

AN ORDINANCE APPROVING THE PETITION FOR ESTABLISHMENT OF THE STREETS OF WEST PRYOR COMMUNITY IMPROVEMENT DISTRICT.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and,

WHEREAS, the City of Lee's Summit, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, property owners within the proposed community improvement district have filed with the Lee's Summit City Clerk (the "City Clerk") a petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled the Petition for the Establishment of the Streets of West Pryor Community Improvement District (the "District"); and,

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and,

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and,

WHEREAS, all the real property included in the District is entirely located within the City of Lee's Summit; and,

WHEREAS, on December 18, 2018, the City Council held a public hearing, after notice in accordance with the CID Act, at which all persons interested in the formation of the District were allowed an opportunity to speak; and,

WHEREAS, the Petition to establish the District being fully heard before the City Council, the City now desires to establish the District and make such other findings as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

SECTION 2. The City Clerk has verified that the Petition substantially complies with all submission requirements of the CID Act.

SECTION 3. The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition, a copy of which is

attached hereto as Exhibit A and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described in the attached Petition and shown on the map set forth in the attached Petition.

SECTION 4. As set forth in the Petition, the District shall be governed by a board of directors consisting of five (5) members, with the initial members being named in the Petition and whose successors shall be appointed as provided in the Petition.

SECTION 5. The District's Board of Directors shall have authority to establish a sales tax within the District as set forth in the Petition and in conformance with the CID Act.

SECTION 6. The District shall have and possess such powers authorized under the CID Act, as limited in the Petition.

SECTION 7. The life of the District shall begin on the effective date of this Ordinance and shall continue for a period of forty (40) years, unless the CID is terminated prior to the established expiration date in accordance with the provisions of the CID Act.

SECTION 8. The City Council hereby finds that the property within the District is a Blighted Area as defined in the CID Act. The City Council's determination that the property in the District is a Blighted Area due to the presence of several blighting factors as set forth in the Blight Study in Exhibit 3 of the Streets of West Pryor Tax Increment Financing Plan that was submitted into evidence in the public hearing, which includes:

- inadequate Street Layout due to limited lot access, lacks curbs, gutters, street lights, storm sewers and limited access to Pryor Road;
- unsanitary or unsafe condition due to aged houses, undermining, a mining certification process that involves studies, certification and possible remediation, and violations of Property Maintenance Code for abandoned, discarded and unused objects and dead, dying or diseased trees;
- deterioration of site improvements due to street improvements in fair condition and the Age of structures from 1940 to 1978;
- improper subdivision or obsolete platting due to Irregular lots having a long and narrow configuration and a 29-acre parcels limiting access to smaller parcels; and
- the existence of conditions which endanger life or property due to lack of sewer sewer access, septic systems for houses, transmission lines and the cost to move them and general site conditions with the property serving as a dumping ground.

The District may exercise the additional powers granted by the CID Act within the District to remediate the blighting conditions.

SECTION 9. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") the report specified in subsection 6 of Section 67.1421 of the CID Act, substantially in the form provided by the Department.

SECTION 10. Approval of the Petition and the District by this Ordinance is conditioned upon the District entering into a cooperative agreement with the City, upon terms and conditions mutually acceptable to the City and District, which provides for implementation of the District, maintenance of the public improvements that are funded by the District, the process for reimbursement of eligible District costs and expenses and other matters as mutually determined by the City and District. No payment or reimbursement of District costs and expenses shall occur and no disbursement of District revenues shall occur until the cooperative agreement is approved and executed by the City and the District. Failure of the District to enter into such agreement within six (6) months following the effective date of this Ordinance shall nullify and render void the approvals granted in this Ordinance upon such declaration by the City Council.

SECTION 11. City officers and agents of the City are each hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 12. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 13. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.


