable insurers that are licensed to do business in the state of Kansas. Should Grantee elect to use the services of an affiliated captive insurance company for this purpose, that company shall possess a certificate of authority from the Kansas Insurance Commissioner. Grantee shall provide not less than the following insurance:

- (1) Workers' compensation as provided for under any worker's compensation or similar law in the jurisdiction where any work is performed with an employers' liability limit equal to the amount required by law.
 - (2) Commercial general liability, including coverage for contractual liability and products completed operations liability on an occurrence basis and not a claims made basis, with a limit of not less than Two Million Dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage liability. The City shall be included as an additional insured with respect to liability arising from Grantee's operations under this Contract franchise.
- b. As an alternative to the requirements of subsection (a), Grantee may demonstrate to the satisfaction of the City that it is self-insured and as such Grantee has the ability to provide coverage in an amount not less than one millions dollars (\$1,000,000) per occurrence and two million dollars (2,000,000) in aggregate, to protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death or property damage occasioned by Grantee, or alleged to so have been caused or occurred.
- c. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a certificate of insurance or evidence of self-insurance, satisfactory in form and content to the City, evidencing that the above insurance is in force and will not be cancelled or materially changed with respect to areas and entities covered without first giving the City thirty (30) days prior written notice. Grantee shall make available to the City on request the policy declarations page and a certified copy of the policy in effect, so that limitations and exclusions can be evaluated for appropriateness of overall coverage.
- d. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a performance bond in the amount of \$50,000. The bond is to ensure the appropriate and timely performance in the construction and maintenance of Facilities located in the Public right-of-way, and must be issued by a surety company authorized to transact business in the State of Kansas, and satisfactory to the City Attorney in form and substance.

SECTION 7. REVOCATION AND TERMINATION.

In case of failure on the part of Grantee to comply with any of the provisions of this Contract franchise, or if Grantee should do or cause to be done any act or thing prohibited by or in violation of the terms of this Contract franchise, Grantee shall forfeit all rights, privileges and franchise granted herein, and all such rights, privileges and franchise hereunder shall cease, terminate and become null and void, and this Contract franchise shall be deemed revoked or terminated, provided that said revocation or termination, shall not take effect until the City has completed the following procedures: Before the City proceeds to revoke and terminate this Contract franchise, it shall first serve a written notice upon Grantee, setting forth in detail the neglect or failure complained of, and Grantee shall have sixty (60) days thereafter in which to comply with the conditions and requirements of this Contract franchise. If at the end of such sixty (60) day period the City deems that the conditions have not been complied with, the City shall take action to revoke and terminate this Contract franchise by an affirmative vote of the City Council present at the meeting and voting, setting out the grounds upon which this Contract franchise is to be revoked and terminated; provided, to afford Grantee due process, Grantee shall

first be provided reasonable notice of the date, time and location of the City Council's consideration, and shall have the right to address the City Council regarding such matter. Nothing herein shall prevent the City from invoking any other remedy that may otherwise exist at law. Upon any determination by the City Council to revoke and terminate this Contract franchise, Grantee shall have thirty (30) days to appeal such decision to the District Court of Johnson County, Kansas. This Contract franchise shall be deemed revoked and terminated at the end of this thirty (30) day period, unless Grantee has instituted such an appeal. If Grantee does timely institute such an appeal, such revocation and termination shall remain pending and subject to the court's final judgment. Provided, however, that the failure of Grantee to comply with any of the provisions of this Contract franchise or the doing or causing to be done by Grantee of anything prohibited by or in violation of the terms of this Contract franchise shall not be a ground for the revocation or termination thereof when such act or omission on the part of Grantee is due to any cause or delay beyond the control of Grantee or to bona fide legal proceedings.

SECTION 8. RESERVATION OF RIGHTS.

- a. The City specifically reserves its right and authority as a customer of Grantee and as a public entity with responsibilities towards its citizens, to participate to the full extent allowed by law in proceedings concerning Grantee's rates and services to ensure the rendering of efficient Telecommunications service and any other services at reasonable rates, and the maintenance of Grantee's property in good repair.
- b. In granting its consent hereunder, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Kansas as the same may be amended, its Home Rule powers under the Constitution of the State of Kansas, nor any of its rights and powers under or by virtue of present or future ordinances of the City.
- c. In granting its consent hereunder, Grantee does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Kansas as the same may be amended, or under the Constitution of the State of Kansas, nor any of its rights and powers under or by virtue of present or future ordinances of the City.
- d. In entering into this Contract franchise, neither the City's nor Grantee's present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the Contract franchise, neither the City nor Grantee waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or Grantee may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of any present or future laws, non-franchise ordinances (e.g. the City's right-of-way ordinance referenced in Section 3b of this Contract franchise), and/or rulings.

SECTION 9. FAILURE TO ENFORCE.

The failure of either the City or the Grantee to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Contract franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same

shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by the City or the Grantee unless said waiver or relinquishment is in writing and signed by both the City and the Grantee.

SECTION 10. TERM AND TERMINATION DATE.

- a. This Contract franchise shall be effective for a term beginning on the effective date of this Contract franchise and ending on April 1, 2007. Thereafter, this Contract franchise will automatically renew for up to eight additional two (2) year terms, unless either party notifies the other party of its intent to terminate the Contract franchise at least one hundred and eighty (180) days before the termination of the then current term. The additional term shall be deemed a continuation of this Contract franchise and not as a new franchise or amendment.
- b. Upon written request of either the City or Grantee, this Contract franchise shall be renegotiated at any time in accordance with the requirements of state law upon any of the following events: changes in federal, state, or local laws, regulations, or orders that materially affect any rights or obligations of either the City or Grantee, including but not limited to the scope of the Contract franchise granted to Grantee or the compensation to be received by the City hereunder.
- c. If any clause, sentence, section, or provision of K.S.A. 12-2001, and amendments thereto, shall be held to be invalid by a court or administrative agency of competent jurisdiction, provided such order is not stayed, either the City or Grantee may elect to terminate the entire Contract franchise. In the event of such invalidity, if Grantee is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise.
- d. Amendments under this Section, if any, shall be made by contract franchise ordinance as prescribed by statute. This Contract franchise shall remain in effect according to its terms, pending completion of any review or renegotiation provided by this section.
- e. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

SECTION 11. POINT OF CONTACT AND NOTICES

Grantee shall at all times maintain with the City a local point of contact who shall be available at all times to act on behalf of Grantee in the event of an emergency. Grantee shall provide the City with said local contact's name, address, telephone number, fax number and e-mail address. Emergency notice by Grantee to the City may be made by telephone to the City Clerk or the Public Works Director. All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. Mail, Certified Mail, return receipt requested, or by facsimile. Any notice served by U.S. Mail or Certified Mail, return receipt requested, shall be deemed delivered five (5) calendar days after the date of such deposit in the U.S. Mail unless otherwise provided. Any notice given by facsimile is deemed received by the next business day. "Business day" for purposes of this section shall mean Monday through Friday, City and/or Grantee observed holidays excepted.

The City:

The City of Mission, Kansas
6090 Woodson
Mission, Kansas 66202
Attn: City Clerk
(913) 722-3011 fax

Grantee:

Everest Midwest Licensee, LLC.
9647 Lackman
Lenexa, Kansas 66219
Attn: Legal
(913) 322-9729 fax

or to replacement addresses that may be later designed in writing.

SECTION 12. TRANSFER AND ASSIGNMENT.

This Contract franchise is granted solely to the Grantee and shall not be transferred or assigned without the prior written approval of the City; provided that such transfer or assignment may occur without written consent of the City to any entity controlling, controlled by or under common control with Grantee. The parties acknowledge that said City consent shall only be with regard to the transfer or assignment of this Contract franchise, and that, in accordance with Kansas Statute, the City does not have the authority to require City approval of transfers of ownership or control of the business or assets of Grantee. In the event of any transfer or assignment of either this Contract franchise or Grantee's business or assets, Grantee shall: timely notify the City of the successor entity; provide a point of contact for the successor entity; and advise the City of the effective date of the transfer or assignment. Additionally, Grantee's obligations under this Contract franchise with regard to indemnity, bonding and insurance shall continue until the transferee or assignee has taken the appropriate measures necessary to assume and replace the same, the intent being that there shall be no lapse in any coverage as a result of the transfer or assignment. In the event an entity acquires substantially all of the assets of Grantee, said successor entity shall be allowed to operate under this Contract franchise for up to one hundred and eighty (180) days from the date of transfer; provided, within thirty (30) days from the date of transfer said successor entity makes application with the City for either a new ordinance or the transfer of this Contract franchise, and provides the City with written evidence satisfying the obligations under this Contract franchise with regard to indemnity, bonding and insurance.

SECTION 13. CONFIDENTIALITY.

Information provided to the City under K.S.A. 12-2001 shall be governed by confidentiality procedures in compliance with K.S.A. 45-215 and 66-1220a, et seq., and amendments thereto. Grantee agrees to indemnify and hold the City harmless from any and all penalties or costs, including attorney's fees, arising from the actions of Grantee, or of the City at the written request of Grantee, in seeking to safeguard the confidentiality of information provided by Grantee to the City under this Contract franchise.

SECTION 14. ACCEPTANCE OF TERMS.

Grantee shall have sixty (60) days after the final passage and approval of this Contract franchise to file with the City Clerk its acceptance in writing of the provisions, terms and conditions of this Contract franchise, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted, this Contract franchise and acceptance shall constitute a contract between the City and Grantee subject to the provisions of the laws of the state of Kansas.

SECTION 15. PAYMENT OF COSTS.

In accordance with statute, Grantee shall be responsible for payment of all costs and expense of publishing this Contract franchise, and any amendments thereof.

SECTION 16. SEVERABILITY.

If any clause, sentence, or section of this Contract franchise, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid; provided, however, the City or Grantee may elect to declare the entire Contract franchise is invalidated if the portion declared invalid is, in the judgment of the City or Grantee, an essential part of the Contract franchise.

SECTION 17. FORCE MAJEURE.

Each and every provision hereof shall be reasonably subject to acts of God, fires, strikes, riots, floods, war and other disasters beyond Grantee's or the City's control.

SECTION 18. REPEAL.

Grantee's prior franchise ordinance, as adopted by City Ordinance No. 995 is hereby repealed; provided, such repeal shall in no manner rescind Grantee's franchise fee obligations to the City thereunder, and such obligations, if any, shall survive until paid in full.

PASSED by the Governing Body of the City of Mission, Kansas this 10th day of May 2006.

APPROVED by the Mayor this 10th day of May 2006.


Laura L. McConwell, Mayor

ATTEST:


Martha Sumrall, City Clerk

APPROVED AS TO FORM:


David K. Martin, City Attorney

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	August 3, 2022
Administration	From:	Robyn Fulks

Action items require a vote to recommend the item to full City Council for further action.

RE: Street Solicitation Application for MDA Boot Block

RECOMMENDATION: Approve a Street Solicitation Application for Consolidated Fire District No. 2 and IAFF Local 1371 to conduct a “Boot Block” on September 2 - 4, 2022 at the intersection of Johnson Drive and Broadmoor.

DETAILS: Consolidated Fire District No. 2 and IAFF Local 1371 have requested permission to hold their annual “Boot Block” at the intersection of Johnson Drive and Broadmoor on the following dates and times:

- September 2: 3pm – 6pm
- September 3: 11am – 2pm
- September 4: 11am – 2pm

They anticipate having 6-8 people soliciting. Proceeds benefit the Muscular Dystrophy Association. A Special Event Permit Application has been submitted and approved by Chief Madden. CFD2 has submitted the required certificate of insurance coverage as required in the application.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	N/A



Special Event Permit Application

Please fill out the application completely; incomplete applications will not be accepted.

