

# CHEROKEE ROAD

N 89°06'02" E 2,601.58' (M)

NE Cor. NW 1/4  
Sec. 18, T21S, R5W  
F.d. Iron Pipe  
from Magnetic Locator & L&S 1202  
Proj. No. 712002 Reference Ties

P.O.C. #1 & #2  
P.O.B. Combined Parcel

## LEGEND

- △ - Sectional Monument Found
- ▲ - Section Monument Set (5/8" x 24" Iron Rebar w/G.S.S. Cap)
- - Survey Monument Found
- - 5/8" x 24" Iron Rebar Set w/G.S.S. Cap
- (C) - Calculated
- (M) - Measured
- (PS) - Previous GSS Survey (62010-612)
- (R) - Record measurement
- X- - Fence
- - Guy Anchor
- - Power Pole
- - Underground Telephone Pedestal
- - Point of Beginning
- P.O.C. - Point of Commencement
- # - Schedule B Exception Number (See Notes)

## ZONING DATA: A-1: AGRICULTURE

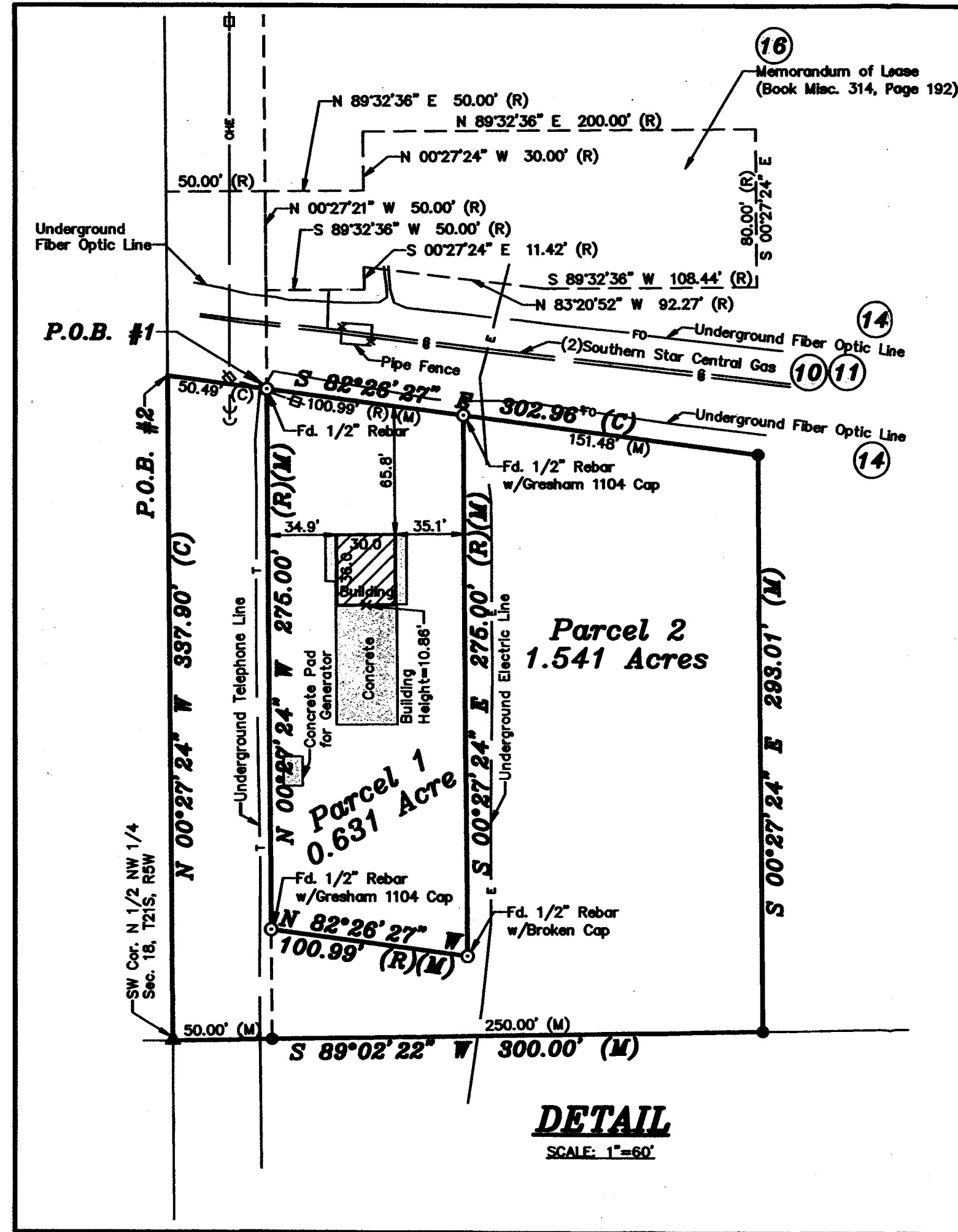
- Minimum Lot Area: (Article 4 - 101D Lot Size Requirements)
- Minimum Lot Width:
  - Wastewater lagoon: 275 feet.
  - Subsurface soil absorption system: 100 feet.
- Minimum Lot Depth:
  - Wastewater lagoon: 275 feet.
  - Subsurface soil absorption system: 150 feet.
- Minimum Front Yard Setback: 50 feet on all side abutting a street.
- Minimum Rear Yard Setback: 30 feet
- Minimum Side Yard Setback: 25 feet
- Maximum Structure Height: 45 feet, except grain elevators.
- Maximum Lot Coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

