RECORDER'S CERTIFICATION JACKSON COUNTY, MISSOURI

12/15/2022 2:35 PM

NON-STANDARD FEE: EXEMPT

FEE: \$69 00

4 PGS





2022E0110022

Book:

Page:

Diana Smith , Recorder of Deeds

Jackson County Recorder of Deeds Exempt Document

This document has been recorded under exempt status pursuant to RSMo 59.310.4.

This certificate has been added to your document in compliance with the laws of the State of Missouri.



Diana Smith Recorder of Deeds

415 E. 12th Street, Room 104 Kansas City, MO 64106 112 W. Lexington, Suite 30 Independence, MO 64050

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Kansas City

414 E. 12th Street Kansas City, MO 64106

Legislation Text

File #: 220437

ORDINANCE NO. 220437

Approving the plat of Prospect Summit Homes, an addition in Jackson County, Missouri, on approximately 2.478 acres generally located at the south of E. 22nd/E. 23rd Street, North of E. 23rd Street bounded by Olive Street to the West and Prospect Avenue to the East, creating 1 lot and 2 tracts for the purpose of a 23 unit multi-family development; accepting various easements;; authorizing the Director of City Planning and Development to execute and/or accept certain agreements; and directing the City Clerk to record this ordinance and attached documents. (CLD-FnPlat-2019-00018)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of Prospect Summit Homes, a subdivision in Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the Director of City Planning and Development is hereby authorized to execute a Covenant to Maintain Storm Water Detention Agreement, to be in a form substantially as that attached hereto as Exhibit A and incorporated herein by reference.

Section 4. That the Director of City Planning and Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 5. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the Developer has met all of the requirements for the plat to be released for recording, in the Office of the Recorder of Deeds of Jackson County, Missouri.

Section 6. That the Council finds that the City Plan Commission has duly recommended its approval of this plat on April 19, 2022.

Approved as to form and legality:

Eluard Alegre

Associate City Attorney

This is to certify that General Taxes for 2021, and all prior years, as well as special assessments for local improvements currently due if any, on property described have been paid.

Authenticated as Passed

COuint

Marilyn Sanders, City Clerk AY 19 2022

Date Fassed

RECORDER'S CERTIFICATION JACKSON COUNTY, MISSOURI

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23 PGS





2022E0110023

Book: 207 Page: 66

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415 E 12th Street Kansas City, MO 64106

Taxpayer Services: (816) 881-3232 Business Taxes: (816) 881-3186

INSTRUCTIONS TO TAXPAYER

- 1. Have Part I of this Tax Certificate completed by the GIS Department.
- 2. Take to Taxpayer Services at either the Kansas City or Independence Courthouse. They will complete Parts II and III.
- 3. You cannot record your plat until these steps are completed.

PART I: TO BE COMPLETED BY GIS DEPARTMENT

Use ONE form for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-07-00-0-00-000		020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

PART II: TO BE COMPLETED BY COLLECTION DEPARTMENT

Return to GIS Department if unable to follow payment history back three (3) years. Attach document if paid. Attach bill if taxes due.

YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY
2020	0.00		Altha Young
2021	0.00		Altha Young
2022	0.00		Altha Young

(This is to certify that, according to the reco Taxes for Real Property have been paid in fu property.)	rds of the Collection Department, the State, County, and School all for 2020-2022 and all prior years for the above described
Date: 9/26/2022	Supervisor: Altha Young



Jackson County, MO

415 E 12th Street Kansas City, MO 64106

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Use ONE form for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-08-00-0-00-000	Years: ²	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-09-00-0-000	Years: 2	2020 – 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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PROSPECT SUMMIT HOMES

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GIS Staff:	Vincent Brice	Date: 09/21/20)22

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Jackson County, MO

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cent Brice		Date: 09/21/2022
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AMOUNT DUE	DATE PAID	VERIFIED BY
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Supervisor:



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Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-12-00-0-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

PART II: TO BE COMPLETED BY COLLECTION DEPARTMENT

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2020	0.00		Aitha Young
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2022	0.00		Altha Young

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Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-13-00-0-000	Years: 2	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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2022	0.00		Altha Young

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Use ONE f	orm fo	r each narcel nur	mhor	

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-14-00-0-00-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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2020	0.00		Altha Young
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2022	0.00		Altha Young

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Date: 9/26/2022	Supervisor: Altha Young





Tax Certificate

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Legal Description: (RTS or Sub)

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	29-610-35-15-00-0-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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YEAR 2020	AMOUNT DUE	DATE PAID	VERIFIED BY
	0.00		Aitha Young
2021 2022	0.0		Altha Young
2022	0.00		Altha Young

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Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-18-00-0-00-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022
		Date.	

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YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY
2020	0,00		Altha Young
2021 2022	0.00		Altha Young
	0.00		Altha Young

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Line ONE C						

Use ONE form for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-19-00-0-00-000	Years:	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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YEAR 2020	AMOUNT DUE	DATE PAID	VERIFIED BY
	0.00		Altha Young
2021 2020	0.00		Altha Young
2020	0.00		Altha Young

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Date: 9/26/2022	Supervisor: Altha Young



Jackson County, NO

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PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-20-00-0-00-000	Vanua 2020	- 2022
GIS Staff:	Vincent Brice	Years: 2020 Date: 09/2	1/2022

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YEAR 2020	AMOUNT DUE	DATE PAID	VERIFIED BY
	0.00		Altha Young
2021 2022	0.00	***************************************	
	0.00		Altha Young
	0.00		Altha Young

(This is to certify that, according to the red Taxes for Real Property have been paid in property.)	cords of the Collection Department, the State, County, and School full for 2020-2022 and all prior years for the above described
Date: 9/26/2022	Supervisor: Altha Young



415 E 12th Street Kansas City, MO 64106 Taxpayer Services: (816) 881-3232

Business Taxes: (816) 881-3186

Jackson County, MC

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Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-21-00-0-00-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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Date: 9/28/2022	Supervisor: Altha Young





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PART I	TO	BE	COMP	LETED	BY	GIS	DEPARTMENT
		-					

Use ONE form for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-22-00-0-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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2022	0.00		Altha Young

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Date: 9/26/2022	Supervisor: Altha Young





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Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-23-00-0-000	Years: 2	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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Use ONE form	for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-24-00-0-000	Years: 2	2020 – 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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			_					

Use ONE form for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-25-00-0-00-000	Years: ²	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

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Jackson County, MO



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Use ONE form for each parcel number

Legal Description: (RTS or Sub)

PROSPECT SUMMIT HOMES

Current Parcel ID:	29-610-35-26-00-0-000	Years: 4	2020 - 2022
GIS Staff:	Vincent Brice	Date:	09/21/2022

PART II: TO BE COMPLETED BY COLLECTION DEPARTMENT

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YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY
2020	0.00		Altha Young
2021	0.00		Altha Young
2022	0.00		Altha Young

Taxes	(This is to certify that, according to the records of the Collection Department, the State, County, and School Taxes for Real Property have been paid in full for 2020-2022 and all prior years for the above described property.)				
Date:	9/26/2022	Supervisor: Altha Young			





Tax Certificate

415 E 12th Street Kansas City, MO 64106

Taxpayer Services: (816) 881-3232 Business Taxes: (816) 881-3186

INSTRUCTIONS TO TAXPAYER

- Have Part I of this Tax Certificate completed by the GIS Department.
 Take to Taxpaver Services at either the Kansas City or Independence
- d

III.	, ,	Kansas City of maepenae	ence Courthouse. They will complete Parts II	and
3. You canno	ot record your plat until these	steps are completed.		
PART I: TO BE CON	APLETED BY GIS DEPARTMEN parcel number	τ		
Legal Description:	RTS or Sub)			
PROSPECT	SUMMIT HOMES			
Current Parcel ID:	29-610-35-27-01-0-00-000			
GIS Staff:	Vincent Brice		Date: 09/21/2022	_
PART II: TO BE CON Return to GIS Departme	IPLETED BY COLLECTION DEP. nt if unable to follow payment histo	ARTMENT ry back three (3) years. Attach	document if paid. Attach bill if taxes due.	
to del company and a sequence of the sequence	AMOUNT DUE	DATE BAID	1 Innining and	
YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY	
YEAR 2020	0.00	DATE PAID	Altha Young	
YEAR		DATE PAID		