Event & Contact Information

Business Name: Consolidated Fire Dist 2

Name of Person in Charge: Dennis Costlow

Home/Cell Phone Number: 9133783679

Work Phone Number: 9134321105

Address of Event: Street Address
 Johnson Drive and Broadmor
 Address Line 2
 Mission
 City State / Province / Region
 Mission Kansas
 Postal / Zip Code Country
 66202 usa

Date of Event: 9/2/2022

Start Time:

End Time:

Estimated Number of Persons Attending: 6 to 8

Event Description & Proximity: Firefighter MDA fill the boot.
 9/2, 3pm to 6pm, 9/3 11am to 2pm, 9/4 11am to 2pm, and 9/5 11am to 2pm
 (Example: Parking lot)

- If event includes music or broadcasting, please provide information on the quantity, location, and position of speakers and general information about all sound amplification to be used:

Yes, applies:

Does Not Apply

- Will wine, beer or liquor be available?

Yes No

- Will wine, beer or liquor be sold?

Yes No

- Have all necessary liquor licenses and permits been approved and obtained?

Yes No

- Will food be available in an outdoor setting?

Yes No

- If "yes," has the Johnson County Health Department been contacted to determine whether there are additional regulations governing an outdoor food court?

Yes No

- Is adequate parking available?

Yes No

- Is it agreed there will be no interference with the normal flow of traffic on public roadways?

Yes No

- If the event is to be held on public property, the City requires a certificate of liability insurance with the City of Mission named as an additional insured.

Certificate of Insurance required: Yes No

- If event is to be held on public property, user is responsible for complete clean-up following event and restoration of property to its original state.

Yes, I agree:

Dennis Costlow

Objections to Issuance

- *You MUST contact adjacent neighbors/businesses and address any objections or concerns.*

Objections to issuance: Yes No

If "yes," please list and explain how objections will be addressed:

Date:* 7/21/2022

**Signature of Person
in Charge:***

A rectangular box containing a handwritten signature in cursive script that reads "Dennis Costlow".

**Title of Person in
Charge:*** Local 1371/CFD2 MDA chairperson

- *The Mission Police Department MUST be contacted at 913-676-8301 for regulations governing traffic or noise control and/or restrictions. This is required in order for the Chief of Police to sign below.*

For Office Use Only:

Reviewed by Police Chief: _____ Date:

Reviewed by Patrol Captain: _____ Date:

Reviewed by Public Works: _____ Date:

Client#: 1281896

MUSCUDYS

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/07/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: USI Insurance Services LLC, 333 Westchester Ave, Suite 102, White Plains, NY 10604. CONTACT NAME: Amelia Jimenez, PHONE: 516 419-4056, FAX: 610 537-4552, E-MAIL ADDRESS: amelia.jimenez@usi.com. INSURER(S) AFFORDING COVERAGE: INSURER A: Philadelphia Indemnity Insurance Co. (NAIC # 18058), INSURER B: Phoenix Insurance Company (NAIC # 25623).

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSR, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include Commercial General Liability (PHPK2395179), Automobile Liability (PHPK2395179), Umbrella Liability, and Workers Compensation (UB8P4296322243G).

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) RE: Johnson County L1371 Fill The Boot on September 3rd, 4th, and 5th, 2022. The General Liability policy includes an automatic Additional Insured endorsement that provides Additional Insured status to the City of Mission only when there is a written contract that requires such status, and only with regard to work performed by or on behalf of the named insured.

CERTIFICATE HOLDER: City of Mission, 6090 Woodson St, Mission, KS 66202. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Uille Scott

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City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	August 3, 2022
Parks + Recreation	From:	Penn Almoney

Action items require a vote to recommend the item to the full City Council for further action.

RE: Resolution Designating the Fall Concert in the Park as a 2022 City Sponsored Festival Event

RECOMMENDATION: Approve the resolution designating the Concert in the Park, on Friday, September 2, 2022 from 6:30 to 8:30 p.m. at Broadmoor Park as a City-sponsored Festival event.

DETAILS: Ordinance No. 1172 was passed on September 14, 2005 exempting City-owned or public property from the prohibition on the consumption of alcoholic liquor in connection with City sponsored festival events.

Included in the ordinance is a requirement that the City Council pass a resolution each year designating specific events to be held in that calendar year. Any vendor providing alcohol at an approved event is required to obtain a temporary/special event license from both the State of Kansas and the City of Mission. Vendors are limited to four temporary or special event permits per calendar year.

At the time the previous Resolution was considered in June, staff had not confirmed a vendor for the event. Since that time, Rock Creek Brewing Company has expressed a desire to be the vendor for the event.

The attached resolution designates the following as the last City-sponsored Festival event for 2022:

- Concert in the Park, Broadmoor Park - 6:30-8:30 p.m. - Friday, September 2, 2022

CFAA CONSIDERATIONS/IMPACTS: Events and festivals provide opportunities for those of all ages to gather, connect with neighbors, and create a stronger sense of community and resilience.

Related Statute/City Ordinance:	Mission Ord. 1172
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION

RESOLUTION NO. _____

A RESOLUTION DESIGNATING THE CONCERT IN THE PARK ON SEPTEMBER 2, 2022 AS A CITY SPONSORED FESTIVAL EVENT.

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF MISSION:

Section 1. The Concert in the Park shall be held on September 2 from 6:30-8:30 p.m. in Broadmoor Park. Alcoholic beverages that may be consumed within the Designated District for City Sponsored Festival Events shall be beer, wine, and alcoholic liquor.

Section 2. Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City Ordinances.

THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 17th DAY OF AUGUST 2022.

THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 17th DAY OF AUGUST 2022.

Solana Flora, Mayor

ATTEST:

Robyn Fulks, City Clerk

City of Mission	Item Number:	6.
DISCUSSION ITEM SUMMARY	Date:	August 3, 2022
Administration	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Consideration of modifications to Mission’s licensing requirements for Massage Establishments and Massage Therapists

DETAILS: The City recently received an inquiry regarding massage establishment and massage therapist licensing as a home occupation. Currently, Mission’s Municipal Code regulating massage therapy only allows for massage therapy to be performed on commercial business premises (Section 620.240 (2)(B)).

Most of Mission’s code related to massage therapy was drafted in 1994, with some modifications in 2000 and 2006. In 2006, the City discovered several inconsistencies in the application of the ordinances and regulations regarding permits for massage establishments and massage therapists, and the Governing Body declared a 90-day moratorium on new permits to provide staff time to complete a comprehensive review of the existing code. A complete copy of Chapter 620 of Mission’s Municipal Code is included in the packet for reference.

The most significant change made in 2006 was the elimination of specific density and dispersion requirements for massage establishments. Mission was the only community in Johnson County imposing that type of requirement, and staff felt that there were enough other provisions throughout the code to allow for effective regulation of this business use. Also in 2006, the requirement to permit ALL employees of a massage establishment was eliminated. All massage therapists would still be required to obtain a permit, but support personnel or those performing unrelated functions (i.e. hair stylists, nail technicians) were exempted from the permitting process. Other modifications revised terms to reflect the current industry and clarified responsibilities within the City structure related to inspection and enforcement authority.

To my knowledge, the issue of home-based massage therapy has not been raised during my tenure in Mission. It’s unclear whether that has been the result of the prohibition in the existing code or a lack of interest by providers.

Recently, we were approached by a couple who recently moved to Mission from the Denver area and began exploring massage licensing requirements for our City. The

Related Statute/City Ordinance:	Chapter 620 Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	6.
DISCUSSION ITEM SUMMARY	Date:	August 3, 2022
Administration	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

Mayor and I have met with them, and they are interested in advocating for change to Mission's City Code regarding home occupancy business licenses and massage therapy.

Kansas is one of only four (4) states that does not regulate, certify, or license massage therapists at the State level. Regulation is left up to each individual city. Based on initial staff research, of the eleven cities in Johnson County who regulate massage therapy, seven (7) allow for massage therapy as a home occupation and four (4) do not. Mission residents Amanda and Stephen Jacoby prepared a packet of information that was shared during the meeting with the Mayor and I and has been included in the packet for your information and reference. The table below illustrates the status of massage therapy establishments as a home occupation in various Johnson County cities.

City	Allows Massage Therapy as a Home Occupation
De Soto	NA
Edgerton	NA
Fairway	NA
Gardner	Yes
Leawood	No
Lenexa	Yes
Merriam	Yes
Mission	No
Mission Woods	NA
Olathe	No
Overland Park	Yes
Prairie Village	Yes
Roeland Park	Yes
Shawnee	No
Westwood	Yes
Westwood Hills	NA

Related Statute/City Ordinance:	Chapter 620 Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	6.
DISCUSSION ITEM SUMMARY	Date:	August 3, 2022
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Discussion items allow the committee the opportunity to freely discuss the issue at hand.

As the materials provided by the Jacoby's illustrate, there are potentially benefits for both massage therapists and their clients if Mission were to consider expanding licensing for massage therapy as a home-based occupation. Chief Madden will also present information gathered from other Johnson County cities who currently allow for massage therapy as a home occupation.

During the August 3 Finance & Administration Committee meeting, staff will present additional information on potential considerations should the Council be interested in exploring modifications to Chapter 620 of the Mission Municipal Code to allow massage therapy as a home occupation. If there is consensus, staff will continue to research the issue and prepare ordinance revisions for consideration as an Action Item at the September 7 Finance & Administration Committee meeting.

CFAA IMPACTS/CONSIDERATIONS: The Communities for All Ages philosophy supports making a wide range of health and social services available to residents. Creating flexibility and choice for both providers and residents in the provision of health or social services can generate community value.

Related Statute/City Ordinance:	Chapter 620 Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

Massage Therapy Ordinances

Mission, Kansas

Johnson County

Stephen Jacoby, LMT

Amanda Jacoby, LMT

Objectives

1. Our main goal is to advocate for change to Mission's City Code regarding home occupancy business licenses and massage therapy.
 - a. Massage therapy is a perfect candidate for a home occupancy license. It meets the spirit and letter of all conditions for a home-based business as outlined by the City of Mission.
 - i. This license would be perfect for a solo (or in our case, a cohabitating married couple of massage therapists) and doesn't typically involve employees outside of a spa or clinic setting.
 - ii. In regard to sub-points 2, 3, 4, 5, 6, and 8, it's easy to conduct a solo massage practice without altering the exterior of the building in any way. There isn't any large or complex equipment to store or operate, and given the appointment-only nature of a solo practice, there wouldn't be any need for signage. An average sized home allows for a massage space that would absolutely take up less than 25% of the dwelling, and this structure also allows for entry through the front door.
 - iii. Massage therapists can only work on one client at a time, so there would never be more than one additional vehicle or pedestrian for the street (well within normal limits). Our particular residence has plenty of driveway space, so street parking would not be an issue either.
 - iv. There are no toxic chemicals, excessive use of any city utility, or any reason this profession would be considered a nuisance to the neighborhood. The music, clientele, lighting, and energy are very low-key and unobtrusive.
 - v. It is very uncommon for solo practitioners to sell goods (lotions, etc) as part of their business. Most often, this a service-based business only. Even in spas where goods are sold, they are marketed toward the clientele, not the general public.
 - vi. 7am-8pm are pretty typical hours for massage therapy and easy hour to keep.
 - b. 77% of massage therapists are sole practitioners (AMTA, 2022)

- c. Most massage therapists practice in at *least* two settings (AMTA, 2022)
 - d. 36% of massage therapists work out of a home office (AMTA, 2022)
 - e. 64% of massage therapists work out of a salon or spa, which are typically the lowest paying places of employment (AMTA, 2022)
 - f. People with kids under 18 at home are more likely to seek out massage. (AMTA, 2022) Mission is an extremely family-friendly city, meaning much of its residents are likely to seek out massage. This home-based business would be extremely family-friendly and allow for folks to even bring their children with them if necessary.
 - g. Cost may be a factor for some when seeking out massage. (AMTA, 2022). With a home-based business, overhead is lower, resulting in more affordable rates for clients.
 - h. Clients are more concerned about hygiene, sanitation, illness prevention post-COVID. With a home-based business, the massage therapist has full control over sanitation levels as they are not sharing spaces with other practitioners.
2. Another goal is to advocate for change to a unified, independent license for massage therapists in Mission.
- a. We need a modern code to reflect the realities of the massage industry and what clients have come to expect.
 - b. A more streamlined, modern code will bring legitimate massage therapists out of the shadows (or MO) and protect them from clients seeking illegal contact (2). This also helps differentiate legitimate massage therapists from someone using the profession as a cover for prostitution.
 - c. Massage is a flexible and dynamic career. Massage therapists work in a variety of settings and changing conditions to serve their clientele. We personally have worked in skyscrapers, NFL practice facilities, spas, studios, our home office in Denver, opera houses and performing arts complexes, KCPS schools, and more. Our clientele has ranged from professional athletes to artists, hospice patients, nurses, couch potatoes, accountants, expecting mothers, new parents, and chemo patients just to name a few.

