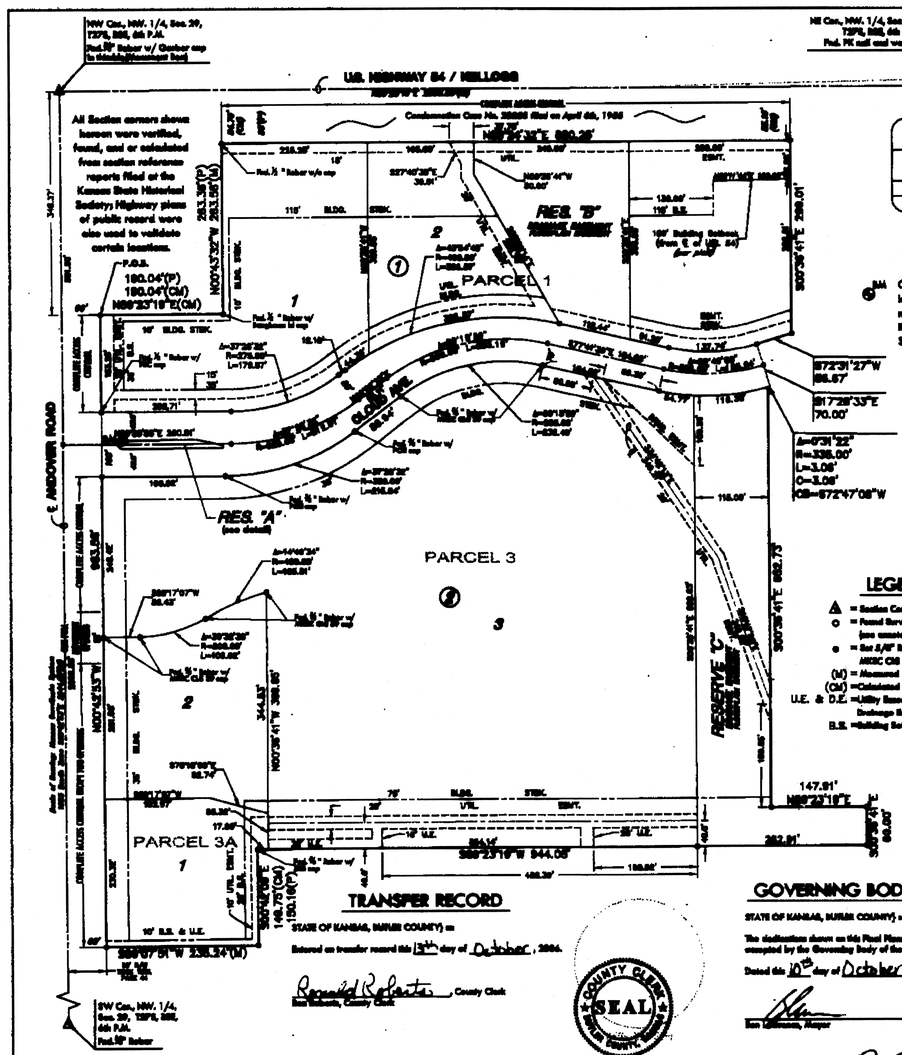
FINAL PLANNED UNIT DEVELOPMENT

MARKETPLACE COMMERCIAL ADDITION

AN ADDITION TO ANDOVER, BUTLER COUNTY, KANSAS

LYING IN A PORTION OF THE NORTHWEST QUARTER, SECTION 29, TOWNSHIP 27 SOUTH, RANGE 2 EAST, OF THE SIXTH PRINCIPAL MERIDIAN and being an amendment to the Final PUD, Replat of the Second Phase of the Cloud City Subdivision and being part of the Cloud City Preliminary Planned Unit Development



MINIMUM PAD ELEVATIONS LOWEST OPENINGS		
LOT	BLOCK	ELEVATION NGVD
2 & 3	1	1315.00
3	2	1313.00

BENCH MARK

Chiseled square on top of north curb of island in Cloud Avenue, 42' east and 57' north of northeast corner Lot 1, Block 2, Replat of the Second Phase of Cloud City Subdivision to Andover, Kansas.
Elev. = 1324.56 NGVD

TRANSFER RECORD

STATE OF KANSAS, BUTLER COUNTY) ss:

Entered on transfer record this 13th day of October, 2006.

Donald Roberts, County Clerk
By: [illegible], County Clerk

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS, BUTLER COUNTY) ss:

This Final Planned Unit Development, "MARKETPLACE COMMERCIAL ADDITION", an addition to the City of Andover, Butler County, Kansas, was approved by the Andover City Planning Commission.

Dated this 18th day of September, 2006.

