



City Commission Meeting

June 04, 2024 at 5:30 PM

118 W Central Ave, Arkansas City, KS

Please join our meeting <https://global.gotomeeting.com/join/492038485>
Or dial in using your phone: United States: +1 (224) 501-3412 Access Code: 492 038 485

I. Routine Business

1. Roll Call
2. Opening Prayer and Pledge of Allegiance
3. Additions or Deletions (**Voice Vote**)
4. Approval of the Agenda (**Voice Vote**)

II. Consent Agenda (Voice Vote)

Note: All matters listed below on the Consent Agenda are considered under one motion and enacted by one motion. There should be no separate discussion. If such discussion is desired, any item may be removed from the Consent Agenda and then considered separately under Section VI: New Business.

1. Ratify Mayor Jay Warren's appointment of Duane Oestmann and Dorothy "Dotty" Smith to the Historic Preservation Board.
2. Ratify Mayor Jay Warren's appointment of Michael Bergagnini to the Planning Commission/Board of Zoning Appeals Committee.

III. New Business

City Manager Department

1. An Ordinance approving the plat of Fugate Commercial Addition, and accepting land dedicated for the public purposes included therein. (**Roll Call Vote**)

IV. Items for Discussion by City Commissioners

V. Comments from the Audience for Items not on the Agenda

The public will be allowed to speak on issues or items that are not scheduled for discussion on the agenda. Individuals should address all comments and questions to the Commission. Comments should be limited to issues and items relevant to the business of the Governing Body. The Commission will not discuss or debate these items, nor will the Commission make decisions on items presented during this time. Each person will be limited to three (3) minutes.

VI. Reports - For Information Only

VII. Adjournment



City Commission Agenda Item

Meeting Date: June 4, 2024
From: Mayor Jay Warren
Item: Historic Preservation Board Appointments

Purpose: Ratify Mayor Jay Warren’s appointment of Duane Oestmann and Dorothy “Dotty” Smith to the Historic Preservation Board.

Background:

Duane Oestmann has expressed interest in serving on this committee. As a retired member of the community, he has resided in Arkansas City for 68 years. Duane is active in Kiwanas Club of Arkansas City with a past civic experience of serving on the Arkansas City City Commission.

Dorothy “Dotty” Smith has also expressed an interest in serving on this committee. As a retired member of the community, she has been a resident of Arkansas City for 30 years. In the past, Joyce has served on advisory boards for the Cherokee Land Rush Museum as Vice Chair and the Arkansas City Planning Commission as Chair and president of the Arkansas City Land Lord Association. Her Civic experience includes being Arkansas City City Commissioner from 2007-2011, serving Mayor in that time frame. As a commissioner she served on the Hospital Board and Strother Field Commission.

The Board and Mayor Warren recommend both Duane Oestmann and Dotty Smith be appointed to the Historic Preservation Board to fill the current vacancies on the board.

Commission Options:

1. Approve with consent agenda.
2. Remove from consent agenda to new business for further consideration.

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: June 4, 2024
From: Mayor Jay Warren
Item: PC/BZA Board Appointment

Purpose: Ratify Mayor Jay Warren’s appointment of Michael Bergagnini to the Planning Commission/Board of Zoning Appeals Committee.

Background:

Michael Bergagnini has expressed interest in serving on this board. As a retired member of the community, he has resided in Arkansas City area for 35 years. Michael has served as treasurer for the Arkansas City Early Bird Lions Club and secretary/ treasure for Cowley County Crime Stoppers. Michael as served as Mayor for Parkersfield for the last 20 years.

The Board and Mayor Warren recommend Michael Bergagnini be appointed to the Planning Commission/Board of Zoning Appeals Committee, filling a recent vacancy.

