

1 **RESOLUTION NO. 8362**

2  
3 A RESOLUTION introduced by Interim City Manager Daniel R. Stanley requesting the  
4 Board of Commissioners, Shawnee County, Kansas, to approve  
5 annexation of noncontiguous property in accordance with KSA 12-  
6 520c.  
7

8 WHEREAS, the City of Topeka received a written consent for annexation from the  
9 Growth Organization of Topeka Shawnee County Incorporated for two tracts of land in  
10 the vicinity of SW 77<sup>th</sup> Street, SW Topeka Boulevard, and SW U.S. Highway 75  
11 (Exhibits A, B, C); and

12 WHEREAS, the City of Topeka can provide services to the properties (Exhibit D);  
13 and

14 WHEREAS, the Governing Body of the City of Topeka desires to annex this area  
15 into the corporate limits of the City of Topeka; and

16 WHEREAS, on July 26, 2011, the governing body of the City of Topeka passed  
17 Resolution No. 8358 requesting the Board of County Commissioners for Shawnee  
18 County (Board) to make a determination pursuant to K.S.A. 12-520c that this "island"  
19 annexation would not hinder or prevent the proper growth and development of the area  
20 or that of any incorporated city located within Shawnee County; and

21 WHEREAS, on August 15, 2011, the Board considered the City's request; and

22 WHEREAS, the Board expressed concern that the tracts proposed to be annexed  
23 did not include certain rights-of-way; and

24 WHEREAS, in order to address the Board's concerns, the legal descriptions of  
25 the two tracts of land have been changed to reflect annexation of all of the current SW  
26 77<sup>th</sup> right-of-way and to the centerline of SW Gary Ormsby Drive.

27 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City  
28 of Topeka, Kansas, that it requests the Board to make a finding as required under  
29 K.S.A. 12-520c(a)(3) that the annexation of the tracts of land identified in Exhibit E will  
30 not hinder or prevent the proper growth and development of the area or that of any  
31 other incorporated city.

32 IT IS FURTHER RESOLVED BY THE GOVERNING BODY of the City of Topeka  
33 that Resolution No. 8358 is hereby rescinded.

34 PASSED and APPROVED by the Governing Body August 16, 2011.

35 CITY OF TOPEKA, KANSAS  
36  
37  
38  
39

40 \_\_\_\_\_  
41 William W. Bunten, Mayor

42 ATTEST:  
43  
44

45 \_\_\_\_\_  
46 Brenda Younger, City Clerk

# ADMINISTRATIVE ACTION FORM

Contact Person:  *PA* Date:

Document:  Document #

Second Party/Subject:  Project #:

Originating Department:  CIP Project:

Category/Subcategory:

Requested Action:

Financial Implications: None

Description: GO Topeka consents to Annexation by the City of Topeka for certain property concerning the Kanza Fire Commerce Park (Phase I) plus additional land between the commerce park and Heartland Park. The attached legal description has been approved by City Engineering.

**MAR 08 2011**

Approval/Action Routing: (See Routing Instructions on Sheet 2).

Approved by: *MFR*  
Legal

Date: 3-2-11

Approved by: \_\_\_\_\_  
Clerk

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Return to: Recorded Copy to Planning

Date: \_\_\_\_\_

RECEIVED  
2010 DEC 16 P 3:42  
SHAWNEE COUNTY REGISTER



GO TOPEKA

120 SE 6th Avenue, Suite 110  
Topeka, Kansas 66603-3515

P.785.234.2644 F.785.234 8656  
www.topekachamber.org  
topekainfo@topekachamber.org

**Consent to Annexation**

Now on this 14<sup>th</sup> day of December, 2010, Growth Organization of Topeka/Shawnee County, Inc., as owner of record of the following described real estate, does hereby evidence it's complete and irrevocable consent to annexation by the City of Topeka, in accordance with the laws of the State of Kansas of the following described property to wit:  
(See attached legal description)

This consent shall run with the land described above and shall be binding upon the heirs, successors and assigns of the undersigned and shall be filed of record with the Shawnee County Register of Deeds Office upon execution.

Shawnee County, Kansas  
Register of Deeds  
Marilyn L. Nichols  
Book: 4882 Page: 9  
Line #: 20110003878  
Date Recorded: 03/04/2011 09:43:10.930 AM

Growth Organization of  
Topeka/Shawnee County, Inc.

By: Doug Kinsinger  
Name/Title: Doug Kinsinger, President

STATE OF KANSAS )  
) ss:  
COUNTY OF SHAWNEE )

Be it remembered that on this 14<sup>th</sup> day of December, 2010, before me a Notary Public in and for said County and State, came Doug Kinsinger as President of Growth Organization of Topeka/Shawnee County, Inc., to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

~~DEC 28 2010~~

In testimony whereof I have hereunto set my hand and affixed my notary seal the day and year above written.



*Nora J. Patton Taylor*  
Notary Public

### LEGAL DESCRIPTION:

A tract of land located in the South Half of the Southwest Quarter and in the Southeast Quarter of Section 12, and the Northwest, the Northeast, the Southeast and the Southwest Quarters of Section 13 all in Township 13 South, Range 15 East of the Sixth Principal Meridian in Shawnee County, Kansas, more particularly described as follows:

That parcel being platted as Kanza Fire Commerce Park: Beginning at the Southwest Corner of the Southwest Quarter of Section 12, Township 13 South, Range 15 East of the Sixth Principal Meridian: Thence along the West line of said Southwest Quarter on an assumed bearing of North 01 degree 51 minutes 46 seconds West for a distance of 442.99 feet to the Easterly Right of Way of U.S. 75 Highway and the Southerly Right of way line of SW. Gary Ormsby Drive; Thence along the South right of way line of SW. Gary Ormsby Drive, North 51 degrees 03 minutes 44 seconds East for a distance of 402.23 feet; Thence continuing along said right of way, North 61 degrees 43 minutes 37 seconds East for a distance of 1013.41 feet, (1013.77 feet record); Thence continuing along said right of way along a curve to the left having an arc length of 669.38 feet, a radius of 1706.04 feet, a chord bearing of North 50 degrees 29 minutes 12 second East, 665.10 feet; Thence continuing along said right of way, North 39 degrees 14 minutes 47 seconds East for a distance of 393.67 feet, (393.84 feet record); Thence continuing along said right of way, North 42 degrees 40 minutes 48 seconds East for a distance of 164.34 feet; Thence continuing along said right of way, North 37 degrees 14 minutes 14 seconds East for a distance of 280.75 feet, Thence continuing along said right of way along a curve to the right having an arc distance of 439.63 feet, a radius of 1246.72 feet, a chord bearing of North 49 degrees 20 minutes 51 seconds East, 437.35 feet to the East line of the Southwest Quarter of said Section 12, said point being 194.81 feet South of the Northeast Corner of the said Southwest Quarter; Thence continuing along said right of way along a curve to the right having an arc length of 635.32 feet, a radius of 1246.72 feet, a chord bearing of North 74 degrees 02 minutes 54 seconds East, 628.47 feet; Thence continuing along said right of way, North 82 degrees 14 minutes 58 seconds East for a distance of 147.21 feet; Thence continuing along said right of way, North 88 degrees 38 minutes 48 seconds East for a distance of 1686.92 feet, (1687.30 record) to the West line of the BNSF Railway Company's 100 foot wide right of way; Thence along said railway right of way, South 16 degrees 11 minutes 04 seconds West for a distance of 2764.51 feet to the South line of the Southeast Quarter of said Section 12; Thence continuing along said railway right of way, South 16 degrees 11 minutes 04 seconds West for a distance of 1180.97 feet; Thence continuing along said railway right of way along a curve to the right having an arc distance of 565.36 feet, a radius of 2722.53 feet, a chord bearing of South 22 degrees 08 minutes 01 second West, 564.34 feet; Thence continuing along said railway right of way, South 28 degrees 04 minutes 57 seconds West for a distance of 1149.58 feet to the South line of the Northeast Quarter of Section 13, Township 13 South, Range 15 East, said point being 422.07 feet East of the Southwest Corner of the said Northeast Quarter; Thence continuing along said railway right of way, South 28 degrees 04 minutes 57 seconds West for a distance of 644.33 feet; Thence continuing along said railroad right of way along a curve to the left having an arc length of 211.12 feet, a radius of 3869.83 feet, a chord bearing of South 26 degrees 31

minutes 11 seconds West, 211.09 feet to the West line of the Southeast Quarter of said Section 13, said point is 746.69 feet south of the Northwest corner of said Southeast Quarter; Thence continuing along said railway right of way on a curve to the left having an arc length of 311.50 feet, a radius of 3869.83 feet, a chord bearing of South 22 degrees 39 minutes 03 seconds West, 311.42 feet to the Easterly right of way of U.S. 75 Highway; Thence departing said railway right of way and along said Highway right of way, North 42 degrees 32 minutes 49 seconds West for a distance of 510.92 feet, (510.88 feet record); Thence continuing along said right of way, North 38 degrees 07 minutes 05 seconds West for a distance of 803.03 feet to the North line of the Southwest Quarter of said Section 13, said point is 937.10 feet West of the Northeast Corner of said Southwest Quarter; Thence continuing along said right of way, North 36 degrees 49 minutes 35 seconds West for a distance of 600.40 feet; Thence continuing along said right of way, North 41 degrees 50 minutes 35 seconds West for a distance of 401.50 feet; Thence continuing along said right of way, North 35 degrees 42 minutes 46 seconds West for a distance of 1981.44 feet to the West line of the Northwest Quarter of said Section 13; Thence along the West line of said Northwest Quarter, North 01 degrees 43 minutes 56 seconds West for a distance of 208.94 feet to the Point of Beginning. Containing 397.97 acres more or less, inclusive of existing SW 77<sup>th</sup> street right of way.

AND ALSO, a portion of a parcel of land described in Book 4760, Page 251, more particularly described as:

The Southeast Quarter of Section 12, Township 13 South, Range 15 East of the 6<sup>th</sup> P.M., Shawnee County, Kansas, EXCEPT right of way of the Atchison, Topeka, and Santa Fe Railway Company;

ALSO EXCEPT that part taken for roads and highway; ALSO EXCEPT Beginning on the West right of way of US 75 Highway and the North line of the Southeast Quarter; thence South along said Highway right of way 350 feet; thence West at right angles 154.54 feet to the Easterly right of way of the Atchison, Topeka and Santa Fe Railroad; thence Northeasterly 358.48 feet to the North line of said Quarter; thence East 40.82 feet, more or less, to the point of beginning; and ALSO EXCEPT the parcel above to be platted as Kanza Fire Commerce Park.



Proposed Annexation 1

Proposed Annexation 2

### Exhibit B

## Proposed Annexation - GO Topeka/Kanza Fire



Proposed Annexation 1

Proposed Annexation 2

# Exhibit C

## Proposed Annexation - GO Topeka/Kanza Fire

Annexation Proposal (A11/1)  
GO Topeka/Kanza Fire Commerce Park  
Fact Sheet

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**Site**

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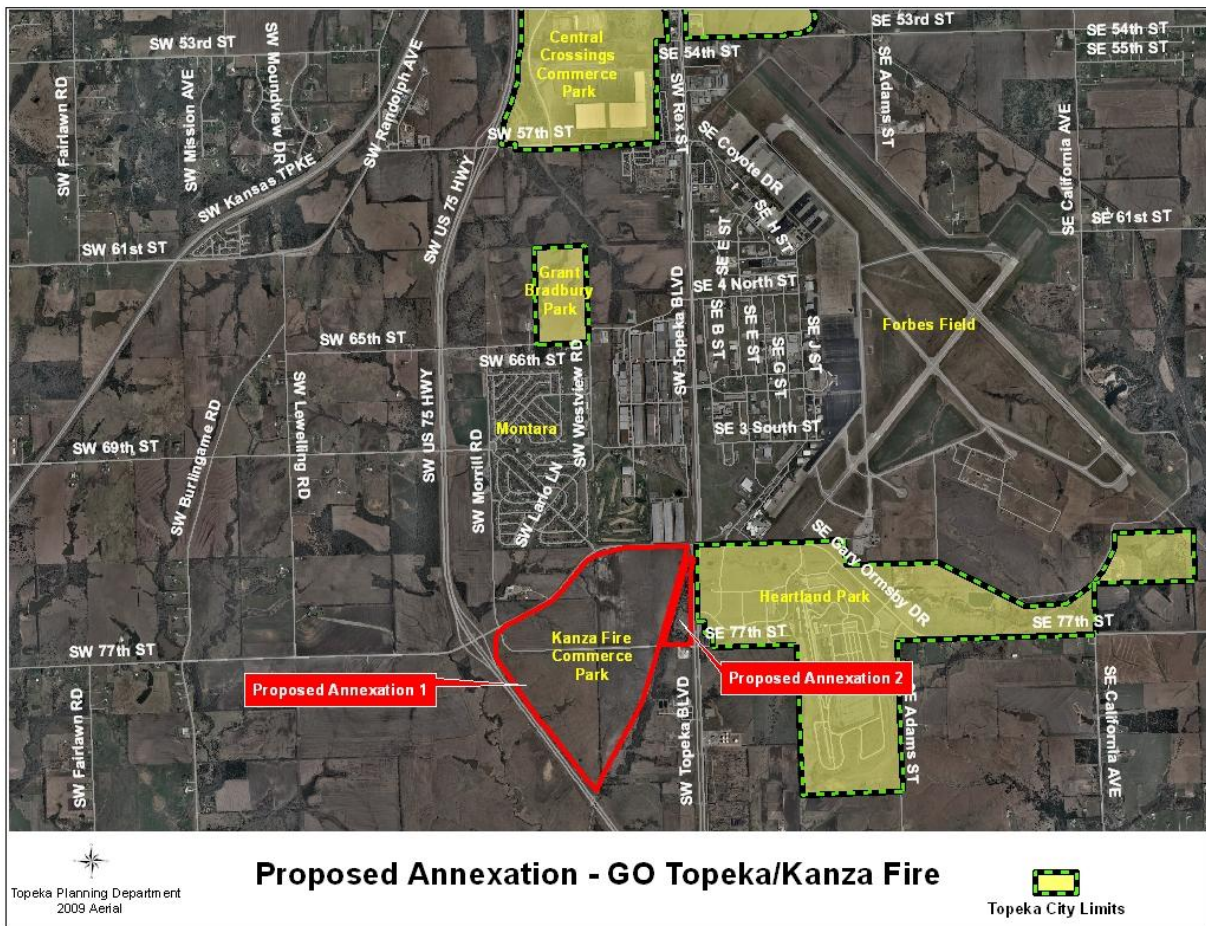
**Address/Location:** SW US Hwy 75 and SW 77<sup>th</sup> St  
**Owner:** Growth Organization of Topeka Shawnee County Inc  
**Size:** 397.97 acres (tract 1), 20.77 acres (tract 2)  
**Existing Land Use:** agriculture/undeveloped  
**Proposed Land Use:** industrial park  
**Subdivision:** *Kanza Fire Commerce Park* (tract 1) final plat awaiting Council approval; unplatted (tract 2)

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**Planning**

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**Current Population:** 0 residents  
**Projected Population:** 0 residents  
**Projected Development:** 1.5 – 2.0 million sq. ft. of light/heavy industrial uses  
**Comprehensive Plan:** Employment Growth Area/Industrial  
**Municipal Service Area (MSA):** Yes  
**Primary Service Area:** Yes  
**Existing Zoning:** I-2 (Heavy Industrial) and RR-1 (Residential Reserve)  
**Proposed Zoning:** I-2 (Heavy Industrial) and I-1 (Light Industrial)



*Annexation Proposal (A11/1)*  
*GO Topeka/Kanza Fire Commerce Park*  
*Fact Sheet*

**Annexation Procedure**

**Contiguous?:** No. "Island" annexation.

**Consent?:** Yes. Owner consent recorded 3/4/11 (Book 4882, Page 9)

**Approval Method:** COT governing body passes resolution asking County to find annexation will not hinder or prevent proper growth and development of area. County has 30 days to respond.

**Requirements:** No service extension plan is required. Planning Commission notification is not required. Consolidated Rural Water District (CRWD) #3 must be notified of City's intent to annex no less than 60 days before effective date of annexation. New legislation (SB 150) does not impact "island" annexations.

**Utility and Service Providers**

	<b>Current</b>	<b>Proposed</b>
<b>Water</b>	CRWD #3/COT	COT (industrial users)
<b>Wastewater</b>	None	COT
<b>Fire</b>	Shawnee Heights	COT
<b>Police</b>	Shawnee County	COT
<b>Streets - local</b>	Williamsport Township	COT (est. 4,000 ft. proposed)
<b>Streets – arterials</b>	Shawnee County	Shawnee County
<b>Parks</b>	Shawnee County	COT
<b>Governing Body</b>	Shawnee County (#3)	COT (# 9)

CRWD #3 approved COT Water to serve Mars development. Both parties are negotiating to allow COT Water service to all industrial and commercial users. COT water and sewer main extensions to serve Mars development are either in place or planned for construction.