(This is to certify that, according to the records of the Collection Department, the State, County, and School Taxes for Real Property have been paid in full for 2020-2022 and all prior years for the above describ property.)			
Date: 9/26/2022	Supervisor: Altha Young		





415 E 12th Street Kansas City, MO 64106 Taxpayer Services: (816) 881-3232

Business Taxes: (816) 881-3186

INSTRUCTIONS TO TAXPAYER

- 1. Have Part I of this Tax Certificate completed by the GIS Department.
- ıd

Take to Tax III.	payer Services at either the	Kansas City or Independe	ence Courthouse. They will complete Parts II an		
3. You cannot	record your plat until these	steps are completed.			
PART I: TO BE COMP Use ONE form for each p	PLETED BY GIS DEPARTMEN arcel number	7			
Legal Description: (R	TS or Sub)				
PROSPECT S	UMMIT HOMES				
Current Parcel ID:	29-610-35-27-02-0-000)			
GIS Staff:	Vincent Brice		Date: 09/21/2022		
PART II: TO BE COMP Return to GIS Department	LETED BY COLLECTION DEP. if unable to follow payment histo	ARTMENT ry back three (3) years. Attach	document if paid. Attach bill if taxes due.		
YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY		
2020	0.00		Altha Young		
2021	0.00		Altha Young		

YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY
2020	0.00		Altha Young
2021	0.00		Altha Young
2022	0.00		Altha Young

PART III.	: TO	BE	COMPLETED B	Y.	AUTHORIZED	COLLECTION	DF	PARTIMENT	CII	DERVISOR
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(This is to certify that, according to the records of the Collection Department, the State, County, and School Taxes for Real Property have been paid in full for 2020-2022 and all prior years for the above describ property.)		
Date: 9/26/2022	Supervisor: Altha Young	

RECORDER'S CERTIFICATION JACKSON COUNTY, MISSOURI

12/15/2022 2:35 PM

12 PGS

2022E0110024

Page: Diana Smith, Recorder of Deeds



COVENANT TO MAINTAIN STORM WATER DETENTION FACILITY PLAT OF PROSPECT SUMMIT HOMES

THIS COVENANT made and entered into this 29 day of September, 2022, by and between KANSAS CITY, MISSOURI, a constitutionally chartered municipal corporation (the "City"), TALIAFERRO & BROWNE REAL ESTATE - 22nd/23rd STREET, LLC, a Missouri limited liability company ("Owner 1"), TALIAFERRO & BROWNE 22nd/23rd STREET, LLC, a Missouri limited liability company ("Owner 2"), and GRAHAM-ANDEBRHAN, LLC, a Missouri limited liability company ("Owner 3") (collectively, Owner 1, Owner 2, and Owner 3 are the "Owner").

Recitals

WHEREAS, Owner owns certain real estate generally located at 2226 Prospect Avenue in Kansas City, of Jackson County, Missouri (the "Property") more specifically described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Owner intends to cause the Property to be platted as Plat of Prospect Summit Homes, in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri; and

WHEREAS, Owner intends to subdivide the Property and create pursuant to the Plat Lot 1 and Tracts A and B, as shown on Exhibit "B" attached hereto.

WHEREAS, the improvement proposed by Owner on the Property warrant storm water control to serve Lot 1 and requires preservation and maintenance of storm water detention facilities, located on Tract A within the Plat, in order to ensure continuous and perpetual operation and effectiveness in controlling storm water runoff rates, volumes, and quality; and

WHEREAS, the City and Owner agree that it is in the public interest to detain storm water for the benefit of the Property and surrounding areas on Tract A owned by Owner 3; and

WHEREAS, the provisions for the maintenance of the storm water detention facility is necessary to serve the development;

NOW, THEREFORE, Owner and City, for and in consideration of the benefits to themselves, their assigns and future grantees do hereby agree as follows:

Sec. 1. Owner at its sole cost shall:

- a. Be responsible for the perpetual preservation, maintenance, repair and replacement, if necessary of the storm water detention facilities and appurtenances (the "Facilities") within the storm water detention facilities located on of Tract A.
- b. Maintain the pipes, structures, grounds, and appurtenances for the Facilities located on Tract A.
- c. Keep the pipes, structures and appurtenances open and free of silt and vegetation.
- d. Keep the pipes, structures and appurtenances in good working condition or replace same if necessary.
- e. Mow the grass area within Tract A.
- f. Maintain the grades within Tract A, pursuant to the approved plan on file in the office of the Director of City Planning & Development and identified as File No.

 . [leave blank]
- g. Obtain all necessary improvement and repair permits prior to performing any work on the Facilities.
- Sec. 2. City is granted the right, but is not obligated to enter upon Tract A in order to maintain the Facilities including the pipes, structures, grounds, and appurtenances if Owner fails to maintain same. In the event that the City does provide maintenance for the facilities, then City may:
 - a. Charge the costs for such maintenance against Owner and/or the owner of Lot 1 served by the Facility on Tract A;
 - b. Assess a lien on either Tract A or on Lot 1, or both, served by the Facility on Tract A;
 - c. Maintain suit against Owner and/or the owners of Lot 1 served by the Facility on Tract A for all cost incurred by the City for such maintenance.

Unless necessitated by a threat to life and/or safety, City shall notify Owner or the-then current owner of Lot 1, and the then-current owner of Tract A, not less than thirty (30) days before City begins maintenance of the Facilities.

Sec. 3. Owner and/or the Owner 3 or the-then owner of Tract A shall not use, nor attempt to use, in any manner which would interfere with the operation of the Facilities, in such manner as would interfere with the proper, safe, and continuous maintenance and use thereof, and, in particular, shall not build, thereon or thereover, any structure which may interfere, or cause to interfere, with the maintenance and use thereof.

- **Sec. 4.** This covenant shall run with the land legally described in Exhibit "A." Owner shall remain liable under the terms of this Covenant unless and until Owner assigns its rights and obligations to a third party and such assignment is accepted by the City.
- Sec. 5. To the extent allowed by law, in the event of a default under a loan agreement by a third party who is assigned the rights and obligations in accordance with the terms of this Covenant, the City will agree to an assignment from the defaulting third party to the secured lender.
- **Sec. 6.** Notices. All notices required by this Covenant shall be in writing sent by regular United States mail, postage prepaid, commercial overnight courier or facsimile and addressed as hereinafter specified. Each party shall have the right to specify that notice be addressed to any other address by giving the other party ten (10) days notice thereof. Unless a party to this Agreement has given ten (10) days notice of a change of person and address for purposes of notice under this Agreement to the other party in writing, notices shall be directed to the following:

Notices to the City:

Director of City Planning & Development City Hall, 414 East 12th Street Kansas City, Missouri 64106 Fax number: (816) 513-2548

Notices to Owner shall be addressed to:

Taliaferro & Browne Real Estate – 22nd/23rd Street, LLC 1020 E 8th Street Kansas City, MO 64106 Attention: Leonard Graham, Member Fax number: (816) 283-0810

` '

Notices to Owner 3 shall be addressed to:

Graham-Andebrhan, LLC, a Missouri limited liability company 1020 E 8th Street Kansas City, MO 64106 Attention: Hagos E. Andebrhan, Member

Fax number: (816) 283-0810

- **Sec. 7.** This Agreement shall not be amended, modified, canceled or abrogated without the prior written consent of the City.
- Sec. 8. Invalidation of any part or parts of this Covenant by judgment or other court action shall in no way affect any of the other provisions, which shall remain in full force and effect.
- Sec. 9. This Agreement shall be construed and enforced in accordance with the laws of the State of Missouri.