Commission Options:

1. Approve with consent agenda.
2. Remove from consent agenda to new business for further consideration.

Approved for Agenda by:

Randy Frazer, City Manager



City Commission Agenda Item

Meeting Date: June 4, 2024
From: Josh White, Principal Planner
Item: Fugate Commercial Addition Plat

Purpose: An Ordinance approving the plat of Fugate Commercial Addition, and accepting land dedicated for the public purposes included therein. **(Roll Call Vote)**

Background:

J. Larry Fugate Revocable Trust has applied for and submitted a plat for a commercial development known as Fugate Commercial Addition. The subject property is located at 1745 & 1801 N Summit. The property has a shopping center and quick service restaurant and vacant land. The surrounding area is comprised of commercial uses. The rear vacant portion is partially within the floodplain and floodway. The property consists of approximately 6.16 acres. The project will be to split the shopping center/restaurant and vacant land into separate lots. Easements will be provided for existing utilities and access in the form of a separate instrument entitled Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions recorded at Book 1131, Pages 38-42 with the Cowley County Register of Deeds. The Planning Commission held a public hearing on Tuesday, May 14, 2024, and voted to approve the preliminary plat. At the meeting, they also voted to recommend approval of the final plat and accept the dedication of land proposed on it. The staff report and a map are included in the packet.

Commission Options:

1. Approve the Ordinance
2. Disapprove the Ordinance
3. Table the Ordinance for further discussion

Fiscal Impact:

Amount: Cost of Publication

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:

Randy Frazer, City Manager

(First Published in the Cowley CourierTraveler, _____2024)

ORDINANCE NO. 2024-06-____

AN ORDINANCE APPROVING THE PLAT OF FUGATE COMMERCIAL ADDITION, AND ACCEPTING LAND DEDICATED FOR PUBLIC PURPOSES INCLUDED THEREIN.

WHEREAS, a plat for Fugate Commercial Addition, has been submitted to, and approved by the City of Arkansas City Planning Commission, and

WHEREAS, pursuant to K.S.A. 12-752(c), the Governing Body must accept the dedication of land for public purposes contained with that Plat, and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, desires to approve the Plat and accept such dedication of land.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: That the Governing Body of the City of Arkansas City hereby adopts the recommendation of the Arkansas City Planning Commission and approves the plat of Fugate Commercial Addition. The City further accepts the dedication of land for public purposes contained within the Plat. Such Plat is attached hereto, and incorporated herein by reference.

SECTION TWO: The Governing Body of the City of Arkansas City hereby authorizes City Staff of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION THREE: This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City this 4th day of June 2024.

Jay Warren, Mayor

ATTEST:

Tiffany Parsons, City Clerk

APPROVED AS TO FORM:

Larry Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2024-06-____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2024.

DATED: _____

Tiffany Parsons, Clerk



STAFF REPORT

City of Arkansas City Neighborhood Services Division
 Josh White, Principal Planner
 118 W Central Ave, Arkansas City, KS 67005
 Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER
SD-2024-043

APPLICANT/PROPERTY OWNER
J. Larry Fugate Revocable Trust

PUBLIC HEARING DATE
May 14, 2024

PROPERTY ADDRESS/LOCATION
1745 & 1801 N Summit St

BRIEF SUMMARY OF REQUEST

The subject property is located at 1745 & 1801 N Summit. The property has a shopping center and quick service restaurant and vacant land. The surrounding area is comprised of commercial uses. The rear vacant portion is partially within the floodplain and floodway. The property consists of approximately 6.16 acres. The project will be to split the shopping center/restaurant and vacant land into separate lots. Easements will be provided for existing utilities and access in the form of a separate instrument entitled Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions recorded at Book 1131, Pages 38-42 with the Cowley County Register of Deeds.



Map data ©2024 Esri World Topographic map

<p>EXISTING ZONING C-3, General Commercial District Part: FP-O, Floodplain Management Overlay District</p>	<p>EXISTING LAND USE Commercial and Vacant</p>	<p>SURROUNDING ZONING & LAND USE Commercial/Mixed Use</p>	<p>SITE IMPROVEMENTS Shopping Center & Restaurant</p>	<p>SIZE OF PROPERTY 6.16 Acres</p>
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STAFF RECOMMENDATION

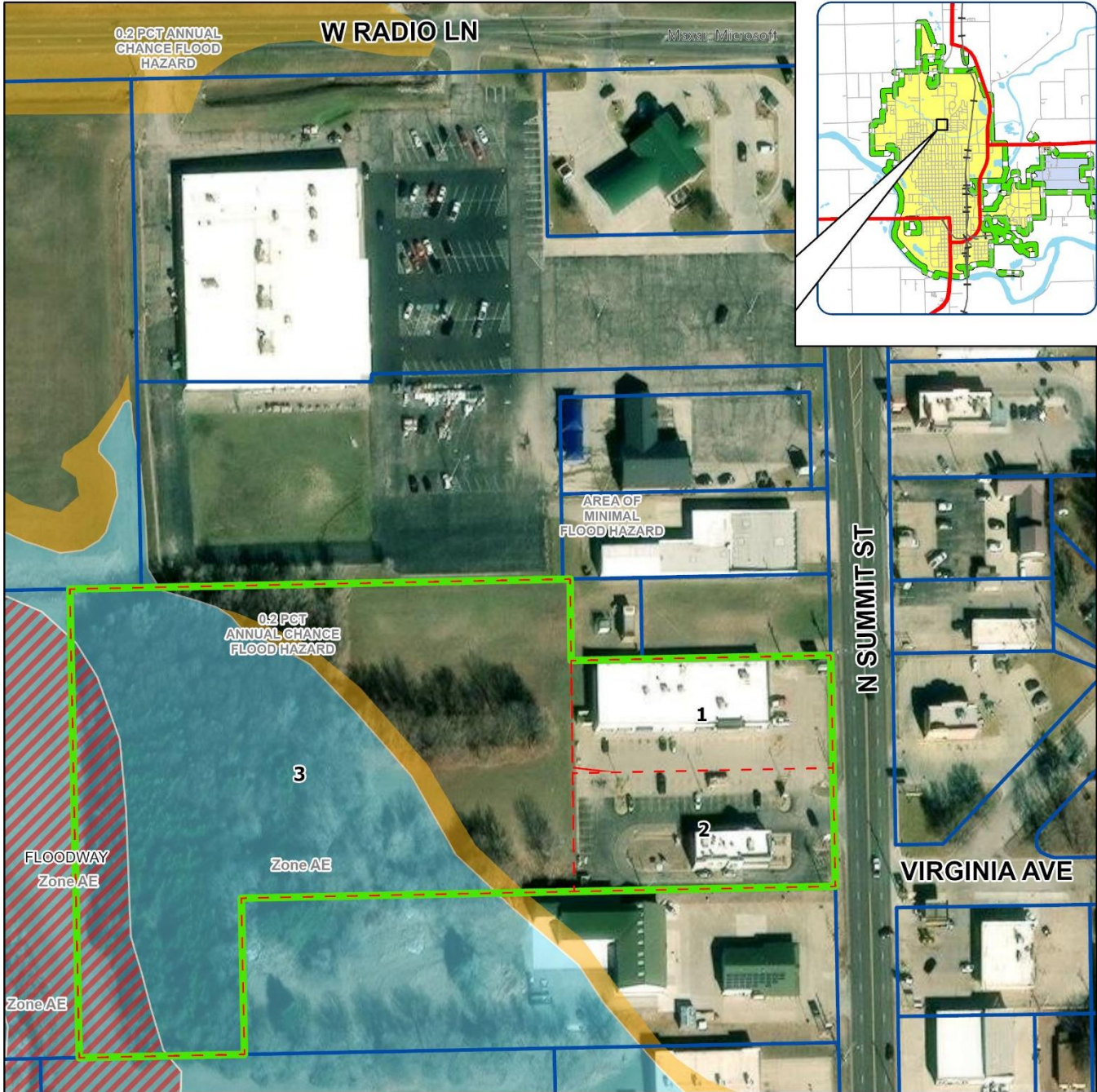
APPROVE

APPROVE WITH CONDITIONS

DENY

<p>Lots and Blocks The plat has 3 lots.</p>	<p>Right-of-way and Easements Existing utilities will retain easements. Access easements have been filed by separate instruments. No additional right of way will be dedicated.</p>
<p>Land Planning and Site Design Principles All utilities are available at the site. Lot 3 is partially within the floodplain and floodway. No immediate plans are proposed for this area, but care would need to be taken to follow the floodplain regulations for any development. No streets are planned.</p>	
<p>Conformance with Comprehensive Plan and Planning Policies The proposal conforms to the commercial land use pattern of the Future Land Use Map.</p>	<p>Transportation and Circulation Access and circulation will be maintained according to separate instrument.</p>