- d. Clients nowadays have much more experience with the benefits of massage as a legitimate and healing profession.
- e. Clients experience massage in a multitude of settings and in the age of working-from-home and on-demand apps, they expect more flexibility than what traditional massage settings can provide.
- f. An independent therapist operating from a home-based office can offer all this flexibility and individualized attention to specific clients while charging less AND earning more themselves.
- g. This also allows massage therapists independence from the control of establishment owners (if massage therapists can get a massage permit from the city without first having to be employed by a studio space or in a lease with a landlord).
- h. A home-based massage practice also helps foster community and a sense of “supporting or buying local” while also bringing business into Mission.
 - i. Our clientele will be coming from all over the greater Kansas City metro area on both sides of the state line, bringing business to our wonderful town of Mission. This can have a ripple effect, bringing secondary business to other Mission businesses like HyVee, Sandhills Brewing, or RJ’s BBQ as people will likely stop for gas, drinks, or food after their massages.

Mission City Code for Home Occupancy Businesses

A home occupation is permitted as secondary use of dwelling only when all of the following criteria are met:

1.

The home occupation shall be conducted by resident occupants of the dwelling unit in which the occupation is conducted and may have no more than two (2) employees who do not reside in such dwelling unit.

2.

No alteration to the dwelling, building, premises or property shall be made which changes the external appearance of the dwelling, premises or property in a manner that causes the structure to lose its residential character or detract from the residential character of the neighborhood.

3.

The home occupation shall be conducted entirely within the main dwelling building and no such home occupation shall be conducted in an accessory building, garage or structure, whether attached or detached.

4.

The home occupation shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling.

5.

The entrance to the space devoted to a home occupation shall be from within the dwelling.

6.

There shall be no outside storage of any equipment, machinery or materials used in the home occupation.

7.

No mechanical or electrical equipment other than normal domestic or household equipment shall be used.

8.

No signs shall be permitted.

9.

No home occupation shall be permitted which generates, results in or contributes to traffic (vehicular or pedestrian), parking, sewage or water use in excess of what is usual and normal in the residential neighborhood.

10.

No home occupation shall be permitted which results in or contributes to electrical disturbance or interference of any sort.

11.

No home occupation shall be permitted which creates or has the potential to create or become a nuisance, public or private, or a hazard or danger to the health, care, safety or welfare of any person or property (i.e., use or storage of toxic materials or chemicals).

[12.](#)

No stock in trade of commodity, except articles produced by members of the family residing on the premises, shall be displayed or sold on the premises.

[13.](#)

A home occupation may only attract business-related vehicular and pedestrian visits between the hours of 7:00 A.M. and 8:00 P.M.

Mission Message Code Updates

DEFINITIONS

1. Business Premise
 - a. It is unclear what is meant by a private or public commercial enterprise.
2. In-office Massage
 - a. In most cases, in-office massage is entirely legal and sometimes done on a massage table (while the client is fully clothed) making work “below the waist” perfectly professional and appropriate.
3. Massage
 - a. It is unclear if this refers to other forms of bodywork such as reflexology or something like Reiki which can be performed off-the-body entirely.
 - b. It is unclear if this also applies to cosmetologists and hair stylists who often offer complimentary light massage that is not strictly part of their professional scope-of-practice but are listed as exempt in subsection .220
4. Massage establishment
 - a. It is unclear what an “in-office massage establishment” is, since in-office massage work isn’t necessarily limited to any one office.

CODES

.020 Permit Required

-Massage therapists shouldn't need separate permit for all locations in which they work. One unified permit should cover them anywhere they work within the City of Mission.

.030 Limitations of in-office massage

-This seems to contradict the definition of "Massage establishment", since by the city's definition, in-office massage cannot be done at a permanent premises.

-It is dangerous and unnecessarily limiting to link in-office massage permit to employment elsewhere in the city. This provides an inappropriate amount of leverage for an employer to control all revenue streams for a massage therapist, including ones that that particular owner doesn't pay the therapist for.

-There shouldn't be a need for a separate permit for in-office client to visit licensed business establishments.

.050 Application for Business Permit Fees

-(A) The square footage fee structure should be adjusted to only the portion of the office used.

-(E)(6) A health certificate is unnecessarily onerous and doesn't really serve to protect anyone.

.060 Application for Massage Therapist Permit Fees

-(B)(7) A health certificate is unnecessarily onerous and doesn't serve to protect anyone.

.070 Education Requirements

-This language should be expanded to include all reasonable sources of continuing education including virtual courses and other recognized educational institutions.

-The language about bloodborne pathogen education needing to be reviewed every 2 years needs to be removed, and therapists should get this education instead by renewing their CPR/first aid certificate biannually.

.090 Issuance of Business Permits

-(B) Sexual offenses of any kind, not just involving children should be considered grounds for denial.

.100 Issuance of Employee Permit

-The language should be changed to reflect independence of massage therapists outside of typical employee/owner model.

-This should also include language that says sexual offenses of any kind, not just against children should be grounds for denial.

.110 Revocation/Suspension of Permit

-There should be more clear language surrounding, and modern understanding of communicable diseases and how that would or wouldn't be a revocable offense in light of COVID or the regular transmissibility of the common flu or cold

-Section .110's title doesn't indicate this would apply to a business permit

-It is unclear why this communicable disease rule would affect a business but not massage therapist permit?

.130 Facilities Necessary

-(A)(1) Heavy, white paper is atypical for massages, extremely wasteful, and doesn't help to effectively prevent disease

-(A)(1) There needs to be clearer language and review of policy on door locks because an interior lock (a lock inside the massage room keeping people out) can make clients feel more secure (especially while dressing or undressing) without posing any danger to them

-(A)(2) It is not necessary to have opposite gender bathrooms. Instead private, unisex bathrooms should be adequate for protecting privacy as only one person can use these at a time.

.140 Immediate Right of Entry

-This should also be limited to an initial inspection, then entry for probable cause to protect client privacy unless absolutely necessary.

.150 Operations Regulations

- (A)(1) The hours allowed for operation for in-office massage should consider an exception for night-shift workers (at hospitals, warehouses, etc).
- (A)(2) This should include allowance for couples massages or fully-clothed treatments.
- (A)(7) It is unclear why separate dressing rooms or locker rooms might be necessary.
- (A)(8) Form-fitting clothing is exceptionally common these days, and to say something as simple as yoga pants is sexualized in some way is without merit. Yoga pants or clothing that isn't "blousy" is typical in this profession since the ability to move dynamically without baggy clothing contacting the client (called "secondary contact" and taught to be avoided in massage school) is necessary.
- (A)(10) Clarification of what "laundered and stored in a sanitary manner" means is needed.

.170 Employee/Patron Register

(B) Due to the medical nature of some massage work, including referrals from OTs, PTs, and other doctors, a client register may be a violation of HIPAA rules and thus the clients individual rights to medical privacy.

.220 Exceptions

- There needs to be clearer direction about what "under the direction" of an approved licensed healing arts practitioner means specifically, and how this might look in different scenarios
- Are hospital outpatient treatment scenarios excepted here?

.240 Restriction to Business Premises

- (A)(1) There needs to be clearer language here; does this include referrals, and in whose private residence does this refer to?
- (A)(2) This is frivolously onerous and entirely impractical to submit home-visit requests.
- (A)(2) 9am is too late of a start time for such a quiet and unobtrusive profession. 7am is perfectly reasonable.
- (B) A requirement to operate out of a commercial space should be abolished outright as it is completely out-of-step with the modern massage therapy landscape which is hurting practitioners and clients, as does the multitude of permit situations. There should be one permit for all massage situations within the city limits.

-(C) This is outdated and discourages typical tourism practices and commonplace events like bridal showers often held in hotel event spaces.

Sources

(1) <https://www.massagepracticebuilder.com/massage-prostitution-and-human-trafficking/>

. A recent article (Sexual harassment of massage therapists by their clients Morgan E. Richard , Lucia F. O’Sullivan , and Tom Peppard. Department of Psychology, University of New Brunswick, Fredericton, NB Association of New Brunswick Massage Therapists, Fredericton, NB) found:

The survey revealed that 74.8% of massage therapists surveyed experienced sexual harassment by clients, with 26.5% experiencing an incident on more than three occasions. Verbal forms of harassment were more common than were physical forms (55.0% and 6.0%), although 34.0% reported experiencing both verbal and physical forms. Incidents typically (87.9%) occurred during the treatment itself. Most therapists (79.4%) told someone about the incident. Only one therapist reported an incident to the police. A call for further research in this area as well as implications for increasing massage therapists’ safety is discussed.

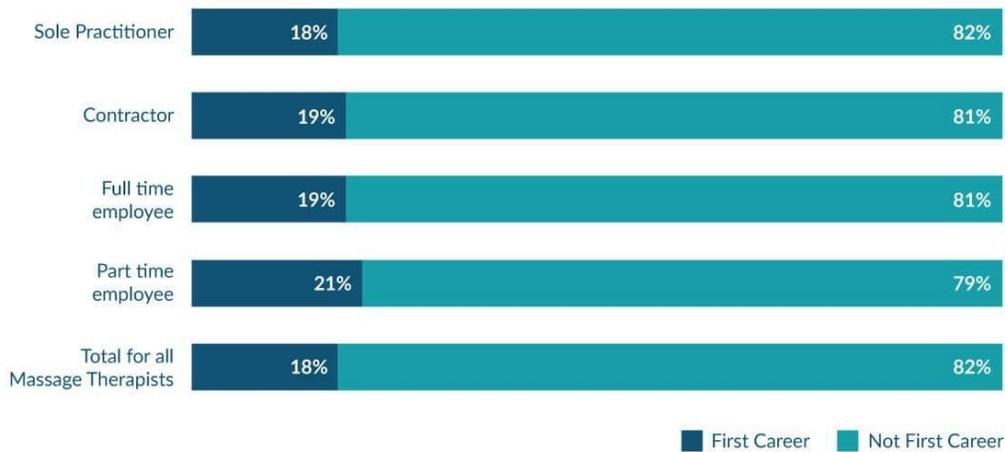
(2) <https://www.amtamassage.org/publications/massage-industry-fact-sheet/>



Changes Consumers are looking for in response to COVID-19



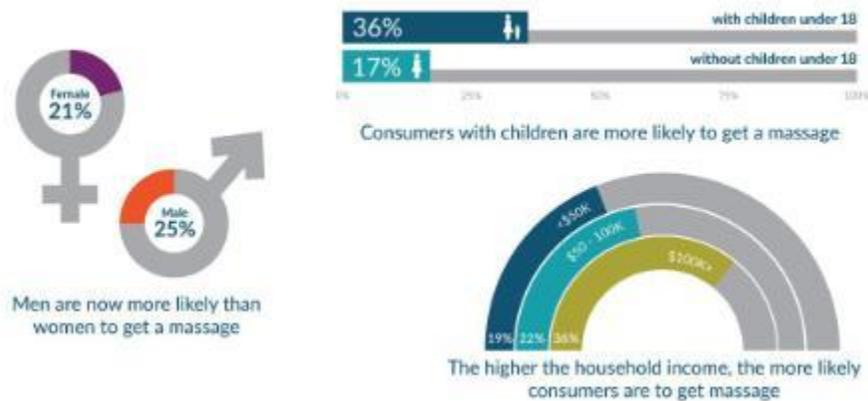
Was massage therapy your first career?