ANDOVER PLANNING COMMISSION

Quentin Coon, Chair
Quentin Coon, Chair

Attest: Jamie Cox, Secretary
Jamie Cox, Secretary

GOVERNING BODY CERTIFICATE

STATE OF KANSAS, BUTLER COUNTY) ss:

The dedications shown on this Final Planned Unit Development, are hereby accepted by the Governing Body of the City of Andover, Kansas.

Dated this 10th day of October, 2006.

Ken Hiebert, Mayor
Ken Hiebert, Mayor

Attest: Kelley K. [illegible], City Clerk
Kelley K. [illegible], City Clerk

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS, BUTLER COUNTY) ss:

This is to certify that this instrument was filed for record in the Register of Deeds office this 13th day of October, 2006, at 11:00 o'clock A.M., and is duly recorded in Record Book 15, Page 518, Plat Book 12, Page 518, Book ____, Page 2012

Marcia McGinley, Register of Deeds
By: Susan Dawson, Deputy

Attest: Susan Dawson, Deputy
Susan Dawson, Deputy

CERTIFICATE OF SURVEY

I, Gregory J. Allison the undersigned registered land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on Oct. 3rd, 2006, and that the accompanying Final Planned Unit Development was prepared and that all monuments shall locate substantially correct and that positions are correctly shown to the best of my knowledge and belief.

A tract of land described as a replat of a portion of "REPLAT OF THE SECOND PHASE OF THE CLOUD CITY SUBDIVISION" in the City of Andover, Kansas, YOUNGER TRUST, an unplatted portion of the Northwest Quarter of Section 29, Township 27 South, Range 2 East of the 6th Principal Meridian, Butler County, Kansas, and tract of land being more particularly described as follows:

BEGINNING at the northwest southwest corner said Subdivision, "REPLAT OF THE SECOND PHASE OF THE CLOUD CITY SUBDIVISION", said corner being 2412.37 feet south and 60 feet east of the Northwest corner of said Northwest Quarter; thence along the southwestwesterly line of said Subdivision on a Kansas Coordinate System 1983 South Zone bearing of N00°42'52"W, 1122.01 feet; thence N00°42'52"W, 245.00 feet along the southwestwest line of said subdivision to the south line of U.S. Highway 54 as monumented in Condemnation Case No. 25203; thence N89°23'19"E, 180.04 feet along said south line; thence departing from said south line S00°36'41"E, 20.00 feet; thence S72°31'27"W, 86.67 feet; thence S17°28'33"E, 70.00 feet to a point on a non-tangent curve to the right; thence along the arc of said curve having a central angle of 00°31'22", a radius of 336.00 feet, and a chord distance of 3.06 feet, bearing S72°47'08"W, 3.06 feet; thence N00°36'41"W, 1,47.01 feet; thence S89°23'19"W, 69.00 feet to the westernmost south-line of said subdivision; thence N00°36'41"W, 1,409.00 feet along the southwest west line of Subdivision Lake At Cloud City, a Subdivision to Andover, Butler County, Kansas; thence departing from said west line S89°23'19"W, 262.91 feet to a point lying 40.00 feet east of the west line of said Subdivision; thence N00°42'52"W, 262.00 feet parallel with said west line to the POINT OF BEGINNING. Said tract CONTAINS: 1,134,804 square feet or 26.07 acres of land, more or less.

All reserves, streets, alleys, utility easements, building setbacks, and access controls together with that part of a 30' Sanitary Sewer Easement, Book 311, Page 448, a 30' Sanitary Sewer Easement, Book 3185, Page 749, Easement, Misc. Book 354, Page 449, 30' Sewer & Utility Easement Misc Book 441, Page 489, within the above described property are hereby vacated and replatted by virtue of K.S.A. 12-3.1304.

Gregory J. Allison, P.E., L.S.S. 01207
MKSC Engineering Consultants, Inc.
411 N. Webb Road
Wichita, Kansas 67206
316-684-9600
www.mksc.com

GREGORY J. ALLISON — LICENSED — LS-1207 — KANSAS — LAND SURVEYOR

10/3/06

Reviewed in accordance with K.S.A. 58-2005 on this 3rd day of October, 2006.

Roger L. Cutsinger, PLS 805
Appointed Land Surveyor, Butler County, Kansas

ROGER L. CUTSINGER — REGISTERED — LS-805 — KANSAS — LAND SURVEYOR

Know all men by these presents that the undersigned property owners of the land as shown set forth in the Registered Land Surveyor's Certificate, do cause the same to be surveyed and platted into lots, blocks, streets and reserves the same to be known as the Final Planned Unit Development, "MARKETPLACE COMMERCIAL ADDITION", an addition to the City of Andover, Butler County, Kansas, and being part of Cloud City Preliminary Planned Unit Development.

The streets are hereby dedicated to and for the use of the public. Easements for the construction and maintenance of public utilities and drainage, are hereby granted to the public.

All Reserves are platted for utilities in designated locations. Reserve "A" is platted for entry monument, landscaping, irrigation, lighting, signs, lapts, walls, and walkways. Reserve "B" and "C" are platted for buffer areas, open spaces, sidewalks, walks, walkways, lighting, irrigation, landscape, drainage structures or detention ponds, and drainage improvements. The reserves shall be owned and maintained by a lot Owners' Association and are restricted from ownership as stated in the Planned Unit Development General Provisions, provided however, that the undersigned or its Owners' Association or the undersigned successors-in-interest may, at its thereafter stated or granted of Reserves to an entity qualifying for subject to the conditions and detailed provisions compliance with the conditions, stated and in compliance with the requirements and conditions of any applicable zoning ordinances or regulations. Ownership or control of the property described in the platted tract or by any lot Owners' Association or shall be only retained through title plat but shall be properly subject to the common areas, easements, or other lands designated for public use, the City of Andover may establish the same. In such event, the City may, at its election, assume the maintenance of and enforcement applied any or all of the lots within the addition and collect the costs in the same fashion as a special tax assessment upon such lot or lots.

A drainage plan has been developed for this plat and all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and maintained to allow for the conveyance of storm water.

The floodplain, as indicated, shall be the responsibility of the lot Owners' Association and shall then on the appropriate governing body enforcing/indicative plans to assume the responsibility for the maintenance and improvement of the drainage, provided further, that no obstacles shall be constructed on or within said floodplain, nor shall any fill, change of grade, creation of a channel or any other work be undertaken without the permission of the City Engineer. Lots 2 and 3, Block 1 and Lot 3, Block 2, are required to adhere to the minimum pad elevation as shown on the "Minimum Pad Elevation".

OWNER'S CERTIFICATE

VANTAGE ANDOVER, LLC a Kansas limited liability company

_____, President
Vantage Point Properties, Inc., Manager

STATE OF KANSAS, SEDGWICK COUNTY) ss:

This instrument was acknowledged before me on 10th day of October, 2006, by Paul Jackson, President, Vantage Point Properties Inc., as Manager, Vantage Andover, LLC, a Kansas limited liability Company.

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

SABRINA A. WOMACK — Notary Public — State of Kansas — My Appt. Expires 2-7-2009

Notary Public
My Term Expires 2-7-2009

MORTGAGE CERTIFICATE

Regular Bank, holder of a mortgage on the above described property, do hereby consent to the plat of "MARKETPLACE COMMERCIAL ADDITION."

EMPIRE BANK, N.A.

_____, Senior Vice President
Tom Mellenbrok, Senior Vice President

This instrument was acknowledged before me on 10th day of October, 2006, by Tom Mellenbrok, Senior Vice President, Empire Bank, N.A.

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

SABRINA A. WOMACK — Notary Public — State of Kansas — My Appt. Expires 2-7-2009

Notary Public
Print name
My Term Expires 2-7-2009

GENERAL PROVISIONS

1. All utilities shall be installed underground.
2. Setbacks are as indicated in parcel descriptions.
3. Street Requirements: All street right-of-way as indicated hereon are generally as follows:
   A. 70' ROW Collector - 41' Pavement.
   B. 64' ROW Collector - 38' Pavement.
4. All streets shall be public. Sanitary sewer, waterline, storm sewers, detention ponds, and street paving are to be publicly financed utility easements if and where bonded indebtedness will permit.
5. Curb and Gutter - Standard 6" curb and gutter or roll type curb will be used on all commercial streets.
6. Access Control: Complete access control will be maintained along the north property line of lots 1, 2, and 3, Block 1, in or from U.S. Highway 54. Complete access control will be maintained along the west property line of lot 1, Block 1, to or from Andover Road. Complete access control will be maintained along the west property line of Lots 1, 2, and 3, Block 2, to or from Andover Road, provided however, said Lots shall have three openings as shown hereon. The access controls are hereby granted to the appropriate governing body.
7. An 8' sidewalk shall be provided on one side of Cloud Avenue and through Reserve "C".
8. Drainage: An overall grading and drainage plan shall accompany the Final P.U.D. as a separate instrument based on a hydrology study. The plan shall be general in character but establish the overall grading and drainage requirements. Specific grading and drainage plans shall be provided at the time of submittal of the Final P.U.D. Plans for each phase of development.
9. Signs designating the name of the development and landscaping, shall be permitted within all reserves, subject to the City of Andover zoning regulations.
10. Prior to or contemporaneous with the filing for record of the Final P.U.D. for the Site Plan Phase of MARKETPLACE COMMERCIAL ADDITION, in Andover, Butler County, Kansas an agreement by covenant for the commercial development, shall be provided for the creation, installation, preservation and maintenance of any requisite open spaces, signs, lapts, fences, traffic control, parking areas, drainage channels and swales, storm water detention ponds, sidewalks, paths, walkways, landscaping, lighting, irrigation, recreation facilities, benches, site amenities, screens, utilities outlined in easements, walls, and entry monuments.
11. Restrictive covenants shall be filed with the Final P.U.D. Plan for all property owners which will also include provisions to preserve and maintain hedge rows.
12. Relationship to Comprehensive Plan: The P.U.D. does not comply with Andover's Comprehensive Development Plan for the 2000 to 2 [illegible] the intent of the Plan. Appropriate City Zoning and Subdivision Regulations have been utilized as a basis for design of the P.U.D. Estimated completion for the MARKETPLACE COMMERCIAL ADDITION P.U.D. development is anticipated to take approximately 3 years from the approval of the Final P.U.D. The estimated time projected levels for completion of the entire P.U.D. may be modified by the Planning Commission for the City of Andover as may reasonably be required to assure performance in accordance with the approved plan and varying market conditions.
13. MARKETPLACE COMMERCIAL ADDITION P.U.D. development of Parcels 1, 2, 3, and 3a will be completed in approximately 3 phases as follows:

