

**FIRST AMENDMENT TO REAL ESTATE SALES CONTRACT
(Dahmer Brothers Investment LLC)**

THIS FIRST AMENDMENT TO REAL ESTATE SALES CONTRACT (the “**First Amendment**”) is made and entered into as of the 29th day of September, 2020 (the “**Effective Date**”) by and between **The City of Lee’s Summit**, a municipal corporation (“**Seller**”), whose address is 220 NE Green Street, Lee’s Summit, Missouri, 64013 Attention: City Manager and **Dahmer Brothers Investment LLC**, a Missouri Limited Liability Corporation (“**Buyer**”) having an address of 8375 Nieman Road, Lenexa Kansas.

RECITALS:

A. Seller and Buyer entered in to the Real Estate Sales Contract dated April 30, 2019 (the “**Original Contract**”) which provided, among other items, that the sale of the Property as set forth therein would be with special conditions providing that Seller would initiate a vacation of any right-of-way running through or adjacent along the former Douglas Road to the Property, and that after such vacation utility easements would be reserved in the right-of-way for any existing utility or utilities planned by Seller.

B. The Parties wish to amend the Original Contract by this First Amendment (which together are the “**Contract**”) to clarify the legal description of the Property and to provide more clarity regarding the vacation of rights-of-way and the reservation of easements which shall remain in place after the transaction is completed.

AGREEMENT:

In consideration of the premises, the covenants and agreements and representations and warranties hereinafter set forth, and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by the respective parties hereto), it is agreed as follows:

1. **Section 1 and Exhibit A and Exhibit B** are hereby deleted in their entirety and replaced with the following:

1. **Sale and Purchase With Special Conditions.** Seller hereby agrees to sell to Buyer, and Buyer hereby agrees to purchase from Seller, the real estate legally described in the attached **Exhibit A** (the “**Property**”). The map set forth in **Exhibit B** depicts the two step process to accomplish this transaction, with the notation “Transfer” referring to the property that Seller will transfer to Buyer at the Closing, and the notation “Vacate” referring to the property where the City will vacate right-of-way easements and which will allow Buyer to own such property in fee simple title without the encumbrance of a right-of-way easement. The Parties agree that the following provisions apply to these transactions:

A. **Transfer:** The City shall transfer the property that is legally described as Tract II in **Exhibit A** and depicted as Tract II in **Exhibit B** to Buyer at the Closing as provided in this Contract.

B. Vacate: The City shall vacate the right-of-way easements that are located on the property that is designated as Tract III, Tract IV and Tract V, which are legally described in **Exhibit A** and depicted in **Exhibit B**. Seller will carry out the process for vacation of such rights-of-way. This vacation shall be completed after the Closing for the transfer of Tract II, but no later than December 31, 2020. The Parties agree that, upon the vacation of the right-of-way areas that comprise Tract III, Tract IV and Tract V, Buyer shall own such areas free of any right-of-way encumbrance but subject to those encumbrances and easements which were granted by separate deed or instrument, or which are granted pursuant to the terms of this Contract.

C. Reservation of Utility Easements in Right-of-Way. When the right-of-way for Tract III, Tract IV and Tract V are vacated, Seller shall reserve easements in such area for existing utilities that are in place today and for any planned utilities which may be constructed by or at the direction of Buyer. Buyer acknowledges that the creation of such easements will be an encumbrance on the land that are designated as Tract III, Tract IV and Tract V.

D. As-Is Condition. Buyer acknowledges that the Property is being purchased and acquired by the Buyer under this Contract is transferred in a “AS-IS and WHERE-IS” condition, and Buyer assumes all obligations associated with such pre-existing conditions.

E. Stormwater Improvements. Buyer acknowledges that certain public stormwater improvements are located on the property which is designated as Tract III, Tract IV and Tract V in Exhibit A and Exhibit B, and that such stormwater improvements shall become private improvements that are owned by Buyer and which must be maintained by Buyer and Buyers sole cost and expense after the rights-of-way for Tract III, Tract IV and Tract V are vacated as provided in paragraph B of this Section.

2. **Section 4.A** is hereby deleted in its entirety and replaced with the following:

4. **Title Insurance and Survey**.

A. **Policy**. Buyer will update the 2019 title insurance commitment issued by Chicago Title Insurance Company as Commitment No. 190573 within ten (10) days after the Effective Date of the First Amendment. Seller shall provide such documents or information as required by the Title Company in order to issue the Policy.

3. The Parties agree that all other provisions of the Contract which are not amended as set forth above shall remain in full force and effect.

Final for Execution

IN WITNESS WHEREOF, the parties have executed this Contract the day and year first above written.

