

ORDINANCE NO. ASMT-2866

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND FOR THE PURPOSE OF PAYING THE COST OF THE CONSTRUCTION OF A FLOOD CONTROL PROJECT ALONG INDIAN CREEK BETWEEN ROE AVENUE AND MISSION ROAD (**I.D. No. 07-193**).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following Improvement in the City of Overland Park, Kansas:

Construction of a flood control project along Indian Creek between Roe Avenue and Mission Road, to reduce flooding and benefit various properties adjacent to Indian Creek, including the following locations: part of Section 9, Township 13 South, Range 25 East, including but not limited to, land in FOX HILL COMMERCIAL CENTER, a subdivision, all of which lies within the City of Overland Park, Johnson County, Kansas; and

WHEREAS, the Governing Body has determined that the cost of the Improvement is Three Million, One Hundred Forty-Four Thousand Ninety-Six and Four Hundredths Dollars (\$3,144,096.04) of which One Million, One Hundred Seventy-Nine Thousand, Six Hundred Sixty-Four and Ninety-Five Hundredths Dollars (\$1,179,664.95) is to be specially assessed; and

WHEREAS, the improvement district shall be assessed in the manner set forth in Overland Park Resolution No. 3592; and

WHEREAS, the Governing Body has, after notice, met and determined the amount of the special assessments.

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

SECTION 1. Special assessments to pay the cost of the Improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessments for the Improvement as follows:

**OWNERS: Suburban Lawn & Garden, Inc.**

**AMOUNT: \$24,166.80**

**TRACT NO.: 1A**

**PROPERTY ID: NF251309-3051**

**LEGAL DESCRIPTION:** All those parts of the Northeast Quarter of Section 9, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows: Tract "A", WYCKLOW, an un-platted subdivision according to Certificate of Survey

prepared by Fred C. Oliver and recorded May 4, 1960 in Plat Book 22 at Page 45, in Johnson County, Kansas.

**OWNERS: Suburban Lawn & Garden, Inc.**

**AMOUNT: \$16.20**

**TRACT NO.: 1B**

**PROPERTY ID: NF251309-3008**

**LEGAL DESCRIPTION:** All those parts of the Northeast Quarter of Section 9, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows: Beginning on the West line of the West Half of the Northeast One-Quarter of Section 9, Township 13, Range 25, at a point 1,716 feet South of the Northwest corner of the West Half of the Northeast Quarter of said Section (this beginning point also being the same point as the Southwest corner of Tract "A" of WYCKLOW, an un-platted subdivision according to Certificate of Survey prepared by Fred C. Oliver and recorded May 4, 1960 in Plat Book 22 at Page 45, in Johnson County, Kansas; thence Southeasterly along a line having a bearing of South 48 degrees 44 minutes 20 seconds East a distance of 265 feet to a point, thence Southeasterly along a line having a bearing of South 81 degrees 44 minutes 20 seconds East to the centerline of Indian Creek, as it previously existed, thence upstream along said centerline in a Southwesterly direction and following the meanderings thereof to its intersection with the West line of said Quarter Section; thence North along said Quarter Section to the point of beginning, EXCEPT the West 30 feet thereof as dedicated for public road purposes.

**OWNERS: Suburban Lawn & Garden, Inc.**

**AMOUNT: \$4.50**

**TRACT NO.: 1C**

**PROPERTY ID: NF251309-3009**

**LEGAL DESCRIPTION:** All those parts of the Northeast Quarter of Section 9, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows: A tract of land in the Northeast Quarter of Section 9, Township 13, Range 25, Johnson County, Kansas, more particularly described as follows: Commencing at a point on the West line of and 2026.01 feet South of the Northwesterly corner of said Quarter Section, as measured along said line; thence South 89 degrees 44 minutes 20 seconds East 50 feet to the True Point of Beginning; thence continuing East a prolongation of the last described course 131.90 feet to a point in the Southwesterly line of a tract of land described in document 841492 as recorded in Misc. Book 200 at Page 556; thence North 34 degrees 22 minutes 49 seconds West 87.03 feet; thence North 28 degrees 47 minutes 22 seconds West 169.75 feet; thence South along a line 50 feet East and parallel to the West line of said Quarter Section, 219.99 feet to the Point of Beginning.

**OWNERS: Suburban Lawn & Garden, Inc.**

**AMOUNT: \$0.00**

**TRACT NO.: 1D**

**PROPERTY ID: NF251309-3010**

**LEGAL DESCRIPTION:** All those parts of the Northeast Quarter of Section 9, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows: A tract of land in the Northeast Quarter of Section 9, Township 13, Range 25, Johnson County, Kansas, more particularly described as follows: Commencing at a point on the West line of and 2026.01 feet South of the Northwest corner of said Quarter Section, as measured along said line; thence South 89 degrees 44 minutes 20 seconds East 490.49 feet to the True Point of Beginning; thence continuing East, a prolongation of the last described course a distance of 24.27 feet; thence North 43.34 feet; thence South 29 degrees 18 minutes 36 seconds West 49.58 feet to the Point of Beginning.