PASSED by the City Council for the City of Lee's Summit, Missouri, this 8<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

  
\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

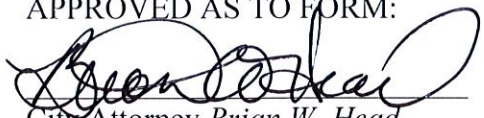
APPROVED by the Mayor of said city this 11<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

  
\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *Brian W. Head*

**EXHIBIT A**  
**CID PETITION**

**[Attached]**

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**PETITION FOR ESTABLISHMENT OF THE  
STREETS OF WEST PRYOR COMMUNITY IMPROVEMENT DISTRICT  
CITY OF LEE'S SUMMIT, MISSOURI**

**NOVEMBER 21, 2018**

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**PETITION FOR THE CREATION OF THE  
STREETS OF WEST PRYOR COMMUNITY IMPROVEMENT DISTRICT**

To the Mayor and City Council of the City of Lee Summit, Missouri:

The undersigned real property owners (the "Petitioners"), being the owners collectively owning

- (1) more than fifty percent by assessed value of the real property, and
- (2) more than fifty percent per capita of all owners of real property

within the boundaries of the hereinafter described community improvement district, do hereby petition and request that the City Council of the City of Lee's Summit, Missouri (the "City") create a community improvement district as described herein under the authority of Sections 67.1401 to 67.1571, RSMo (the "CID Act"). In support of this petition, the Petitioners set forth the following information in compliance with the CID Act:

1. District Name. The name for the proposed community improvement district ("CID" or "District") is:

Streets of West Pryor Community Improvement District.

2. Legal Description and Boundary Map. A legal description and map generally depicting the boundaries of the proposed District are attached hereto as Exhibit A and Exhibit B, respectively. The proposed District is located entirely within the City of Lee's Summit, Missouri.

3. Five Year Plan.

a. **Purposes**. The purposes of the District are to:

- (1) Provide or cause to be provided for the benefit of the District certain services (the "Eligible Services") described in Paragraph b of this Section, which Eligible Services may be funded after the District has funded or provided reimbursement for all Eligible Improvements that the District becomes obligated to pay pursuant to a cooperative agreement with the City of Lee's Summit and the developer of the property within the District; provided, however, that those Eligible Services which are professional services and costs directly related to completing the Eligible Improvements may be funded prior to or at the same time as the funding or reimbursement of Eligible Improvements;
- (2) Provide or cause to be provided for the benefit of the District certain improvements (the "Eligible Improvements") described in Paragraph c of this Section;
- (3) Authorize and collect a sales and use tax on all retail sales within the District, which are subject to taxation pursuant to Sections 144.010 to 144.525 of the Revised Statutes of Missouri, except sales of motor

- vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services, to finance the costs of the Eligible Services, Eligible Improvements, the costs of other services and improvements in the District and other costs incurred by the District to carry out its purposes;
- (4) Issue obligations (“CID Obligations”), including without limitation bonds, to finance the costs of the Eligible Services, Eligible Improvements, and other services and improvements in the District, and any other costs incurred by the District to carry out its purposes, including without limitation the costs of issuance, capitalized interest and a debt service reserve fund related to the issuance of CID Obligations;
- (5) Acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;
- (6) Exercise any authorized purpose of the District pursuant to and in accordance with the Act and in accordance with any contract the District enters into with the City.

The District’s purposes shall be implemented according to the provisions of Section 67.1461 of the Act. The District will serve as an economic development tool that allows landowners in the District to:

- (1) Coordinate efforts to improve the District and meet the District purposes;
- (2) Plan Eligible Services and/or Eligible Improvements for the property within the District and plan other services and improvements within the District which are deemed by the District to be necessary and desirable to the economic viability of the District;
- (3) Implement the Eligible Services and Eligible Improvements and other services and improvements within the District; and,
- (4) Share the costs incurred by the District with respect to the property within the District through sales taxes which are imposed and collected in accordance with this Petition and the CID Act.

b. **Services.** The Eligible Services shall generally include, but are not limited to, the following:

- (1) The District may hire or contract for personnel and incur expenses to staff, operate and provide services to the District.
- (2) The District may provide or contract for cleaning and maintenance services to improve or maintain the appearance of the District. Such services may include, but are not limited to:
  - a) litter removal and cleaning;
  - b) sidewalk, drive, road and street sweeping;
  - c) landscape planting, care, maintenance and replacement;



- d) graffiti removal; and,
  - e) other beautification efforts to improve the appearance and image of the District.
  - f) maintenance of drainage, water, storm and sewer systems and facilities within the District, including, without limitation, the storm water drainage box culvert and related storm sewer facilities associated with all global detention basins currently, or in the future, on the District Property.
- (3) The District may hire or contract for security personnel and purchase, lease, or otherwise provide security equipment and facilities for the protection of property and persons within the District.
  - (4) The District may provide or contract for any and all other services authorized under the CID Act.
- c. Improvements.** The Eligible Improvements are expected to generally include, but are not limited to:
- (1) Site work;
  - (2) Drainage, water, storm and sewer systems;
  - (3) Roads, streets, sidewalks, traffic signals, parking lots, and other related site and off-site improvements;
  - (4) Relocation of overhead power transmission lines; and,
  - (5) Any other improvements authorized under the CID Act and approved by the City.
- d. Estimated Costs.** The estimated initial costs of the Eligible Services and Eligible Improvements and other costs associated with the exercise of the powers and purposes of the District are \$4,646,318 and are shown on Exhibit C attached hereto and incorporated herein by reference.
4. Form of District. The proposed District will be established as a political subdivision of the State of Missouri under the CID Act.
5. Board of Directors.
- a. Number. The District shall be governed by a Board of Directors (the “Board”) consisting of 5 members, whom shall be appointed by the municipality in accordance with this petition.
  - b. Qualifications. Each member of the Board (“Director”) shall meet the following requirements:
    - (1) be at least 18 years of age;
    - (2) be and must declare to be either an owner of real property within the District or an authorized representative of an owner, an owner of a

business operating within the District, or a registered voter residing within the District, as provided in the CID Act;

- (3) be and have been a resident of the State of Missouri for at least one year immediately preceding the date upon which he or she takes office in accordance with Article VII, Section 8 of the Missouri Constitution; and
- (4) except for the initial directors named in this Petition, be nominated according to slates submitted as described in this Petition; or in the case of Interim Directors, be elected by the remaining Directors.

c. Initial Directors. The initial directors (“Initial Directors”) and their respective terms shall be as follows:

- (1) Ian Mussman - Four (4) year term.
- (2) Andrew Mitchell - Four (4) year term.
- (3) David Weiser - Two (2) year term.
- (4) John Lovell - Two (2) year term.
- (5) Mark Dunning, Assistant City Manager - Two (2) year term.

d. Terms. Each Initial Director named above shall serve for the term set forth opposite his/her name or until his/her successor is appointed in accordance with this Petition. Each Successor Director shall serve a four (4) year term or until his/her successor is appointed in accordance with this Petition. If, for any reason, a Director is not able to serve his/her term, the remaining Directors shall elect an Interim Director to fill the vacancy of the unexpired term.

Notwithstanding anything to the contrary, any Director’s failure to meet the qualification requirements set forth above, either in a Director’s individual capacity or in a Director’s representative capacity, shall constitute cause for the Board to take appropriate action to remove said Director.

e. Successor Directors. Successor Directors shall be appointed by the Mayor with the consent of the City Council by resolution. The CID shall submit a slate of persons who are recommended for Successor Director positions to the City of Lee’s Summit, Missouri’s City Clerk (the “City Clerk”), which shall be treated as a non-binding recommendation for the Mayor’s appointment of Successor Directors.

6. Assessed Value. The total assessed value of all real property in the District is \$1,009,621.60. The official total assessed valuation for the District may change by the time the District is created.
7. Blight Determination. Petitioners are seeking a determination that the portion of the property within the District that is described on Exhibit D is a blighted area within the meaning of the CID Act. In order to permit the District to expend its revenues or loan its revenues pursuant to a contract entered into in accordance with Section 67.1461.2(2), RSMo, the Petitioners further request the City Council determine that the use of District revenues as described herein and pursuant to contracts to finance the demolition, removal, renovation, reconstruction or rehabilitation of buildings and structures within the District and related improvements and structures is reasonably anticipated to remediate the blighting conditions within the District and will serve a public purpose.
8. Duration of District. The proposed maximum length of time for the existence of the District is forty (40) years from the date the ordinance approving the Petition shall become effective. The District may be terminated prior to the stated expiration date in accordance with the provisions of the CID Act.
9. Real Property and Business License Taxes. The District is not authorized to impose a real property tax levy or business license taxes within the District.
10. Special Assessments. The District is not authorized to impose special assessments within the District.
11. Sales Tax. Qualified voters of the District may be asked to approve a sales tax of one percent (1%) ("District Sales Tax"), in accordance with the CID Act, to fund certain improvements within the District and/or to pay the costs of services provided by the District.
12. Borrowing Limits. Petitioners do not seek limitations on the borrowing capacity of the District.
13. Revenue Limits. Petitioners do not seek limitations on the revenue generation of the District.
14. Authority Limits. Petitioners do not seek limitations on the authority of the District, except as set forth in this Petition. The District shall have the full range of powers authorized under the provisions of the CID Act, except as limited by this Petition.
15. Severability. If any provisions of this Petition shall be held or determined to be invalid, inoperative or unenforceable as applied in any particular case, or in all cases, because it conflicts with any other provision or provisions of this Petition or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision contained in this Petition invalid, inoperative or unenforceable to any extent whatsoever.