Minor Plat



A request to subdivide 1745 & 1801 N Summit Street as
Fugate Commercial Addition

- Fugate Commercial Addition Lots
- Subdivision
- Property Lines
- 1% Annual Flood Chance (100 Year) Flood Zones
- 0.2% Annual Flood Chance (500 year) Flood Zones
- Floodway
- Zone A
- 0.2% Annual Chance Flood Hazard
- Zone AE
- Area with Reduced Flood Risk Due to Levee-Zone X
- Zone AO

Produced by the City of Arkansas City GIS using the best available data to date.
Created: March 21, 2024





- LEGEND:**
- 5/8" Bar Round
 - 1/2" Rebar Round
 - 1/2" Pipe Round
 - 1/2" x 24" Rebar-coupler S4
 - △ Section Corner Monument
- (d) Described Distances & Bearings
 Note: All other distances & bearings shown are as measured

Fugate Commercial Addition

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 3 EAST OF THE 6TH P.M., ARKANSAS CITY, COWLEY COUNTY, KANSAS



CITY PLANNING COMMISSION CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 This plat of Fugate Commercial Addition has been submitted to and approved by the Arkansas City Planning Commission this ____ day of _____, 20__.

City Attorney: Larry R. Schwartz Date Signed _____

CITY COUNCIL CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 The dedications shown on this plat have been accepted by the City of Arkansas City, Kansas, this ____ day of _____, 20__.

Mayor: Jay Moran Date Signed _____

City Clerk: Tiffany Korman ATTEST (SEAL)

COUNTY TREASURER CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 I hereby certify that the taxes on the included tracts are current.

County Treasurer: Maci DeGoussars Date Signed _____

REGISTER OF DEEDS CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 This instrument was filed for record in the Register of Deeds Office of _____, on the ____ day of _____, 20__.

County Register of Deeds: Tom A. Long (SEAL)

OWNERS CERTIFICATION AND DEDICATION
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 This is to certify that the undersigned owner(s) of the land described in the Survey Certificate have caused the same to be dedicated to the public use of the City of Arkansas City, Kansas, and further that the land contained herein is held and shall be conveyed subject to and restrictions, reservations, and covenants on the or hereafter filed in the Office of the Register of Deeds of Cowley County, Kansas.

I, Larry R. Schwartz, Trustee of Larry Fugate Removable Trust dated March 23, 2010 Date Signed _____

NOTARY CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____, Notary Public.

My appointment expires: 4-24-25 (SEAL)

TRANSFER RECORD
 Entered for transfer record this ____ day of _____, 20__.

County Clerk: Karen Wadson (SEAL)

LEGAL DESCRIPTION (Book 1131, Page 38-39)
 Beginning at a point on the East line 622.25 feet South of the Northeast corner of Section 24 Township 34 South, Range 3 East of the 6th P.M., Arkansas City, Cowley County, Kansas, and thence North 15 degrees 35 minutes 54 seconds West, 54 feet; thence South 89 degrees 04 minutes 35 seconds West, 232.00 feet; thence South 89 degrees 04 minutes 35 seconds West, 159 feet; thence North 89 degrees 04 minutes 35 seconds East, 159 feet; thence North 89 degrees 04 minutes 35 seconds East, 244 feet to the point of beginning, except highway right-of-way as shown on the plat of Subdivision Regulations of the City of Arkansas City, Cowley County, Kansas, recorded in Book 802, Page 371, and except the following described parcel:
 A tract of land situated in the Northeast Quarter of Section 24, Township 34 South, Range 3 East of the 6th Principal Meridian, Arkansas City, Cowley County, Kansas, prepared by Chris A. Melen Surveyor on May 15th, 2023, being more particularly described as follows: Commencing at the North East Corner of said Northeast Quarter, thence South 89 degrees 04 minutes 35 seconds West, 232.00 feet to the Northwest Corner of a tract of land recorded in Book 802, Page 371, thence South 89 degrees 04 minutes 35 seconds West, along the West line of said recorded tract, a distance of 232.00 feet to the Northwest Corner of said recorded tract; thence South 89 degrees 04 minutes 35 seconds West, along the West line of a tract of land recorded in Book 802, Page 371, a distance of 159 feet to the Northwest Corner of a tract of land recorded in Book 802, Page 371, thence North 89 degrees 04 minutes 35 seconds East, 159 feet, 10 seconds East, along the North line of said recorded tract, a distance of 159 feet, 10 seconds East, to the point of beginning, containing 6480.3 square feet, more or less.

SURVEYOR'S CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Kansas, with assistance and under the supervision of my superior, that all Subdivision Regulations of the City of Arkansas City, Cowley County, Kansas, have been compiled and recorded in the Office of the Register of Deeds of Cowley County, Kansas, and that the field work was completed on February 23, 2024.

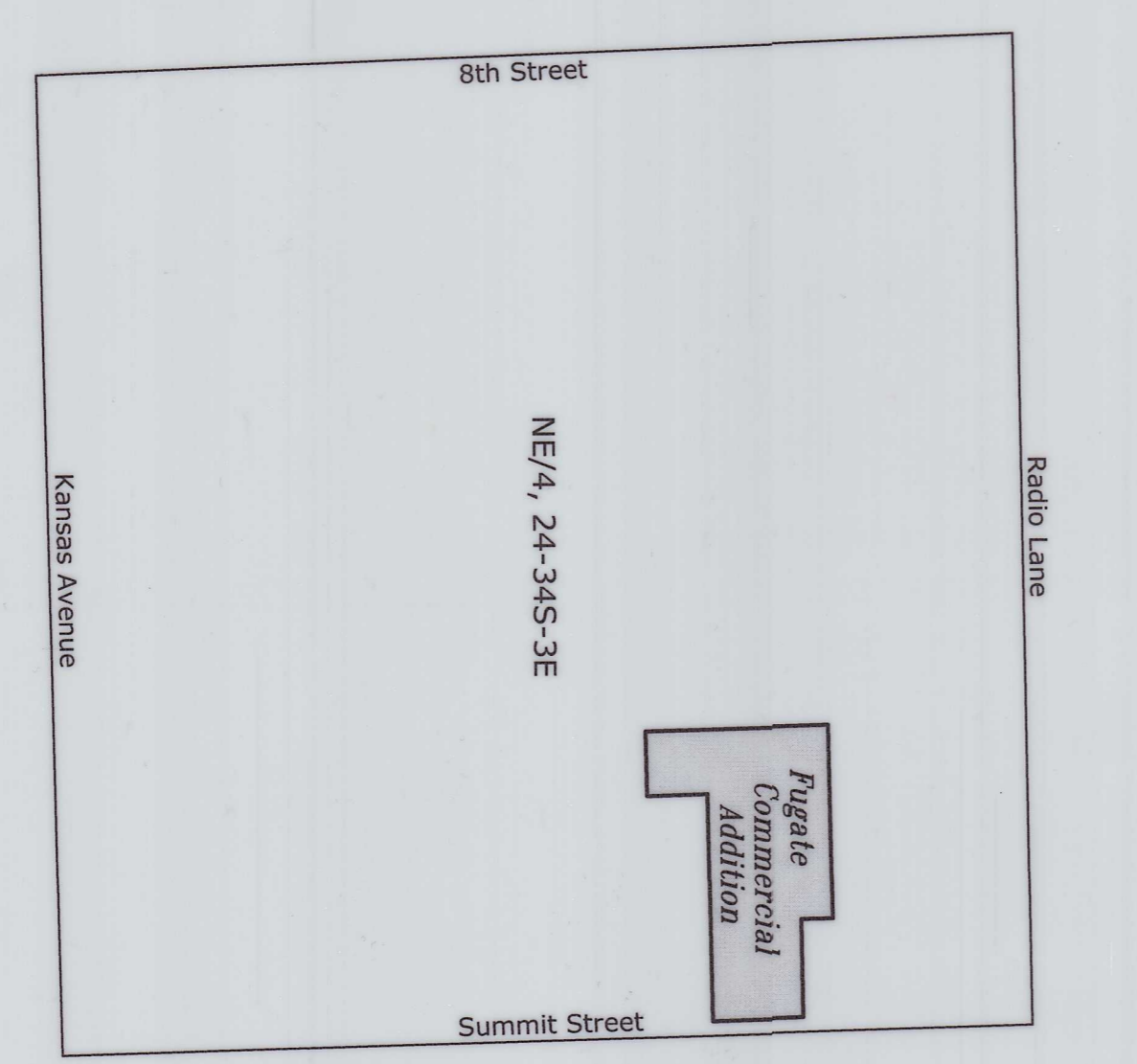
Chris A. Melen
 Kansas P.S. NO. 1489

COUNTY SURVEYOR'S CERTIFICATE
 STATE OF KANSAS }
 COUNTY OF COWLEY } ss
 I, the undersigned, Matthew A. Wolk, do hereby certify that this plat meets the requirements of K.S.A. 58-2003, the Kansas Surveying Act, and that the field work was completed on February 23, 2024. No field verification was implied. This return is for survey information only.