**Revenue Estimates**

**Property tax revenue** to the City of Topeka in 2011 would be **\$174** before any industrial development takes place. Current property tax revenue to Williamsport Township is approximately **\$66** in 2011.

At projected build-out of the 400 acres in Phase I (15 years), property tax revenue to the City would be **\$1,022,850** to **\$1,412,708** annually. This is based upon the 2011 mill levy, 1.5 - 2.0 million sq. ft. of building area, and comparable appraised values to the Target distribution center in Central Crossing Commerce Park. The 600-acre Phase II (20 years) would create another **\$1.6 million** annually. The likelihood exists that the City will not add any property tax revenue for at least 10-15 years AFTER the initial development takes place. This assumes a 10-year tax exemption similar to Target's initial tax exemption approved by Shawnee County. The City would stand to benefit indirectly from the secondary spending this development creates through new primary jobs in the local economy.

There is currently no water or sewer **utility revenue** collected for the Kanza Fire area. COT utility revenue will vary greatly dependent on the type of development built here in the future and therefore is difficult to project.

*Annexation Proposal (A11/1)*  
*GO Topeka/Kanza Fire Commerce Park*  
*Fact Sheet*

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**Ability to Provide Adequate Public Services**  
**FIRE**

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**1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

Current response times to the area are 8-10 minutes from Station #10 at SW 37th and Burlingame. Standard response time is 4-5 minutes. In order to provide standard response times and support, options include:

Option 1 (preferred) - Construct a 2 company fire station (\$1,500,000), occupy with one Engine Company (\$500,000), and one Truck Company (\$500,000). Estimated total = **\$2,500,000**. Land acquisition for this proposal is currently in the adopted CIP for 2015 (\$212,000). The new fire station could be located to also improve response and support to the Southwest residential growth area which is also currently below standard. It is recommended that the CIP be amended to include design, construction and equipment costs for the South Station.

Option 2 – Occupy a currently constructed building – probably within the MTAA grounds – with a structured lease (\$100,000/year) and occupy with one Engine Company (\$500,000), one Truck Company (\$500,000). Estimated total = **\$1,100,000**. Such a building has not been specifically identified.

Option 3 – Occupy with a structured lease one bay in the current MTAA (\$100,000) fire station with one Engine Company (\$500,000). Estimated total = **\$600,000**.

**2) Can the estimated cost be carried out under your current or anticipated future budget? If not, what would it take to do so?**

No it could not be carried out under our current or anticipated budget.

Option 1 - Our annual budget would need increased by approximately **\$2,300,000** to accommodate the addition of 24 fire fighters and 3 Battalion Chiefs.

Option 2 - Our annual budget would need increased **by \$2,300,000** to accommodate the addition of 24 fire fighters and 3 Battalion Chiefs.

Option 3 – Our annual budget would need increased by **\$1,000,000** to accommodate the addition of 12 fire fighters.

**3) Describe any other issues associated with the proposed annexation that would affect your ability to provide adequate service now or to the expected development in the future.**

Our concern would be if we're not allowed to proceed with any of our three options and were forced to protect the area with fire stations currently in operations. Not allowing any of our options would dramatically increase our response time to the area, therefore increasing risk to the public and fire fighters. Both Option 2 and 3 are intended to be temporary solutions until such time a permanent station can be located west of the BNSF rail line which runs parallel to S. Topeka Blvd.

*Annexation Proposal (A11/1)*  
*GO Topeka/Kanza Fire Commerce Park*  
*Fact Sheet*

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**Ability to Provide Adequate Public Services**  
**PARKS**

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- 1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

No cost at this time since there are no trees in the road right-of-way. Minimal cost by forestry section to maintain any trees planted in future.

- 2) Can the estimated cost be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Yes

- 3) Describe any other issues associated with the proposed annexation that would affect your ability to provide adequate service now or to the expected development in the future.**

None

**Ability to Provide Adequate Public Services**  
**POLICE**

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**1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

The average cost of a single resource which includes an officer and vehicle is \$10,000 for providing services to industrialized areas within the city. This would be for crime prevention activities, addressing crime problems and routine property checks which would include traffic enforcement.

**2) Can the estimated cost be carried out under your current or anticipated future budget? If not, what would it take to do so?**

The area in question would need to be addressed after occupation to determine the amount of enforcement and preventative measures needed. Initial costs could be absorbed with current staffing levels with some modifications to zone territories.

**3) Describe any other issues associated with the proposed annexation that would affect your ability to provide adequate service now or to the expected development in the future.**

This area is not currently attached to any patrol territories so boundary changes may be necessary but could be accomplished. The department evaluates efficiency and effectiveness on a routine basis and this area could be added to the evaluation process.

For clarification our findings addressed Topeka Blvd. We don't routinely patrol Heartland Park but it will still cause an increase in resources. The traffic issues we made reference to would be similar to the issues we have at the Target distribution center and Frito Lay; not issues with Topeka Blvd.

**Ability to Provide Adequate Public Services**  
**STREETS**

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**1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

The Kanza Fire Industrial Park will add additional snow removal, patching, crack sealing, and sweeping responsibilities on the Street Maintenance Section, and signage need by the Traffic Operations section. Initially, there would be no or very minimal maintenance costs until SW Innovation Parkway is constructed from SW Gary Ormsby Drive to SW Topeka Boulevard.

Once SW Innovation Parkway is built, the responsibilities will center on snow removal and sweeping work, but will eventually require sealing and patching. It is estimated the annual maintenance costs are **\$6,860** annually for the first 5 years. This estimate is based on, current costs, 4 snow events per year, not needing to patch potholes at all for the first 5 years, and not crack sealing for the first two.

**2) Can the estimated cost be carried out under your current or anticipated future budget? If not, what would it take to do so?**

If need be, we will make it work, but our long term budget will be challenging. Being completely funded from motor fuel tax, increased vehicle MPG and high fuel costs paint a picture of a diminishing budget each and every year.

**3) Describe any other issues associated with the proposed annexation that would affect your ability to provide adequate service now or to the expected development in the future.**

As far as the annexation of Topeka Blvd, we know it will also create additional work but believe we could manage it, but at some point we will need additional staff to manage the infrastructure we gain responsibility for through additional annexation.

**Ability to Provide Adequate Public Services**  
**WASTEWATER**

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**1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

Currently, large capacity water and wastewater infrastructure is being installed to the northern portion of this property at an approximate cost of \$3.1 Million which has been funded by GO Topeka and a federal grant.

For the northern portion of the proposed annexation area, there is an estimated 1,600 feet of sewer main installations needed at a cost of \$120,000. This is estimated to provide sewer service to all but the southern two lots.

To provide sewer service to the southern two lots, a pump station and force main will be needed. The cost is difficult to estimate because it will depend upon the larger area that may be served by this pump station. If only the southern two lots are served by the force main and pump station, a rough estimate of cost is \$1.4 Million.

Since the infrastructure in this area will be new, many of the actual operational costs will be lower than listed below. The information listed below is related to standard costs of maintenance. Operational costs will be dependent upon the amount of water and sewage treated and delivered the site.

Wastewater – Cost of line inspections are not determined as of this writing but would not anticipate this to exceed \$1,000 annually.

**2) Can the estimated cost be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Maintenance costs are anticipated to be fully funded by the additional water and wastewater revenue generated in this area. Large water / wastewater users would fund many if not all of the improvements from the additional revenue.

If no large water / wastewater users locate to this area, it will create the need for a rate increase to fund the capital improvements.

**3) Describe any other issues associated with the proposed annexation that would affect your ability to provide adequate service now or to the expected development in the future.**

The size of water and/or wastewater users that locate in this area is the largest single factor in the cost associated with water and wastewater service to this area.

*Annexation Proposal (A11/1)*  
*GO Topeka/Kanza Fire Commerce Park*  
*Fact Sheet*

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**Ability to Provide Adequate Public Services**  
**WATER**

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**1) What is the estimated cost (operational and capital) to your Department/Division to provide adequate service to the proposed annexation?**

Currently, large capacity water and wastewater infrastructure is being installed to the northern portion of this property at an approximate cost of \$3.1 Million which has been funded by GO Topeka and a federal grant.