16. **Revocation of Signatures. THE PETITIONERS ACKNOWLEDGE THAT THE SIGNATURE OF THE SIGNER OF THIS PETITION MAY NOT BE WITHDRAWN FROM THIS PETITION LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK.**

WHEREFORE, Petitioners respectfully request that the City Council establish the requested Streets of West Pryor Community Improvement District in accordance with the information set forth in this Petition and that the Mayor appoint and the City Council consent to the proposed members for the Board of Directors as set forth in this Petition, and take all other appropriate and necessary action that is consistent with the CID Act to establish the requested District.

**EXECUTION PAGE FOR PETITION FOR THE CREATION OF THE  
STREETS OF WEST PRYOR COMMUNITY IMPROVEMENT DISTRICT**

Name of owner: West Pryor Village LLC Owner's telephone number: (913) 662-2630

Owner's address: 12701 Metcalf Ave Ste. 100, Overland Park, KS 66213

**IF SIGNER IS DIFFERENT FROM OWNER:**

Name of signer: \_\_\_\_\_

Title/basis of legal authority to sign: \_\_\_\_\_

Signer's telephone number: \_\_\_\_\_

Signer's mailing address: \_\_\_\_\_

If owner is an individual: \_\_\_\_\_ Single \_\_\_\_\_ Married

If owner is not an individual, state what type of entity (Mark Applicable Box):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	General Partnership
<input type="checkbox"/>	Limited Partnership	<input checked="" type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Urban Redevelopment Corporation
<input type="checkbox"/>	Not-for-Profit Corporation	<input type="checkbox"/>	Other

Map and parcel number(s): 51-800-04-87-00-0-00-000  
51-800-04-82-00-0-00-000  
51-800-04-10-00-0-00-000  
51-800-04-09-00-0-00-000  
51-800-04-02-01-0-00-000

Total assessed value: \_\_\_\_\_ \$147,803

**By executing this petition, the undersigned represents and warrants that he/she is authorized to execute this petition on behalf of the property owner named immediately below.**

Date: November 14, 2018

**WEST PRYOR VILLAGE, LLC**

By: \_\_\_\_\_  
 Name: Matt Pennington  
 Title: Manager

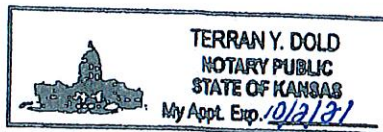
STATE OF Kansas )  
 ) ss.  
 COUNTY OF Johnson )

Before me personally appeared Matt Pennington to me personally known to be the manager of WEST PRYOR VILLAGE, LLC, described in and who executed the foregoing instrument on behalf of said limited liability company.

WITNESS my hand and official seal this 14<sup>th</sup> day of November 2018.

Terran Y. Dold  
 Notary Public

My Commission Expires: October 2, 2021



EXECUTION PAGE FOR PETITION FOR THE CREATION OF THE STREETS OF WEST PRYOR COMMUNITY IMPROVEMENT DISTRICT

Name of owner: Bonnie J Erickson

Owner's telephone number: 816-525-2941

Owner's address: 12505 S Harris Rd. Lee's Summit, MO 64086

IF SIGNER IS DIFFERENT FROM OWNER:

Name of signer: \_\_\_\_\_

Title/basis of legal authority to sign: \_\_\_\_\_

Signer's telephone number: \_\_\_\_\_

Signer's mailing address: \_\_\_\_\_

If owner is an individual:  Single  Married

If owner is not an individual, state what type of entity (Mark Applicable Box):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	General Partnership
<input type="checkbox"/>	Limited Partnership	<input type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Urban Redevelopment Corporation
<input type="checkbox"/>	Not-for-Profit Corporation	<input type="checkbox"/>	Other

Map and parcel number(s): 51-800-04-92-00-0-00-000

Total assessed value: \$17,784

By executing this petition, the undersigned represents and warrants that he/she is authorized to execute this petition on behalf of the property owner named immediately below.

