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 Register of Deeds T20060061349  
 JO CO KS BK:200612 PG:004134

PARCEL ID NO.

DF231402.1026  
 DEC 14, 2006 ML

**WARRANTY DEED**

THIS INDENTURE, Made this 11<sup>th</sup> day of December, 2006, between **APPLE-BAY EAST, INC.** a Kansas corporation, Party of the First Part, and **CITY OF OLATHE, KANSAS**, in the State of Kansas, Party of the Second Part:

WITNESSETH, THAT THE SAID PARTY OF THE FIRST PART, in consideration of the sum of One Dollar and Other Good and Valuable Consideration, the receipt whereof is hereby acknowledged, does by these presents grants, bargains, sells and conveys unto said Party of the Second Part, its successors and assigns, all of the following described real estate, situated in the County of Johnson and State of Kansas, to-wit:

Legal Description as Set Forth in Exhibit A and Drawing as Set Forth in Exhibit A.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said Party of the First Part, for its successors and assigns, does hereby covenant, promise and agree, to and with said Party of the Second Part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature and kind soever, except for:

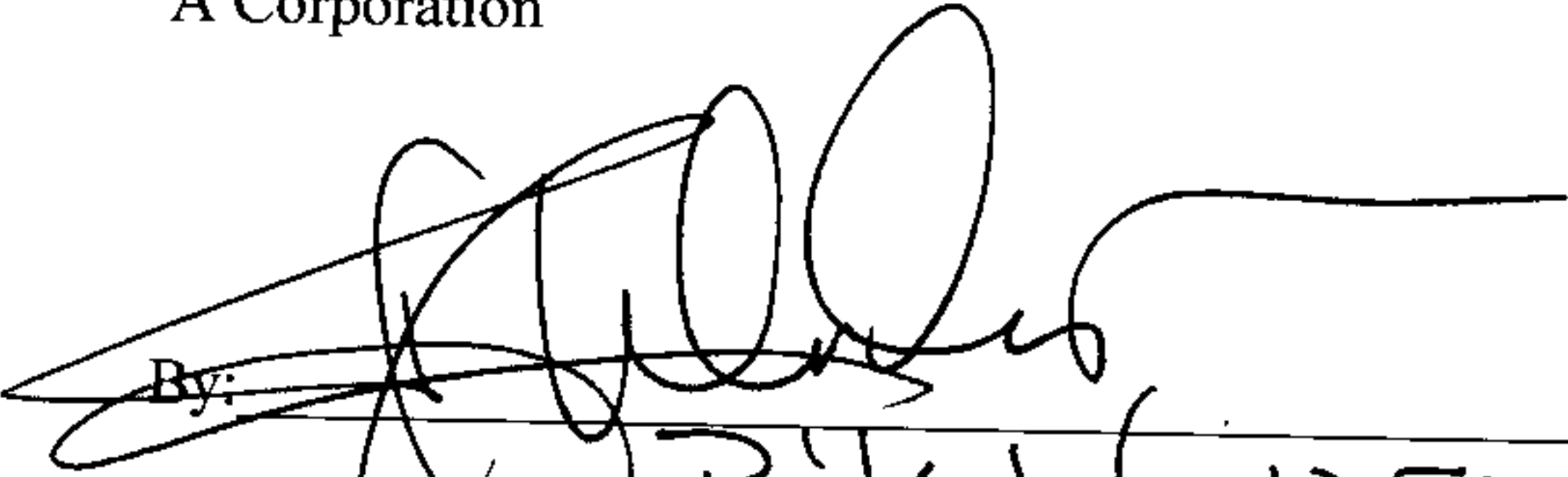
NONE

and that it will WARRANT and FOREVER DEFEND the same unto said Party of the Second Part, its successors and assigns, against said Party of the First Part, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto caused this Deed to be signed on behalf of its Corporation, thereunto duly authorized so to do, the day and year last above written.

Exception  
 #13  
 Row

APPLE-BAY EAST, INC.  
A Corporation

By:   
Name: RICK WINDERS  
Title: PRES

ACKNOWLEDGMENT

STATE OF KANSAS, COUNTY OF JOHNSON, SS.

BE IT REMEMBERED, That on this 11<sup>th</sup> day of December, 2006, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Rick Winders, President, who is personally known to me to be such officer of APPLE-BAY EAST, INC., a Corporation, who executed, as such officer, the within instrument on behalf of APPLE-BAY EAST, INC. a Kansas Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said APPLE-BAY EAST, INC., a Corporation.

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

  
Notary Public

My Appointment expire:

RUBY LEE SNIDER  
Notary Public - State of Kansas  
My Appt. Expires 4-19-09

  
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LEGAL DESCRIPTION  
FOR  
PROPOSED RIGHT-OF-WAY  
FOR  
LONE ELM ROAD

**EXHIBIT A**

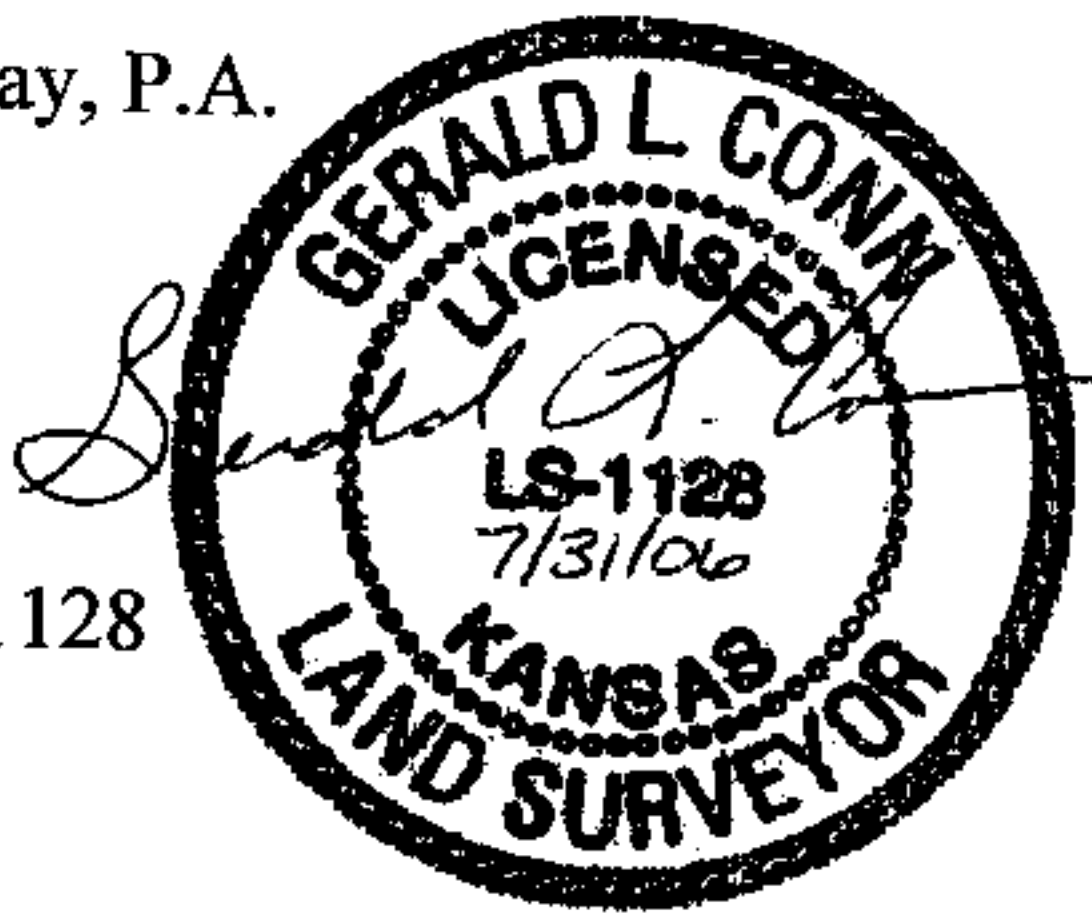
Part of the NW¼ of Section 2, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; more particularly described as follows:

Beginning at the Northwest corner of the NW¼ of Section 2, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; thence S 02°04'49" E, along the West line of said NW¼, a distance of 764.00 feet; thence N 87°55'11" E a distance of 82.08 feet to a point on the Easterly right-of-way line of Lone Elm Road, as now established, said point also being on the Southerly right-of-way line of Old 56 Hwy., as now established, said point also being the TRUE POINT OF BEGINNING; thence N 84°13'42" E, along said Southerly right-of-way line, a distance of 166.27 feet; thence S 02°04'49" E, parallel with the West line of said NW¼, a distance of 73.08 feet; thence Southerly, on a curve to the right, having a radius of 4,150 feet, for a distance of 462.53 feet; thence S 04°18'20" W a distance of 434.85 feet; thence Southerly, on a curve to the left having a radius of 3,850 feet, for a distance of 429.09 feet to a point on the Northerly right-of-way line of the Burlington Northern & Santa Fe Railroad, as now established; thence S 66°53'41" W, along said Northerly right-of-way line, a distance of 0.32 feet to a point on the Easterly right-of-way line of said Lone Elm Road; thence N 07°43'22" W, along said Easterly right-of-way line, a distance of 149.57 feet; thence N 11°44'44" W, continuing along said Easterly right-of-way line, a distance of 481.66 feet; thence N 02°07'32" W, continuing along said Easterly right-of-way line, a distance of 224.67 feet; thence N 00°46'39" E, continuing along said Easterly right-of-way line, a distance of 400.50 feet; thence N 02°05'05" W, continuing along said Easterly right-of-way line, a distance of 114.25 feet to the TRUE POINT OF BEGINNING.

Prepared by:  
Payne & Brockway, P.A.

Gerald L. Conn  
Kansas L.S. No. 1128

July 31, 2006



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