1. To serve anticipated water users in the entire proposed annexation area, approximately 5,000 feet of additional 16 inch water main is anticipated to be installed at an approximate cost of \$350,000. It is anticipated that these costs will be borne by GO Topeka since they are development dependent.
- 2) A new South water tower must also be installed at an approximate cost of \$4.0 million when the water demands to this area exceed approximately 400,000 gallons per day. This tower will serve a much greater area than Kanza Fire but will likely be needed to support Kanza Fire development.
- 3) Additional connector mains along Topeka Boulevard and University Boulevard will be needed to increase the reliability of water service to the Kanza Fire development. This is estimated to cost \$1.3 Million.

Since the infrastructure in this area will be new, many of the actual operational costs will be lower than listed below. The information listed below is related to standard costs of maintenance. Operational costs will be dependent upon the amount of water and sewage treated and delivered the site.

Cost of fire hydrant and valve maintenance is estimated at \$280 annually.

**2) Can the estimated cost be carried out under your current or anticipated future budget? If not, what would it take to do so?**

Maintenance costs are anticipated to be fully funded by the additional water revenue generated in this area. Large water users would fund many if not all of the improvements from the additional revenue. If no large water users locate to this area, it will create the need for a rate increase to fund the capital improvements. The size of water users that locate in this area is the largest single factor in the cost associated with water service to this area.

**3) Describe any other issues associated with the proposed annexation that would affect your ability to provide adequate service now or to the expected development in the future.**

The City of Topeka has an agreement with CRWD #3 to serve the northeast portion of Kanza Fire. Both entities are currently negotiating a similar agreement so the City can serve commercial and industrial users of the remaining portions of the annexation area.

## EXHIBIT E

### KANZA FIRE/GO TOPEKA ANNEXATION DESCRIPTION

#### TRACT 1

ALL OF LOT 1, BLOCK 'A' AND ALL OF LOTS 1, 2, AND 3, BLOCK 'B' KANZA FIRE COMMERCE PARK AS SHOWN ON THE RECORDED PLAT IN BOOK 49, PAGE 23 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS. CONTAINING 388.49 ACRES, MORE OR LESS.

AND;

ALL OF THE 105.00 FEET STRIP OF RIGHT OF WAY FOR INOVATION PARKWAY SITUATED IN KANZA FIRE COMMERCE PARK AS SHOWN ON THE RECORDED PLAT IN BOOK 49, PAGE 23 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS. CONTAINING 8.10 ACRES, MORE OR LESS.

AND ALSO;

ALL THAT PORTION OF THE SOUTH HALF OF S.W. GARY ORMSBY DRIVE SITUATED IN THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS BEING MORE PERTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 01 DEGREE 51 MINUTES 46 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 442.99 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 'B' KANZA FIRE COMMERCE PARK BEING THE SOUTHERLY RIGHT OF WAY LINE OF S.W. GARY ORMSBY DRIVE AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREE 51 MINUTES 46 SECONDS, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 156.37 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID S.W. GARY ORMSBY DRIVE; THENCE NORTH 61 DEGREES 43 MINUTES 34 SECONDS EAST, COINCIDENT WITH SAID CENTERLINE, A DISTANCE OF 1339.14 FEET; THENCE COINCIDENT WITH SAID CENTERLINE ON A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1640.42 FEET, A CENTRAL ANGLE OF 22 DEGREES 28 MINUTES 50 SECONDS, AN ARC LENGTH OF 643.64 FEET; THENCE ON NORTH 39 DEGREES 14 MINUTES 48 SECONDS EAST, COINCIDENT WITH SAID CENTERLINE, A DISTANCE OF 837.48 FEET; THENCE COINCIDENT WITH SAID CENTERLINE ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1312.33 FEET, A CENTRAL ANGLE OF 37 DEGREES 28 MINUTES 08 SECONDS, (WHOSE CHORD BEARS NORTH 57 DEGREES 56 MINUTES 40 SECONDS EAST, 843.00 FEET), AN ARC LENGTH OF 858.20 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 31 MINUTES 48 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 2113.26 FEET TO THE WEST LINE OF THE 100 FEET WIDE STRIP OF RIGHT OF WAY OF THE BNSF RAILWAY COMPANY; THENCE SOUTH 16 DEGREES 11 MINUTES 04 SECONDS WEST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 59.80 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 'A' KANZA FIRE COMMERCE PARK; THENCE NORTH 89 DEGREES 21 MINUTES 24 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 35.55 FEET; THENCE COINCIDENT WITH SAID NORTH LINE ON A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 986.46 FEET, A CENTRAL ANGLE OF 2 DEGREES 06 MINUTES 49 SECONDS, AN ARC LENGTH OF 36.39 FEET; THENCE SOUTH 88 DEGREES 31 MINUTES 48 SECONDS WEST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 1831.47 FEET; THENCE COINCIDENT WITH SAID NORTH LINE ON A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1147.50 FEET, A CENTRAL ANGLE OF 13 DEGREES 42 MINUTES 22 SECONDS, AN ARC LENGTH OF 274.50 FEET; THENCE COINCIDENT WITH SAID NORTH LINE ON A NON-TANGENT COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 1246.72 FEET, A CENTRAL ANGLE OF 32 DEGREES 59 MINUTES 50 SECONDS, (WHOSE CHORD BEARS SOUTH 55 DEGREES 44 MINUTES 38 SECONDS WEST, 708.11 FEET), AN ARC LENGTH OF 718.00 FEET; THENCE SOUTH 37 DEGREES 14 MINUTES 14 SECONDS WEST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 280.75 FEET; THENCE SOUTH 42 DEGREES 40 MINUTES 48 SECONDS WEST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF

164.34 FEET; THENCE SOUTH 39 DEGREES 14 MINUTES 47 SECONDS WEST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 393.67 FEET; THENCE COINCIDENT WITH SAID NORTH LINE AND THE NORTH LINE OF LOT 1, BLOCK 'B' KANZA FIRE COMMERCE PARK, ON A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1706.04 FEET, A CENTRAL ANGLE OF 22 DEGREES 28 MINUTES 50 SECONDS, AN ARC LENGTH OF 669.38 FEET; THENCE SOUTH 61 DEGREES 43 MINUTES 37 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, BLOCK 'B', A DISTANCE OF 1013.41 FEET; THENCE SOUTH 51 DEGREES 03 MINUTES 44 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, BLOCK 'B', A DISTANCE OF 402.23 FEET TO THE POINT OF BEGINNING. CONTAINING 8.58 ACRES, MORE OR LESS.

AND ALSO;

TRACT 2

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 13, BOTH IN TOWNSHIP 13 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 01 DEGREE 52 MINUTES 42 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 61.94 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 18 SECONDS WEST, A DISTANCE OF 180.74 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 'A' WILLIAMSPORT SUBDIVISION AS SHOWN ON THE RECORDED PLAT IN BOOK 40, PAGE 67 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS AND THE POINT OF BEGINNING; THENCE NORTH 79 DEGREES 08 MINUTES 42 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 292.24 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 25 MINUTES 32 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 465.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 25 MINUTES 32 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 489.32 FEET TO THE EAST LINE OF THE 100 FEET WIDE STRIP OF RIGHT OF WAY OF THE BNSF RAILWAY COMPANY; THENCE NORTH 16 DEGREES 11 MINUTES 04 SECONDS EAST, COINCIDENT WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2422.46 FEET TO THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED FIRST IN A DEED RECORDED MARCH 7, 2011 IN BOOK 4882, PAGE 136 IN THE OFFICAL RECORDS OF SHAWNEE COUNTY; THENCE NORTH 88 DEGREES 18 MINUTES 23 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID TRACT DESCRIBED IN BOOK 4882, PAGE 136, A DISTANCE OF 131.05 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.W. TOPEKA BLVD.; THENCE SOUTH 09 DEGREES 17 MINUTES 20 SECONDS WEST, COINCIDENT WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 329.80 FEET; THENCE SOUTH 02 DEGREES 28 MINUTES 32 SECONDS WEST, COINCIDENT WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 536.40 FEET; THENCE SOUTH 00 DEGREES 57 MINUTES 28 SECONDS EAST, COINCIDENT WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1375.10 FEET; THENCE SOUTH 09 DEGREES 46 MINUTES 07 SECONDS EAST, A DISTANCE OF 137.64 FEET TO THE POINT OF BEGINNING. CONTAINING 21.90 ACRES, MORE OR LESS.