Date: November 14, 2018

**Bonnie J. Erickson**

By: *Bonnie J. Erickson*  
Bonnie J. Erickson

STATE OF MO )  
 ) ss.  
COUNTY OF JACKSON )

Before me personally appeared Bonnie J. Erickson, to me personally known to be the individuals described in and who executed the foregoing instrument on behalf of said individuals.

WITNESS my hand and official seal this 14 day of November 2018.

*Karen Mackay*  
Notary Public

My Commission Expires: \_\_\_\_\_



**EXECUTION PAGE FOR PETITION FOR THE CREATION OF THE  
STREETS OF WEST PRYOR COMMUNITY IMPROVEMENT DISTRICT**

Name of owner: City of Lee's Summit Owner's telephone number: (816)-969-1000

Owner's address: 307 SW Market St; Lee's Summit, MO 64063

*220 SE GRIM ST*

**IF SIGNER IS DIFFERENT FROM OWNER:**

Name of signer: \_\_\_\_\_

Title/basis of legal authority to sign: \_\_\_\_\_

Signer's telephone number: \_\_\_\_\_

Signer's mailing address: \_\_\_\_\_

If owner is an individual: \_\_\_\_\_ Single \_\_\_\_\_ Married

If owner is not an individual, state what type of entity (Mark Applicable Box):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	General Partnership
<input type="checkbox"/>	Limited Partnership	<input type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Urban Redevelopment Corporation
<input type="checkbox"/>	Not-for-Profit Corporation	<input checked="" type="checkbox"/>	Other <i>Constitutional Charter City</i>

Map and parcel number(s): 51-800-04-91-01-0-00-000  
51-800-04-88-00-0-00-000  
51-800-04-81-00-0-00-000  
51-800-04-75-00-0-00-000\*

Total assessed value: \$821,285.60\* \*Only a portion of Parcel No. 51-800-04-75-00-0-00-000 is included within the boundaries of the CID. Approximately 140,797.39 square feet of the land area within that parcel, or 20.1%, is included within the boundaries of the CID. Therefore, 20.1% of the assessed value, or \$29,265.60 is included in the calculation of total assessed value.

**By executing this petition, the undersigned represents and warrants that he/she is authorized to execute this petition on behalf of the property owner named immediately below.**

Date: November 21, 2018

**CITY OF LEE'S SUMMIT, MISSOURI**

By: *[Signature]*  
 Stephen Arbo, City Manager

STATE OF MO )  
 ) ss.  
 COUNTY OF Jackson )

Before me personally appeared Stephen Arbo, to me personally known to be the City Manager of the CITY OF LEE'S SUMMIT, MISSOURI, described in and who executed the foregoing instrument on behalf of said City.

WITNESS my hand and official seal this 21 day of Nov, 2018.