“SELLER”

THE CITY OF LEE’S SUMMIT, MISSOURI

By: _____
William A. Baird, Mayor

Attest:

Trisha Fowler Arcuri, City Clerk

Approved as to form:

David Bushek,
Chief Counsel of Economic Development and Planning

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

On this ____ day of _____, 2020, before me personally appeared William A. Baird, Mayor of the City of Lee’s Summit, who is personally known to me to be the same person described in and who executed the foregoing instrument and acknowledged the same to be his free act and deed as the Mayor.

In Witness Whereof I have hereunto subscribed my name and affixed my official seal.

Notary Public

SEAL

“BUYER”

DAHMER BROTHERS INVESTMENT, LLC

By: _____
Gary Dustin Dahmer, Managing Member

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

On this ____ day of _____, 2020, before me personally appeared Gary Dustin Dahmer, who is personally known to me to be the same person described in and who executed the foregoing instrument as the managing member of Dahmer Brothers Investment, LLC, and acknowledged the same to be his free act and deed.

In Witness Whereof I have hereunto subscribed my name and affixed my official seal.

Notary Public

SEAL

EXHIBIT A

LEGAL DESCRIPTIONS OF PROPERTY

Description of Tract II:

A tract of land located in the Northeast Quarter of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, bearings are referenced to Grid North of the Missouri State Plane Coordinate System, 1983, West Zone, and more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 30, T48N, R31W, being a found aluminum cap, according to Certified Land Corner Document number 600-63773; thence S87°46'12"E along the North line of said Northeast Quarter, a distance of 722.81 feet; thence S02°13'48"W along a line that is perpendicular to said North line, a distance of 20.00 feet to a point on the existing South right-of-way line of Douglas Road, as now established, thence S87°46'12"E along said existing South right-of-way line of Douglas Road, a distance of 451.09 feet to a point on the East right-of-way line of Douglas Street, as now established, also being the Point of Beginning; thence continuing S87°46'12"E, along said South right-of-way line of existing Douglas Road, 118.13 feet to the intersection of said South right-of-way line of existing Douglas Road and the West right-of-way line of vacated Douglas Street; thence S01°36'57"W. 487.60 feet (S01°27'36"W, 489.37 feet Deed) along said vacated West right-of-way line of Douglas Street to the intersection of said West vacated right-of-way line and the Northerly right-of-way line of existing Lee's Summit Road, as now established, said point being on a non-tangent curve to the left and having a chord bearing of N39°33'58"W (N39°29'43"W Deed) and a Chord Length of 360.98 feet; thence along said curve to the left and said Northerly right-of-way line of existing Lee's Summit Road, having a radius of 697.86 feet for an arc distance of 365.20 feet (367.18 feet Deed) to the point of tangent; thence continuing along said Northerly right-of-way line of existing Lee's Summit Road N54°34'07"W, a distance of 56.47 feet to the intersection of the north right-of-way line of said Lee's Summit Road and the East right-of-way line of said Douglas Street; thence N 43°30'16" E, along said East right-of-way line of Douglas Street, 249.49 feet to the Point of Beginning. Containing 1.655 acres, more or less.

Description of Tract III:

All that part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Beginning at the Northeast corner of said 1/4-1/4 Section; thence South 01°36'57" West, along the East Line thereof, 507.28 feet; thence North 88°23'03" West, 30.00 feet; thence North 01°36'57" East, 30.00 feet west of and parallel with the East Line of said 1/4-1/4 Section, 507.60 feet to a point on the North Line thereof; thence South 87°46'12" East, 30.00 feet to the Point of Beginning.

Description of Tract IV:

All that part of the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Beginning at the Northwest corner of said 1/4-1/4 Section; thence South $01^{\circ}36'57''$ West, along the East Line thereof, 507.28 feet; thence South $88^{\circ}23'03''$ East, 50.00 feet to a point on the West line of Lot 5, DOUGLAS CORPORATE CENTER, a subdivision; thence North $01^{\circ}36'57''$ East, along said West line and the West line of Lot 4, DOUGLAS CORPORATE CENTER, 506.74 feet to the Northwest corner thereof; thence North $87^{\circ}46'12''$ West, 50.00 feet to the Point of Beginning.