LESS AND EXCEPT from Parts A, B, C, and D, the following described tract of land more particularly described as follows: Commencing at a point on the West line of and 2026.1 feet South of the Northwest corner of the Northeast Quarter of Section 9, Township 13, Range 25, as measured along said line; thence South 89 degrees 44 minutes 20 seconds East 181.90 feet to the Point of Beginning; thence continuing East, a prolongation of the last described course a distance of 308.59 feet to a point; thence South 29, degrees 18 minutes 36 seconds West 15.79 feet; thence South 40 degrees 45 minutes 19 seconds West 76.58 feet; thence South 65 degrees 17 minutes 51 seconds West 110.07 feet; thence North 64 degrees 21 minutes 32 seconds West 55.46 feet; thence North 49 degrees 44 minutes West 111.40 feet; thence North 34 degrees 22 minutes 49 seconds West 28.08 feet to the Point of Beginning.

**OWNERS: Zia Corp.**

**AMOUNT: \$56,380.50**

**TRACT NO.: 2**

**PROPERTY ID: NP20500002 0000**

**LEGAL DESCRIPTION:** Part of Block 2, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Block 2; thence Easterly along the North line of said Block, whose course has a bearing of South 89 degrees 57 minutes 19 seconds East, a distance of 85.0 feet to a point of beginning; thence Southerly along a line whose course has a bearing of South 00 degrees 2 minutes 41 seconds West, a distance of 160.00 feet to a point; thence Easterly along a line whose course has a bearing of North 89 degrees 41 minutes 45 seconds East, a distance of 410.59 feet to a point; thence Northerly along a line whose course has a bearing of North 00 degrees 18 minutes 15 seconds West, a distance of 70.91 feet, to a point; thence Easterly along a line whose course has a bearing of North 89 degrees 41 minutes 45 seconds East, a distance of 7.53 feet to a point on the East line of Block 2; thence Northerly along a line whose course has a bearing of North 00 degrees 18 minutes 15 seconds West, a distance of 83.84 feet, to a point in the Northerly line of said Block 2; thence Northwesterly

along a line following a curve bearing to the left having a radius of 1200.00 feet, whose initial tangent bearing is North 86 degrees 6 minutes 30 seconds West, a distance of 80.57 feet to a point; thence Westerly along a line whose course has a bearing of North 89 degrees 57 minutes 19 seconds West, a distance of 336.66 feet to the point of beginning.

**OWNERS: John F. Cameron**

**AMOUNT: \$406.80**

**TRACT NO.: 3**

**PROPERTY ID: NP20500003 0000**

**LEGAL DESCRIPTION:** All of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, EXCEPT the following described tract: That part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the South line of said Block 3, 42.47 feet East of the Southwest corner, as measured along said South line; thence North parallel to the West line of said Block 3, 126 feet; thence East at right angles to the last described course, 68 feet to a point; thence South parallel to the West line of said Block 3, 112.80 feet to a point in the South line of said Block; thence Southwesterly along the South line of said Block following a curve bearing to the right and having a radius of 370 feet whose initial tangent bearing of South 79 degrees 41 minutes 03 seconds West, 64.65 feet to the point of beginning. AND EXCEPT:

Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the Easterly line of and 167.46 feet Southwesterly of the Northeasterly corner of said Block 3, as measured along said Easterly line; thence continuing Southwesterly along said Easterly line following a curve bearing to the right having a radius of 370 feet, 66.42 feet; thence South 89 degrees 41 minutes 45 seconds West, 147.19 feet; thence North 00 degrees 18 minutes 15 seconds West, 102.50 feet; thence North 89 degrees 41 minutes 45 seconds East, 55.00 feet; thence South 00 degrees 18 minutes 15 seconds East, 47.50 feet; thence North 89 degrees 41 minutes 45 seconds East, 129.27 feet to the point of beginning, in Johnson County, Kansas. AND EXCEPT:

Beginning at a point on the West line and 126 feet North of the Southwest corner of Block 3, as measured along said West line; thence North 89 degrees 41 minutes East 110.47 feet; thence North 00 degrees 18 minutes 15 seconds West, 78 feet; thence South 89 degrees 41 minutes 45 seconds West, 68 feet; thence South 00 degrees 18 minutes 15 seconds East, 20 feet; thence South 89 degrees 41 minutes 45 seconds West, 50 feet to a point 7.53 feet West of the East line of Block 2; thence South 00 degrees 18 minutes 15 seconds East parallel to the East line of said Block, 58 feet; thence North 89 degrees 41 minutes 45 seconds East, 7.53 feet to the point of beginning. AND EXCEPT:

Beginning at a point on the West line of Block 3, 163.84 feet South of the Northwest corner of said Block, as measured along the West line of said Block 3; thence North 89 degrees 41 minutes 45 seconds East, 42.47 feet; thence South 00 degrees 18 minutes 15 seconds East, 20 feet; thence North 89 degrees 41 minutes 45 seconds East, 68 feet; thence South 00 degrees 18 minutes 15 seconds East, 75 feet; thence South 89 degrees 41 minutes 45 seconds West, 68 feet; thence South 00 degrees 18 minutes 15 seconds East, 20 feet; thence South 89 degrees 41 minutes 45 seconds West, 50 feet to a point 7.53 feet West of the East line of Block 3 and 184 feet North of the South line of said Block; thence North 00 degrees 18 minutes 15 seconds West, 20 feet; thence North 89 degrees 41 minutes 45 seconds East, 30 feet; thence North 00 degrees 18 minutes 15 seconds West, 75 feet; thence South 89 degrees 41 minutes 45 seconds West 30 feet; thence North 00 degrees 18 minutes 15 seconds West, 7.53 feet West of the East line of Block 2 and parallel thereto 20 feet; thence North 89 degrees 41 minutes 45 seconds East 7.53 feet to the point of beginning. AND EXCEPT:

That part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, described as follows: Beginning at a point on the North line of and 111.31 feet Easterly of the Northwest corner of said Block, as measured along said Northerly line; thence continuing Southeasterly along said Northerly line following a curve to the right having a radius of 1200 feet, 77.02 feet; thence South 00 degrees 18 minutes 15 seconds East, 195.41 feet; thence South 89 degrees 41 minutes 45 seconds West, 75.5 feet to a point 110.47 feet East of the West line of said Block 3; thence North 00 degrees 18 minutes 15 seconds West, 210.56 feet to the point of beginning, all in Johnson County, Kansas. AND EXCEPT:

Part of Block 3 FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the North line of and 42.65 feet Easterly of the Northwest corner of said Block, as measured along said Northerly line; thence continuing Southeasterly along said Northerly line following a curve bearing to the right having a radius of 1200 feet, 68.66 feet; thence South 00 degrees 18 minutes 15 seconds East, 113.06 feet; thence South 89 degrees 41 minutes 45 seconds West, 68 feet to a point 42.47 feet East of the West line of said Block 3; thence North 00 degrees 18 minutes 15 seconds West, 122.46 feet to the point of beginning. AND EXCEPT:

Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the Easterly line of and 102.32 feet Southwesterly of the Northeast corner of Block 3, as measured along said Southeasterly line; thence continuing Southwesterly along said Easterly line 59.69 feet to a point; thence continuing Southwesterly along said Easterly line following a curve bearing to the right having a radius of 370 feet, 5.45 feet; thence South 89 degrees 41 minutes 45 seconds West, 129.27 feet to a point; thence North 00 degrees 18 minutes 15 seconds West, 57.50 feet; thence North 89 degrees 41 minutes 45 seconds East, 159.89 feet to the Point of Beginning. AND EXCEPT:

Part of Blocks 2 and 3, FOX HILL COMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of said Block 3, 83.84 feet South of the Northwest corner, as measured along said West line; thence North 89 degrees 41 minutes 45 seconds East, 42.47 feet; thence South 00 degrees 18 minutes 15 seconds East, 42.50 feet; thence North 89 degrees 41 minutes 45 seconds East, 68 feet; thence South 00 degrees 18 minutes 15 seconds East, 57.50 feet; thence South 89 degrees 41 minutes 45 seconds West, 68 feet; thence North 00 degrees 18 minutes 15 seconds West, 20 feet; thence South 89 degrees 41 minutes 45 seconds West, 20 feet; thence South 89 degrees 41 minutes 45 seconds West, 50 feet to a point 7.53 feet West of the East line of Block 2, said point also being 299 feet North of the South line of said block; thence North 00 degrees 18 minutes 15 seconds West, 80 feet; thence North 89 degrees 41 minutes 45 seconds East, 7.53 feet to the point of beginning. AND EXCEPT:

Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the North line of and 133.98 feet Northwesterly of the Northeast corner of said Block, as measured along said Northerly line; thence South 00 degrees 18 minutes 15 seconds East, 54.96 feet; thence South 89 degrees 41 minutes 45 seconds West, 70 feet; thence South 00 degrees 18 minutes 15 seconds East, 88.5 feet; thence South 89 degrees 41 minutes 45 seconds West, 15 feet; thence South 00 degrees 18 minutes 15 seconds East, 10 feet; thence South 89 degrees 41 minutes 45 seconds West, 55 feet to a point 185.97 feet East of the West line of Block 3, and parallel thereto; thence North 00 degrees 18 minutes 15 seconds East, 195.41 feet; thence Southeasterly along said Northerly line following a curve bearing to the right having a radius of 1200 feet, 146.24 feet to the point of beginning. AND EXCEPT:

Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at point on the South line of and 110.80 feet Easterly of the Southwest corner of said block as measured along said Southerly line; thence continuing Easterly along said Southerly line following a curve bearing to the left having a radius of 370 feet, 263.85 feet; thence South 89 degrees 41 minutes 45 seconds West, 147.19 feet; thence North 00 degrees 18 minutes 15 seconds West, 102.50 feet; thence South 89 degrees 41 minutes 45 seconds West, 75.5 feet to a point 110.47 feet East of the West line of said Block 3; thence South 00 degrees 18 minutes 15 seconds East, 233.37 feet to the point of beginning. AND EXCEPT:

Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Block 3; thence Southwesterly along said Easterly line 102.32 feet; thence South 89 degrees 41 minutes 45 seconds West, 144.89 feet to a point 255.97 feet East of the West line of Block 3; thence North 00 degrees 18 minutes 15 seconds West, 88.50 feet; thence North 89 degrees 41 minutes 45 seconds East, 70 feet; thence North 00 degrees 18

minutes 15 seconds West, 54.96 feet to a point on the Northerly line of said Block; thence Southeasterly along said Northerly line following a curve bearing to the right having a radius of 1200 feet, 133.98 feet to the point of beginning.

**OWNERS: Mark A. Foster, ETAL**

**AMOUNT: \$6,903.00**

**TRACT NO.: 4**

**PROPERTY ID: NP20500003F0000**

**LEGAL DESCRIPTION:** Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the North line of and 42.65 feet Easterly of the Northwest corner of said block, as measured along said Northerly line; thence continuing Southeasterly along said Northerly line following a curve bearing to the right having a radius of 1200 feet and an initial tangent bearing of South 84 degrees 04 minutes 19 seconds East, 68.66 feet; thence South 00 degrees 18 minutes 15 seconds East 113.06 feet; thence South 89 degrees 41 minutes 45 seconds West 68 feet to a point 42.47 feet East of the West line of said Block 3; thence North 00 degrees 18 minutes 15 seconds West 122.46 feet to the point of beginning.

**OWNERS: SHO-ME Enterprises**

**AMOUNT: \$6,282.00**

**TRACT NO.: 5**

**PROPERTY ID: NP20500003 0H000**

**LEGAL DESCRIPTION:** Part of Blocks 2 and 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of said Block 3, 83.84 feet South of the Northwest corner, as measured along said West line; thence North 89 degrees 41 minutes 45 seconds East, 42.47 feet; thence South 00 degrees 18 minutes 15 seconds East, 42.50 feet; thence North 89 degrees 41 minutes 45 seconds East 68 feet; thence South 00 degrees 18 minutes 15 seconds East, 57.50 feet; thence South 89 degrees 41 minutes 45 seconds West 68 feet; thence North 00 degrees 18 minutes 15 seconds West, 20 feet; thence South 89 degrees 41 minutes 45 seconds West 50 feet to a point 7.53 feet West of the East line of Block 2, said point also being 299 feet North of the South line of said block; thence North 00 degrees 18 minutes 15 seconds West, 80 feet; thence North 89 degrees 41 minutes 45 seconds East, 7.53 feet to the point of beginning.

**OWNERS: Donald G. Dressler, Trustee & Alta Lou Dressler, Trustee**

**AMOUNT: \$14,134.50**

**TRACT NO.: 6**

**PROPERTY ID: NP20500003E0000**

**LEGAL DESCRIPTION:** Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the North line of and 111.31 feet Easterly of the Northwest corner of said Block 3, as measured along said Northerly line; thence continuing Southeasterly

along said Northerly line following a curve bearing to the right having a radius of 1,200 feet and an initial tangent bearing of South 80 degrees 47 minutes 37 seconds East, 77.02 feet; thence South 00 degrees 18 minutes 15 seconds East 195.41 feet; thence South 89 degrees 41 minutes 45 seconds West, 75.5 feet to a point 110.47 feet East of the West line of said Block 3; thence North 00 degrees 18 minutes 15 seconds West 210.56 feet to the Point of Beginning.

**OWNERS: SG Holdings, LLC**

**AMOUNT: \$9,157.50**

**TRACT NO.: 7**

**PROPERTY ID: NP20500003J0000**

**LEGAL DESCRIPTION:** Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point in the North line of and 133.98 feet Northwesterly of the Northeast corner of said Block, as measured along said Northerly line, thence South 00 degrees 18 minutes 15 seconds East 54.96 feet; thence South 89 degrees 41 minutes 45 seconds West 70 feet; thence South 00 degrees 18 minutes 15 seconds East 88.5 feet; thence South 89 degrees 41 minutes 45 seconds West 15 feet; thence South 00 degrees 18 minutes 15 seconds East 10 feet; thence South 89 degrees 41 minutes 45 seconds West, 55 feet to a point 185.97 feet East of the West line of Block 3, and parallel thereto; thence North 00 degrees 18 minutes 15 seconds West, 195.41 feet; thence Southeasterly along said Northerly line following a curve bearing to the right having a radius of 1200 feet and an initial tangent bearing of South 77 degrees 06 minutes 59 seconds East, 146.24 feet to the point of beginning. LESS AND EXCEPT that part in Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows: Beginning at a point on the North line of and 133.98 feet Northwesterly of the Northeasterly corner of said Block as measured along said Northerly line, thence South 00 degrees 18 minutes 15 seconds East 54.96 feet; thence South 89 degrees 41 minutes 45 seconds West 70 feet; thence South 00 degrees 18 minutes 15 seconds East 88.50 feet; thence South 89 degrees 41 minutes 45 seconds West, 15 feet to a point of beginning; thence South 00 degrees 18 minutes 15 seconds East, 10 feet; thence South 89 degrees 41 minutes 45 seconds West, 55 feet; thence North 00 degrees 18 minutes 15 seconds West, 10 feet; thence East and parallel to the South line of this tract 55 feet to the point of beginning.

**OWNERS: Rick M. Standard**

**AMOUNT: \$2,463.75**

**TRACT NO.: 8**

**PROPERTY ID: NP20500003M0000**

**LEGAL DESCRIPTION:** Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Block 3; thence Southwesterly along said Easterly line 102.32 feet; thence South 89 degrees 41 minutes 45 seconds West 144.89 feet to a point 255.97 feet East of the West line of Block 3; thence North 00 degrees 18 minutes 15

seconds West 88.50 feet; thence North 89 degrees 41 minutes 45 seconds East 70 feet; thence North 00 degrees 18 minutes 15 seconds West 54.96 feet to a point on the Northerly line of said Block; thence Southerly along said Northerly line following a curve bearing to the right having a radius of 1200 feet and an initial tangent bearing of South 70 degrees 08 minutes 02 seconds East, 133.98 feet to the point of beginning.

**OWNERS: Research Wellness Inv L/P**

**AMOUNT: \$81,234.90**

**TRACT NO.: 9**

**PROPERTY ID: NP20500002B000A**

**LEGAL DESCRIPTION:** All that part of Block 2, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of said Block 2; thence South 89 degrees, 41 minutes 45 seconds West along the South line thereof, a distance of 505.00 feet to the Southwest corner of said Block 2, thence North 00 degrees, 02 minutes 41 seconds East along the West line of said Block 2, a distance of 245.40 feet; thence South 89 degrees, 57 minutes, 19 seconds East, a distance of 85.00 feet; thence North 00 degrees, 02 minutes, 41 seconds East, a distance of 63.21 feet; thence North 89 degrees, 41 minutes, 45 seconds East, a distance of 410.59 feet; thence South 00 degrees, 18 minutes 15 seconds East, a distance of 29.09 feet; thence North 89 degrees, 41 minutes, 45 seconds East, a distance of 7.53 feet to a point on the East line of said Block 2; thence South 00 degrees, 18 minutes, 15 seconds East along said East line, a distance of 75.00 feet; thence South 89 degrees, 41 minutes, 45 seconds West, a distance of 7.53 feet; thence South 00 degrees, 18 minutes, 15 seconds East, a distance of 78.00 feet; thence North 89 degrees, 41 minutes, 45 seconds East, a distance of 7.53 feet to a point on the East line of said Block 2; thence South 00 degrees, 18 minutes, 15 seconds East along said East line, a distance of 126.00 feet to the point of beginning; EXCEPT the following described tract of land: All that part of Block 2, FOX HILL COMMERCIAL CENTER, a subdivision of land in Overland Park, Johnson County, Kansas, described as follows: Beginning at the Southwest corner of said Block 2; thence North 00 degrees, 02 minutes, 41 seconds East along the West line of said Block 2, a distance of 245.40 feet; thence South 89 degrees, 57 minutes, 19 seconds East, a distance of 85.00 feet; thence North 00 degrees, 02 minutes, 41 seconds East, a distance of 63.21 feet; thence North 89 degrees, 41 minutes, 45 seconds East, a distance of 14.57 feet; thence South 00 degrees, 57 minutes 53 seconds East, a distance of 308.11 feet to a point on the South line of said Block 2; thence South 89 degrees, 41 minutes, 45 seconds West along said South line, a distance of 105.00 feet to the point of beginning.

**OWNERS: Leslie R. Kubas**

**AMOUNT: \$9,513.00**

**TRACT NO.: 10**

**PROPERTY ID: NP20500003C0000**

**LEGAL DESCRIPTION:** That part of Block 2 and 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of Block 3, 163.84 feet South of the Northwest

corner as measured along the West line of said Block 3; thence North 89 degrees 41 minutes 45 seconds East 42.47 feet; thence South 00 degrees 18 minutes 15 seconds East 20 feet; thence North 89 degrees 41 minutes 45 seconds East 68 feet; thence South 00 degrees 18 minutes 15 seconds East 75 feet; thence South 89 degrees 41 minutes 45 seconds West 68 feet; thence South 00 degrees 18 minutes 15 seconds East 20 feet; thence South 89 degrees 41 minutes 45 seconds West 50 feet to a point 7.53 feet West of the East line of Block 2 and 184.00 feet North of the South line of said Block; thence North 00 degrees 18 minutes 15 seconds West 20 feet; thence North 89 degrees 41 minutes 45 seconds East 30 feet; thence North 00 degrees 18 minutes 15 seconds West 75 feet; thence South 89 degrees 41 minutes 45 seconds West 30 feet; thence North 00 degrees 18 minutes 15 seconds West 7.53 feet West of the East line of Block 2 and parallel thereto, 20 feet; thence North 89 degrees 41 minutes 45 seconds East 7.53 feet to the point of beginning.

**OWNERS: JRAIF, LLC**

**AMOUNT: \$8,028.00**

**TRACT NO.: 11**

**PROPERTY ID: NP20500003B0000**

**LEGAL DESCRIPTION:** All that part of Block 2 and 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line and 126 feet North of the Southwest corner of Block 3 as measured along said West line; thence North 89 degrees, 41 minutes, 45 seconds East 110.47 feet; thence North 00 degrees, 18 minutes, 15 seconds West 78.00 feet; thence South 89 degrees, 41 minutes, 45 seconds West 68 feet; thence South 00 degrees, 18 minutes, 15 seconds East 20.00 feet; thence South 89 degrees, 41 minutes, 45 seconds West 50 feet to a point 7.53 feet West of East line of Block 2; thence South 00 degrees, 18 minutes, 15 seconds East parallel to East line of said Block 58 feet; thence North 89 degrees, 41 minutes, 45 seconds East 7.53 feet to the point of beginning.

**OWNERS: AMDO, LLC**

**AMOUNT: \$26,230.50**

**TRACT NO.: 12**

**PROPERTY ID: NP20500003L0000**

**LEGAL DESCRIPTION:** Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the South line of and 110.80 feet Easterly of the Southwest corner of said Block as measured along said Southerly line; thence continuing Easterly along said Southerly line following a curve bearing to the left having a radius of 370 feet and an initial tangent bearing of North 79 degrees 41 minutes 05 seconds East, 263.85 feet; thence South 89 degrees 41 minutes 45 seconds West 147.19 feet; thence North 00 degrees 18 minutes 15 seconds West 102.50 feet; thence South 89 degrees 41 minutes 45 seconds West 75.5 feet to a point 110.47 feet East of the West line of said Block 3; thence South 00 degrees 18 minutes 15 seconds East 233.37 feet to the point of beginning.

**OWNERS: 107th & Roe, LLC**

**AMOUNT: \$0.00**

**TRACT NO.: 13A**

**PROPERTY ID: NP20500003K0000**

**LEGAL DESCRIPTION:** All those parts of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, described as follows: That part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, being more particularly described as: Commencing at a point on the North line of and 133.98 feet Northwesterly of the Northeasterly corner of said block as measured along said Northerly line; thence South 00 degrees 18 minutes 15 seconds East 54.96 feet; thence South 89 degrees 41 minutes 45 seconds West 70 feet; thence South 00 degrees 18 minutes 15 seconds East 88.50 feet; thence South 89 degrees 41 minutes 45 seconds West 15 feet to a point of beginning; thence South 00 degrees 18 minutes 15 seconds East 10 feet; thence South 89 degrees 41 minutes 45 seconds West 55 feet; thence North 00 degrees 18 minutes 15 seconds West 10 feet; thence East and parallel to the South line of this tract 55 feet to the point of beginning, except that part in streets or roads.

**OWNERS: 107th & Roe, LLC**

**AMOUNT: \$11,061.00**

**TRACT NO.: 13B&C**

**PROPERTY ID: NP20500003D0000**

**LEGAL DESCRIPTION:** All those parts of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, described as follows:

Part B: Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the Easterly line of and 167.46 feet Southwesterly of the Northeasterly corner of said Block 3, as measured along said Easterly line; thence continuing Southwesterly along said Easterly line following a curve bearing to the right having a radius of 370 feet and an initial tangent bearing of South 28 degrees 32 minutes 23 seconds West, a distance of 66.42 feet; thence South 89 degrees 41 minutes 45 seconds West, 147.19 feet; thence North 00 degrees 18 minutes 15 seconds West, 102.50 feet; thence North 89 degrees 41 minutes 45 seconds East, 55.00 feet; thence South 00 degrees 18 minutes 15 seconds East 47.50 feet; thence North 89 degrees 41 minutes 45 seconds East 129.27 feet to the point of beginning, in Johnson County, Kansas, except that part in streets or roads.

Part C: Part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the Easterly line of and 102.32 feet Southwesterly of the Northeast corner of Block 3, as measured along said Southeasterly line; thence continuing Southwesterly along said Easterly line 59.69 feet to a point; thence continuing Southwesterly along said Easterly line following a curve bearing to the right having a radius of 370 feet and an initial tangent bearing of South 27 degrees

41 minutes 45 seconds West, a distance of 5.45 feet; thence South 89 degrees 41 minutes 45 seconds West 129.27 feet to a point; thence North 00 degrees 18 minutes 15 seconds West 57.50 feet; thence North 89 degrees 41 minutes 45 seconds East 159.89 feet to the point of beginning, except that part in streets or roads.

**OWNERS: Wayne and Debra A. Alexander**

**AMOUNT: \$7,969.50**

**TRACT NO.: 14**

**PROPERTY ID: NP20500003A0000**

**LEGAL DESCRIPTION:** That part of Block 3, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the South line of said Block 3, 42.47 feet East of the Southwest corner, as measured along said South line; thence North parallel to the West line of said Block 3, 126 feet; thence East at Right angles to the last described course, 68 feet to a point; thence South parallel to the West line of said Block 3, 120.37 feet to a point on the South line of said Block; thence Southwesterly along the South line of said Block following a curve bearing to the Right and having a radius of 370 feet whose initial tangent has a bearing of South 79 degrees 41 minutes 03 seconds West, 64.65 feet; thence South 89 degrees 41 minutes 45 seconds West, 3.68 feet to the point of beginning.

**OWNERS: J&K Investments**

**AMOUNT: \$18,090.00**

**TRACT NO.: 15**

**PROPERTY ID: NP20500004 0000**

**LEGAL DESCRIPTION:** Part of Block 4, FOX HILL COMMERCIAL CENTER, a subdivision in Overland Park, Johnson County, Kansas, described as follows: Beginning at a point on the Easterly line of Block 4, with the intersection of the East-West centerline of Section 9, Township 13, Range 25, in the City of Overland Park, Johnson County, Kansas; thence South along the East line of said Block 4, 6.97 feet; thence South 81 degrees 27 minutes 10 seconds West, 225 feet to the true point of beginning for this further described tract of land; thence North 45 degrees 05 minutes 24 seconds West, 188.76 feet to a point in the Southeasterly line of 107<sup>th</sup> Street, as established by said Fox Hill Commercial Center Plat; thence Southwesterly along the Southeasterly line of said street following a curve bearing to the right having a radius of 430 feet whose initial tangent has a bearing of South 44 degrees 54 minutes 36 seconds West, 95.95 feet to the intersection of the Easterly line of Granada Court as established by said plat, now changed to El Monte; thence South 28 degrees 18 minutes 15 seconds East along said Street line 156.27 feet; thence North 64 degrees 27 minutes 25 seconds East, 148.87 feet to the point of beginning.

**OWNERS: ACOP Properties, LLC**

**AMOUNT: \$32,625.00**

**TRACT NO.: 16**

**PROPERTY ID: NP20500004 000A**

**LEGAL DESCRIPTION:** All that part of the South Half of Section 9, Township 13, Range 25, in the City of Overland Park, Johnson County, Kansas, being more particularly described as follows: Commencing at the intersection of the East-West centerline of said Section 9 with the East line of Block 4, FOX HILL COMMERCIAL CENTER, a subdivision in said City of Overland Park; thence South 8 degrees 32 minutes 50 seconds East along the Easterly line of said Block 4, 6.97 feet to the true point of beginning; thence South 8 degrees 32 minutes 50 seconds East along the Easterly line of said Block 4, 114.88 feet; thence South 70 degrees 46 minutes 11 seconds West, 301.29 feet to the Westerly line of said Block 4; thence Northwesterly along the West line of said Block 4, following a curve bearing to the Left, having a radius of 60.00 feet, whose initial tangent bearing is North 53 degrees 55 minutes 36 seconds West 36.00 feet; thence North 28 degrees 18 minutes 15 seconds West along the Westerly line of said Block 4, 117.82 feet; thence North 64 degrees 27 minutes 25 seconds East, 148.87 feet; thence North 81 degrees 27 minutes 10 seconds East, 225.00 feet to the true point of beginning.

**OWNERS: Daniels McCray Lumber Co.**

**AMOUNT: \$22,626.00**

**TRACT NO.: 17**

**PROPERTY ID: NP20500004 000C**

**LEGAL DESCRIPTION:** Commencing at the intersection of the East-West centerline of Section 9, Township 13, Range 25, with the East line of Block 4, FOX HILL COMMERCIAL CENTER, in the City of Overland Park, Johnson County, Kansas; thence South 8 degrees 32 minutes 50 seconds East along the Easterly line of said Block, 121.85 feet to the true point of beginning; thence continuing South 8 degrees 32 minutes 50 seconds East along the East line of said Block, 222.88 feet; thence North 88 degrees 04 minutes 28 seconds West, 319.76 feet to a point in the West line of said Block 4; thence North 28 degrees 18 minutes 15 seconds West along the West line of said Block 4, 10.34 feet; thence Northeasterly, Northerly and Northwesterly along the West line of said Block 4 following a curve bearing to the left having a radius of 60 feet, whose initial tangent bears North 61 degrees 41 minutes 43 seconds East, 121.08 feet; thence North 70 degrees 46 minutes 11 seconds East, 301.29 feet to the true point of beginning.

**OWNERS: Kuluva's LLC**

**AMOUNT: \$92,371.50**

**TRACT NO.: 18**

**PROPERTY ID: NP20500005B0000**

**LEGAL DESCRIPTION:** A parcel of land located in Blocks 4 and 5, FOX HILL COMMERCIAL CENTER, a subdivision in the City of Overland Park, Johnson County, Kansas, more fully described as follows: Beginning at the front common lot corner of said Blocks 4 and

5; thence Westerly along the Northerly line of said Block 5, following a curve bearing to the right having a radius of 60 feet, whose initial tangent bears South 61 degrees 41 minutes 45 seconds West, 51.43 feet; thence South 40 degrees 16 minutes 29 seconds West, 91.74 feet; thence South 00 degrees 18 minutes 15 second East, 150.10 feet to a point in the Southerly line of said Block 5; thence Easterly along that part of the Southerly line of said Block 5 and extended Easterly along the Southerly line of said Block 4, following a curve bearing to the right having a radius of 9972.17 feet, whose initial tangent bears north 86 degrees 48 minutes 23 seconds East, 511.89 feet to the Southeast corner of said Block 4; thence North 25 degrees 29 minutes 50 seconds West, along the Easterly line of said Block 4, 171.62 feet; thence North 08 degrees 32 minutes 50 seconds West, continuing Northwesterly along the Northeasterly line of said Block 4, 33.59 feet; thence North 88 degrees 04 minutes 28 seconds West 319.76 feet to a point in the Westerly line of said Block 4; thence North 28 degrees 18 minutes 15 seconds West along said Westerly block line, 10.34 feet to the point of beginning.

**OWNERS: United States Postal Service**

**AMOUNT: \$0.00**

**TRACT NO.: 19**

**PROPERTY ID: NP20500004 000B**

**LEGAL DESCRIPTION:** That part of Block 4, FOX HILL COMMERCIAL CENTER, A subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof, described as follows: Beginning at a point on the Easterly line of Block 4, within the intersection with East-West center line of Section 9, Township 13, Range 25, in The City of Overland Park, Johnson County, Kansas; thence South 8 degrees 32 minutes 50 seconds East 6.97 feet; thence South 81 degrees 27 minutes 10 seconds West 225 feet; thence North 45 degrees 05 minutes 24 seconds West 188.76 feet; thence Northeasterly along a line following a curve bearing to the left having a radius of 430 feet whose initial tangent bears North 44 degrees 54 minutes 36 seconds East, 129.19 feet; thence North 27 degrees 41 minutes 45 seconds East 162.01 feet; thence Southeasterly along a line following a curve bearing to the right having a radius of 1,200 feet, whose initial tangent bears south 60 degrees 52 minutes 18 seconds East, 205.07 feet; thence South 08 degrees 32 minutes 50 seconds East, 228.03 feet to the point of beginning.

**OWNERS: Mission Road Farms, L.P.**

**AMOUNT: \$7,917.60**

**TRACT NO.: 20A**

**PROPERTY ID: NF251309-3003**

**LEGAL DESCRIPTION:** All that part of the Southeast Quarter of Section 9, Township 13, Range 25, in the City of Overland Park, Johnson County, Kansas, more particularly as follows: Beginning at the Northwest corner of Tract "A", MISSION FARMS WEST, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence North 25 degrees 35 minutes 55 seconds East, along the Northerly extension of the Westerly line of said Tract "A", a distance of 27.48 feet; thence South 86 degrees 58 minutes 41 seconds East, a distance of 133.57 feet; thence South 14 degrees 14 minutes 56 seconds East, a distance of 106.52 feet, to the Northeast

corner of said Tract "A"; thence Northwesterly along the Northerly line of said Tract "A", said line being on a curve to the left having a radius of 465.65 feet, a central angle of 23 degrees 44 minutes 47 seconds and whose initial tangent bearing is North 51 degrees 37 minutes 28 seconds West, a distance of 192.99 feet, to the point of beginning.