Matthew A. Wolk, County Surveyor
 Kansas P.S. NO. 1160

NOTES:

- Surveyor has made no investigation or independent search for easements of record, encroachments, or other interests, and current file search may disclose.
- Bearings for this plat are based on an assumed S01°30'48"E for the East Line of the Northwest Quarter of Section 24.
- This subdivision contains 6.16 acres, more or less.
- This subdivision plat is prepared for Fugate Enterprises, 208 S. Maple Road, Wichita, KS 67208.
- Dimensions of Record of Easements, Easements, Covenants and Restrictions is recorded in Book 1131, Page 38-42, Cowley County Register of Deeds.



Vicinity Map: Arkansas City, Kansas (NTS)

SMITH + OAKES
 P.O. BOX 696 / 110 W BRYANT RD, ARKANSAS CITY, KS 67205
 PHONE / 620-442-4756 / INFO@SMITHANDOAKES.COM

DATE: 3/1/2024 DRAWN BY: GDF SHEET: 1 OF 1 PROJECT # 43-052



Cowley County, KS
Register of Deeds
Toni A. Long

Section , Item 1.

Book: 1131 Page: 38-42

Receipt #: 79862
Pages Recorded: 5

Total Fees: \$89.00

Date Recorded: 12/4/2023 10:23:27 AM

Direct
Index
Compared

\$ 89.00
FUGATE ENTERPRISES
209 S MAIZE ROAD
WICHITA, KS 67209-3110

DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (this Declaration) is dated this 28th day of November, 2023 (the Effective Date), by J. LARRY FUGATE, TRUSTEE OF THE J. LARRY FUGATE REVOCABLE TRUST DATED MARCH 25, 2010, as amended, (“Declarant”).

RECITALS

A. Declarant owns the property (the “Property”) situate, lying and being in the City of Arkansas City, County of Cowley, State of Kansas, described as follows:

Beginning at a point on the East line, 622.25 feet South of the Northeast corner of the Northeast Quarter of Section 24, Township 34 South, Range 3 East of the 6th P.M., with the East line of said Quarter Section on an assumed bearing of North 0 deg. 35 min. 54 sec. West; thence South 89 deg. 59 min. 46 sec. West, 232 feet; thence North 0 deg. 35 min. 54 sec. West, 86 feet; thence South 89 deg. 59 min. 46 sec. West, 602.43 feet; thence South 0 deg. 35 min. 54 sec. East, 495 feet; thence North 90 deg. East, 174.43 feet; thence North 0 deg. 35 min. 54 sec. West, 165 feet; thence North 89 deg. 59 min. 46 sec. East, 660 feet to the East line of said Quarter Section; thence North 0 deg. 35 min. 54 sec. West, along the East line of said Quarter Section, 244 feet to the point of beginning, except highway right-of-way; **excepting therefrom the following described parcel:**

A tract of land situated in the Northeast Quarter of Section 24, Township 34 South, Range 3 East of the 6th Principal Meridian, Arkansas City, Cowley County, Kansas, prepared by Chris A. Meinen PS#1489 on May 15th, 2023, being more particularly described as follows: Commencing at the North East Corner of said Northeast Quarter; thence South 01 degrees, 30 minutes, 48 seconds East (assumed), along the East Line of said Northeast Quarter, a distance of 536.46 feet to the Northeast Corner of a tract of land recorded in Book 602, Page 371; thence South 89 degrees, 03 minutes, 10 seconds West, along the North Line of said recorded tract, a distance of 232.00 feet to the Northwest Corner of said recorded tract and the Point of Beginning of the herein described tract; thence South 01 degrees, 30 minutes, 48 seconds East, along the West Line of said recorded tract, a distance of 86.00 feet to the Southwest Corner of said recorded tract; thence South 89 degrees, 03 minutes, 10 seconds West, a distance of 75.00 feet; thence North 01 degrees, 30 minutes, 48 seconds West, a distance of 86.00 feet to a point on the

North Line of a tract of land recorded in Book 860, Page 83; thence North 89 degrees, 03 minutes, 10 seconds East, along the North Line of last said recorded tract, a distance of 75.00 feet to the Point of Beginning, containing 6449.7 square feet, more or less.

B. Declarant desires to declare, reserve, establish and create certain reciprocal easements, covenants, conditions and restrictions on the Property as described in this Declaration, in contemplation of the platting, redevelopment and subdivision of the Property, in order to enhance the functionality and overall value of the Property.

NOW THEREFORE, for and in consideration of the Recitals and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Declarant, in its capacity as the Owner of the Property, declares, grants, conveys and establishes, to and for itself, its designees as hereinafter provided, and its respective successors and assigns, that the Property is and shall be conveyed, sold, encumbered leased, occupied, built upon or otherwise used, improved or transferred, in whole or in part, subject to this Declaration and all of the easements, covenants, rights, duties, obligations, restrictions, responsibilities and matters set forth herein, all of which are for the purpose of enhancing and protecting the value desirability and marketability of the Property consistent with and in furtherance of the above-stated intentions. The easements, covenants, rights, duties, obligations, restrictions, responsibilities and matters stated herein shall run with the land and shall be binding upon and inure to the benefit of all parties having or acquiring any right, title or interest in the Property or any part thereof or any party using the Property or any part thereof.

DECLARATION

1. Incorporation of Recitals. The foregoing recitals are incorporated herein and made a part hereof to the same extent as if set forth herein in full.
2. Access and Drainage Easements. Declarant hereby establishes, and creates for the benefit of all current and future owners of the Property (as applicable, an “**Owner**”), including current and future legally subdivided lots thereof (individually, a “**Lot**,” and collectively, “**Lots**”), and such Owners’ agents, contractors, tenants, employees, customers, licensees, guests and invitees (collectively, “**Invitees**”), a perpetual, non-exclusive easement, for the purpose of allowing access to and from the Lots and adjacent roads for motor vehicles and pedestrian access, as follows:
 - (a) Over and across (i) an existing driveway legally described, and as depicted, on the drawing which is reflected on Exhibit A attached hereto and made a part hereof, (the “**Access Easement**”);
 - (b) Over and across all paved drive aisles currently located, or from time to time located or relocated, on each Lot, but excluding any drive-thru/pick up lanes or sidewalks, (the “**Drive Aisles Easement**”);

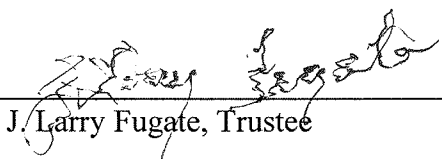
- (c) Over, under and across all areas of the Lots located outside of any buildings constructed on the Lots for the purpose of drainage of surface water over, across and under the entire Property (the “**Drainage Easement**”);
3. Sign Easement. Declarant hereby establishes for the benefit of the lot which will be designated as Lot 1 in the plat to be filed, an easement in the area where an existing sign is now located on the lot which will be designated as Lot 2 in the plat to be filed. The Lot 1 owner may continue to utilize the sign in the size currently existing but may not increase the height or width of the signage. Lot 1 owner shall maintain and repair the sign and keep in a good condition and immediately replace any broken or cracked sign panels. Declarant, or the future owner of Lot 2, has the right in its sole discretion to remove the entire sign if the sign is not being utilized, or is not being properly maintained and in the event of such removal, the easement herein granted shall immediately terminate and be null and void.
 4. Declarant’s Rights. Declarant reserves for itself, as the Owner of the Property, and for each Lot Owner, with respect to such Lot Owner’s Lot, the right of ownership, use and occupancy of the Property, insofar as the ownership, use and occupancy does not impair the rights granted herein. Without limiting the foregoing, Declarant declares that no building, structure, gate, obstruction, or other improvements of any kind may be placed on the Access and Drive Aisles Easements in such a way as to interfere with the easement rights, except as specifically provide herein; provided, however, that Declarant or any Lot Owner may install utility lines, paving and landscaping within any portion of property owned by Declarant or by such Lot Owner, so long as the same do not interfere with use of the Access Easement or Drive Aisles Easement. Moreover, nothing in this Declaration shall be construed to limit Declarant’s or any Lot Owner’s right to modify the circulation of automobile or pedestrian traffic within any portion of the Property owned by Declarant or such Lot Owner, provided that access to, and ingress to and egress from the Lots is not materially diminished, unreasonably interfered with, or causes a violation of applicable Laws.
 5. Maintenance Obligations. Declarant (so long as Declarant owns any portion of the Property, and thereafter the Lot 2 Owner) (as applicable the “**Maintenance Owner**”) shall be responsible for keeping, maintaining and repairing the Access Easement and shall be responsible for keeping, maintaining and repairing in a first class condition, including replacement of base, patching, crack sealing, coating, resealing, resurfacing or replacing the paved surface. All costs and expenses associated with the foregoing shall be shared between the Owners on a one-third basis, except until Lot 3 is developed, costs and expenses shall be shared between the Owners of Lots 1 and 2 on a one-half basis. Declarant and each Lot Owner shall be responsible for maintenance, repair and replacement of all drive aisles located on their respective Lot.

- 6. Severability. If any provision of this Declaration shall be held invalid, illegal or unenforceable in any jurisdiction, the validity, legality and enforceability of the remaining provisions of this Declaration shall not be impaired thereby.
- 7. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Kansas, without reference to conflicts of law principles.

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the date first above written.

Declarant:

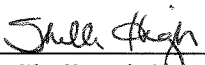
J. Larry Fugate, Trustee of the J. Larry Fugate Revocable Trust
Dated March 25, 2010

By: 
J. Larry Fugate, Trustee

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 28th day of November, 2023, before me, the undersigned, a notary public, in and for the County and State aforesaid, came J. Larry Fugate As Trustee of the J. Larry Fugate Revocable Trust Dated March 25, 2010, personally known to me to be the same person who executed the within instrument of writing and who duly acknowledged the execution of the same for and on behalf of the trust.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


Shelle High, Notary Public

My appointment expires:

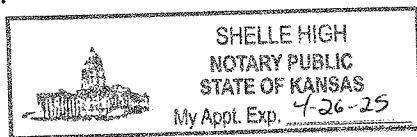


EXHIBIT A



DESCRIPTION:

A tract of land situated in the Northeast Quarter of Section 24, Township 34 South, Range 3 East of the 6th Principal Meridian, Cowley County, Kansas, being more particularly described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence South 01 degree, 30 minutes, 48 seconds East (assumed), along the East Line of said Northeast Quarter, a distance of 765.00 feet; thence South 88 degrees, 29 minutes, 12 seconds West, perpendicular to said East Line, a distance of 40.00 feet to the Point of Beginning of the herein described tract on the West Right-of-Way for Summit Street; thence South 01 degree, 30 minutes, 48 seconds East, along said West Right-of-Way, a distance of 40.00 feet; thence South 88 degrees, 29 minutes, 12 seconds West, perpendicular to said East Line, a distance of 20.00 feet; thence North 01 degree, 30 minutes, 48 seconds West, parallel with said East Line, a distance of 40.00 feet; thence North 88 degrees, 29 minutes, 12 seconds East, perpendicular to said East Line, a distance of 20.00 feet to the Point of Beginning, containing 800.0 square feet, more or less.

NOTES:

-Bearings for this description are based on an assumed S01°30'48"E for the East Line of the Northeast Quarter, 24-34S-3E.

-Surveyor has made no investigation or independent search for easements of record, encumbrances, vacated lands, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

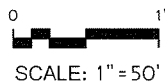
CERTIFICATION:

I hereby certify that the above is an accurate depiction of the legal description prepared by me on the 10th day of October, 2023.

Chris A. Meinen
 Kansas LIC. NO.: PS 1489

LEGEND:

- Point Found
- △ Section Corner Monument
- (d) Described distance



PREPARED FOR:

Fugate Enterprises
 208 S. Maize Road
 Wichita, KS 67209

SMITH + OAKES
 110 W BRYANT RD, ARKANSAS CITY, KS 67005
 620-442-4756 / INFO@SMITHANDOAKES.COM