



Sedgwick County
Register of Deeds - Bill Meek
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Recording Fee: \$28.00
Authorized By 

Date Recorded: 12/23/2011 3:42:07 PM



Grantor	<u>BEL AIRE, CITY OF</u>
Grantee	<u>ARNEL KEVIN J TR</u>
Type of Document	<u>MEMORANDUM OF LEASE, ETC.</u>
Recording Fees	<u>\$28.00</u>
Mtg Reg Tax	<u>\$0.00</u>
Total Amount	<u>\$28.00</u>
Return Address	<u>SECURITY 1ST TITLE</u>
	<u>434 N. MAIN</u>
	<u>WICHITA, KS 67202</u>
	<u> </u>

When recorded mail to:
Kevin J. Arnel
Foulston Siefkin LLP
Commerce Bank Center
1551 N. Waterfront Pkwy., Suite 100
Wichita, KS 67206-4466

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MEMORANDUM OF CONTRACT

This Memorandum of Contract ("Memorandum") is entered into as of the last date executed by a party hereto ("Effective Date") by and between the following parties: City of Bel Aire, Kansas [7651 E. Central Park Ave., Bel Aire, KS 67226 Attn: Ty Lasher, City Manager] ("City"), the City of Bel Aire, Kansas Public Building Commission [7651 E. Central Park Ave., Bel Aire, KS 67226 Attn: Ty Lasher] ("PBC"), and Kevin J. Arnel and Roxanne R. Arnel, as co trustees of the Kevin J. Arnel Living Trust ("Kevin's Trust") and the Roxanne R. Arnel Living Trust ("Roxanne's Trust") [5112 N. Rock Rd., Bel Aire, KS 67226 Attn: Kevin J. Arnel] (collectively "Arnel").

1. The Parties entered into and have closed upon the certain Real Estate Exchange Contract ("Contract") dated November 23, 2011, involving certain property and interests set forth on Exhibit A hereto (the "Premises"), in Bel Aire, Sedgwick County, Kansas. Each of the Parties has certain rights and obligations with respect to some or all of the Premises, subject to all of the terms, covenants and conditions appearing in said Contract, of which this is a memorandum.

2. This Memorandum is not a complete summary of the Contract. The Contract contains other terms and the provisions in the Memorandum shall not be used in interpreting the Contract provisions. In the event of a conflict between the Memorandum and the unrecorded Contract, the unrecorded Contract shall control. Capitalized terms not defined herein shall have their meanings set forth in the Contract. This Memorandum may be executed in counterparts.

IN WITNESS WHEREOF, the parties have executed this Memorandum to be effective as of the last date executed by a party hereto.

*****Signatures and Acknowledgments on following pages*****

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Seest

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Diana¹¹

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ARNEL:

Kevin J. Arnel and Roxanne R. Arnel, as Co-Trustees of the Kevin J. Arnel Living Trust dated August 27, 1996, and Roxanne R. Arnel and Kevin J. Arnel, as Co-Trustees of the Roxanne R. Arnel Living Trust dated February 24, 2004

By: Roxanne R. Arnel
Roxanne R. Arnel, Co-Trustee

By: Kevin J. Arnel
Kevin J. Arnel, Co-Trustee

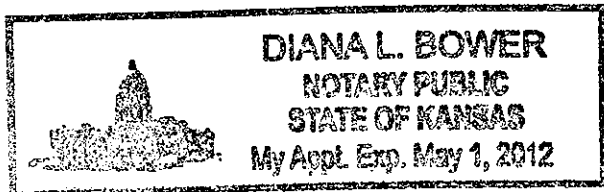
Date: 12-22-11

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

This instrument was acknowledged before me on this 22nd day of December, 2011, by Roxanne R. Arnel and Kevin J. Arnel, as co-trustees of the Kevin J. Arnel Living Trust, and as Co-Trustees of the Roxanne R. Arnel Living Trust.

Diana L Bower
Notary Public



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CITY:

PBC:

CITY OF BEL AIRE, KANSAS,
a municipal corporation

CITY OF BEL AIRE, KANSAS
PUBLIC BUILDING COMMISSION

By: Harold Smith
Harold Smith, Mayor

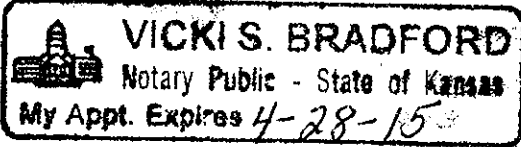
By: Peggy Sue O'Donnell
Peggy Sue O'Donnell, President

Date: 12-12-11

Date: December 12, 2011

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

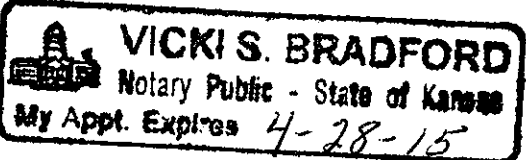
This instrument was acknowledged before me on this 12th day of December, 2011, by Harold Smith, Mayor of the City of Bel Aire, Kansas.

 VICKI S. BRADFORD
Notary Public - State of Kansas
My Appt. Expires 4-28-15

Vicki S. Bradford
Notary Public

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

This instrument was acknowledged before me on this 12th day of December, 2011, by Peggy Sue O'Donnell, President of the City of Bel Aire, Kansas Public Building Commission.