*Donna L. Lee*  
 Notary Public

My Commission Expires: 02-09-2021

{L.R. 00386716.6 }



**DONNA L. LEE**  
 My Commission Expires  
 February 9, 2021  
 Jackson County  
 Commission #17588841





**EXHIBIT A**  
**LEGAL DESCRIPTION**

ALL OF LOT 1, PRYOR ACRES RECORDED IN BOOK I47 PAGE 36, AND ALL OF CORLEW'S ESTATES RECORDED IN BOOK 35, PAGE 54, AND ALL OF ERICKSON ACRES, 1ST PLAT, RECORDED AS DOCUMENT 2001I0086408, AND ALL OF LOT 17, TRACT C AND TRACT D, AND A PORTION OF LOT 18 CHIPMAN-HWY 50 RECORDED IN BOOK I68, PAGE 62, AND A PORTION OF NW LOWENSTEIN DRIVE RIGHT-OF-WAY, AND ALL OF TRACT A, ARBOR ESTATES, A PORTION OF LOTS 30 THRU 36, LOTS 39 & 40, AND ALL OF NW BLACKTWIG LANE RIGHT-OF-WAY AND UN-PLATTED LAND IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 48, RANGE 32, CITY OF LEE'S SUMMIT, COUNTY OF JACKSON, STATE OF MISSOURI, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE ON THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF S 02°27'18" W 332.72 FEET TO THE POINT OF BEGINNING; THENCE N 31°23'08" E 362.27 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 470; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 85°14'51" E 359.55 FEET TO THE NORTHWEST CORNER OF GERBER HEIGHTS RECORDED IN BOOK I51, PAGE 74; THENCE ON THE WESTERLY LINE OF SAID GERBER HEIGHTS, S 24°49'45" E 579.75 FEET TO THE SOUTHWEST CORNER OF SAID GERBER HEIGHTS; THENCE ON THE SOUTH LINE OF SAID GERBER HEIGHTS, S 85°07'20" E 511.36 FEET TO THE SOUTHEAST CORNER OF SAID GERBER HEIGHTS; THENCE ON THE EAST LINE OF SAID GERBER HEIGHTS, N 02°27'18" E 417.29 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 470; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 77°50'38" E 148.55 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 46°58'04" E 317.20 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 74°45'44" E 322.94 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 87°42'21" E 182.05 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 64°40'25" E 144.66 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF NW PRYOR ROAD; THENCE S 64°40'25" E 128.28 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID NW PRYOR ROAD TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHWESTERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1260.00 FEET, AN ARC LENGTH OF 443.65 FEET, AND WHOSE CHORD BEARS S 15°46'34" W 441.36 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT; THENCE CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1140.00 FEET, AN ARC LENGTH OF 941.53 FEET, AND WHOSE CHORD BEARS S 02°12'10" W 915.00 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT; THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1260.00 FEET, AN ARC LENGTH OF 536.61 FEET, AND WHOSE CHORD BEARS S 09°15'26" E 532.56 FEET; THENCE

CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE, S 02°56'36" W 163.32 FEET TO THE SOUTHWEST CORNER OF LOT 1, SAID CHIPMAN-HWY 50; THENCE S 02°56'36" W 67.31 FEET TO THE SOUTH LINE OF SAID ARBOR ESTATES; THENCE ON SAID SOUTH LINE N 86°51'32" W 586.63 FEET; THENCE N 00°00'00" E 286.28 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LOWENSTEIN DRIVE; THENCE SAID SOUTHERLY RIGHT-OF-WAY LINE, N 63°21'08" W 88.69 FEET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N 46°56'08" W 290.41 FEET; THENCE S 40°28'55" W 70.57 FEET; THENCE N 49°25'03" W 158.86 FEET; THENCE N 47°42'57" W 327.41 FEET; THENCE N 48°31'09" W 169.87 FEET; THENCE N 43°03'52" E 86.53 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N 46°56'08" W 362.64 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NW BLACK TWIG LANE; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF NW BLACK TWIG LANE, S 44°20'19" W 834.12 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTHERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 500.21 FEET, AN ARC LENGTH OF 136.62 FEET, AND WHOSE CHORD BEARS S 36°30'59" W 136.19 FEET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 28°41'39" W 342.12 FEET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 02°27'18" W 109.21 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF NW CHIPMAN ROAD; THENCE N 78°12'13" W 107.95 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NW BLACK TWIG LANE; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, N 28°41'39" E 471.45 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE CONTINUING ON SAID NORTHERLY RIGHT-OF-WAY LINE, NORTHEASTERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 555.21 FEET, AN ARC LENGTH OF 151.64 FEET, AND WHOSE CHORD BEARS N 36°30'59" E 151.17 FEET; THENCE CONTINUING ON SAID NORTHERLY RIGHT-OF-WAY LINE, N 44°20'19" E 833.67 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE WITH SAID SOUTHERLY RIGHT-OF-WAY LINE OF NW LOWENSTEIN DRIVE; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF NW LOWENSTEIN DRIVE, N 45°11'41" W 1073.28 FEET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N 73°35'29" W 146.53 FEET; THENCE N 31°23'08" E 397.41 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FEE SIMPLE INTEREST IN THE PUBLIC RIGHT OF WAY FOR NW BLACK TWIG LANE, NW LOWENSTEIN DRIVE AND NW PRYOR ROAD, IT BEING THE PETITIONERS' INTENT THAT THE LEGAL DESCRIPTION FOR THE PROPERTY WITHIN PUBLIC RIGHT OF WAY FOR NW BLACK TWIG LANE, NW LOWENSTEIN DRIVE AND NW PRYOR ROAD ONLY INCLUDE THE CITY OF LEE'S SUMMIT'S, AND ANY OTHER GOVERNMENTAL AUTHORITY'S, RIGHT OF WAY INTEREST IN SUCH PUBLIC RIGHT OF WAY AND NOT THE FEE SIMPLE INTEREST IN SUCH PUBLIC RIGHT OF WAY.