ZONING INFORMATION SHOULD BE VERIFIED PRIOR TO ANY IMPROVEMENTS, CONTACT THE PLANNING, ZONING & ENVIRONMENT DEPARTMENT OF McPHERSON COUNTY, KANSAS, PHONE NO. (620)-241-2288.

CLOSURE REPORT TABLE			
PARCEL	NORTHING	EASTING	PRECISION
1	NORTHING: 0.00000	EASTING: 0.00000	751.98/0.0000 = 1:751,980,000.00
2	NORTHING: 0.00481	EASTING: 0.00151	1,783.89/0.0050 = 1:356,776.00

OWNER: PENNER, PAUL W. & JOETTA L. REV. TRUSTS  
PIN: 0592541800000002000  
ZONING: A-1 - AGRICULTURE

- (8) (8) Right of Way Agreement (Book Misc. 75, Page 15)
- (9) (10) Right of Way NW 1/4 (Book Misc. 117, Page 493)
- (9) (10) (Parcels 1 & 2) Easement NW 1/4 NW 1/4 (Book Misc. 256, Page 1)
- (10) (11) (Parcel 2) Agreement N 1/2 NW 1/4 (Book Misc. 262, Page 590)
- (11) (12) (Parcel 1) Equipment Structure Agreement NW 1/4 NW 1/4 (Book Misc. 262, Page 653)
- (12) (13) (Parcels 1 & 2) Memorandum of Co-Occupancy Agreement N 1/2 NW 1/4 (Book Misc. 263, Page 346)
- (13) (14) (Parcels 1 & 2) Right of Way Agreement NW 1/4 (Book Misc. 308, Page 344)
- (14) (15) (Parcels 1 & 2) Road Easement Agreement NW 1/4 (Book Misc. 309, Page 125)



DETAIL  
SCALE: 1"=60'

## DESCRIPTION: PARCEL 1:

A portion of the North Half of the Northwest Quarter of Section 18, Township 21 South, Range 5 West of the 6th Principal Meridian in McPherson County, Kansas, more particularly described by Daniel E. Garber, Professional Surveyor No. 683, on November 30, 2023 as follows:  
Commencing at the Northwest corner of the North Half of the Northwest Quarter of Section 18, Township 21 South, Range 5 West of the 6th Principal Meridian; thence South 00°27'24" East (basis of bearings is NAD 83 Kansas South Zone) along the West line of said Northwest Quarter a distance of 996.49 feet; thence South 82°26'27" East a distance of 50.49 feet (50.00 feet record) for the point of beginning; thence South 82°26'27" East 100.99 feet to the Southwest corner of the North Half of said Northwest Quarter; thence North 00°27'24" East parallel with the West line of said Northwest Quarter 275.00 feet; thence North 82°26'27" West a distance of 100.99 feet; thence North 00°27'24" West parallel with the West line of said Northwest Quarter 275.00 feet to the point of beginning containing 0.631 Acres subject to any easements or rights-of-way of record.

## PARCEL 2:

A portion of the North Half of the Northwest Quarter of Section 18, Township 21 South, Range 5 West of the 6th Principal Meridian in McPherson County, Kansas, more particularly described by Daniel E. Garber, Professional Surveyor No. 683, on November 30, 2023 as follows:  
Commencing at the Northwest corner of the North Half of the Northwest Quarter of Section 18, Township 21 South, Range 5 West of the 6th Principal Meridian; thence South 00°27'24" East (basis of bearings is NAD 83 Kansas South Zone) along the West line of said Northwest Quarter a distance of 996.49 feet for the point of beginning; thence South 82°26'27" East a distance of 50.49 feet; thence South 00°27'24" East parallel with the West line of said Northwest Quarter a distance of 275.00 feet; thence South 82°26'27" East 100.99 feet; thence North 00°27'24" West parallel with the West line of said Northwest Quarter 275.00 feet; thence South 82°26'27" East a distance of 151.48 feet; thence South 00°27'24" East parallel with the West line of said Northwest Quarter 293.01 feet to the South line of the North Half of said Northwest Quarter; thence South 89°02'22" West along the South line of the North Half of said Northwest Quarter 300.00 feet to the Southwest corner of the North Half of said Northwest Quarter; thence North 00°27'24" West along the West line of said Northwest Quarter 337.90 feet to the point of beginning containing 1.541 Acres subject to any easements or rights-of-way of record.

## PARCELS 1 & 2 COMBINED:

A portion of the North Half of the Northwest Quarter of Section 18, Township 21 South, Range 5 West of the 6th Principal Meridian in McPherson County, Kansas, more particularly described by Daniel E. Garber, Professional Surveyor No. 683, on November 30, 2023 as follows:  
Commencing at the Northwest corner of the North Half of the Northwest Quarter of Section 18, Township 21 South, Range 5 West of the 6th Principal Meridian; thence South 00°27'24" East (basis of bearings is NAD 83 Kansas South Zone) along the West line of said Northwest Quarter a distance of 996.49 feet for the point of beginning; thence South 82°26'27" East a distance of 302.96 feet; thence South 00°27'24" East parallel with the West line of said Northwest Quarter 293.01 feet to the South line of the North Half of said Northwest Quarter; thence South 89°02'22" West along the South line of the North Half of said Northwest Quarter 300.00 feet to the Southwest corner of the North Half of said Northwest Quarter; thence North 00°27'24" West along the West line of said Northwest Quarter 337.90 feet to the point of beginning. Net area contains 2.172 Acres and is subject to any easements or rights-of-way of record.

## DIGSAFE:

Utilities shown were located by respective Owners. Any utilities not shown are due to no response to Kansas One Call "1-800-DIG-SAFE" Ticket #23642061.

Utility locations shown hereon are based on information received from Kansas One-Call (1-800-DIG-SAFE) identified by Ticket #23642061 on November 29, 2023. Before any digging, Contractor should verify utility locations by calling 1-800-DIG-SAFE.

## FLOOD NOTE:

According to Flood Insurance Rate Map No. 20113C00475E (dated January 16, 2009) published by the Federal Emergency Management Agency, the above described property lies within Zone "X", which is defined as "Area Determined to be Outside the 0.2% Annual Chance Floodplain."

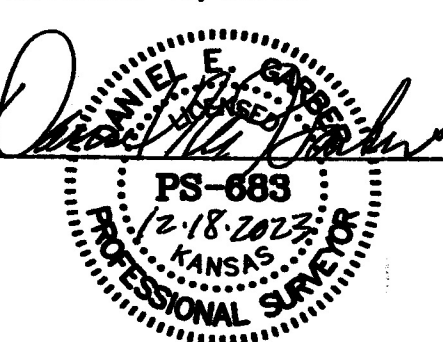
## SURVEYOR'S CERTIFICATE:

This Survey is made for the benefit of: WitTel Communications, LLC., a Delaware limited liability company, Paul W. Penner and Joetta L. Penner, Trustees of the Revocable Inter Vivos Trust of Paul W. Penner, dated March 26, 2004, as to an undivided 1/2 interest and Joetta L. Penner and Paul W. Penner, Trustees of the Revocable Inter Vivos Trust of Joetta L. Penner, dated March 26, 2004, as to an undivided 1/2 interest and First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 9, 11(b), 13 and 19 of Table A thereof. The fieldwork was completed on November 16, 2023.

Dated: December 18, 2023

Signed: Daniel E. Garber  
Registration Number: 683



## ALTA/NSPS LAND TITLE SURVEY

Prepared For:	LUMEN REAL ESTATE	Description:	A PORTION OF THE N 1/2 NW 1/4 SECTION 18, T21S, R5W McPHERSON COUNTY, KANSAS
Prepared By:	Garber Surveying Service, P.A.		
Drawn By:	EWS	Scale:	1"=100'
Checked By:	DEG	Date:	12/18/2023
		Date of Field Work:	December 5, 2023
		Job No:	G2023-730

## TITLE WORK FOR PARCEL 2

ITEMS CORRESPONDING TO SCHEDULE B, PART II EXCEPTIONS OF TITLE COMMITMENT NO. NCS-1182312-CO; DATED JUNE 15, 2023, FIRST AMERICAN TITLE INSURANCE COMPANY:

Items 1-7 and 15-18 are not survey related items and are not shown hereon.

- Item 8: Right of Way Agreement granted to The Derby Oil Company, recorded July 16, 1942, in Book Misc. 75, Page 15. (Affects subject property but pipeline was not located)
- Item 9: Easement to Northwest Central Pipeline Corporation, recorded October 15, 1984, in Book Misc. 256, Page 1. (Affects subject property and is shown hereon)
- Item 10: Agreement granted to Williams Telecommunications Company, recorded June 23, 1986, in Book Misc. 262, Page 590. (Affects subject property and is shown hereon)
- Item 11: Equipment Structure Agreement to Williams Telecommunications Company, recorded July 9, 1986, in Book Misc. 262, Page 653. (Affects subject property but is undefined location and is not shown hereon)
- Item 12: Memorandum of Co-Occupancy Agreement by and between Northwest Central Pipeline Corporation and Williams Telecommunications Company, recorded September 5, 1986, in Book Misc. 263, Page 346. (Affects subject property but is unplottable)
- Item 13: Right of Way Agreement by and between Paul W. Penner and Joetta L. Penner and Williams Telecommunications, Inc., recorded August 26, 1998, in Book Misc. 308, Page 344. (Affects subject property and is shown hereon)
- Item 14: Road Easement Agreement by and between Paul W. Penner and Joetta L. Penner and Williams Telecommunications, Inc., recorded December 16, 1998, in Book Misc. 309, Page 125. (Affects subject property but is undefined location and is not shown hereon)

## TITLE WORK FOR PARCEL 1

ITEMS CORRESPONDING TO SCHEDULE B, PART II EXCEPTIONS OF TITLE COMMITMENT NO. NCS-1183758-CO; DATED JUNE 28, 2023, FIRST AMERICAN TITLE INSURANCE COMPANY:

Items 1-7 and 17 are not survey related items and are not shown hereon.

- Item 8: Right of Way Agreement to The Derby Oil Company, recorded July 16, 1942, in Book Misc. 75, Page 15. (Affects subject property but pipeline was not located)
- Item 9: Right of Way to Arapahoe Pipe Line Company, recorded August 10, 1954, in Book Misc. 117, Page 493. (Affects subject property and is shown hereon)
- Item 10: Easement to Northwest Central Pipeline Corporation, recorded October 15, 1984, in Book Misc. 256, Page 1. (Affects subject property and is shown hereon)
- Item 11: Agreement by and between Northwest Central Pipeline Corporation ("Northwest"), successor by merger to Cities Service Gas Company and Williams Telecommunications Company ("WitTel"), recorded June 23, 1986, in Book Misc. 262, Page 590. (Affects subject property and is shown hereon)
- Item 12: Equipment Structure Agreement to Williams Telecommunications Company, recorded July 9, 1986, in Book Misc. 262, Page 653. (Affects subject property but is undefined location and is not shown hereon)
- Item 13: Memorandum of Co-Occupancy Agreement by and between Northwest Central Pipeline Corporation ("Northwest") and Williams Telecommunications Company ("WitTel"), recorded September 5, 1986, in Book Misc. 263, Page 346. (Affects subject property but is unplottable)
- Item 14: Right of Way and Easement Agreement to Williams Communications, Inc., recorded August 26, 1998, in Book Misc. 308, Page 344. (Affects subject property and is shown hereon)
- Item 15: Road Easement Agreement to Williams Communications, Inc., recorded December 16, 1998, in Book Misc. 309, Page 125. (Affects subject property but is undefined location and is not shown hereon)
- Item 16: Memorandum of Lease by and between Paul W. Penner and Joetta L. Penner ("Lessor") and MCI Worldcom Network Services Inc., ("Lessee"), recorded May 29, 2001, in Book Misc. 314, Page 192. (Affects subject property but pipeline does not cross subject property)

## GENERAL NOTES:

- The survey and the information, courses and distances shown thereon are correct.
- The record description of the subject property forms a mathematically closed figure.
- The survey correctly shows the location of all buildings, structures and other improvements situated on the Premises.
- The tax parcel identification numbers for each separate tax parcel are shown hereon.
- All setback, side yard and rear yard lines shown on the recorded plat or set forth in the applicable zoning ordinance are shown on the survey.
- There are no encroachments onto adjoining premises, streets, alleys or easement areas by any buildings, structures or other improvements, and no encroachments onto the Premises by buildings, structures or other improvements situated on adjoining premises.
- All utilities serving the premises that were marked pursuant to the noted "One Call" request or that were visible at the time of the field survey are shown hereon.
- Nearest intersecting street, the intersection of Plum Avenue & Cherokee Road located in the Northwest Quarter of Section 18, Township 21 South, Range 5 West.
- The premises has direct vehicular and pedestrian access to Plum Avenue & Cherokee Road.
- There were no cemetery or burial grounds found during the course of this survey.
- There are no proposed changes in the street right-of-way line affecting the property.
- No evidence of earthmoving work, building construction or building additions observed during the survey.
- Said described property is located within an area having a Zone Designation "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 20113C00475E, with a date of identification of January 16, 2009, in McPherson County, State of Kansas, which is the current Flood Insurance Rate Map for the community in which the Premises is situated.