Estimated Completion	
Phase 1	October, 2007
Phase 2	October, 2009
Phase 3	October, 2012

14. Commercial Uses:
   A. A site plan shall be submitted for review by the site plan review committee prior to construction.
   B. In no event shall a business or commercial structure be located nearer than 75 feet to a residential building.
   C. Exterior lighting fixtures shall be shielded to direct light downward in a downward direction away from adjacent residential districts.
   D. Screening shall be provided along all sides and rear lot line adjacent to residential zoning districts. Screening may be provided by decorative fencing or evergreen vegetation not less than 6 feet in height, said evergreen vegetation shall be appropriately irrigated.
   E. Construction of buildings, will not be permitted north of the 75 foot setback along the north of Parcel 3; the South 50 feet of the 75 foot setback shall be reserved exclusively for the following uses: open space, landscaping, screening, fencing and or berming.
   F. A cross lot circulation agreement shall be filed allowing the internal circulation of traffic and pedestrian on and between Lots 1, and 2, Block 1, and Lots 1, 2, and 3, Block 2.
15. The size and location of the drainage easements in the Parcels may vary depending on the final design. They will be approved as part of the Final P.U.D.
16. Areas between the sidewalk and the street right-of-way may be dedicated for utility easements.
17. All easements where utilities have been abandoned will be vacated at the time of Final Platting.

PARCEL DESCRIPTIONS

Parcel No. 1 - B-4 Central Shopping District
Permitted Uses: All uses permitted in the B-3 Central Shopping District of the Andover Zoning Regulations and all permitted in Reserve "A".
Gross Area - 10.82 Ac.
Maximum Building Coverage - 35%
Maximum Building Height - 45 feet
Setbacks - As per zoning code
Front: 25'
Rear: 25'
Side: 10'
Parking Ratio - As per zoning code

Parcel No. 2 - B-4 Central Business District
Permitted Uses: All uses permitted in the B-4 Central Business District of the Andover Zoning Regulations and all permitted in Reserves "A" and "C".
Gross Area - 44.09 Ac.
Maximum Building Coverage - 35%
Maximum Building Height - 45 feet
Setbacks - As per zoning code
Front: 25'
Rear: 25' (0' where adjoining residentially zoned)
Side: 10'
Parking Ratio - As per zoning code

Parcel No. 3a - B-3 Central Shopping District
Permitted Uses: All uses permitted in the B-3 Central Shopping District of the Andover Zoning Regulations.
Gross / Net Area - 1.35 Ac.
Maximum Building Coverage - 35%
Maximum Building Height - 35 feet
Setbacks - As per zoning code
Front: 25'
Rear: 25'
Side: 10'
Parking Ratio - As per zoning code

MKSC ENGINEERING CONSULTANTS, INC.
411 N. WEBB ROAD
WICHITA, KS. 67206
316 - 684 - 9600

Pickering Firm Incorporated
Planning · Architecture · Engineering · Management
8700 Lower Center Court, Suite 300, Douglas, KS 66215
913.782.0004 913.270.0011 FAX

DILLONS FOOD STORE #85 BUILDING		
PROJECT NAME		
PLOT TITLE		
ATP	ATP	CLM
DESIGN BY:	DRAWN BY:	CHECKED BY:
04-07-08	21047-09	7 OF 7
DATE	JOB NUMBER	SHEET