CONTAINS 3,679,878 SQUARE FEET, 84.48 ACRES MORE OR LESS.

BASIS OF BEARINGS:

ASSUMED N 86°35'09" W ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35. TOWNSHIP 48, RANGE 32, CITY OF LEE'S SUMMIT, COUNTY OF JACKSON, STATE OF MISSOURI.



EXHIBIT D

BLIGHTED AREA WITHIN DISTRICT

ALL OF LOT 1, PRYOR ACRES RECORDED IN BOOK I47 PAGE 36, AND ALL OF CORLEW'S ESTATES RECORDED IN BOOK 35, PAGE 54, AND ALL OF ERICKSON ACRES, 1ST PLAT, RECORDED AS DOCUMENT 200110086408, AND ALL OF LOT 17, TRACT C AND TRACT D, AND A PORTION OF LOT 18 CHIPMAN-HWY 50 RECORDED IN BOOK I68, PAGE 62, AND A PORTION OF NW LOWENSTEIN DRIVE RIGHT-OF-WAY, AND UN-PLATTED LAND IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 48, RANGE 32, CITY OF LEE'S SUMMIT, COUNTY OF JACKSON, STATE OF MISSOURI, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE ON THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF S 02°27'18" W 332.72 FEET TO THE POINT OF BEGINNING; THENCE N 31°23'08" E 362.27 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 470; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 85°14'51" E 359.55 FEET TO THE NORTHWEST CORNER OF GERBER HEIGHTS RECORDED IN BOOK I51, PAGE 74; THENCE ON THE WESTERLY LINE OF SAID GERBER HEIGHTS, S 24°49'45" E 579.75 FEET TO THE SOUTHWEST CORNER OF SAID GERBER HEIGHTS; THENCE ON THE SOUTH LINE OF SAID GERBER HEIGHTS, S 85°07'20" E 511.36 FEET TO THE SOUTHEAST CORNER OF SAID GERBER HEIGHTS; THENCE ON THE EAST LINE OF SAID GERBER HEIGHTS, N 02°27'18" E 417.29 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 470; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 77°50'38" E 148.55 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 46°58'04" E 317.20 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 74°45'44" E 322.94 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 87°42'21" E 182.05 FEET; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, S 64°40'25" E 144.66 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF NW PRYOR ROAD BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, SOUTHWESTERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1140.00 FEET, AN ARC LENGTH OF 444.52 FEET, AND WHOSE CHORD BEARS S 14°41'33" W 441.71 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT; THENCE CONTINUING ON SAID WESTERLY RIGHT-OF-WAY LINE, SOUTHERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1260.00 FEET, AN ARC LENGTH OF 1040.64 FEET, AND WHOSE CHORD BEARS S 02°12'10" W 1011.31 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT; THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, SOUTHERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 1140.00 FEET, AN ARC LENGTH OF 485.50 FEET, AND WHOSE CHORD BEARS S 09°15'26" E 481.84 FEET; THENCE CONTINUING ON SAID WESTERLY RIGHT-OF-WAY LINE, S 02°56'36" W 154.04 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NW LOWENSTEIN DRIVE; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE,

N 63°21'08" W 614.37 FEET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N 46°56'08" W 1305.77 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NW BLACK TWIG LANE; THENCE N 46°07'56" W 55.00 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF NW LOWENSTEIN DRIVE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NW BLACK TWIG LANE; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF NW LOWENSTEIN DRIVE, N 45°11'41" W 1073.28 FEET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE, N 73°35'29" W 146.53 FEET; THENCE N 31°23'08 E 397.41 FEET TO THE POINT OF BEGINNING.

CONTAINS 3,199,695.26 SQUARE FEET, 73.45 ACRES MORE OR LESS.

END OF DESCRIPTION

BASIS OF BEARINGS:

ASSUMED N 86°35'09" W ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35. TOWNSHIP 48, RANGE 32, CITY OF LEE'S SUMMIT, COUNTY OF JACKSON, STATE OF MISSOURI.