In what type of massage setting do you work?



Who is getting massage?



(3) <https://datausa.io/profile/soc/massage-therapists>

This graphic shows the share of Massage therapists employed by various industries. Nail salons & other personal care services employs the largest share of Massage therapists at 64.4%, followed by Amusement & Recreation with 11% and Offices of chiropractors with 5.91%. Data from the Census Bureau ACS PUMS 1-Year Estimate.

(4)

<http://blogs.jccc.edu/campusledger/2012/04/19/human-trafficking-and-prostitution-in-overland-park/>

The Overland Park Police Department conducted a vice sting in February that resulted in multiple arrests. Most of the suspects involved in that sting resided outside of Overland Park and Johnson County.

According to Gary Mason, public information officer, Overland Park Police, a lot of the arrests made in the past year involve suspects who are not residents of Johnson County. He said that a couple of minors have been arrested in the past as well.

“Most of the ones [arrested] are outside of the city,” Mason said. “I think we do have a large number of people that come through our city and get arrested on those charges; [they] are from out of town.”

The vice unit works with the FBI Innocence Lost Task Force, a group that seeks to address the increase of domestic sex trafficking of children nationwide. One member of the vice unit also serves as a member of the Kansas Attorney General’s Human Trafficking Task Force Advisory Board. Mason said that Overland Park is a tempting target for human traffickers.

“The freeways that run through our city attract a lot of business, good or bad,” Mason said. “And a large number of hotels we have, too.”

Mason said that traffickers are using the internet more and more in order to conduct their business, requiring law enforcement to switch tactics. The police now frequently look at websites in order to curb the practice of prostitution.

“I think social media has definitely changed the dynamics of things,” Mason said. “We use different things, Craigslist one week, and the next time we’ll change it up, post an ad, and try to bring in people to come to us.”

According to Overland Park Police Chief John Douglass, the city sees increased activity of prostitution within hotels and sometimes even apartment communities.

“Currently, the most prevalent types of prostitution in Overland Park are ‘call girls’ who either rent a room and customers come to them, or travel to different locations to meet customers,” Douglass said in a prepared statement.

City of Mission, KS
Wednesday, July 27, 2022

Chapter 620. Massage Establishments

Section 620.010. Definitions.

[Ord. No. 882 §1, 6-8-1994; CC 2000 §5-601; Ord. No. 1218 §1, 12-13-2006]

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person, other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MASSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only above the massage client's waist.

MASSAGE

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Massage as defined herein does not include the touching in any fashion of human genitalia.

MASSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments".

MASSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

RECOGNIZED SCHOOL

Any school or institution of learning accredited or licensed in the State in which it operates by the respective Board of Education or other governmental equivalent, which has for its purpose the

teaching of the theory, method, profession or work of massage, which school requires a course of study not less than five hundred (500) hours to be given in not more than twenty-four (24) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

Section 620.020. Permit Required.

[Ord. No. 882 §2, 6-8-1994; CC 2000 §5-602; Ord. No. 1218 §1, 12-13-2006]

No person, firm, partnership, association or corporation shall operate an in-office massage therapy establishment or massage establishment, as defined herein, without first having obtained a permit therefor issued by the Governing Body of this City. A separate permit shall be required for each and every separate place of business conducted by any one (1) permittee, such permit shall be valid only from July first (1st) to June thirtieth (30th) of each calendar year, provided individuals conducting in-office massage therapy as defined by this Article shall be required to hold only one (1) permit, provided further, that individuals conducting massage on permanent premises in addition to providing in-office massage therapy must hold a separate permit for in-office massage therapy and for the massage establishment conducted on permanent premises.

Section 620.030. Limitations On In-Office Massage Therapy Permits.

[Ord. No. 882 §3, 6-8-1994; CC 2000 §5-603; Ord. No. 1218 §1, 12-13-2006]

The authority granted a permittee issued an in-office massage therapy permit is limited to the authority to conduct massage therapy on the non-permanent office premises of the permittee's clients and specifically does not include the authority to conduct massage therapy at a permanent premises operated by the permittee, provided the permittee must have a permanent business office located within the City. If the permittee desires to conduct massage therapy both on the non-permanent office premises of the permittee clients and a permanent premises operated by the permittee, the applicant must obtain a separate permit for in-office massage therapy and a massage establishment permit by submitting separate applications for each, provided only one (1) permit fee shall be charged for both applications.

Section 620.040. Massage Therapist Permit Required.

[Ord. No. 882 §4, 6-8-1994; CC 2000 §5-604; Ord. No. 1218 §1, 12-13-2006]

No person shall perform massage therapy or in-office massage therapy unless he/she has a valid massage therapist's permit issued by the City pursuant to the provisions of this Chapter.

Section 620.050. Application For Business Permit — Fees.

[Ord. No. 882 §5, 6-8-1994; CC 2000 §5-605; Ord. No. 1218 §1, 12-13-2006]

- A. Every applicant for a permit to maintain, operate or conduct any establishment covered by this Chapter shall file an application with the City Clerk and pay an initial filing fee as set out in Section 103.050(F)(1) of this Code which shall not be refundable or prorated. Every applicant for a renewal permit to maintain, operate or conduct any establishment covered by this Chapter shall file an application with the City Clerk and pay a renewal filing fee calculated on the basis of the square footage occupied by the business without regard to use, including outside area, in accordance with the schedule set out in Section 103.050(F)(2) of this Code.

- B. The initial and renewal application for a permit to operate any such establishment shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor and the name, address and telephone number of each applicant, including any stockholder holding more than ten percent (10%) of the stock of the corporation, any partner, when a partnership is involved, and any manager.
- C. If applicable, any applicant for a permit shall provide a current complete description of and legible floor plan(s) of the business premises and storage areas and containing all areas in which the applicant desires to conduct the business.
- D. Each applicant shall provide a complete description for any other business to be operating on the same premises or on adjoining premises owned or controlled by the applicant.
- E. In addition to the foregoing, any applicant for a permit shall furnish the following information with the original application and any renewal application:
 - 1. Written proof that the applicant is at least eighteen (18) years old.
 - 2. Two (2) portrait photographs at least two (2) inches by two (2) inches and fingerprints taken by the Police Department of the City.
 - 3. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.
 - 4. The massage, in-office massage therapy establishment, studio business license history of the applicant; whether such person, in previously operating in this or another City or State under license, has had such license revoked or suspended, the reason therefor and the business activity or occupation subsequent to such action of suspension or revocation.
 - 5. Any criminal convictions, except minor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.
 - 6. In the case of an in-office massage therapy establishment or massage establishment application, each person shall submit a health certificate from a physician duly licensed in either Missouri or Kansas stating that the applicant has, within thirty (30) days prior thereof, been examined and found to be free of any contagious or communicable disease.
 - 7. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
 - 8. Applicants for renewal of an existing license need provide only that information or documentation necessary to insure up-to-date renewal application processing.

Section 620.060. Application For Massage Therapist Permits — Fees.

[Ord. No. 882 §6, 6-8-1994; CC 2000 §5-606; Ord. No. 1218 §1, 12-13-2006]

- A. Any person employed to perform any services in a massage establishment or in-office massage therapy establishment, as defined herein, shall file a written application with the City Clerk and pay an annual filing fee as set out in Section 103.050(F)(3) of this Code which shall not be refundable or prorated. This fee shall cover the cost of processing the application to include the FBI fingerprint fee and the KBI fingerprint fee. Only one (1) massage therapist permit shall be required regardless of the activity or activities permitted by this Chapter.
- B. The application for a massage therapist permit and any renewal application shall contain the following:
 - 1. Name, address and telephone number.

2. Two (2) portrait photographs at least two (2) inches by two (2) inches.
3. Applicant's weight, height, color of hair and eyes and fingerprints taken by the Mission Police Department.
4. Written evidence that the applicant is at least eighteen (18) years old.
5. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.
6. Whether such person has ever been convicted of any crime except minor traffic violations. If any person mentioned in this Subsection has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
7. A statement in writing from a licensed physician in the State of Kansas or Missouri that he/she has examined the applicant and believes the applicant to be free of any contagious or communicable diseases.
8. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

Section 620.070. Education Requirements — Massage Therapist.

[Ord. No. 882 §7, 6-8-1994; CC 2000 §5-607; Ord. No. 1218 §1, 12-13-2006]

- A. Any person, including an applicant for an in-office massage therapy establishment or a massage establishment permit, who engages or intends to engage in the practice of massage, as herein defined, shall, upon making application for a permit, supply the name and address of any recognized schools attended, the date attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has successfully completed not less than five hundred (500) hours of instruction in the theory, method or practice of massage. The educational and training requirements required by this Section may be received from more than one (1) school, provided all instructional hours offered toward meeting the five hundred (500) hour requirement must be accepted by the educational institution or school that issues the certificate of graduation submitted by the applicant.
- B. In addition to the five hundred (500) hours of instruction, each massage therapist (whether holding an existing employee permit or as an applicant) must obtain certification in American Red Cross first aid and American Heart Association CPR or the equivalent and receive instruction from a university, junior college or a medical facility associated with either or other instruction acceptable to the City Clerk, on clinical practices and safeguards related to blood-borne pathogens including, but not limited to, AIDS and hepatitis.
- C. Each licensed massage therapist must show proof that he/she has received a minimum of twelve (12) hours of professional massage continuing education offered through a recognized school defined in Section **620.010** above during the preceding twelve (12) month licensing period. One (1) hour continuing education credit will be allotted for each hour of attendance at programs relating to massage therapy, clinical business and related hygiene practices. At least once every two (2) years such continuing education shall include instruction upon clinical practices and safeguards related to blood-borne pathogens.
- D. Proof of completion of educational and training requirements must be by certified transcript or other form of certificate acceptable to the City Clerk.

Section 620.080. Identification Cards.

[Ord. No. 882 §8, 6-8-1994; CC 2000 §5-608; Ord. No. 1218 §1, 12-13-2006]

All or any employee issued a permit by the City Clerk under the provisions of this Chapter shall, at all times when working in an establishment subject to the provisions of this Chapter, have in their possession a valid identification card issued by the City bearing the employee's permit number, the employee's physical description and a photograph of such employee. Such identification cards shall be laminated to prevent alteration. Provided, that all persons granted permits under this Chapter shall at all times keep their permits available for inspection upon request of any person who by law may inspect same.

Section 620.090. Issuance of Business Permit.

[Ord. No. 882 §9, 6-8-1994; CC 2000 §5-609; Ord. No. 1218 §1, 12-13-2006]

- A. After the filing of an application in the proper form, the Governing Body shall examine the application and after such examination shall issue a permit for an in-office massage therapy establishment or massage establishment unless the Governing Body finds that:
1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, the City's building, zoning and health regulations.
 3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A felony;
 - b. An offense involving sexual misconduct with children;
 - c. Obscenity;
 - d. Promoting prostitution as defined by K.S.A. 21-3513;
 - e. Solicitation of a lewd or unlawful act;
 - f. Prostitution; or
 - g. Pandering.
 4. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
 5. The applicant has had a massage establishment, as defined herein, or other similar permit or license denied, revoked or suspended for any of the above causes by the City or any other State or local agency within five (5) years prior to the date of the application.
 6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.
 7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.
- B. Any permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.

Section 620.100. Issuance of Employee Permit.

[Ord. No. 882 §10, 6-8-1994; CC 2000 §5-610; Ord. No. 1218 §1, 12-13-2006]

- A. The City Clerk shall issue an massage therapist permit within twenty-one (21) days following application, unless he/she finds that:
1. The application for the massage therapist permit has been convicted of or diverted on:
 - a. A felony;
 - b. An offense involving sexual misconduct with children;
 - c. Obscenity;
 - d. Promoting prostitution as defined by K.S.A. 21-3513;
 - e. Solicitation of a lewd or unlawful act;
 - f. Prostitution; or
 - g. Pandering.
 2. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
 3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 4. The applicant has not successfully completed a resident course of study or learning from a recognized school as required under the provisions of this Chapter.

Section 620.110. Revocation or Suspension of Permit.

[Ord. No. 882 §11, 6-8-1994; CC 2000 §5-611; Ord. No. 1218 §1, 12-13-2006]

- A. Any permit issued for an in-office massage therapy establishment or a massage establishment may be revoked or suspended by the Governing Body after a public hearing before the Governing Body where it is found that any of the provisions of this Chapter are violated or the provisions for issuance of any permit are violated or where the permittee or any employee of the permittee, including a massage therapist, has been convicted of any offense found in Sections **620.080** and **620.090** herein and the permittee has actual or constructive knowledge of the violation or conviction or, in any case, where the permittee or licensee refused to permit any duly authorized Police Officer or health inspector of the City to inspect the premises or the operations of the permittee or if the permittee or its employees are determined to have a communicable disease.
- B. The Governing Body, before revoking or suspending any permit, shall give the permittee at least ten (10) days' written notice of the charges against him/her and the opportunity for a public hearing before the Governing Body, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

Section 620.120. Revocation of Massage Therapist Permit.

[Ord. No. 882 §12, 6-8-1994; CC 2000 §5-612; Ord. No. 1218 §1, 12-13-2006]

- A. An massage therapist permit issued by the City Clerk shall be revoked or suspended after a public hearing before the City Administrator or his/her designated representative where it appears that

the employee has been convicted of any offense enumerated in Section **620.090** or for violation of any of the provisions of this Chapter to include the application standards.

- B. The City Clerk, before revoking or suspending any employee permit, shall give the employee at least ten (10) days' written notice of the examination into his/her conviction record and the opportunity for a public hearing before the City Administrator or his/her designated representative, at which hearing the relevant facts regarding the occurrence of the conviction shall be determined.
- C. All revocations or suspensions by the City Clerk are appealable to the Governing Body within ten (10) days of the revocation or suspension, provided the appeal must be in writing and delivered to the City.

Section 620.130. Facilities Necessary.

[Ord. No. 882 §13, 6-8-1994; CC 2000 §5-613; Ord. No. 1218 §1, 12-13-2006]

- A. No permit to conduct a massage establishment shall be issued unless an inspection by the Code Inspector or his/her authorized representative reveals that the establishment complies with each of the following minimum requirements:
 - 1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the business's operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one (1) patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No service or practice shall be carried on within any cubicle, room, booth or any area within any permitted establishment which is fitted with a door capable of being locked. These provisions are not applicable to an in-office massage therapy establishment.
 - 2. Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one (1) water closet has been provided. Toilets shall be designated as to the sex accommodated therein. These provisions are not applicable to an in-office massage therapy establishment.
 - 3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels. These provisions are not applicable to an in-office massage therapy establishment.
- B. The Code Inspector shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the Chief of Police. Provided however, that nothing contained herein shall be construed to eliminate other requirements of Statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof.

Section 620.140. Inspection — Immediate Right of Entry.

[Ord. No. 882 §14, 6-8-1994; CC 2000 §5-614; Ord. No. 1218 §1, 12-13-2006]

- A. The Police Department and the City Code Inspector may from time to time make an inspection of each permitted establishment in this City, to include those locations where there is an in-office massage therapy establishment, for the purpose of determining that the provisions of this Chapter

are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer immediate access to the premises or to hinder such officer in any manner.

- B. Provided, that any failure on the part of any permittee or employee to grant immediate access to such inspector shall be grounds for the revocation or suspension of any business or massage therapist permit.

Section 620.150. Operation Regulations.

[Ord. No. 882 §15, 6-8-1994; CC 2000 §5-615; Ord. No. 1218 §1, 12-13-2006]

- A. The operation of any such in-office massage therapy establishment or massage establishment shall be subject to the following regulations:
1. *Hours.* Such business shall be closed and operations shall cease between the hours of 8:30 P.M. and 6:00 A.M. each day.
 2. *Separation of sexes.* It shall be unlawful for customers of opposite sex to receive treatment in the same room or the same quarters at the same time. This provision is not applicable to in-office massage therapy establishments.
 3. *Danger to safety, health.* No service shall be given which is clearly dangerous or harmful in the opinion of the Code Inspector to the safety or health of any person and after such notice in writing has been delivered to the licensee from such Director.
 4. *Alcoholic beverages.* No alcoholic beverages or cereal malt beverages, nor the consumption thereof, shall be allowed, permitted or suffered to be done in or upon any premises permitted under the provisions of this Chapter or during in-office massage therapy.
 5. *Conduct of premises.* All operators permitted under the provisions of this Chapter shall at all times be responsible for the conduct of business on their permitted premises and for any act or conduct of his/her employees which constitutes a violation of the provisions of this Chapter. Any violation of the City, State or Federal laws committed on the permitted premises by any such permittee or employee affecting the eligibility or suitability of such person to hold a license or permit may be grounds for suspension or revocation of same.
 6. Every portion of a permitted establishment, including appliances and personnel, shall be kept clean and operated in a sanitary condition.
 7. All employees shall be clean and wear clean outer garments which use is restricted to the permitted establishment. On all premises, except in-office massage therapy establishments, provisions for a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
 8. All employees and massage therapists must be modestly attired. Diaphanous, flimsy, transparent, form-fitting or tight clothing is prohibited. Clothing must cover the employees' and massage therapist's chests at all times. Hemlines of skirts, dresses or other such attire may be no higher than the top of the knee.
 9. The private parts of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist. Any contact with a patron's genital area is strictly prohibited.
 10. All permitted establishments, when applicable, shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in approved, sanitary manner.

11. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned after each use.

Section 620.160. Supervision.

[Ord. No. 882 §16, 6-8-1994; CC 2000 §5-616; Ord. No. 1218 §1, 12-13-2006]

A permittee shall have the premises supervised at all times when open for business. (Any business rendering massage services shall have one (1) person who qualifies as a massage therapist on the premises at all times while the establishment is open.) The permittee shall personally supervise the business and shall not violate or permit others to violate any applicable provision of this Chapter. The violation of any such provision by any agent or employee of the permittee shall constitute a violation by the permittee.

Section 620.170. Employee and Patron Registers.

[Ord. No. 882 §17, 6-8-1994; CC 2000 §5-617; Ord. No. 1218 §1, 12-13-2006]

- A. All operators permitted under the provisions of this Chapter shall keep and maintain on their premises a current register of all their massage therapists showing such employee's name, address and permit number. Such register shall be open to inspection at all reasonable times by any health inspector or members of the City Police Department.
- B. Every person who engages in or conducts a permitted establishment shall keep a daily register, approved as to form by the Police Department, of all patrons with names, ages (if under eighteen (18)), addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. The daily register shall at all times during business hours be subject to inspection by City health officials and by the Police Department and shall be kept on file for one (1) year.

Section 620.180. Persons Under Age Eighteen Years Old Prohibited On Premises.

[Ord. No. 882 §18, 6-8-1994; CC 2000 §5-618; Ord. No. 1218 §1, 12-13-2006]

No person shall permit any person under the age of eighteen (18) years of age to come or remain on the premises of any permitted business establishment as massage therapist or employee. No permittee shall perform or permit any massage to be provided to a person under the age of twelve (12) except in the presence of such child's parent or legal guardian. No permittee shall perform or permit any massage to be provided to a person between the ages of twelve (12) through eighteen (18) without the written authority of the child's parent or guardian and such written evidence of authority shall be kept with the daily register required pursuant to Section **620.170** of this Code.

Section 620.190. Advertising.

[Ord. No. 882 §19, 6-8-1994; CC 2000 §5-619; Ord. No. 1218 §1, 12-13-2006]

No establishment granted a permit under provisions of this Chapter shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in Section **620.010** or that employees or massage therapists are dressed in any manner other than described in Section **620.150**, nor shall any establishment indicate in the text of such advertising that any service is available other than those services described in Section **620.010**.

Section 620.200. Transfer of Permits — Other Licenses and Fees.

[Ord. No. 882 §20, 6-8-1994; CC 2000 §5-620; Ord. No. 1218 §1, 12-13-2006]

- A. No massage business, in-office massage therapy establishment or massage therapist permits are transferable, separate or divisible and such authority as a permit confers shall be conferred only on the permittee named therein.
- B. Any applications made, fees paid and permits obtained under the provisions of this Chapter shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinances of this City.

Section 620.210. Applicability To Existing Businesses.

[Ord. No. 882 §21, 6-8-1994; CC 2000 §5-621; Ord. No. 1218 §1, 12-13-2006]

The operators of any existing massage establishment or in-office massage therapy establishment are required to comply with all provisions of this Chapter.

Section 620.220. Exceptions.

[Ord. No. 882 §22, 6-8-1994; CC 2000 §5-622; Ord. No. 1218 §1, 12-13-2006]

The provisions of this Chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of this State or persons working under the direction of any such persons or in any such establishment, nor shall this Chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by this State.

Section 620.230. Further Regulations.

[Ord. No. 882 §23, 6-8-1994; CC 2000 §5-623; Ord. No. 1218 §1, 12-13-2006]

The City Administrator or his/her designee or the Code Inspector may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this Chapter.

Section 620.240. Restriction of Business To Premises.

[Ord. No. 882 §24, 6-8-1994; CC 2000 §5-624; Ord. No. 1218 §1, 12-13-2006]

- A. All business or activity provided for under this Chapter (not to include in-office massage therapy) shall be conducted and performed on the premises of a licensed massage therapy establishment, provided massage therapy may be conducted in a private residence under the following conditions:
 - 1. If done at the direction of a licensed healing arts practitioner; or
 - 2. If done at the written request of a person, on a form provided by City Clerk that shall provide the name and address of the requesting person, the date and time of the service and the fees charged for the service. When private residence massage therapy is offered, whether by telephone, in person or in writing, the person offering such service must state clearly that they are a licensed massage therapist or that the service will be performed by a licensed massage therapist and that prior to any service being provided the person requesting the service will be required to sign a form requesting the service. All such written requests shall be kept by the

licensed massage therapy establishment for a period of one (1) year and shall be produced for inspection when requested by any City official. Private residence massage therapy shall not be conducted between the hours of 10:00 P.M. and 9:00 A.M.

- B. All licensed massage therapy establishments shall be operated from a commercial business premise. Operation of such an establishment in a private home, residence or non-commercial business establishment is prohibited. Sole practitioners (therapists who work alone), are required to have both a massage therapist permit and massage therapy establishment permit and to work from a commercial business premise.
- C. Massage therapy is not permitted in the guest rooms of hotels unless the hotel is licensed as a massage therapy establishment and the massage therapy is conducted by a licensed massage therapist employed by the hotel.

City of Mission	Item Number:	8.
DISCUSSION ITEM SUMMARY	Date:	August 3, 2022
Administration	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Budget Discussion - 2023-2027 CIP and Infrastructure Funds

DETAILS: During the August 3, 2022 Finance & Administration Committee meeting staff will present and review the 2023-2017 Capital Improvement Program (CIP) for the City of Mission along with the various dedicated revenue streams which primarily support the 5-Year Program. The presentation will also include a summary and recap of the City's current debt obligations related to capital projects.

Materials will be uploaded to the packet prior to the Committee meeting.

CFAA IMPACTS/CONSIDERATIONS: Developing a budget which considers and balances critical infrastructure projects to support the overall community needs and priorities related to transportation, stormwater, parks and recreation and public facilities helps to ensure investments are made for the benefit of persons of all ages and abilities in our community.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	N
Available Budget:	



MEMORANDUM

Date: August 2, 2022
To: Mayor and City Council
From: Laura Smith, City Administrator
RE: 2023 - 2027 Capital Improvement Program (CIP) and Infrastructure Funds

As the 2022 Revised and 2023 Recommended Budgets continue to develop, the discussion during the August 3 Finance & Administration Committee meeting will center around the 2023–2027 Capital Improvement Program (CIP), debt related to capital infrastructure and the various infrastructure funds which support both pay-as-you go and financed capital projects. These will be reviewed in three individual program plan areas historically tracked through the CIP including streets, stormwater, and parks and recreation.

Debt Summary

The City consciously uses debt to address deferred infrastructure needs, leverage grant or outside funding opportunities, and to complete projects which exceed the City's cash flow abilities over a 1-2 year period. Most of the City's existing debt obligations are related to capital infrastructure projects with debt service paid from dedicated revenue streams. As discussed in previous budget work sessions, the only debt carried in the General Fund relates to acquisition of the streetlight system in 2013 (debt retires in 2023), and the debt associated with the Facility Conservation Program Improvements (FCIP) which will retire in 2036.

Annual debt service requirements in the capital funds for 2023 totals \$3,279,493. A summary of capital debt by issue and by program area is included with this memo. With the exception of stormwater related debt, all other existing infrastructure debt will retire in 2023, and all current debt (\$13,138,209 in total) supported by the capital project funds retires by 2031.

The Council has expressed a desire to evaluate new debt financing for street projects. Staff recently received confirmation of Johnson County CARS funding for the Foxridge Phase II Project and we are working on a recommended financing strategy for this project, as well as developing scenarios for consideration for acceleration of the residential street program and the completion of the Johnson Drive improvements (Lamar to Metcalf).

Pending renewal of the Parks + Recreation sales tax, the Council has also tasked staff with developing various debt scenarios to facilitate implementation of proposed improvements within Mission's outdoor park system.

2023 - 2027 Capital Improvement Program

Capital infrastructure projects are generally large in scope and often take several years to secure adequate funding, making it more appropriate to handle them outside of the annual operating budget (General Fund). Mission's current Capital Improvement Program (CIP) is focused around three primary program areas: streets, stormwater, and parks and recreation. CIP revenues and expenses are developed and approved as part of the annual budget process for both 1- and 5-year horizons and can be adjusted as circumstances evolve in any given fiscal year.

Developing a total asset management plan continues to be an important goal to aid in evaluating, prioritizing, and communicating an appropriate balance among identified needs. It will also help in evaluating revenue streams within our local control and how best to use them to leverage outside funding to stretch resources as far as possible for the benefit of our residents, businesses, and visitors.

Each of the three capital program areas is reviewed in more detail below and tentative 5-year plans are included for review and discussion.

Stormwater Program

Revenues in the City's Stormwater CIP come from:

1. Stormwater utility fees assessed annually to each parcel in the City of Mission (~\$2.6 million annually)
2. Drainage district revenues (~\$75,000 to \$85,000 annually)
3. Gateway Special Assessment revenues (~\$599,000 annually)

The stormwater utility fee is authorized by State statute and is based on a formula that calculates the impact of stormwater runoff based on an average amount of impervious surface attributed to a single-family residential parcel. This unit of measurement is called an Equivalent Residential Unit (ERU) and equates to 2,600 sq. ft. of impervious surface for a single-family home. The stormwater utility rate is currently set at \$28/ERU/mo meaning that each single-family property in Mission pays \$336/year in stormwater utility fees assessed and collected as a part of property tax bills each year.

For all other types of property within the City, the stormwater utility is structured to calculate fees as follows:

$$\text{Total sq ft of impervious surface} / 2,600 = \text{Total ERUs}$$

The total ERUs are then multiplied by \$336 to determine the total annual stormwater utility fee. Staff will provide additional examples of how the utility fee is calculated during the Committee meeting.

The current stormwater utility fee (\$28/ERU/mo) and was last adjusted in 2017. Stormwater utility fee revenues have historically been set to cover existing debt service. The draft 2023-2027 CIP anticipates no changes to the stormwater utility fee over the five-year program. Aligning revenues with debt service requirements is an important consideration of long-term financing, but this approach presents challenges because there are still significant issues to be addressed in both the primary and secondary stormwater systems throughout the City. The City has been able to realize meaningful savings through careful review and management of refunding opportunities of current debt, but receipt of the Gateway special assessment continues to be the primary source of additional funding available for larger scale maintenance and repair projects.

The 2023-2027 Stormwater CIP contains two funding streams for repair and maintenance projects. The first, approximately \$150,000/year will allow the City to address sinkholes or other system failures which require immediate attention. In addition, another \$250,000 is budgeted annually beginning in 2023 for other repair or maintenance projects. This allocation targets planned CMP pipe replacement (some in connection with street projects) and provides flexibility to begin to address a number of lingering stormwater issues in neighborhoods or other areas of Mission.

The proposed 5-Year Stormwater CIP also includes several larger projects identified through GBA's 2022 Urban Channel Assessment report:

- Rock Creek Channel Repair (Outlook to Woodson) - \$5.4 million
- 5424 Maple Concrete Channel Repair - \$700,000
- Rock Creek Channel (Lamar to Woodson) - \$3.3 million

Johnson County's watershed study was finally released earlier this Spring, and Public Works is working to identify specific projects where the City will have the opportunity to apply for Stormwater Management Advisory Council (SMAC) funding. The first step in the process is submitting an application for a Preliminary Project Study (PPS) of which

SMAC will generally fund up to 50%. Mission has started the PPS application process for repairs to the Rock Creek Channel from Outlook to Woodson.

The City also recently submitted a project development grant application through the Mid-America Regional Council's *Planning Sustainable Places* program. The preliminary scoring feedback was favorable, and pending completion of the development work, there will be additional opportunities to seek implementation funding for projects – many along the Rock Creek Channel – in future *Planning Sustainable Places* application cycles.

Street Program

Currently, three revenue streams support the City's street and transportation network projects:

1. Special Highway funds (gas tax) distributed by the State (~\$250,000 annually)
2. $\frac{3}{8}$ -cent Sales Tax for Streets (~\$1.0 million annually)
3. Property tax dedicated to street maintenance (~\$1.4 million in 2023 budget)

Last year's Street Program Plan was influenced by several factors including the pending expiration/renewal of the $\frac{1}{4}$ -cent Street Sales Tax; the ability to cash flow large projects (i.e. Foxridge); and, an ongoing re-evaluation of the residential street maintenance program.

The Council approved a mail ballot election in September 2021 to consider renewal of the dedicated street sales tax for an additional 10 years. Based on the needs identified for residential streets as well as the arterial street network, the City sought renewal of the sales tax at the increased rate of $\frac{3}{8}$ -cent (0.375%). The sales tax was renewed with 77.15% voter approval and is estimated it will generate approximately \$1.0 million annually for street and transportation network projects. The 5-Year Street Program Plan includes an allocation of approximately \$2 million annually for residential streets.

The 2023-2027 Street Program Plan also includes several projects funded through the Johnson County CARS program. Through a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities (up to 50% of the project's construction and construction inspection costs) to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding. Cities are responsible for design, right-of-way, and utility relocation costs.

Each City is required to pass a resolution yearly adopting a 5-year plan based on their own unique goals and objectives, and CARS projects are ultimately adopted as part of the County’s annual budget process. The final commitment of funds occurs through the approval of specific interlocal agreements for each project. Mission’s CARS-eligible streets include:

- Lamar (Foxridge to 67th)
- 51st (Lamar east to City Limit)
- 63rd (Nall to Roe)
- Foxridge (56th to Lamar)
- Johnson Drive (Metcalf to Roe)
- Roe (Johnson Drive to 63rd)
- Nall (Johnson Drive to 67th)
- Martway (Metcalf to Roeland)
- Roeland Dr (Johnson Drive to SMP)
- Broadmoor (Johnson Drive to Martway)

In May 2022, the Council adopted Resolution No. 1107 adopting the recommended 2023-2027 CARS program that included the following projects described more fully below:

2023	2024	2025	2026	2027
Foxridge Phase II (51st St. to Lamar Ave.)	Roe Avenue UBAS (Johnson Dr. to 59th St.)	63rd Street (Nall Ave. to Roe Ave.)	Johnson Dr., (Metcalf Ave. to Lamar Ave.)	Nall Avenue UBAS (Martway St. to 63rd St.)

• **2023 - Foxridge Phase II (Total Estimated cost: \$5,674,000)**

Foxridge Drive (51st Street to Lamar Avenue) is a two lane, 32 ft. wide, minor collector serving multi-family, residential, commercial and industrial traffic. Due to the street’s location at the bottom of a hill, there is a significant amount of water damage to the surface of the pavement, subgrade, and curb and gutter. This section of Foxridge Drive lacks sidewalks, leaving pedestrians to walk in the street. Proposed improvements include full depth pavement reconstruction (pavement removal and replacement with a 10-inch asphaltic concrete base and 2-inch asphaltic concrete surface); replacement of curb and gutter; new sidewalks, streetlights, and stormwater infrastructure; and pavement markings. An underdrain system will be installed to address the stormwater runoff and pedestrian improvements will be made. The Evergy traffic signal at the Foxridge Dr. to Lamar Ave. intersection will also be replaced and relocated since trucks have difficulty making southbound right turns resulting in damaged guardrail. A polymer concrete overlay will also be provided over the Lamar Ave. Bridge.

- **2024 - Roe Avenue - Johnson Drive to 59th Street (Total Estimated cost: \$1,012,000)**

Proposed improvements include mill and overlay with 2-inch asphaltic concrete surface; traffic signal replacement; pedestrian signals on the east side of the intersection of Roe Ave. and Johnson Dr.; pavement and median repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; and pavement markings. Fairway is applying for CARS funds for Roe Avenue (59th St. to 63rd St.) and Mission's funding portion is estimated to be \$113,480.

- **2025 - 63rd Street - Nall Avenue to Roe Avenue (Total Estimated cost: \$920,000)**

Proposed improvements include mill and overlay with 3-inch asphaltic concrete surface; pavement repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; new sidewalk on the west side of 63rd St.; and pavement markings. Pavement borings will be cored to determine whether there is sufficient asphalt and subgrade.

- **2026 - Johnson Drive - Metcalf Ave. to Lamar Ave. (Total Estimated cost: \$12,400,000)**

Proposed improvements include full depth pavement replacement; traffic signal replacement; spot replacement of curb and gutter, sidewalks, and ADA ramps; streetlights; and pavement markings. Additionally, stormwater infrastructure will be replaced and includes the continuance of the stormwater interceptor completed with the Johnson Dr., Lamar Ave. to Nall Ave. Phase I project. (Federal Surface Transportation Program (STP) funds may be available for this project depending upon eligibility as well as Johnson County SMAC funding).

- **2027 - Nall Avenue - Martway Street to 63rd Street (Total Estimated cost: \$325,000)**

Proposed improvements include UBAS surface treatment; pavement repairs; spot replacement of curb and gutter; sidewalks, and ADA ramps; and pavement markings. Prairie Village is applying for CARS funds for Nall Avenue (63rd St. to 67th St.) and Mission's funding portion is estimated to be \$73,750.

With an increased demand for CARS funding, the County is beginning to adhere more strictly to the programs' established funding percentages, resulting in reductions to funding amounts originally requested. Mission has now experienced this for the Johnson Drive project currently underway (reduced by \$73,500 or 11%) as well as for Phase II of the Foxridge project. Mission's initial request for \$2.5 million was reduced to \$1,651,000. The funding gap for Foxridge can now be specifically addressed and a final recommendation for financing these improvements will come forward in one of the remaining August budget work sessions.

Financing considerations for the Johnson Drive Project (Lamar to Metcalf) will be driven by the City's ability to secure additional outside funding and will continue to evolve

The 5-year Street Program Plan also includes funding for smaller scale maintenance projects, a curb and gutter replacement program, biennial bridge inspections and principal and interest on existing street related debt, all of which will be retired by 2023. The plan also includes funding in 2022 to refresh the Stantec study completed in 2017 to ensure the streets in the worst condition are programmed appropriately as part of the 10-year Residential Street Program.

Parks and Recreation Program

The Parks and Recreation Program Plan addresses the capital infrastructure needs of the Powell Community Center (PCC), the Mission Family Aquatic Center (MFAC), the City's eight (8) outdoor parks, and trails located throughout Mission. The program is funded primarily with:

1. $\frac{3}{8}$ -cent Sales Tax for Parks and Recreation (~\$1.0 million annually)
2. Special Parks and Recreation funds (alcohol tax) distributed by the State (~\$90,000 annually)

Since its passage in 2013, the Parks and Recreation sales tax has supported debt service on the MFAC (approximately 60% of annual sales tax revenues), as well as deferred maintenance and upkeep of the Community Center. As we approach expiration of the sales tax in March 2023, attention has been focused on outdoor park system improvements, primarily through conceptual planning and design processes for Mohawk, Broadmoor, Waterworks and Streamway Parks.

Although the planning processes were slowed significantly by the COVID-19 pandemic the conceptual plans presented to date have informed decision making related to renewal of the Parks and Recreation sales tax. In June 2022, the City Council took the steps necessary to place the question of renewing the dedicated sales tax at the $\frac{3}{8}$ -cent rate on a mail ballot election in September 2022. Information on the upcoming election will launch via the City's website and social media beginning the week of August 8.

As highlighted through our General Fund discussions to date, Parks and Recreation revenues continue to be significantly impacted by COVID-19. Long-term feasibility and viability of the Powell Community Center (PCC) was an area of concern in the 2022 budget development process, and Council allocated funding to complete a feasibility study. The study is in progress and the report and recommendations are expected to be

available in late September/early October. Recognizing that the 2023 budget will be adopted prior to receipt of the both the study’s recommendations and a decision on renewal of the sales tax, both operating and capital budgets for the PCC and capital were developed based on maintaining the status quo but can be amended or revised prior to January 1, 2023 or other appropriate times in the future.

Larger projects at the PCC continue to be deferred in order to provide ample opportunity to study and discuss options to improve the financial stability and sustainability of the Center. The 5-Year Parks and Recreation Program Plan has been drafted to show the highest priority outdoor system projects which should be undertaken in the next several years regardless of whether the sales tax is renewed. Should the sales tax be renewed, timing for implementation of the various conceptual plans will be finalized. Staff will present preliminary recommendations for implementation during the August 3 Finance & Administration Committee meeting. In addition, we will review and highlight the funds currently being maintained in General Fund reserves to advance construction of a dog park, and the addition of trail improvements to Broadmoor Park in 2022-23.

Summary/Remaining Steps

The budget meeting calendar for the remainder of the 2022 Revised and 2023 Budget discussions is shown below:

MISSION 2022 REVISED AND 2023 BUDGET ADOPTION CALENDAR	
<u>Date</u>	<u>Action</u>
August 3	Finance & Administration Committee Meeting to review: <ul style="list-style-type: none"> • 2023-2027 CIP and Infrastructure Funds
August 24	City Council Work Session <ul style="list-style-type: none"> • Recommendations for Revised 2022 and 2023 Budgets including: <ul style="list-style-type: none"> ✓ Supplemental Requests ✓ Climate Action Plan Task Force recommendations ✓ ARPA Fund Recommendations • Recommended 2023 – 2027 Capital Improvement Program (CIP)
August 31	City Council Work Session/Community Dialogue on 2023 Budget <ul style="list-style-type: none"> • Present Recommended 2023 Budget and Budget Resolution
Sept. 7	Special City Council Meeting <ul style="list-style-type: none"> • Public Hearing on 2023 Budget • Public Hearing to Exceed Revenue Neutral Rate for 2023 Budget • Adoption of 2022 Revised and 2023 Budgets: (City of Mission, Rock Creek Drainage District #1, and Rock Creek Drainage District #2)

CITY OF MISSION OUTSTANDING DEBT SUMMARY (NON-GENERAL FUND)

Street Debt Summary 2022-2031										
Issue	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2012A	\$474,300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2013C (street portion)	\$267,363	\$271,625	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Annual Totals	\$741,663	\$271,625	\$0							

Stormwater Debt Summary 2019-2031										
Issue	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
KDHE Loan	\$6,562	\$6,562	\$6,562	\$6,562	\$6,562	\$6,562	\$6,562	\$6,562	\$6,562	\$6,562
2010A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2010B	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2013C (stormwater portion)	\$283,075	\$287,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2014A	\$1,054,738	\$1,060,313	\$1,061,563	\$457,188	\$461,325	\$470,050	\$472,150	\$473,800	\$0	\$0
2019A	\$218,563	\$615,918	\$613,815	\$615,953	\$617,453	\$613,023	\$613,050	\$617,100	\$0	\$0
2020A	\$1,240,525	\$507,625	\$503,925	\$1,110,125	\$674,025	\$666,225	\$283,325	\$284,200	\$0	\$0
Annual Totals	\$2,803,463	\$2,477,418	\$2,185,865	\$2,189,828	\$1,759,365	\$1,755,860	\$1,375,087	\$1,381,662	\$6,562	\$6,562

Parks and Recreation Debt Summary 2022-2031										
Issue	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2013B	\$530,450	\$530,450	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Annual Totals	\$530,450	\$530,450	\$0							

Annual Debt Service Totals	\$4,075,576	\$3,279,493	\$2,185,865	\$2,189,828	\$1,759,365	\$1,755,860	\$1,375,087	\$1,381,662	\$6,562	\$6,562
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Stormwater Program Plan (2022 - 2027)

	2021	2022	2023	2024	2025	2026	2027	
Revenues								
Beginning Balance	\$ 1,873,916	\$ 1,301,819	\$ 1,210,631	\$ 1,210,631	\$ 1,573,314	\$ (423,874)	\$ 1,938,484	
Local Revenue								
Stormwater Utility Fund Revenues	2,599,362	2,605,000	2,605,000	2,605,000	2,605,000	2,605,000	2,605,000	
Drainage District Revenues	77,759	76,000	85,000	85,000	85,000	85,000	85,000	
Gateway Special Benefit District Revenues	599,960	599,960	599,960	599,960	599,960	599,960	599,960	
RCHA CID Revenues	-	18,035	18,035	18,035	18,035	18,035	18,035	
Interest/Other	107	1,010	1,550	-	-	-	-	
Sub-total	\$ 3,277,188	\$ 3,300,005	\$ 3,309,545	\$ 3,307,995	\$ 3,307,995	\$ 3,307,995	\$ 3,307,995	
Extenal Revenue								
SMAC Revenues	-	100,000	71,438	2,500,000	0	-	-	
Miscellaneous Revenues	-	-	-	-	-	-	-	
Sub-total	\$ -	\$ 100,000	\$ 71,438	\$ 2,500,000	\$ -	\$ -	\$ -	
Debt Proceeds								
Sub-total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Stormwater Revenues	\$ 3,277,188	\$ 3,400,005	\$ 3,380,983	\$ 5,807,995	\$ 3,307,995	\$ 3,307,995	\$ 3,307,995	
Expenses								
Capital Projects								
Rock Creek Channel (Nall to Roeland Drive)	910,035	-	-	-	-	-	-	
Design/Construction Inspection	21,843	-	-	-	-	-	-	
Property Acquisition	-	-	-	-	-	-	-	
Construction	888,192	-	-	-	-	-	-	
51st & Lamar Stormwater Repairs	-	-	-	-	-	-	-	
Rock Creek Channel Repair (120' W. of Reeds Rd.)	-	338,078	-	-	-	-	-	
Rock Creek Channel Repair (280' E. of Outlook to Woodson)	-	200,000	400,000	5,000,000	-	-	-	
5424 Maple Concrete Channel Repair	-	-	\$ 100,000	\$ 600,000	-	-	-	
Rock Creek Channel (Lamar to Woodson)	-	-	-	-	\$ 300,000	\$ 3,000,000	\$ 3,000,000	
Sub-total	\$ 910,035	\$ 538,078	\$ 400,000	\$ 5,100,000	\$ 600,000	\$ 300,000	\$ 3,000,000	
Maintenance Programs								
Repair and Maintenance Projects	-	100,000	150,000	150,000	150,000	150,000	150,000	
52nd & Lamar Sinkhole	45,605	-	-	-	-	-	-	
55th and Woodson Sinkhole	24,873	-	-	-	-	-	-	
Neff Sinkhole	22,089	-	-	-	-	-	-	
Rock Creek LOMR	17,000	-	-	-	-	-	-	
56th & Beverly Sinkhole	39,748	-	-	-	-	-	-	
50th Terr. Sinkhole	5,215	-	-	-	-	-	-	
Miscellaneous Engineering	1,662	50,000	50,000	50,000	50,000	50,000	50,000	
Stormwater Condition Inventory	-	-	142,876	-	-	-	-	
Stormwater Infrastructure Repairs/Replacement	-	-	250,000	250,000	250,000	250,000	250,000	
Sub-total	\$ 156,192	\$ 150,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	
Debt Service/Loan Repayment								
KDHE Loan Repayment	6,415	6,562	6,562	6,562	6,562	6,562	6,562	Remaining Debt Service/ Year Retires
GO Series 2013C - Stormwater Portion (transfer to CIP)	267,993	282,600	272,850	-	-	-	-	\$32,810/2031
GO Series 2014-A	1,052,838	1,054,738	1,060,313	1,061,563	457,188	461,325	461,325	\$0/refunded by 2020A
GO Series 2019A (Rock Creek/RCHA)	216,050	218,550	570,800	570,300	568,800	571,300	571,300	\$0
GO Series 2020A (Refunding of 2010B)	1,239,615	1,240,525	507,625	503,925	1,110,125	674,025	674,025	\$1,416,000/2029
Fiscal Agent Fees	\$ 147	\$ 140	\$ 150	\$ 150	\$ 150	\$ 150	\$ 150	150
Sub-total	\$ 2,783,058	\$ 2,803,115	\$ 2,418,300	\$ 2,142,500	\$ 2,142,825	\$ 1,713,362	\$ 1,713,362	\$1,233,750/2029
Total Stormwater Expenses	\$ 3,849,285	\$ 3,491,193	\$ 3,018,300	\$ 7,442,500	\$ 2,942,825	\$ 2,213,362	\$ 4,913,362	
Annual Surplus/(Deficit)	(572,097)	(91,188)	362,683	(1,634,505)	365,170	1,094,633	(1,605,367)	
Ending Fund Balance	\$ 1,301,819	\$ 1,210,631	\$ 1,573,314	\$ (423,874)	\$ 1,938,484	\$ 670,759	\$ 333,117	

Street Program Plan (2022 - 2027)

	2021	2022	2023	2024	2025	2026	2027
Revenues							
Beginning Balance*	\$ 1,432,310	\$ 1,632,492	\$ (52,967)	\$ (3,007,446)	\$ (4,138,946)	\$ (4,985,196)	\$ (13,092,196)
<i>Local Revenue</i>							
7 mills dedicated to streets	1,096,720	1,127,100	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Street Sales Tax Revenues - existing	673,687	956,705	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000
<i>0.25% through March 2022/0.375% beginning April 2022</i>							
Transfer from Stormwater Utility Fund (2013C Debt service)	267,993	283,500	272,850				
Interest	51	900	-	-	-	-	-
Sub-total	\$ 2,038,451	\$ 2,368,205	\$ 2,692,850	\$ 2,420,000	\$ 2,420,000	\$ 2,420,000	\$ 2,420,000
<i>External Revenue</i>							
CARS Reimbursements	14,570	622,000	1,651,000	387,000	430,000	2,000,000	150,000
Special Highway	289,526	250,000	250,000	250,000	250,000	250,000	250,000
SMAC Reimbursements	-		428,821	-	-	-	-
Grants / Other Outside Funding	-		-	-	-	\$3,000.00	-
Miscellaneous Revenues	69,723		-	-	-	-	-
Roeland Park (Jo. Dr.)	-	325,493	-	-	-	-	-
Prairie Village (67th St.)	-			25,000	213,750	-	-
Sub-total	\$ 373,819	\$ 1,197,493	\$ 2,329,821	\$ 662,000	\$ 893,750	\$ 2,253,000	\$ 400,000
<i>Debt Proceeds</i>							
Sub-total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Street Revenues	\$ 2,412,270	\$ 3,565,698	\$ 5,022,671	\$ 3,082,000	\$ 3,313,750	\$ 4,673,000	\$ 2,820,000
Expenses							
<i>Capital Projects</i>							
Broadmoor (Johnson Dr. to Martway St.)	-	-	-	-	-	-	-
UBAS Treatment Lamar (SMP to Foxridge)	-	-	-	-	-	-	-
UBAS Treatment - Jo Drive (Lamar to Roe)	45,910	1,343,769	-	-	-	-	-
Foxridge (51st to Lamar)	-	474,000	5,096,500	-	-	-	-
Mill and Overlay - Roe (SMP to 63rd St)	-	-	72,000	1,053,500	-	-	-
Full Depth - 63rd (Nall to Roe)	-	-	-	60,000	860,000	-	-
Jo. Dr. (Metcalf to Lamar)	-	-	-	850,000	1,050,000	10,500,000	-
UBAS Treatment - Nall (Martway to SMP)	-	-	-	-	-	30,000	399,000
Sub-total	\$ 45,910	\$ 1,817,769	\$ 5,168,500	\$ 1,963,500	\$ 1,910,000	\$ 10,530,000	\$ 399,000
<i>Maintenance Programs</i>							
Residential Street Program	1,069,731	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
PW Maintenance Programs (striping, traffic safety)	64,091	75,000	75,000	75,000	75,000	75,000	75,000
Bridge Maintenance/Administrative Costs	8,900	25,000	25,000	25,000	25,000	25,000	25,000
51st and Dearborn Sidewalk	-	48,000	-	-	-	-	-
Curb and Sidewalk Program	-	50,000	150,000	150,000	150,000	150,000	150,000
55th St. (Lamar to E. City Limits)	-	210,588	-	-	-	-	-
PCI Collection	-	25,000	-	-	-	-	-
Sub-total	\$ 1,142,722	\$ 2,408,588	\$ 2,250,000	\$ 2,250,000	\$ 2,250,000	\$ 2,250,000	\$ 2,250,000
<i>Debt Service</i>							
Johnson Drive/Martway Debt Service (2012A)	472,718	474,300	-	-	-	-	-
Jo Drive (2013C)	550,738	550,500	558,650	-	-	-	-
Sub-total	\$ 1,023,456	\$ 1,024,800	\$ 558,650	\$ -	\$ -	\$ -	\$ -
Total Street Expenses	\$ 2,212,088	\$ 5,251,157	\$ 7,977,150	\$ 4,213,500	\$ 4,160,000	\$ 12,780,000	\$ 2,649,000
Ending Balance	\$ 1,632,492	\$ (52,967)	\$ (3,007,446)	\$ (4,138,946)	\$ (4,985,196)	\$ (13,092,196)	\$ (12,921,196)

Parks + Recreation Program Plan (2022 - 2027)

	2021	2022	2023	2024	2025	2026	2027
Revenues							
Beginning Fund Balance	1,403,380	1,671,020	431,583	278,616	356,116	926,116	1,495,616
<i>Local Revenue</i>							
0.375% Parks & Recreation Sales Tax Revenues	1,010,710	1,000,000	1,020,000	1,020,000	1,020,000	1,020,000	950,000
Interest/Other	47	550	100	-	-	-	-
Sub-total	1,010,757	1,000,550	1,020,100	1,020,000	1,020,000	1,020,000	950,000
<i>External Revenue</i>							
Special Parks & Recreation Revenues	114,779	110,000	125,000	125,000	125,000	125,000	125,000
Grant Proceeds/Other	27,551	394,550	-	-	-	-	-
Sub-total	142,330	504,550	125,000	125,000	125,000	125,000	125,000
<i>Debt Proceeds</i>							
Cardio Lease Proceeds	136,821	-	-	-	-	-	-
Sub-total	136,821	-	-	-	-	-	-
Total Parks and Recreation Revenues	1,289,908	1,505,100	1,145,100	1,145,000	1,145,000	1,145,000	1,075,000
Expenses							
<i>Capital Projects</i>							
Park Systems Improvements	117,759	1,850,053	175,000	150,000	150,000	150,000	150,000
Park Signage	67,636	Event Trailer 6,552	Legacy Park Shade Structure 8,000	Streamway Pavilion Replace 40,000	Broadmoor Pavilion and Dugout Replace 100,000	Park Amenities TBD 50,000	Park Amenities TBD 150,000
Conceptual Park Planning	29,809	Mohawk Park Improvements Phase I 1,482,655	Waterworks Pk Lot Repave 40,000	Beverly Pergola 10,000	Park Monument Signs (RCrk, Birch, Rot) 24,000	Andersen Pavilion Replace 100,000	
Misc Trees/Equip	20,314	Tennis Court Resurfacing - Andersen 340,846	Legacy Park Water Fountain 10,000	Pearl Harbor Pergola 10,000	Outdoor Play Tables 10,000		
		Broadmoor trail design 20,000	Broadmoor Trail Resurfacing 90,000	Solar Picnic Tables 30,000	Park Bench Replacement 16,000		
			WiFi Parks + bathroom magnet locks 7,000	Andersen Parking Lot 60,000			
			Trail Counters 20,000				
MFAC Improvements/Equipment Replacement	5,015	23,662	77,000	66,000	52,000	75,000	75,000
3M Diving Board Replacement	5,015	Automatic Aqua Vacuum 9,000	Maintenance Slide 2 25,000	Picnic Table Replacement 20,000	Maintenance Slide 1 30,000	MFAC Maintenance TBD 13,000	Maintenance Slide 2 25,000
		Lane Line Replacement 5,662	1M Diving Board Replacement 7,000	ADA Chair Lift 6,000	Manual Vacuum Replacement 5,000	Toilet Replacement 10,000	MFAC Maintenance TBD 50,000
		UV Light Bulb Replacement 9,000	Shade Structure Replacement 15,000	Deck Lounge Chairs 10,000	Trash Cans 10,000	UV Light Bulb Replacement 12,000	
			Pump and Filter Replacement 30,000	Table Umbrellas 5,000	Lane Line Replacement 7,000	New Splash Feature 40,000	
				Sprayground Refresh 25,000			
PCC Improvements/Equipment Replacement	250,438	267,537	366,000	789,000	290,000	293,000	288,000
Selectorized Weight Equipment	85,517	Conference Center Banquet Chairs 24,012	South Kitchen Flooring 10,000	Conference Center Painting 20,000	Free Weight Equipment 20,000	TBD 110,000	TBD 250,000
Indoor Pool Slide Maintenance	28,100	Natorium Skylight and Ceiling Repairs 22,774	Conference Center Carpet 40,000	South Bathroom Remodel 35,000	Indoor Pool Slide Maintenance 30,000	Speakers in Hallways/Meeting Rms 15,000	Sidewalk Repairs 23,000
Cardio Equipment	136,821	Natorium Painting/Sealing Slide Stairs and Ceiling 94,849	Trash/ Recycling Can Replacement 15,000	North and South Kitchen Counters 20,000	Replace Drop Ceiling Panels 68,000	Adjustable Backboards 18,000	Stain S Breezeway wood 15,000
		Locker Room Flooring (Men's and Women's) 60,000	Steamroom Retiling 15,000	Stain South Breezeway wood 15,000	Elevator 100,000		
		Adult Lounge Furniture 15,000	Conference Center Projectors 27,000	Adult Lounge Counters 9,000	Cycle Studio Bike Replace 15,000	Rider Scrubber Replace 15,000	
		Indoor Pool Filter Replacement 50,902	Conference Center Tables 10,000	Roof Resurfacing 425,000	South Entry Desk Door 7,000	PCC Playground and Shade 60,000	
			North bathroom remodel 35,000	Pool Liner Resurfacing 100,000	Conference Center Blinds 10,000	Party Room Remodel 15,000	
			Recedar Sauna 9,000	Digital Lockers 60,000	Community Center Monument Sign 20,000	Replace Security Cameras 25,000	
			EV Chargers 15,000	Replace Tile in Lobby/Hallways 85,000	New Artwork 20,000	Stain roof wood 15,000	
			Indoor Track Resurface 140,000	New Water Feature 20,000		Stain N Breezeway wood 20,000	
			Stain roof wood 30,000				
			Stain North Breezeway 20,000				
Sub-total Capital Projects	373,212	2,141,252	618,000	1,005,000	492,000	518,000	513,000
<i>Maintenance/Operations/Reserves</i>							
Powell Community Center	44,410	11,500	74,000	-	-	-	-
Tankless Water Heaters	43,000	Chemical Room Maintenance/Repairs 11,500	Underground Electrical for Parking Lot 17,000				
Misc Equipment	1,410		Parking Lot Reseal 57,000				
Mission Family Aquatic Center	11,460	18,718	33,000	7,500	33,000	7,500	3,000
Crack Repairs Competition Pool	11,460	Water Pressure Relief Valve 15,000	Pool and Deck Crack Repairs 30,000	Paint Competition Pool 7,500	Pool and Deck Crack Repairs 30,000	MFAC Maintenance TBD 7,500	MFAC Maintenance TBD 3,000
		Paint Competition Pool 3,718	Paint Leisure Pool 3,000		Paint Leisure Pool 3,000	Paint Competition Pool 7,500	Paint Leisure Pool 3,000
Sub-total	55,870	30,218	107,000	7,500	33,000	7,500	3,000
<i>Debt Service/Lease Payments</i>							
Outdoor Aquatic Facility Debt Service (2013B)	\$530,000	\$530,450	\$530,450				
Cardio Equipment Lease	63,185	42,617	42,617	55,000	50,000	50,000	50,000
Sub-total	593,185	573,067	573,067	55,000	50,000	50,000	50,000
Total Parks & Recreation Expenses	1,022,267	2,744,537	1,298,067	1,067,500	575,000	575,500	566,000
Ending Balance	1,671,021	431,583	278,616	356,116	926,116	1,495,616	2,004,616

2024	Digital Lockers	60,000
2024	Replace Tile in Lobby/Hallways	85,000
2024	New Water Feature Indoor Pool	20,000
2025	Cycle Studio Bike Replacement	15,000
2025	Replace Drop Ceiling Panels	68,000
2025	Security Cameras	15,000
2026	Speakers in Hallways/Meeting Rms	10,000
2026	Adjustable Backboards	18,000
2026	Recedar Sauna	9,000
2026	Replace Rider/Scrubber	15,000