- Sec. 10. Upon the effective date of this Covenant, the City shall file this Covenant in the Office for recording real estate documents in Jackson County, Missouri, and shall be binding on Owner, its successors, assigns and transferees.
- **Sec. 11.** Owner shall jointly and severally release, hold harmless, indemnify and defend City and its agents, officers and employees from any and all responsibility, liability, loss, damage or expense resulting to Owner or to any person or property caused by or incidental as to the design, function, construction, maintenance or failure to maintain the Facility.

ATTESTATION BY CITY CLERK:	KANSAS CITY, MISSOURI By:
Approved as to form: Assistant City Attorney	
STATE OF MISSOURI) SS COUNTY OF JACKSON)	
BE IT REMEMBERED that on this 29 day of Se notary public in and for the contary public in and for the contary. Director City, Missouri a corporation duly organized, incorporation of the State of Missouri, and	ounty and state aforesaid, came of City Planning and Development, of Kansas porated and existing under and by virtue of the curry, who are personally known to me to be the instrument on behalf of Kansas City, Missouri,
IN WITNESS WHEREOF, I have hereunto set my year last above written.	hand and affixed my official seal, the day and
My Commission Expires:	•
KRISTY CHERI TYSON PUGH Notary Public - Notary Seal Jackson County - State of Missouri Commission Number 14973498 My Commission Expires Sep. 3, 2026	

OWNER 1:

	22 ND /23 STREET EDC, a Missouri limited liability company By: Print Name: Leonard J. Graham Title: Member	
	I hereby certify that I have authority to execute this document on behalf of Owner. By: Title: Member Date: September 9, 2022	_
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Company (LLC)	
STATE OF MISSOURI)) SS COUNTY OF JACKSON)		
notary public in and for the county and state known, who being by me duly sworn did say Estate – 22nd/23rd Street, LLC, a Missouri li	day of September, 2022, before me, the undersigned aforesaid, came Leonard Graham, to me personal by that he is the member of Taliaferro & Browne Resimited liability company, and that said instrument we fits members and acknowledged said instrument to	lly eal vas
IN WITNESS WHEREOF, I have he day and year last above written.	ereunto set my hand and affixed my official seal, the layer Notary Public	he
My commission expires:		
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County		
Commission # 92458631 tion Facility Ver	r.09-30-2009 SD_[insert]	

OWNER 2:

	TALIAFERRO & BROWNE 22 ^{NI} LLC, a Missouri limited liability company By: Print Name: Leonard J. Graham Title: Member	P/23 STREET
	I hereby certify that I have authority this document on behalf of owner. By: Title: Member Date: September 9, 2022	to execute
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Compan	ıy (LLC)
STATE OF MISSOURI)) SS COUNTY OF JACKSON)		
BE IT REMEMBERED, that on the Oth notary public in and for the county and state known, who being by me duly sworn did say Estate – 22 nd /23 rd Street, LLC, a Missouri line signed on behalf of said LLC by authority of the free act and deed of said LLC.	e aforesaid, came Leonard Graham, to y that he is the member of Taliaferro & nited liability company, and that said i	me personally Browne Real nstrument was
day and year last above written.	INWINESSWHEREOF, have been to set my handard to the set of the set	•
My commission expires:	1100mly 1 dollar	
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County Commission # 92458631 Standard Commission Expires 03-07-2026	.09-30-2009	SD_[insert]
	Page 7	

OWNER 3:

	GRAHAM ANDEBRHAN LLC
	By: Print Vame: Hagos E. Andebrhan Title: Member
	I hereby certify that I have authority to execute this document on behalf of Owner. By Homber Date: September 9, 2022
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Company (LLC)
STATE OF MISSOURI)) SS COUNTY OF JACKSON)	
notary public in and for the county and state a known, who being by me duly sworn did say Missouri limited liability company, and that	day of September, 2022, before me, the undersigned aforesaid, came Hagos E. Andebrhan, to me personally that he is the member of Graham Andebrhan LLC, a said instrument was signed on behalf of said LLC by d said instrument to be the free act and deed of said
year last above written.	set my hand and affixed my official seal, the day and October 100 100 100 100 100 100 100 100 100 10
My commission expires:	
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County Commission # 92458631 My Commission Expires 03-07-2026 Fibility Ver	r.09-30-2009 SD_[insert] Page 8
	_

EXHIBIT "A"

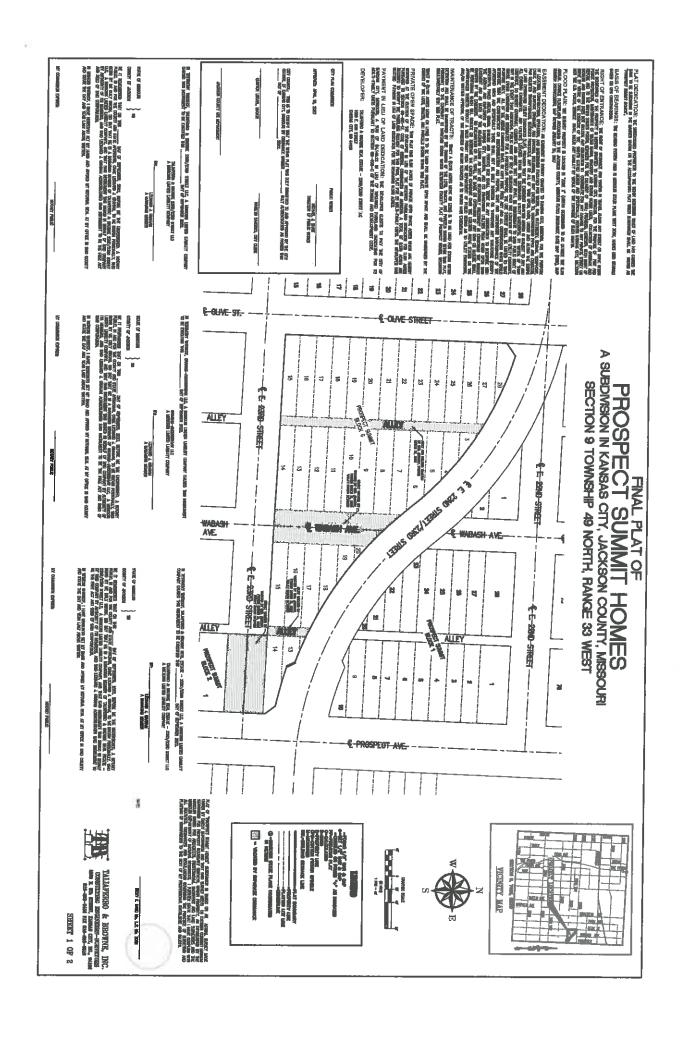
Property Legal Description

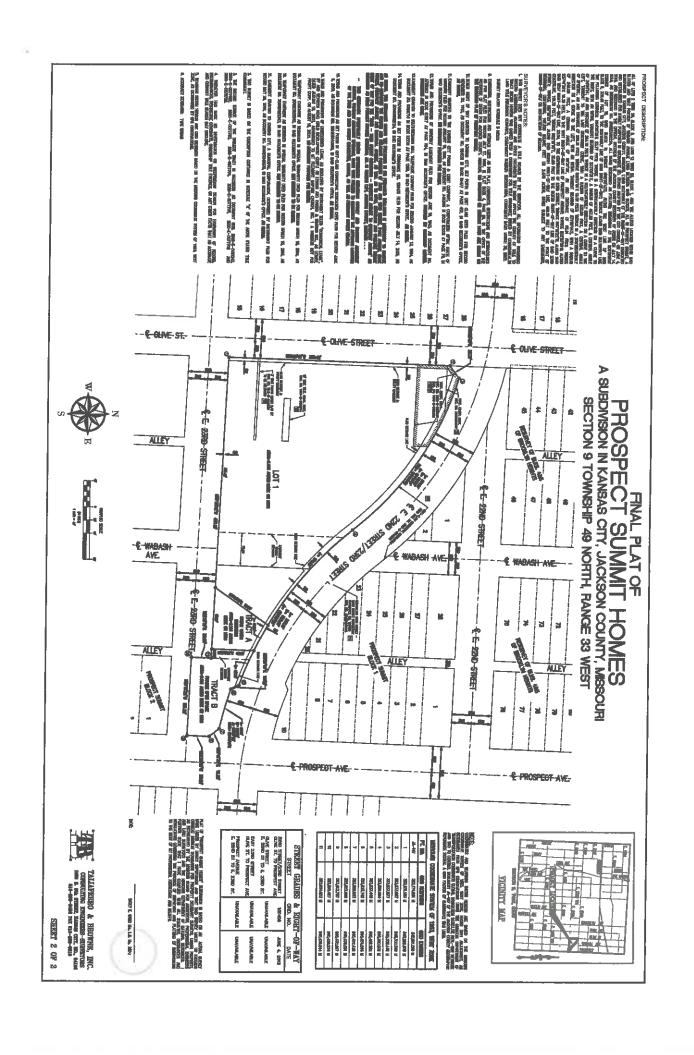
ALL OF LOTS 2 THRU 28, BLOCK 6, AND LOTS 12 THRU 20, BLOCK 1, AND THE ALLEYS LOCATED WITHIN SAID BLOCKS AND THAT PORTION OF WABASH AVENUE LYING BETWEEN SAID BLOCKS, ALL IN PROSPECT SUMMIT, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING SOUTHERLY OF THE RIGHT-OF-WAY DEDICATED AND ESTABLISHED FOR STREET PURPOSES IN ORDINANCE NO. 150405 ADOPTED BY THE CITY COUNCIL ON JUNE 4, 2015, AND RECORDED IN THE OFFICIAL RECORDS OF THE JACKSON COUNTY RECORDER OF DEEDS ON JULY 14, 2015, AS INSTRUMENT NO. 2015E0062124, ALL BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 15, SAID BLOCK 6; THENCE N02°03'43"E, ALONG THE WEST LINE OF SAID BLOCK 6, 336.49 FEET, TO THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING COURSES: N54°28'35"E 23.77 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE RIGHT, WITH AN INITIAL TANGENT BEARING OF S73°06'31"E, A RADIUS OF 467.50 FEET, A CENTRAL ANGLE OF 34°54'14", AN ARC DISTANCE OF 284.79 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED CURVE, WITH A RADIUS OF 532.50 FEET, A CENTRAL ANGLE OF 31°52'55", AN ARC DISTANCE OF 296.31 FEET; THENCE S25°57'01"E 13.52 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, WITH AN INITIAL TANGENT BEARING OF S71°06'44"E, WITH A RADIUS OF 542.00 FEET, A CENTRAL ANGLE OF 06°37'08", AN ARC DISTANCE OF 62.61 FEET; THENCE S37°41'32"E 19.30 FEET, TO THE WEST RIGHT-OF-WAY LINE OF PROSPECT AVENUE; THENCE S02°20'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE, 33.54, TO THE CENTERLINE OF 23RD STREET, THENCE N87°18'22"W, ALONG SAID CENTERLINE, 119.38 FEET, THENCE N02°19'15"E, 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID 23RD STREET; THENCE N87°18'22"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 459.16 FEET TO THE POINT OF BEGINNING, CONTAINING, 107,938 SQUARE FEET OR 2.478 ACRES, BEING SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR RESTRICTIONS OF RECORD.

EXHIBIT "B"

Plat

Standard Covenant for Storm Water Detention Facility Ver.09-30-2009
Page 10





RECORDER'S CERTIFICATION JACKSON COUNTY, MISSOURI

12/15/2022 2:35 PM

FEE: \$54.00

12 PGS





Book:

Diana Smith, Recorder of Deeds

2022E0110024 Page:

COVENANT TO MAINTAIN STORM WATER DETENTION FACILITY PLAT OF PROSPECT SUMMIT HOMES

THIS COVENANT made and entered into this 29 day of September, 2022, by and between KANSAS CITY, MISSOURI, a constitutionally chartered municipal corporation (the "City"), TALIAFERRO & BROWNE REAL ESTATE - 22nd/23rd STREET, LLC, a Missouri limited liability company ("Owner 1"), TALIAFERRO & BROWNE 22nd/23rd STREET, LLC, a Missouri limited liability company ("Owner 2"), and GRAHAM-ANDEBRHAN, LLC, a Missouri limited liability company ("Owner 3") (collectively, Owner 1, Owner 2, and Owner 3 are the "Owner").

Recitals

WHEREAS, Owner owns certain real estate generally located at 2226 Prospect Avenue in Kansas City, of Jackson County, Missouri (the "Property") more specifically described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Owner intends to cause the Property to be platted as Plat of Prospect Summit Homes, in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri; and

WHEREAS, Owner intends to subdivide the Property and create pursuant to the Plat Lot 1 and Tracts A and B, as shown on Exhibit "B" attached hereto.

WHEREAS, the improvement proposed by Owner on the Property warrant storm water control to serve Lot 1 and requires preservation and maintenance of storm water detention facilities, located on Tract A within the Plat, in order to ensure continuous and perpetual operation and effectiveness in controlling storm water runoff rates, volumes, and quality; and

WHEREAS, the City and Owner agree that it is in the public interest to detain storm water for the benefit of the Property and surrounding areas on Tract A owned by Owner 3; and

WHEREAS, the provisions for the maintenance of the storm water detention facility is necessary to serve the development;

NOW, THEREFORE, Owner and City, for and in consideration of the benefits to themselves, their assigns and future grantees do hereby agree as follows:

Sec. 1. Owner at its sole cost shall:

- a. Be responsible for the perpetual preservation, maintenance, repair and replacement, if necessary of the storm water detention facilities and appurtenances (the "Facilities") within the storm water detention facilities located on of Tract A.
- b. Maintain the pipes, structures, grounds, and appurtenances for the Facilities located on Tract A.
- c. Keep the pipes, structures and appurtenances open and free of silt and vegetation.
- d. Keep the pipes, structures and appurtenances in good working condition or replace same if necessary.
- e. Mow the grass area within Tract A.
- f. Maintain the grades within Tract A, pursuant to the approved plan on file in the office of the Director of City Planning & Development and identified as File No.

 . [leave blank]
- g. Obtain all necessary improvement and repair permits prior to performing any work on the Facilities.

Sec. 2. City is granted the right, but is not obligated to enter upon Tract A in order to maintain the Facilities including the pipes, structures, grounds, and appurtenances if Owner fails to maintain same. In the event that the City does provide maintenance for the facilities, then City may:

- a. Charge the costs for such maintenance against Owner and/or the owner of Lot 1 served by the Facility on Tract A;
- b. Assess a lien on either Tract A or on Lot 1, or both, served by the Facility on Tract A;
- c. Maintain suit against Owner and/or the owners of Lot 1 served by the Facility on Tract A for all cost incurred by the City for such maintenance.

Unless necessitated by a threat to life and/or safety, City shall notify Owner or the-then current owner of Lot 1, and the then-current owner of Tract A, not less than thirty (30) days before City begins maintenance of the Facilities.

Sec. 3. Owner and/or the Owner 3 or the-then owner of Tract A shall not use, nor attempt to use, in any manner which would interfere with the operation of the Facilities, in such manner as would interfere with the proper, safe, and continuous maintenance and use thereof, and, in particular, shall not build, thereon or thereover, any structure which may interfere, or cause to interfere, with the maintenance and use thereof.