Description of Tract V:

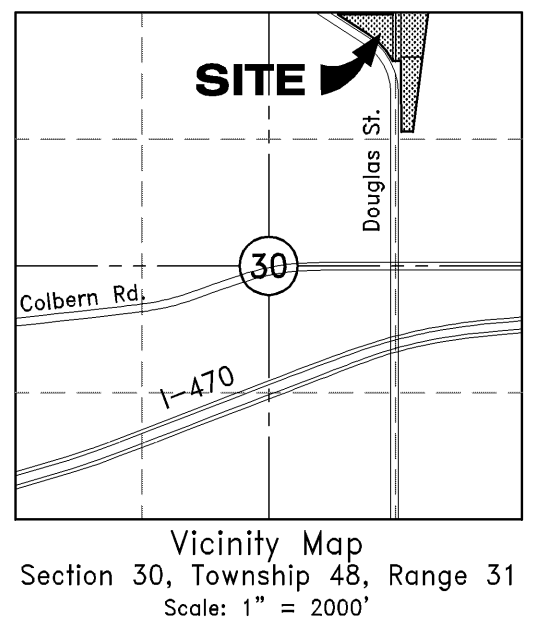
All that part of the Northeast 1/4 of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more particularly described as follows:
Commencing at the Northwest corner of the Northeast 1/4 of said Section; thence South $87^{\circ}46'12''$ East, along the North line of said Northeast 1/4, 722.81 feet; thence South $02^{\circ}13'48''$ West along a line that is perpendicular to said North line, 20.00 feet to a point on the existing South Right-of-Way line of Douglas Road, as now established, thence South $54^{\circ}34'07''$ East, 342.43 feet to the Point of Beginning; thence continuing South $54^{\circ}34'07''$ East, 56.47 feet to a curve to the right, having a Radius of 697.86 feet, and a Chord Bearing South $39^{\circ}33'58''$ East, 360.98 feet, an arc length of 365.20 feet; thence South $88^{\circ}23'03''$ East, 80.00 feet to a point on the West line of Lot 5, DOUGLAS CORPORATE CENTER, a subdivision; thence South $01^{\circ}36'57''$ West, along said line, 308.28 feet; thence northwesterly along a curve to the left, having a Radius of 1295.34 feet, a Chord Bearing North $29^{\circ}12'00''$ West, 711.92 feet, an arc length of 721.20 feet to the Point of Beginning.

ALTA/NSPS Land Title Survey

NE 1/4 of Section 30, Township 48 N, Range 31 W
In Lee's Summit, Jackson County, Missouri

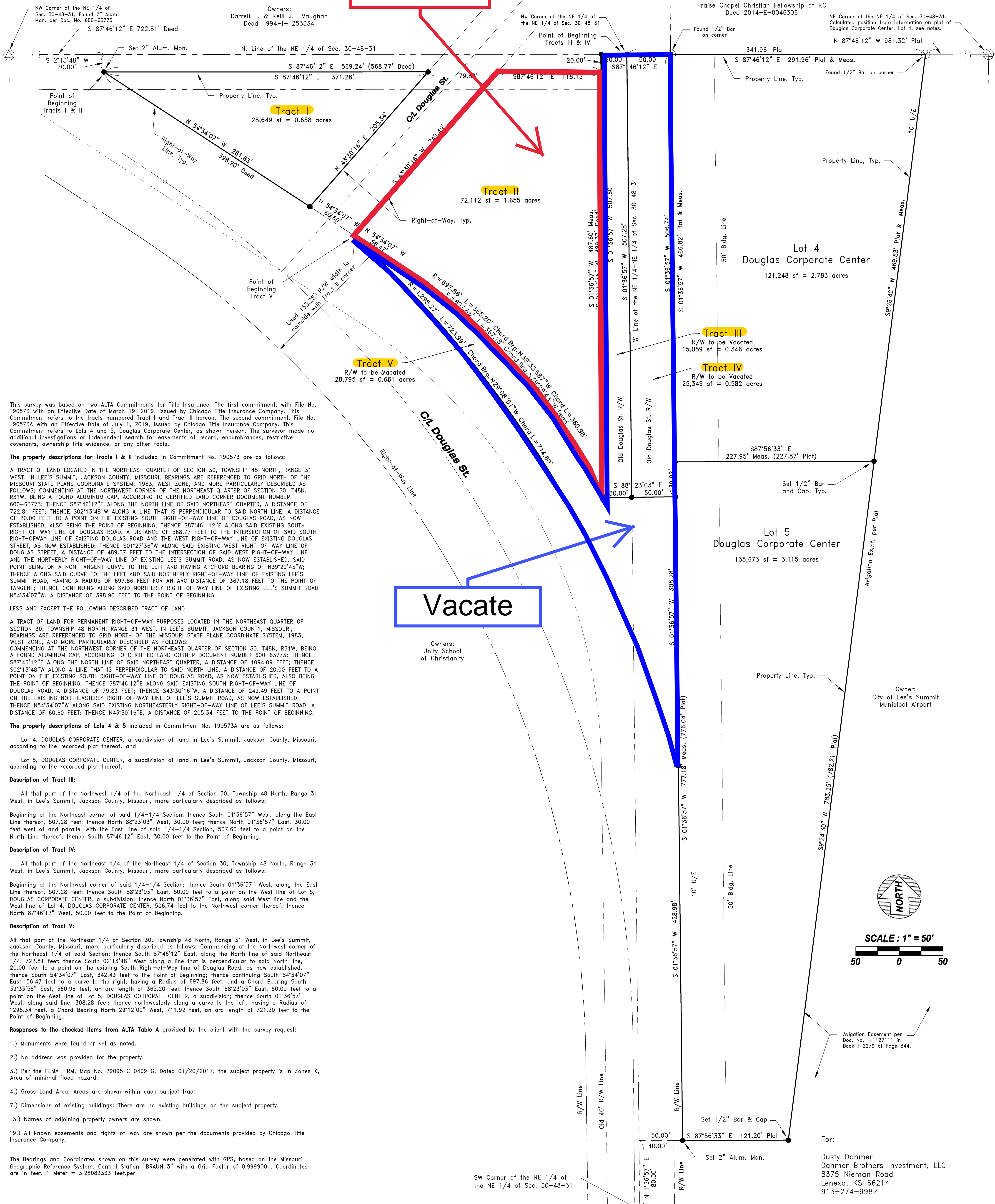
Sheet 1 of 2

Exhibit B



Vicinity Map
Section 30, Township 48 N, Range 31 W
Scale: 1" = 2000'

Transfer



This survey was based on two ALTA Commitments for Title Insurance. The first commitment, with File No. 190573 with an Effective Date of March 19, 2019, issued by Chicago Title Insurance Company, this Commitment refers to the tracts numbered Tract I and Tract II hereon. The second commitment, File No. 190573A with an Effective Date of July 1, 2019, issued by Chicago Title Insurance Company, this Commitment refers to Lots 4 and 5, Douglas Corporate Center, as shown hereon. The surveyor made no additional investigations or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts.

The property descriptions for Tracts I & II included in Commitment No. 190573 are as follows:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEARINGS ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, 1983, WEST ZONE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 30, T48N, R31W, BEING A FOUND ALUMINUM CAP, ACCORDING TO CERTIFIED LAND CORNER DOCUMENT NUMBER 600-63773; THENCE S87°46'12" E 722.81' DEED; THENCE S21°13'48" W 20.00' TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD, AS NOW ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE S87°46'12" E 569.24' (568.77' DEED) TO THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE WEST RIGHT-OF-WAY LINE OF EXISTING DOUGLAS STREET, AS NOW ESTABLISHED; THENCE S01°27'36" W ALONG SAID EXISTING WEST RIGHT-OF-WAY LINE OF DOUGLAS STREET, A DISTANCE OF 489.37' FEET TO THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF EXISTING LEE'S SUMMIT ROAD, AS NOW ESTABLISHED, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT AND HAVING A CHORD BEARING OF N39°29'43" W; THENCE ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE OF EXISTING LEE'S SUMMIT ROAD, HAVING A RADIUS OF 697.86 FEET FOR AN ARC DISTANCE OF 367.18 FEET TO THE POINT OF TANGENT; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EXISTING LEE'S SUMMIT ROAD N54°34'07" W, A DISTANCE OF 398.90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND

A TRACT OF LAND FOR PERMANENT RIGHT-OF-WAY PURPOSES LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEARINGS ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, 1983, WEST ZONE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 30, T48N, R31W, BEING A FOUND ALUMINUM CAP, ACCORDING TO CERTIFIED LAND CORNER DOCUMENT NUMBER 600-63773; THENCE S87°46'12" E ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1094.09 FEET; THENCE S02°13'48" W ALONG A LINE THAT IS PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 20.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD, AS NOW ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE S87°46'12" E ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD, A DISTANCE OF 79.83 FEET; THENCE S43°30'16" W, A DISTANCE OF 249.49 FEET TO A POINT ON THE EXISTING NORTHEASTERLY RIGHT-OF-WAY LINE OF LEE'S SUMMIT ROAD, AS NOW ESTABLISHED; THENCE N54°34'07" W ALONG SAID EXISTING NORTHEASTERLY RIGHT-OF-WAY LINE OF LEE'S SUMMIT ROAD, A DISTANCE OF 60.60 FEET; THENCE N43°30'16" E, A DISTANCE OF 205.34 FEET TO THE POINT OF BEGINNING.

The property descriptions of Lots 4 & 5 included in Commitment No. 190573A are as follows:

Lot 4, DOUGLAS CORPORATE CENTER, a subdivision of land in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof, and

Lot 5, DOUGLAS CORPORATE CENTER, a subdivision of land in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Description of Tract III:
All that part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more particularly described as follows:
Beginning at the Northeast corner of said 1/4-1/4 Section; thence South 01°36'57" West, along the East Line thereof, 507.28 feet; thence North 88°23'03" West, 30.00 feet; thence North 01°36'57" East, 30.00 feet west of and parallel with the East Line of said 1/4-1/4 Section, 507.60 feet to a point on the North Line thereof; thence South 87°46'12" East, 30.00 feet to the Point of Beginning.

Description of Tract IV:
All that part of the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more particularly described as follows:
Beginning at the Northwest corner of said 1/4-1/4 Section; thence South 01°36'57" West, along the East Line thereof, 507.28 feet; thence South 88°23'03" East, 50.00 feet to a point on the West line of Lot 5, DOUGLAS CORPORATE CENTER, a subdivision; thence North 01°36'57" East, along said West line and the West line of Lot 4, DOUGLAS CORPORATE CENTER, 506.74 feet to the Northwest corner thereof; thence North 87°46'12" West, 50.00 feet to the Point of Beginning.

Description of Tract V:
All that part of the Northeast 1/4 of Section 30, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more particularly described as follows: Commencing at the Northwest corner of the Northeast 1/4 of said Section; thence South 87°46'12" East, along the North line of said Northeast 1/4, 722.81 feet; thence South 02°13'48" West along a line that is perpendicular to said North line, 20.00 feet to a point on the existing South Right-of-Way line of Douglas Road, as now established, thence South 54°34'07" East, 342.43 feet to the Point of Beginning; thence continuing South 54°34'07" East, 56.47 feet to a curve to the right, having a Radius of 697.86 feet, and a Chord Bearing South 39°33'58" East, 360.98 feet, an arc length of 365.20 feet; thence South 88°23'03" East, 80.00 feet to a point on the West line of Lot 5, DOUGLAS CORPORATE CENTER, a subdivision; thence South 01°36'57" West, along said line, 308.28 feet; thence northwesterly along a curve to the left, having a Radius of 1295.34 feet, a Chord Bearing North 29°12'00" West, 711.92 feet, an arc length of 721.20 feet to the Point of Beginning.

Responses to the checked items from ALTA Table A provided by the client with the survey request:

- Monuments were found or set as noted.
- No address was provided for the property.
- Per the FEMA FIRM, Map No. 29095 C 0409 G, Dated 01/20/2017, the subject property is in Zones X, Area of minimal flood hazard.
- Gross Land Area: Areas are shown within each subject tract.
- Dimensions of existing buildings: There are no existing buildings on the subject property.
- Names of adjoining property owners are shown.
- All known easements and rights-of-way are shown per the documents provided by Chicago Title Insurance Company.

The Bearings and Coordinates shown on this survey were generated with GPS, based on the Missouri Geographic Reference System, Control Station "BRAUN 3" with a Grid Factor of 0.9999001. Coordinates are in feet. 1 Meter = 3.28083333 feet-per

LEGEND

- 1/4-Section Corner, Circle indicates a found Monument
- Monument Found, as Noted
- Monument Set, as Noted
- Fence, as Noted
- 1/4 Section or R/W Line
- Subject Tract - R/W or Property Line
- Easement or Setback Line, as noted
- Other R/W or Property Line

TC = Top of Curb PP = Power Pole FO = Fiber Optics UGE = Underground Elec.
MH = Manhole St.Lt. = Street Light WV = Water Valve Hydt = Hydrant

ALTA/NSPS Certification:
To Dahmer Brothers Investment LLC and Chicago Title Insurance Company:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 7, 13, and 19 of Table A thereof. The field work was completed on April 25, 2019.

Fred Byam
Fred Byam, Missouri LS #2579
Date: 7-15-2020

	<i>Fred Byam</i> Signature Fred Byam Missouri PL #22497 Missouri LS #2579 7-15-2020 Date Signed	<p>3501-G S. Sterling Ave. Independence, MO 64052 Phone 816-252-3519 Since 1953</p> <p>Dahmer Brothers Investment, LLC ALTA/NSPS Land Title Survey Tracts at Douglas St. & Lee's Summit Rd. in the NE 1/4 of Sec. 30-48N-31W Lee's Summit, Jackson County, Missouri</p>
	REVISION: P DRAWN: Apr. 30, 2019 JOB NO. 2017-1245 SHEET 1 OF 2	