**OWNERS: Mission Road Farms, L.P.**

**AMOUNT: \$313,588.67**

**TRACT NO.: 20B**

**PROPERTY ID: NF251309-3012**

**LEGAL DESCRIPTION:** All that part of the East Half of Section 9, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows: Commencing at Southeast corner of the Northeast Quarter of said Section 9; thence South 89 degrees 41 minutes 45 seconds West along the South line of said Quarter Section, a distance of 40.00 feet to a point on the West right of way line of Mission Road, said point being the True Point of Beginning; thence North 00 degrees 11 minutes 39 seconds East along said West right of way line, a distance of 591.21 feet; thence North 89 degrees 48 minutes 21 seconds West, a distance of 272.45 feet; thence South 01 degrees 00 minutes 25 seconds West, a distance of 202.49 feet; thence South 85 degrees 49 minutes 33 seconds West, a distance of 633.08 feet; thence North 84 degrees 52 minutes 19 seconds West, a distance of 133.51 feet to a point on the centerline of Indian Creek; thence South 16 degrees 52 minutes 57 seconds West along said centerline, a distance of 148.54 feet; thence South 03 degrees 17 minutes 05 seconds East along said centerline, a distance of 219.42 feet to a point on the South line of said Northeast Quarter; thence South 17 degrees 37 minutes 17 seconds East along said centerline, a distance of 149.63 feet; thence South 00 degrees 34 minutes 43 seconds East along said centerline, a distance of 243.84 feet; thence South 10 degrees 56 minutes 02 seconds East along said centerline, a distance of 146.44 feet to a point on the North right of way line of I-435 Highway, thence South 89 degrees 17 minutes 22 seconds East along said North right of way line, a distance of 991.53 feet to a point on said West right of way line of Mission Road; thence North 00 degrees 12 minutes 18 seconds East along said West right of way line, a distance of 548.19 feet to the True Point of Beginning, EXCEPT that part located in the Southeast Quarter, and EXCEPT that part dedicated as right of way, Tract A, and Tract B as shown on the plat of MISSION FARMS WEST, a subdivision of land located in City of Overland Park, Kansas, and also EXCEPT that part lying West of the Sewer District boundary line.

**OWNERS: Mission Road Farms, L.P.**

**AMOUNT: \$428,493.73**

**TRACT NO.: 20C**

**PROPERTY ID: NF251309-4001**

**LEGAL DESCRIPTION:** All that part of the East Half of Section 9, Township 13 South, Range 25 East, in the City of Overland Park, Johnson County, Kansas, described as follows: Commencing at Southeast corner of the Northeast Quarter of said Section 9; thence South 89 degrees 41 minutes 45 seconds West along the South line of said Quarter Section, a distance of

40.00 feet to a point on the West right of way line of Mission Road, said point being the True Point of Beginning; thence North 00 degrees 11 minutes 39 seconds East along said West right of way line, a distance of 591.21 feet; thence North 89 degrees 48 minutes 21 seconds West, a distance of 272.45 feet; thence South 01 degrees 00 minutes 25 seconds West, a distance of 202.49 feet; thence South 85 degrees 49 minutes 33 seconds West, a distance of 633.08 feet; thence North 84 degrees 52 minutes 19 seconds West, a distance of 133.51 feet to a point on the centerline of Indian Creek; thence South 16 degrees 52 minutes 57 seconds West along said centerline, a distance of 148.54 feet; thence South 03 degrees 17 minutes 05 seconds East along said centerline, a distance of 219.42 feet to a point on the South line of said Northeast Quarter; thence South 17 degrees 37 minutes 17 seconds East along said centerline, a distance of 149.63 feet; thence South 00 degrees 34 minutes 43 seconds East along said centerline, a distance of 243.84 feet; thence South 10 degrees 56 minutes 02 seconds East along said centerline, a distance of 146.44 feet to a point on the North right of way line of I-435 Highway, thence South 89 degrees 17 minutes 22 seconds East along said North right of way line, a distance of 991.53 feet to a point on said West right of way line of Mission Road; thence North 00 degrees 12 minutes 18 seconds East along said West right of way line, a distance of 548.19 feet to the True Point of Beginning , EXCEPT that part located in the Northeast Quarter, and EXCEPT that part dedicated as right of way and Tract B as shown on the plat of MISSION FARMS WEST, a subdivision of land located in City of Overland Park, Kansas.

SECTION 2. Such assessments, with accrued interest, are levied concurrent with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the first payment of general property taxes.

SECTION 3. All assessments shall bear an interest rate not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto.

SECTION 4. The owner of any property so assessed may, at any time prior to May 5, 2010, pay the whole of the assessment against any lot or parcel to the City Clerk.

SECTION 5. Assessments not paid prior to the date provided in Section 4 herein shall be certified, together with the interest accrued or to accrue by the City Clerk to the County and collected in the same manner as other taxes.

SECTION 6. This Ordinance shall take effect and be in force from and after its publication in an official newspaper.

ADOPTED by the City Council this 5<sup>th</sup> day of April, 2010.

APPROVED by the Mayor this 5<sup>th</sup> day of April, 2010.

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Carl Gerlach, Mayor

ATTEST:

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Marian Cook,  
City Clerk

APPROVED AS TO FORM:

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Tammy M. Owens  
Senior Assistant City Attorney