- **Sec. 4.** This covenant shall run with the land legally described in Exhibit "A." Owner shall remain liable under the terms of this Covenant unless and until Owner assigns its rights and obligations to a third party and such assignment is accepted by the City.
- **Sec. 5.** To the extent allowed by law, in the event of a default under a loan agreement by a third party who is assigned the rights and obligations in accordance with the terms of this Covenant, the City will agree to an assignment from the defaulting third party to the secured lender.
- Sec. 6. Notices. All notices required by this Covenant shall be in writing sent by regular United States mail, postage prepaid, commercial overnight courier or facsimile and addressed as hereinafter specified. Each party shall have the right to specify that notice be addressed to any other address by giving the other party ten (10) days notice thereof. Unless a party to this Agreement has given ten (10) days notice of a change of person and address for purposes of notice under this Agreement to the other party in writing, notices shall be directed to the following:

Notices to the City:

Director of City Planning & Development City Hall, 414 East 12th Street Kansas City, Missouri 64106 Fax number: (816) 513-2548

Notices to Owner shall be addressed to:

Taliaferro & Browne Real Estate – 22nd/23rd Street, LLC 1020 E 8th Street
Kansas City, MO 64106
Attention: Leonard Graham, Member
Fax number: (816) 283-0810

Notices to Owner 3 shall be addressed to:

Graham-Andebrhan, LLC, a Missouri limited liability company 1020 E 8th Street
Kansas City, MO 64106
Attention: Hagos E. Andebrhan, Member
Fax number: (816) 283-0810

- Sec. 7. This Agreement shall not be amended, modified, canceled or abrogated without the prior written consent of the City.
- Sec. 8. Invalidation of any part or parts of this Covenant by judgment or other court action shall in no way affect any of the other provisions, which shall remain in full force and effect.
- Sec. 9. This Agreement shall be construed and enforced in accordance with the laws of the State of Missouri.

Standard Covenant for Storm Water Detention Facility Ver.09-30-2009

- Sec. 10. Upon the effective date of this Covenant, the City shall file this Covenant in the Office for recording real estate documents in Jackson County, Missouri, and shall be binding on Owner, its successors, assigns and transferees.
- Sec. 11. Owner shall jointly and severally release, hold harmless, indemnify and defend City and its agents, officers and employees from any and all responsibility, liability, loss, damage or expense resulting to Owner or to any person or property caused by or incidental as to the design, function, construction, maintenance or failure to maintain the Facility.

ATTESTATION BY CITY CLERK: City Clerk	By: Director of City Planning and Development
Approved as to form: Assistant City Attorney	
STATE OF MISSOURI) SS	
COUNTY OF JACKSON)	. 1
City, Missouri a corporation duly organized, incorp laws of the State of Missouri, and	ounty and state aforesaid, came of City Planning and Development, of Kansas orated and existing under and by virtue of the control of the con
IN WITNESS WHEREOF, I have hereunto set my hyear last above written.	and and affixed my official seal, the day and
My Commission Expires:	·
KRISTY CHERI TYSON PUGH Notary Public - Notary Seal Jackson County - State of Missouri Commission Number 14973498 My Commission Expires Sep 3, 2026	

OWNER 1:

	TALIAFERRO & BROWNE REAL ESTATE - 22 ND /23 STREET LLC, a Missouri limited (Tability company By: Print Name: Leonard Craham Title: Member
	I hereby certify that I have authority to execute this document on behalf of Owner. By: Title: Member Date: September 9, 2022
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Company (LLC)
STATE OF MISSOURI) SS COUNTY OF JACKSON)	
known, who being by me duly sworn did say Estate – 22nd/23rd Street, LLC, a Missouri li	day of September, 2022, before me, the undersigned aforesaid, came Leonard Graham, to me personally that he is the member of Taliaferro & Browne Real mited liability company, and that said instrument was its members and acknowledged said instrument to be
dorr and reagn look above munitions	reunto set my hand and affixed my official seal, the Carlos 4. Lacros Notary Public
My commission expires:	
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County Commission # 92458631	00 20 2000
Termy Commission Expires 03:03:2020 Facility Ver.	09-30-2009 SD_[insert]_ Page 6

OWNER 2:

	TALIAFERRO & BROWNE 22ND/23 STREET LLC, a Missouri limited liability company By: Print Name: Leonard I. Graham Title: Member
	I hereby certify that I have authority to execute this document on behalf of Owner. By: Title: Member Date: September 9, 2022
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Company (LLC)
STATE OF MISSOURI) COUNTY OF JACKSON)	
notary public in and for the county and state known, who being by me duly sworn did sa Estate – 22 nd /23 rd Street, LLC, a Missouri lii	day of September, 2022, before me, the undersigned e aforesaid, came Leonard Graham, to me personally y that he is the member of Taliaferro & Browne Real nited liability company, and that said instrument was its members and acknowledged said instrument to be
day and year last above written.	INWINESSWHEREOF, have been to stray hand and affixed through the control of the c
My commission expires:	Notary Public
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County Standard Commission \$2458631 tion Facility Ver	.09-30-2009 SD_[insert]_ Page 7

OWNER 3:

GRAHAM ANDEBRHAN LLC

By: /	719	
Print N	ame: Hagos E. Andebrhan	

Title: Member

I hereby certify that I have authority to execute this document on behalf of Owner.

September 9, 2022

Check one:

() Sole Proprietor

() Partnership () Corporation

(X) Limited Liability Company (LLC)

STATE OF MISSOURI SS COUNTY OF JACKSON

BE IT REMEMBERED, that on the Gun day of September, 2022, before me, the undersigned notary public in and for the county and state aforesaid, came Hagos E. Andebrhan, to me personally known, who being by me duly sworn did say that he is the member of Graham Andebrhan LLC, a Missouri limited liability company, and that said instrument was signed on behalf of said LLC by authority of its members and acknowledged said instrument to be the free act and deed of said LLC.

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

My commission expires:

EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri

On Hale sie 5 to 192 W 5 06 Detention Pacility Ver. 09-30-2009 Page 8

Page 8

SD_[insert]__

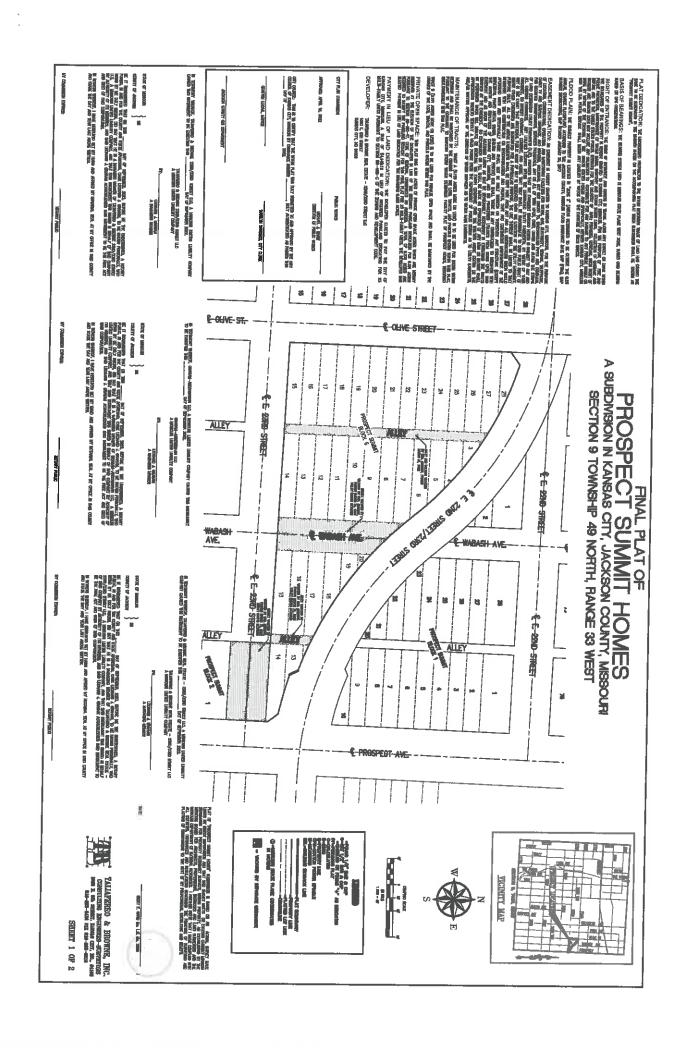
EXHIBIT "A"

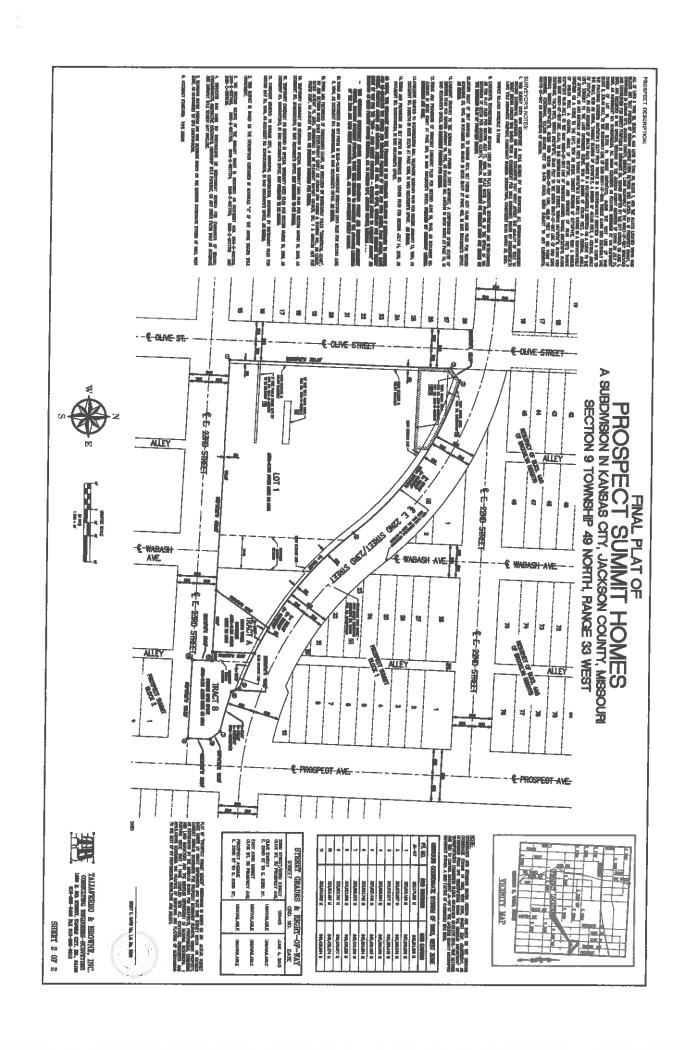
Property Legal Description

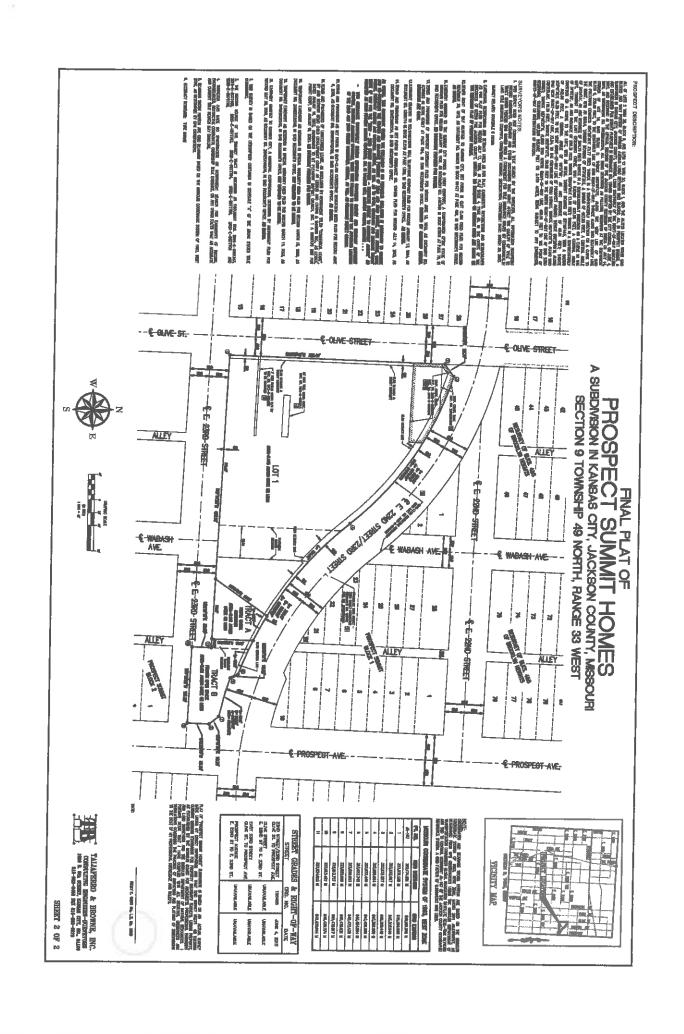
ALL OF LOTS 2 THRU 28, BLOCK 6, AND LOTS 12 THRU 20, BLOCK 1, AND THE ALLEYS LOCATED WITHIN SAID BLOCKS AND THAT PORTION OF WABASH AVENUE LYING BETWEEN SAID BLOCKS, ALL IN PROSPECT SUMMIT, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING SOUTHERLY OF THE RIGHT-OF-WAY DEDICATED AND ESTABLISHED FOR STREET PURPOSES IN ORDINANCE NO. 150405 ADOPTED BY THE CITY COUNCIL ON JUNE 4, 2015, AND RECORDED IN THE OFFICIAL RECORDS OF THE JACKSON COUNTY RECORDER OF DEEDS ON JULY 14, 2015, AS INSTRUMENT NO. 2015E0062124, ALL BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 15, SAID BLOCK 6; THENCE N02°03'43"E, ALONG THE WEST LINE OF SAID BLOCK 6, 336.49 FEET, TO THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING COURSES: N54°28'35"E 23.77 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE RIGHT, WITH AN INITIAL TANGENT BEARING OF \$73°06'31"E, A RADIUS OF 467.50 FEET, A CENTRAL ANGLE OF 34°54'14", AN ARC DISTANCE OF 284.79 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED CURVE, WITH A RADIUS OF 532.50 FEET, A CENTRAL ANGLE OF 31°52'55", AN ARC DISTANCE OF 296.31 FEET; THENCE \$25°57'01"E 13.52 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, WITH AN INITIAL TANGENT BEARING OF S71°06'44"E, WITH A RADIUS OF 542.00 FEET, A CENTRAL ANGLE OF 06°37'08", AN ARC DISTANCE OF 62.61 FEET; THENCE S37°41'32"E 19.30 FEET, TO THE WEST RIGHT-OF-WAY LINE OF PROSPECT AVENUE; THENCE S02°20'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE, 33.54, TO THE CENTERLINE OF 23RD STREET, THENCE N87°18'22"W, ALONG SAID CENTERLINE, 119.38 FEET, THENCE N02°19'15"E, 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID 23RD STREET; THENCE N87°18'22"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 459.16 FEET TO THE POINT OF BEGINNING, CONTAINING, 107,938 SQUARE FEET OR 2.478 ACRES, BEING SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR RESTRICTIONS OF RECORD.

EXHIBIT "B"

Plat







N ESTAIN THESEN, TAMEROO & ONLINE TER/200 STREET (AL), A SERVIN (ATER MAINING COST) TO STREET (ALL). PAYMENT IN LIEL OF LAND DEDICATION; HE DRINGS DESIRED TO NY HE GIT G Kardin City, Member, A. Hun of Roment in Lun of Religion Desired of its Melt-Pauly Unite Publish to Extend Up-102-0 Gr 25 Date 100 DEDICATION. POPANA TER COPEL SUPLACE: ME ALVI ME COM JOIN OF PRINCE OF SURE JOIN AND MEN JOE MANNE Mense J. M. M. MENSEN OF THE COMMENT OF THE SURE JOIN AND SUPLANT OF LAND JOIN AND S THEY IN GLEAT ARTIS MADE ON LICEN'S IN THE VIEW FOR FRANCE OFFICE AND SHALL IN MANTHESS OF THE LICEN, THESE, AND FRANCES SACRES THESE FACE. BASIS OF BEARINGS: 16 17300 SOME USD & WHILE THE PART OF THE WAS GO BASIS PLAT DEDICATION: IN CHEMINAS MAYETA IS THE WHAT SEXUAL DIAT OF LAG DISCOURS THE SAST TO BE SUBMIND A THE MINIST MOTE ON THE ASSESSMENT PLAT WITH SUBMINIST THAT BE MINIST TO TRANSPORT SAME ROUNT, OUT COURT. THE R TO COURT THE TIES OF COURTS THE SET OF THE COT COURTS TO AND ATTENDED BY THE COT COURTS OF THE COURTS OF THE COT COURTS OF THE COURTS OF THE COT COURTS OF THE CO DEVELOPER; MARKETENHANGE OF TRACETS: WHEN A (\$19) AREA WERE HELD ON DE HELD THE THE MESSAGE SECTION OF THE WEST THE THE SECTION OF THE WEST THE SECTION OF THE SECTION TOTAL 17, 222 O PLANE: The SHARET REPORTS IN LOCATION TO THE ST (ARCH) RETURNING TO SE OFFICE HE CONTROL THE CONTROL THE SECOND CONTROL THE SECOND CONTROL WAS ASSOCIATED TO V producti (Tella) (Neglia, Sales and Carolina V production or although Spinish Sales (To SACTO CORP. Town V County SHEET THAN AN INCOME. MATTO ALES TABORNS INCOME. • 8 5 a 22 H g ¥ 13 M 離 H B E-OLIVE-ST. €-OHVE-STREE ה אומנה הקיבור ו האיני ליבורים בל זה, אומני איני אומני איני הייניים אומני איני מיניים אומניים איניים אומניים א הייני באיני הייני איני הייניים הייניים איניים N THEORY PARTY, GAMMA-ARCHITICAL LLC, A MEDICAL LLCTON LLCTON COLORIST TO STREET THE TAX TO STREET MAY TO STREET MAY. Ì PROSPECT SUMMIT HOMES SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI ä 7 5 8 N N ĸ N 28 a SECTION 9 TOWNSHIP 49 NORTH, RANGE 33 WEST THE STREET ALLEY STATE OF THE STATE MAN T GROOM ő E E 2000 STREET r ä 13 = Lights day lights day 3.3 FINAL PLAT OF WABASH AVE WASASH AVE e, A CE TEMBRON MAN OF THE SECOND STATE OF SECOND STATE OF THE SECOND ה אליבות האומניה, ו לאום לימוציונים עבו בנו אומני אינו האליבות היו המלומים, בלה ילי להיולך זה אונו ללומים. אם מלוכה האל היות אינו האליבות של מנו ביותר אומני אינו "האליבות היותר המלומים" בלי היותר האליבות היותר האליבות | 25007 9607, 10720 4 806 10, 574 - 20/20 1867 10, A 1808 12, 7 犨 N × Ŋ 3 € E-2200 STREET ALLEY ಚ 7 VERTER OF BOOK OF CONTACT. 64 94 ¥ Minte 7 division E-PROSPERT AVE. Ŗ 攤 - 1000 or 2000 comm C-Married 2002 bree committee Opens Sons VICINITY HAP TALLAFERRO & BROWNE, INC.
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645-887-5418 NX 411-885-5410 MEN TO THE CORP TA ALCOHOL SEEKET 1 OF 2

RECORDER'S CERTIFICATION JACKSON COUNTY, MISSOURI

12/15/2022 2:35 PM

FEE: \$54.00

12 PGS





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Page:

Book:

Diana Smith , Recorder of Deeds

COVENANT TO MAINTAIN STORM WATER DETENTION FACILITY PLAT OF PROSPECT SUMMIT HOMES

THIS COVENANT made and entered into this 29 day of September, 2022, by and between KANSAS CITY, MISSOURI, a constitutionally chartered municipal corporation (the "City"), TALIAFERRO & BROWNE REAL ESTATE – 22nd/23rd STREET, LLC, a Missouri limited liability company ("Owner 1"), TALIAFERRO & BROWNE 22nd/23rd STREET, LLC, a Missouri limited liability company ("Owner 2"), and GRAHAM-ANDEBRHAN, LLC, a Missouri limited liability company ("Owner 3") (collectively, Owner 1, Owner 2, and Owner 3 are the "Owner").

Recitals

WHEREAS, Owner owns certain real estate generally located at 2226 Prospect Avenue in Kansas City, of Jackson County, Missouri (the "Property") more specifically described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Owner intends to cause the Property to be platted as Plat of Prospect Summit Homes, in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri; and

WHEREAS, Owner intends to subdivide the Property and create pursuant to the Plat Lot 1 and Tracts A and B, as shown on Exhibit "B" attached hereto.

WHEREAS, the improvement proposed by Owner on the Property warrant storm water control to serve Lot 1 and requires preservation and maintenance of storm water detention facilities, located on Tract A within the Plat, in order to ensure continuous and perpetual operation and effectiveness in controlling storm water runoff rates, volumes, and quality; and

WHEREAS, the City and Owner agree that it is in the public interest to detain storm water for the benefit of the Property and surrounding areas on Tract A owned by Owner 3; and

WHEREAS, the provisions for the maintenance of the storm water detention facility is necessary to serve the development;

NOW, THEREFORE, Owner and City, for and in consideration of the benefits to themselves, their assigns and future grantees do hereby agree as follows:

Sec. 1. Owner at its sole cost shall:

- a. Be responsible for the perpetual preservation, maintenance, repair and replacement, if necessary of the storm water detention facilities and appurtenances (the "Facilities") within the storm water detention facilities located on of Tract A.
- b. Maintain the pipes, structures, grounds, and appurtenances for the Facilities located on Tract A.
- c. Keep the pipes, structures and appurtenances open and free of silt and vegetation.
- d. Keep the pipes, structures and appurtenances in good working condition or replace same if necessary.
- e. Mow the grass area within Tract A.
- f. Maintain the grades within Tract A, pursuant to the approved plan on file in the office of the Director of City Planning & Development and identified as File No.

 . [leave blank]
- g. Obtain all necessary improvement and repair permits prior to performing any work on the Facilities.

Sec. 2. City is granted the right, but is not obligated to enter upon Tract A in order to maintain the Facilities including the pipes, structures, grounds, and appurtenances if Owner fails to maintain same. In the event that the City does provide maintenance for the facilities, then City may:

- a. Charge the costs for such maintenance against Owner and/or the owner of Lot 1 served by the Facility on Tract A;
- b. Assess a lien on either Tract A or on Lot 1, or both, served by the Facility on Tract A;
- c. Maintain suit against Owner and/or the owners of Lot 1 served by the Facility on Tract A for all cost incurred by the City for such maintenance.

Unless necessitated by a threat to life and/or safety, City shall notify Owner or the-then current owner of Lot 1, and the then-current owner of Tract A, not less than thirty (30) days before City begins maintenance of the Facilities.

Sec. 3. Owner and/or the Owner 3 or the-then owner of Tract A shall not use, nor attempt to use, in any manner which would interfere with the operation of the Facilities, in such manner as would interfere with the proper, safe, and continuous maintenance and use thereof, and, in particular, shall not build, thereon or thereover, any structure which may interfere, or cause to interfere, with the maintenance and use thereof.

- **Sec. 4.** This covenant shall run with the land legally described in Exhibit "A." Owner shall remain liable under the terms of this Covenant unless and until Owner assigns its rights and obligations to a third party and such assignment is accepted by the City.
- Sec. 5. To the extent allowed by law, in the event of a default under a loan agreement by a third party who is assigned the rights and obligations in accordance with the terms of this Covenant, the City will agree to an assignment from the defaulting third party to the secured lender.
- Sec. 6. Notices. All notices required by this Covenant shall be in writing sent by regular United States mail, postage prepaid, commercial overnight courier or facsimile and addressed as hereinafter specified. Each party shall have the right to specify that notice be addressed to any other address by giving the other party ten (10) days notice thereof. Unless a party to this Agreement has given ten (10) days notice of a change of person and address for purposes of notice under this Agreement to the other party in writing, notices shall be directed to the following:

Notices to the City:

Director of City Planning & Development City Hall, 414 East 12th Street Kansas City, Missouri 64106 Fax number: (816) 513-2548

Notices to Owner shall be addressed to:

Taliaferro & Browne Real Estate – 22nd/23rd Street, LLC 1020 E 8th Street
Kansas City, MO 64106
Attention: Leonard Graham, Member
Fax number: (816) 283-0810

Notices to Owner 3 shall be addressed to:

Graham-Andebrhan, LLC, a Missouri limited liability company 1020 E 8th Street Kansas City, MO 64106 Attention: Hagos E. Andebrhan, Member

Fax number: (816) 283-0810

- **Sec. 7.** This Agreement shall not be amended, modified, canceled or abrogated without the prior written consent of the City.
- Sec. 8. Invalidation of any part or parts of this Covenant by judgment or other court action shall in no way affect any of the other provisions, which shall remain in full force and effect.
- Sec. 9. This Agreement shall be construed and enforced in accordance with the laws of the State of Missouri.

Sec. 10. Upon the effective date of this Covenant, the City shall file this Covenant in the Office for recording real estate documents in Jackson County, Missouri, and shall be binding on Owner, its successors, assigns and transferees.

Sec. 11. Owner shall jointly and severally release, hold harmless, indemnify and defend City and its agents, officers and employees from any and all responsibility, liability, loss, damage or expense resulting to Owner or to any person or property caused by or incidental as to the design, function, construction, maintenance or failure to maintain the Facility.

ATTESTATION BY CITY CLERK: City Clerk	By:
Approved as to form:	
Assistant City Attorney	
STATE OF MISSOURI)	
COUNTY OF JACKSON) SS)	
City, Missourifa corporation duly organized, incorp laws of the State of Missouri, and	ounty and state aforesaid, came of City Planning and Development, of Kansas orated and existing under and by virtue of the right of the control of the personally known to me to be the astrument on behalf of Kansas City, Missouri
IN WITNESS WHEREOF, I have hereunto set my hyear last above written. Notary	and and affixed my official seal, the day and
My Commission Expires:	•
KRISTY CHERI TYSON PUGH Notary Public - Notary Seal Jackson County - State of Missouri Commission Number 14973498 My Commission Expires Sep 3, 2026	

OWNER 1:

	TALIAFERRO & BROWNE RE. 22 ND /23 STREET B.C., a Missourillimited liability company By: Print Name: Leonard J. Graham Title: Member	
	I hereby certify that I have authority this document on behalti of Owner. By: Title: Member Date: September 9, 2022	to execute
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Compar	ny (LLC)
STATE OF MISSOURI) COUNTY OF JACKSON)		
BE IT REMEMBERED, that on the notary public in and for the county and state known, who being by me duly sworn did say Estate – 22nd/23rd Street, LLC, a Missouri lissigned on behalf of said LLC by authority of the free act and deed of said LLC.	aforesaid, came Leonard Graham, to that he is the member of Taliaferro a mited liability company, and that said	me personally & Browne Real instrument was
IN WITNESS WHEREOF, I have he day and year last above written.	reunto set my hand and affixed my o	fficial seal, the
My commission expires:		
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County Standard Commission # 92458831		
Standard Commission # 92458639htion Facility Ver.	09-30-2009 Page 6	SD_[insert]

OWNER 2:

	By: Print Name: Leonard J. Graham Title: Member I hereby certify that I have authority to execute this document on behalf of Owner. By: Title: Member Date: September 9, 2022
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Company (LLC)
STATE OF MISSOURI)) SS COUNTY OF JACKSON)	
notary public in and for the county and state known, who being by me duly sworn did sa Estate – 22 nd /23 rd Street, LLC, a Missouri li	day of September, 2022, before me, the undersigned e aforesaid, came Leonard Graham, to me personally y that he is the member of Taliaferro & Browne Real mited liability company, and that said instrument was fits members and acknowledged said instrument to be
day and year last above written.	INWITNESSWHEREOF, have been to set my hand and affined my official sealine Ocean Land Land Land Land Land Land Land La
My commission expires:	Trotaly I dolle
EARTHA J. TAYLOR Notary Public, Notary Seal State of Missouri Clay County Commission # 92458631 Standard MwSommission Expired 03:00:2024	r.09-30-2009 SD_[insert] Page 7

OWNER 3:

	By: Hagos E. Andebrhan Title: Member	
	I hereby certify that I have authority this document on behalf of Owner. By: Tyle: Member Date: September 9, 2022	to execute
	Check one: () Sole Proprietor () Partnership () Corporation (X) Limited Liability Compan	y (LLC)
STATE OF MISSOURI) COUNTY OF JACKSON)		
BE IT REMEMBERED, that on the quantum of the notary public in and for the county and state after known, who being by me duly sworn did say to Missouri limited liability company, and that sauthority of its members and acknowledged LLC.	oresaid, came Hagos E. Andebrhan, to that he is the member of Graham And aid instrument was signed on behalf o	me personally ebrhan LLC, a of said LLC by
IN WITNESS WHEREOF, I have hereunto se year last above written.	et my hand and affixed my official sea	•
My commission expires:		
1	9-30-2009 Page 8	SD_[insert]

EXHIBIT "A"

Property Legal Description

ALL OF LOTS 2 THRU 28, BLOCK 6, AND LOTS 12 THRU 20, BLOCK 1, AND THE ALLEYS LOCATED WITHIN SAID BLOCKS AND THAT PORTION OF WABASH AVENUE LYING BETWEEN SAID BLOCKS, ALL IN PROSPECT SUMMIT. A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING SOUTHERLY OF THE RIGHT-OF-WAY DEDICATED AND ESTABLISHED FOR STREET PURPOSES IN ORDINANCE NO. 150405 ADOPTED BY THE CITY COUNCIL ON JUNE 4, 2015, AND RECORDED IN THE OFFICIAL RECORDS OF THE JACKSON COUNTY RECORDER OF DEEDS ON JULY 14, 2015, AS INSTRUMENT NO. 2015E0062124, ALL BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF LOT 15. SAID BLOCK 6; THENCE N02°03'43"E, ALONG THE WEST LINE OF SAID BLOCK 6. 336.49 FEET, TO THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING COURSES: N54°28'35"E 23.77 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE RIGHT, WITH AN INITIAL TANGENT BEARING OF \$73°06'31"E, A RADIUS OF 467.50 FEET, A CENTRAL ANGLE OF 34°54'14", AN ARC DISTANCE OF 284.79 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED CURVE, WITH A RADIUS OF 532.50 FEET, A CENTRAL ANGLE OF 31°52'55", AN ARC DISTANCE OF 296.31 FEET; THENCE \$25°57'01"E 13.52 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, WITH AN INITIAL TANGENT BEARING OF S71°06'44"E, WITH A RADIUS OF 542.00 FEET, A CENTRAL ANGLE OF 06°37'08", AN ARC DISTANCE OF 62.61 FEET; THENCE S37°41'32"E 19.30 FEET, TO THE WEST RIGHT-OF-WAY LINE OF PROSPECT AVENUE; THENCE S02°20'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE, 33.54, TO THE CENTERLINE OF 23RD STREET, THENCE N87°18'22"W, ALONG SAID CENTERLINE, 119.38 FEET, THENCE N02°19'15"E, 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID 23RD STREET; THENCE N87°18'22"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 459.16 FEET TO THE POINT OF BEGINNING, CONTAINING, 107,938 SQUARE FEET OR 2.478 ACRES, BEING SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR RESTRICTIONS OF RECORD.

EXHIBIT "B"

Plat