 VICKI S. BRADFORD
Notary Public - State of Kansas
My Appt. Expires 4-28-15

Vicki S. Bradford
Notary Public

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EXHIBIT A

PREMISES

1. Arnel Parcel #1

The approximately 62.534 acre parcel (calculated net of the 50' right of way along Rock Road) described as follows:

The South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas,

EXCEPT:

Commencing at the Northwest corner of the South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence along the north line of said South half of the Northwest Quarter N89°38'19"E, 50.02 feet to the Point of Beginning; thence continuing along said north line of the South half of the Northwest Quarter N89°38'19"E, 1136.64 feet; thence S35°04'26"E, 180.96 feet; thence S45°24'45"W, 698.38 feet to a point on a non-tangent curve to the left South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas having a radius of 479.00 feet, a central angle of 46°56'10", and a long chord of 381.51 feet, bearing S81°25'12"W; thence 392.39 feet along said curve to a point on a curve to the right having a radius of 571.00 feet, a central angle of 11°47'45", and a long chord of 117.35 feet, bearing S63°51'00"W; thence 117.56 feet along said curve to a point on a curve to the right having a radius of 200.00 feet, a central angle of 34°09'51", and a long chord of 117.50 feet, bearing S86°49'49"W; thence 119.26 feet along said curve to a point on a curve to the left having a radius of 200.00 feet, a central angle of 15°51'03", and a long chord of 55.15 feet, bearing N84°00'47"W; thence 55.33 feet along said curve; thence S88°03'41"W, 63.38 to a point 50.00 feet east of the west line of said South half of the Northwest Quarter; thence parallel with the west line of said South half of the Northwest Quarter N01°56'19"W, 743.13 feet to the Point of Beginning.

AND EXCEPT

The West 50.00 feet of said South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

Said tract of land contains 2,723,961 square feet or 62.534 acres, more or less.

2. ARNEL RETAINED TRACT

The approximately 15.798 acre parcel (calculated net of the 50' right of way along Rock Road) described as follows:

A tract of land lying in a portion of the South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence along the north line of said

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South half of the Northwest Quarter N89°38'19"E, 50.02 feet to the Point of Beginning; thence continuing along said north line of the South half of the Northwest Quarter N89°38'19"E, 1136.64 feet; thence S35°04'26"E, 180.96 feet; thence S45°24'45"W, 698.38 feet to a point on a non-tangent curve to the left having a radius of 479.00 feet, a central angle of 46°56'10", and a long chord of 381.51 feet, bearing S81°25'12"W; thence 392.39 feet along said curve to a point on a curve to the right having a radius of 571.00 feet, a central angle of 11°47'45", and a long chord of 117.35 feet, bearing S63°51'00"W; thence 117.56 feet along said curve to a point on a curve to the right having a radius of 200.00 feet, a central angle of 34°09'51", and a long chord of 117.50 feet, bearing S86°49'49"W; thence 119.26 feet along said curve to a point on a curve to the left having a radius of 200.00 feet, a central angle of 15°51'03", and a long chord of 55.15 feet, bearing N84°00'47"W; thence 55.33 feet along said curve; thence S88°03'41"W, 63.38 to a point 50.00 feet east of the west line of said South half of the Northwest Quarter; thence parallel with the west line of said South half of the Northwest Quarter N01°56'19"W, 743.13 feet to the Point of Beginning.

Said tract of land contains 688,149 square feet or 15.798 acres, more or less

3. ARNEL COMMERCIAL LOT WITHIN THE ARNEL RETAINED TRACT

The approximately 7.29 lot described as follows:

LEGAL DESCRIPTION, Arnel commercial lot:

A tract of land lying in a portion of the South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the South half of the Northwest Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence along the north line of said South half of the Northwest Quarter N89°38'19"E, 50.02 feet to the **Point of Beginning**; thence continuing along said north line of the South half of the Northwest Quarter N89°38'19"E, 440.00 feet; thence S01°56'19"E, 645.12 feet to a point on a curve to the left having a radius of 479.00 feet, a central angle of 12°44'39", and a long chord of 106.32 feet, bearing S64°19'27"W; thence 106.54 feet along said curve to a curve to the right having a radius of 571.00 feet, a central angle of 11°47'45", and a long chord of 117.35 feet, bearing S63°51'00"W; thence 117.56 feet along said curve to the right having a radius of 200.00 feet, a central angle of 34°09'51", and a long chord of 117.50 feet, bearing S86°49'49"W; thence 119.26 feet along said curve to a point on a curve to the left having a radius of 200.00 feet, a central angle of 15°51'03", and a long chord of 55.15 feet, bearing N84°00'47"W; thence 55.33 feet along said curve; thence S88°03'41"W, 63.38 to a point 50 feet east of the west line of said South half of the Northwest Quarter; thence parallel with the west line of said South half of the Northwest Quarter N01°56'19"W, 743.13 feet to the **Point of Beginning**.

Said tract of land contains 317,490 square feet or 7.29 acres, more or less.

4. CITY PARCEL

The West half of the Southwest Quarter of Section 16, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas.