



Emporia
Kansas

**EMPORIA PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 30, 2026 AT 6:00 PM
CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS**

ORDER OF BUSINESS

CALL MEETING TO ORDER

Kenton Thomas, Chair

NEW BUSINESS

- 1. Planning Commission: Consider Application PC 2026-06, A Request to Amend Section 8, Overlay and Other Districts, Pursuant to Section 9 of the Emporia Zoning Regulations**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Forward Recommendation to the Governing Body
- 2. Planning Commission: Consider PC 2026-07, a Request to Rezone Certain Described Properties Pursuant to Section 9 of the Emporia Zoning Regulations**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Forward Recommendation to the Governing Body
- 3. Planning Commission: Consider PC 2026-08, a Request for Application of the Digital Infrastructure Overlay District to Certain Described Properties Pursuant to Section 9 of the Emporia Zoning Regulations**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct the Public Hearing | Forward Recommendation to the Governing Body

MEMBERS PRESENT

Kenton Thomas
Stan Fowler
Lilian Lingenfelter
Joe Reed
Aaron Larson
Denise Gilligan
Kevin Johnson

ADJOURNMENT



Emporia
Kansas

**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 23, 6:00 PM
WLW CIVIC AUDITORIUM**

STAFF REPORT

Application #: PC 2026-06

Applicants: City of Emporia

Requested Action: Consider a text amendment to create a Digital Infrastructure Overlay (DI-O) District for the Emporia Zoning Regulations.

Purpose: The proposed amendment would create a regulating framework specific to digital infrastructure uses and associated and accessory uses commonly found within digital infrastructure developments.

Analysis: Emporia's current zoning regulations are limited in how they address digital infrastructure uses specifically, and many of the accessory or support uses associated with digital infrastructure. The proposed overlay district would bring more clarity to the process of developing digital infrastructure within the city.

Currently, if posed with a request for a digital infrastructure use, such as a data center, staff would be tasked with establishing whether the use would be allowed within the specific zoning district that the project was proposed in. Additional review would also take place for any support or accessory uses that may be necessary to serve the development.

In the case of advanced computing uses such as a data center or cloud storage facility, staff would consider similar uses, as well as other guiding documents like OSHA's Standard Industrial Classifications to determine if the use is similar to those listed in the use matrix and would be allowed outright or through a conditional use permit or not allowed. A same review would be necessary for accessory or support uses such as on-site electric generation, public utility substations required to serve the area or similar uses.

Having reviewed existing regulations, staff could easily determine that the primary use of an advanced computing facility could be allowed outright, but the necessary infrastructure improvements such as power generation or substations may require a conditional use permit.

The purpose of the DI-O regulations is to bring all of those uses under one harmonious set of regulations within the zoning code to provide clarity for future digital infrastructure developments if approved.

Considerations: While there are no specific standards set forth in the zoning regulations for the Commission to consider for a text amendment, staff has provided some general considerations that may be useful when considering a text amendment. Staff commentary is provided in bold.

- 1) Does the proposed text amendment correct an error or inconsistency in the Zoning Regulations or meet the challenge of an existing condition? **Based on initial staff review, the Zoning Regulations are inconsistent with the development of a digital infrastructure project. Some key components would or could be allowed outright, while other components or accessory uses would require conditional use permits. The DI-O District would create a regulatory framework that provides clarity to developers on what is allowed and where digital infrastructure use could be built. The proposed regulations also provide additional protections like enhanced buffer spaces, noise limitations and clearly defined requirements that would need to be met prior to final approval of a project.**
- 2) Does the proposed text amendment advance a clear public purpose? **The creation of the DI-O would provide additional protections for the public when reviewing and approving digital infrastructure projects. Digital Infrastructure projects have become hot topics within communities based on previous or early generations of digital projects.**
- 3) Does the proposed text amendment affect the adequacy of existing or planned facilities and services? **The proposed text amendment provides a clear framework for future development of digital infrastructure projects. Since no projects are currently being reviewed, no project would suffer from the creation of the district.**
- 4) Will the proposed text amendment advance the interests of the City of Emporia as a whole, not solely those having immediate interest in the affected area? **The regulatory framework that the DI-O would provide a clear path of development for digital infrastructure projects. The city as whole would benefit from having concise regulations that provide increased rules and reviews prior to the start of a particular project. The interests of the city are clearly advanced over those having interest (developers) of these projects.**
- 5) Is the proposed text amendment consistent with the Comprehensive Plan and the stated purpose of the City Zoning Regulations? **In the Economic Development Checklist of Plan ELC, several items of note, include updating zoning codes and ordinances to ensure consistency for all businesses and improve the permitting process, which is what the DI-O is intended to accomplish. Additionally, Plan ELC discusses the need to support and strengthen the community by expanding and diversifying the local economic mindset, which opening the framework for digital infrastructure projects would do for the city.**

Communications: Staff has received numerous letters in support of, and against the creation of the overlay district, which have been provided.

Suggested Motions:

1. Move to recommend approval of the proposed text amendments to the Emporia Zoning Regulations as presented. For adoption of the text amendments the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

2. Move to recommend approval of the proposed text amendments to the Emporia Zoning Regulations with revisions. For adoption of the text amendments the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.

3. Move to recommend denial of the proposed text amendments to the Emporia Zoning Regulations. A motion to recommend denial of the text amendments would trigger a super-majority vote of the City Commission to override the recommendation of the Planning Commission.

4. No action. If the Planning Commission votes to take no action or fails to reach a consensus on any recommendation, the lack of action from the Planning Commission will be treated as a recommendation of denial, and require a super-majority vote of the City Commission to approve the proposed text amendment.

5. Table the matter for further discussion.

Recommendation: Staff recommends the approval of the text amendment subject to any additional comments or requests from the Planning Commission.

Attachments: Proposed Text Amendments, Submitted Written Correspondence



Proposed Text Amendment – Draft 4 Establishing the Digital Infrastructure Overlay District (DI-O)

Redline key: red underlined text indicates additions; ~~red strikethrough text~~ indicates deletions.

This draft includes revisions discussed by the Planning Commission at the June 23, 2026 public hearing.

8.10 Digital Infrastructure Overlay District (DI-O)

8.10.1 Intent

The regulations set forth in this section are the regulations for the Digital Infrastructure Overlay District (DI-O).

The DI-O is intended to:

1. Support long-term planning for digital infrastructure and related industrial development;
2. Identify areas suitable for digital infrastructure development and associated infrastructure investment;
3. Provide flexibility for campus-style and phased development patterns;
4. Promote compatibility with surrounding land uses through reasonable development standards;
5. Supplement underlying industrial zoning regulations where digital infrastructure development may involve development patterns or infrastructure demands not otherwise fully contemplated by conventional industrial zoning standards; ~~and~~
6. Support economic development, technology investment, infrastructure expansion, and tax base growth associated with digital infrastructure development.; and
7. Mitigate potential negative impacts associated with digital infrastructure development.

8.10.2 Applicability

The DI-O may be applied to property:

1. Located within the corporate limits of the City of Emporia; and
2. Zoned HI, LI, or IF Parcel Types.

The DI-O may be established in advance of a specific development proposal.

The DI-O supplements the regulations applicable to the underlying Parcel Type. Except as expressly provided by this section, all regulations, standards, procedures, and requirements applicable to the underlying Parcel Type shall remain in full force and effect.

Nothing in this section shall be interpreted to regulate wireless communications facilities, telecommunications carriers, or public utility facilities except to the extent authorized by applicable law.

8.10.3 Application Requirements

Applications for DI-O designation and consideration of such applications shall follow the procedures and requirements for zoning amendments set forth in Section 9.

Applications shall include sufficient conceptual information to allow evaluation of the proposed overlay area and anticipated development framework, and may include:

1. A general development narrative;
2. Conceptual land use or planning exhibits;
3. Preliminary infrastructure and utility information;
4. General transportation and access concepts;
5. Compatibility and buffering considerations; and
6. Anticipated phased development or planning considerations.

Detailed engineering and final site design shall not be required at the time of overlay application.

8.10.4 Definitions

Digital Infrastructure Facility

A facility primarily used for the processing, storage, management, routing, exchange, or distribution of digital information through servers, networking equipment, cloud computing systems, artificial intelligence computing infrastructure, machine learning, quantum computing, high-performance computing, advanced computational technologies, or related computing technologies.

Digital Infrastructure Campus

A coordinated development consisting of multiple Digital Infrastructure Facilities and supporting infrastructure operating within an approved unified development area involving multiple principal structures, users, ownership entities, parcels, phases of development, coordinated infrastructure planning, or campus-scale infrastructure systems operating under a unified development framework. Shared infrastructure systems may serve multiple buildings, parcels, users, ownership entities, or phases of development within the campus.

8.10.5 Permitted Uses

a. Heavy Industrial (HI) and Light Industrial (LI)

The following uses may be permitted within the DI-O when located in the HI or LI Parcel Types:

1. Digital Infrastructure Facilities;
2. Digital Infrastructure Campuses; and
3. Any other use allowed with underlying zoning classification of the property.

b. Industrial Flex (IF)

The following uses may be permitted within the DI-O when located in the IF Parcel Type subject to approval through a Planned Unit Development:

1. Digital Infrastructure Facilities; and
2. Digital Infrastructure Campuses; and

Any other use allowed with underlying zoning classification of the property.

8.10.6 Accessory Uses

Accessory uses and structures customarily incidental to a principal Digital Infrastructure Facility or Digital Infrastructure Campus may be permitted within the DI-O subject to applicable development regulations.

Other similar accessory uses and structures may be approved administratively by the Zoning Administrator.

a. Operational Infrastructure

The following operational infrastructure may be permitted within the DI-O when accessory to a permitted digital infrastructure use:

1. Primary Utility Infrastructure including electrical substations, utility interconnections, switchgear, transformers, distribution equipment, utility service equipment, solar panels, and other infrastructure necessary to receive, distribute, and manage electricity supplied by the serving electric utility for normal facility operations.
2. Backup power generation systems, associated fuel storage, and other reliability, resiliency, redundancy, and continuity-of-operations infrastructure, including microgrids, redundant utility systems, black-start capability, and similar systems;
3. Utility corridors and natural gas infrastructure secured by necessary easements serving on-site operations; and
4. Battery energy storage systems;
5. Cooling towers, mechanical cooling infrastructure, and mechanical equipment yards;

6. Water storage, treatment, recycling, reclaimed water, and reuse systems;
7. Fiber and private communications infrastructure accessory to digital infrastructure operations.

Primary energy generation facilities intended to serve as a primary source of power for routine facility operations shall be subject to the applicable conditional use and approval requirements of the underlying Parcel Type.

Operational infrastructure may be publicly owned, privately owned, jointly developed, operated through utility providers, or transferred to utility providers as authorized by applicable law. Infrastructure systems may serve multiple buildings, parcels, users, ownership entities, or phases of development within a Digital Infrastructure Campus.

b. Backup Power Generation

Backup power generation systems and related reliability and redundancy infrastructure may be operated only for:

- an actual utility outage or interruption;
- testing and maintenance conducted in accordance with an approved operations plan;
- initial commissioning of installed equipment;
- temporary replacement of a failed or unavailable permanent backup power system; or
- ~~operation requested or directed by the serving electric utility or applicable governmental authority during a documented grid emergency or reliability event, provided such operation is approved by the City Manager or the City Manager's designee or as otherwise directed or requested by the electric utility, or as otherwise approved in the applicable development agreement subject to review of acoustics, emissions, and other environmental impacts.~~ operation requested or directed by the serving electric utility or an applicable governmental authority during a documented grid emergency or reliability event, or other operation authorized by the City Manager or the City Manager's designee pursuant to an approved development agreement. Any such operation shall remain subject to applicable operational standards, including requirements addressing acoustics, emissions, and other environmental impacts.

Backup power generation systems shall not serve as a primary source of power for routine facility operations.

Routine testing and maintenance of backup power generators shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., except as reasonably necessary to comply with applicable law, permit conditions, or manufacturer specifications.

Portable or mobile generators may be used only during construction, commissioning, emergency operations, or temporary replacement of a permanently installed backup power system. Portable or mobile generators shall not be used as a long-term substitute for permanently installed backup generation serving an operational facility.

Campus-scale backup power generation systems, fuel storage facilities, substations, battery energy storage systems, and similar operational infrastructure serving more than one principal building shall not be permitted within the IF Parcel Type unless approved through a Planned Unit Development.

b. Support Infrastructure

The following support infrastructure may be permitted within the DI-O when accessory to a permitted digital infrastructure use and otherwise permitted by these regulations:

1. Security, surveillance, and access control facilities and infrastructure;
2. Maintenance buildings, service areas, and equipment yards;
3. Administrative offices;
4. Employee amenities and support facilities;
5. Emergency response or support facilities;
6. Internal circulation roads and service access;
7. Loading and service areas; and
8. Other accessory uses and structures customarily incidental to digital infrastructure development.

8.10.7 Development Review

a. General Development Review

Development within the DI-O shall remain subject to applicable site plan review, permitting, and other approval processes required by these regulations. The City may utilize City staff or retain qualified third-party professionals to assist with application review, technical review, preparation and administration of development agreements, inspections, testing, monitoring, and other services reasonably necessary to administer this section. Reasonable costs incurred by the City for such services may be assessed to the applicant.

Site plans may be submitted for individual phases or multiple phases simultaneously.

The City may approve reasonable modifications to development standards where necessary to facilitate reuse of existing industrial structures or previously developed sites.

b. Development Agreements

Approval of digital infrastructure development within the DI-O shall require execution of a development agreement approved by the City.

The development agreement shall address infrastructure coordination, utility services, public improvements, development phasing, operational considerations, mitigation measures, decommissioning requirements, financial assurances authorized by applicable law and reasonably related to decommissioning or required public improvements, and other matters reasonably related to the proposed development.

Required studies, plans, assessments, mitigation measures, infrastructure improvements, operational commitments, monitoring requirements, and phased development obligations and other applicable requirements approved as part of the development review process shall be incorporated into the development agreement or expressly incorporated by reference as enforceable conditions.

The development agreement shall establish operational inspection rights, monitoring requirements, testing requirements, reporting obligations, compliance verification requirements, and reimbursement of the City's reasonable costs associated with administration and enforcement.

The development agreement shall establish procedures governing transfers of ownership, operational control, assignments, and successor obligations. Prior to any assignment of the development agreement or assumption of its obligations by a successor owner or operator, the successor shall execute an assumption agreement in a form approved by the City. No assignment, amendment, or release of obligations shall be effective without the prior written consent of the City.

The development agreement, or a memorandum thereof approved by the City, shall be recorded with the Lyon County Register of Deeds. The development agreement shall run with the land and shall be binding upon the owner, developer, operator, tenants, successors, assigns, and any other persons acquiring an interest in the property to the extent provided by the agreement and applicable law.

c. Phased Development

Phased development of Digital Infrastructure Facilities and Digital Infrastructure Campuses may be approved through a development agreement, campus infrastructure plan, master development plan, or similar approved development framework.

Utility infrastructure and related operational infrastructure may be developed or expanded in phases and may be sized to accommodate approved or anticipated future phases of development.

For Digital Infrastructure Campuses, the City may require a campus infrastructure plan depicting anticipated development phases, major infrastructure systems, utility corridors, emergency access, and other information reasonably necessary to evaluate long-term campus development.

Review of future phases shall focus on the proposed phase and its consistency with the approved development framework. Previously approved phases, infrastructure improvements, and related approvals shall not require reapproval absent a material deviation from the approved development framework.

d. Development Review Materials

The applicant shall submit the studies, plans, assessments, and supporting documentation required by this subsection as part of the development review process. The required materials are intended to provide information reasonably necessary for the City to evaluate capacity, public services, operational impacts, environmental considerations, and compatibility with surrounding properties.

The following materials shall be submitted unless the Zoning Administrator determines that a particular requirement is not ~~applicable~~ reasonably necessary based on the nature, scope, or scale of the proposed development. Any determination that a required submittal is not ~~applicable~~ reasonably necessary shall be documented in writing as part of the development review record. The written determination shall identify the specific submittal being waived and state the factual basis for the determination, including any related information determined to be sufficient to evaluate the applicable subject matter. Nothing in this section shall limit the authority of the Planning Commission or City Commission to require additional studies or supplemental information reasonably related to the subject matter of any required or waived submittal when necessary to evaluate the proposed development, to address issues identified during the public review process, or to supplement information previously submitted by the applicant.

1. **A utility infrastructure plan** describing the utility services necessary to support the proposed development, including anticipated demand for electric, natural gas, water, sanitary sewer, stormwater, telecommunications, and other utility services; proposed utility infrastructure, extensions, upgrades, or on-site systems; and proposed phasing. The plan shall include documentation

demonstrating the availability of utility services, including will-serve letters or similar documentation from electric, and natural gas, telecommunications, fiber, and other utility providers, where applicable;

2. **Backup power generation and energy operations plan** describing the location, number, capacity, fuel source, anticipated testing schedule, maintenance procedures, operational limitations, fuel storage, emissions permits, noise mitigation measures, and procedures governing operation of permanent and portable backup power generation systems.
3. **Water and wastewater** service agreements addressing water demand, system capacity, infrastructure requirements, service conditions, discharge, conservation measures, reclaimed water opportunities, and other matters reasonably related to water and wastewater service, including provision of routine operational water service exclusively through the City of Emporia municipal water system;
4. **An emergency response plan** addressing emergency access; fire protection and suppression systems; utility interruptions; hazardous materials management; battery energy storage systems and backup power generation systems, where applicable; emergency communications; emergency responder access; coordination with police, fire, emergency medical, and utility providers; evacuation procedures; emergency notification procedures; and other public safety considerations reasonably related to the proposed development, including recommended mitigation measures where appropriate;
5. **A traffic impact study** evaluating transportation impacts associated with construction or operation of the proposed development and identifying recommended mitigation measures;
6. **An acoustical impact study** prepared by a qualified acoustical professional evaluating potential off-site noise impacts associated with construction and operation of the proposed development evaluating existing ambient noise conditions, anticipated noise from mechanical equipment, cooling systems, backup power generation systems, and periodic generator testing; projected sound levels at adjoining property lines; applicable noise standards; and recommended mitigation measures;
7. **An environmental study** evaluating potential impacts associated with the proposed development, including stormwater management, erosion and sediment control, water quality, air quality, thermal impacts, heat island effects, vegetation and habitat impacts, hazardous materials management, and proposed mitigation measures;

8. An electronic waste management plan describing the anticipated handling, storage, recycling, and disposal of electronic waste generated by the proposed development, demonstrating compliance with applicable laws and regulations;
9. **A construction management plan** addressing workforce parking, haul routes, construction traffic, staging areas, hours of construction activity, dust, debris, and other temporary construction impacts;
10. **An outdoor lighting plan** identifying fixture locations, mounting heights, shielding, controls, and measures to minimize glare, light trespass, and sky glow;
11. **A landscaping and buffering plan** including berms, landscaping, screening, preservation of existing vegetation, and other compatibility measures;
12. **A facility transition plan** describing the anticipated process upon permanent cessation of digital infrastructure operations, including the proposed reuse, repurposing, redevelopment, disposition, or removal of buildings, structures, equipment, utility infrastructure, electronic waste, and hazardous materials, and anticipated site restoration measures, as applicable; and
13. Other studies, plans, assessments, or supporting documentation reasonably necessary to evaluate the proposed development, its anticipated infrastructure and public service needs, potential environmental and operational impacts, compatibility with surrounding properties, and compliance with these regulations.

e. Mitigation Measures

The City may require reasonable mitigation measures to address infrastructure, operational, environmental, transportation, public safety, utility, or other impacts associated with the proposed development.

The City may require post-construction monitoring or verification where reasonably necessary to confirm compliance with approved mitigation measures.

f. Planned Unit Development

The City may require Planned Unit Development approval where necessary to address coordinated infrastructure planning, public improvements, development phasing, compatibility with surrounding properties, or other site-specific operational impacts not adequately addressed through standard development review procedures.

8.10.8 Supplemental Development Standards

Development within the DI-O shall be designed to minimize unreasonable adverse impacts on Sensitive Adjoining Uses and public rights-of way through site layout, building placement, landscaping, screening, lightning, operational practices, and other

appropriate design measures. Existing native trees, vegetation, natural topography, and other natural features should be preserved and incorporated where practical into buffering and screening where they provide equivalent or greater compatibility protection.

For purposes of this section, a Sensitive Adjoining Use means:

1. A Parcel Type that permits residential use; or
2. Land occupied by a public or private school; public park, publicly owned recreational facility, medical facility, place of worship, or cemetery.

a. Buffering

A minimum ~~one hundred fifty (150) foot~~ two hundred (200) foot landscaped buffering area shall be required between principal structures, accessory structures, and equipment areas and any property line adjoining a Sensitive Adjoining Use.

The location, width, and design of the buffering area may be modified through the development review process where the applicant demonstrates that an alternative buffering area or approach will provide equivalent or greater protection.

b. Noise. Facilities shall be designed, constructed, and operated to minimize off-site noise impacts to Sensitive Adjoining Uses. Operational noise shall not exceed the following levels: 55 dBA Leq during daytime hours (8:00 a.m. to 6:00 p.m.) or 50 dBA Leq during nighttime hours (6:00 p.m. to 8:00 a.m.); or 5 dBA above the existing ambient sound level, whichever is greater, as measured at any property line adjacent to a Sensitive Adjoining Use lawfully existing on the date the applicable development agreement is approved by the City Commission. Compliance shall be determined using measurement and evaluation methods consistent with the applicable ANSI/ASA S12 series, ISO 1996-1, and ISO 1996-2 standards, or successor nationally recognized standards. These standards may be adjusted through the development review process where the applicant demonstrates that equivalent or lower sound levels at sensitive receptors are achieved.

cb. Outdoor Lighting

Outdoor lighting shall be designed and installed to provide safe and secure illumination while minimizing glare, light trespass, and sky glow. Outdoor lighting fixtures shall be fully shielded and directed downward, except where otherwise required by applicable safety, building, fire, security, or utility standards. Lighting shall be located, aimed, screened, dimmed, or otherwise controlled to avoid unreasonable adverse impacts on Sensitive Adjoining Uses and public rights-of-way. Alternative lighting designs providing equivalent or greater protection may be approved through the development review process.

d.e. Screening of Operational Infrastructure

Backup power generation systems, electrical substations, cooling towers, mechanical cooling infrastructure, mechanical equipment yards, battery energy storage systems, fuel storage facilities, and similar operational infrastructure shall be screened from adjoining residential property and public rights-of-way through building placement, walls, berms, landscaping, architectural screening, or a combination thereof, where reasonably practicable.

Screening shall be designed to minimize visual impacts and promote compatibility with Sensitive Adjoining Uses and public rights of way, while taking into consideration security, ventilation, fire and emergency access, utility requirements, operational safety, and long-term maintenance.

The location, extent, and design of required screening may be modified through the development review process where the applicant demonstrates that an alternative screening approach will provide equivalent or greater protection.

d.e. Maintenance

Required buffering, landscaping, screening, and lighting controls shall be maintained in good condition for the duration of the development. Dead, damaged, or deteriorated landscaping shall be replaced within a reasonable period. Required screening, walls, fencing, berms, and lighting controls shall be maintained in substantially the same condition as approved unless modified through the development review process.



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 23, 2026, 6:00 PM
WLW CIVIC AUDITORIUM**

STAFF REPORT

Application #: PC 2026-07

Applicants: Kanza Park Place, LLC

Owners: Kanza Park Place, LLC (Equitable Owner)

Requested Action: Consider a request to rezone 11 tracts of land from various Lyon County and City of Emporia Parcel Types to City of Emporia Light Industrial (LI) and Industrial Flex (IF) Parcel Types.

Purpose: The applicant has requested the subject tracts be rezoned to facilitate the development of a digital infrastructure development.

Legal description: Full legal descriptions of each tract are provided as an attachment to this report.

Property Information:

Tract	Address	Lot Size	Current Zoning Class	Proposed Zoning Class
Tract 1	600 Road 190	155.70 Acres	LY CO AG	COE LI
Tract 2	640 Road 180	134.40 Acres	LY CO AG	COE LI
Tract 3	1842 Road F	9.70 Acres	LY CO AG	COE LI
Tract 4	1800 Road F	9.70 Acres	LY CO AG	COE LI
Tract 5	626 W HWY 50	98.80 Acres	COE IF	COE LI
Tract 6	600 W HWY 50	22.10 Acres	COE IF	COE LI
Tract 7	600 W HWY 50	26.10 Acres	COE IF	COE LI
Tract 8	1771 Road G	73.20 Acres	LY CO AG/C	COE LI
Tract 9	600 Road 175	148.30 Acres	LY CO AG/C	COE LI
Tract 10	647 W HWY 50	37.20 Acres	LY CO LI	COE LI
Tract 11	4502 W 18 th	350.10 Acres	LY CO AG	COE IF

LY CO = Lyon County
COE = City of Emporia
AG = Agriculture Parcel Type
LI = Light Industrial Parcel Type
C = Commercial Parcel Type
IF = Industrial Flex Parcel Type

Adjacent Zoning & Use:

Tract	Current Zoning	Surrounding Zoning	Surrounding Actual Use
Tract 1	LY CO AG	AG / SF-D	Pasture Estate Homes
Tract 2	LY CO AG	AG / SF-D / IF	Pasture Estate Homes
Tract 3	LY CO AG	AG	Pasture Farmstead
Tract 4	LY CO AG	AG	Pasture Farmstead
Tract 5	COE IF	AG / IF / C / LI	Pasture Farmstead Prairieland Dealership
Tract 6	COE IF	AG / C / SF D	Pasture Homestead
Tract 7	COE IF	AG / C / LI	Pasture
Tract 8	LY CO AG/C	IF / SF-D / C / LI	Pasture Fanestil Meats Evergy Road G Commercial
Tract 9	LY CO AG/C	C / LI / IF / AG	KOA Fanestil Meats Pasture
Tract 10	LY CO LI	C / IF / AG	Pasture Fanestil Meats Prairieland Dealership
Tract 11	LY CO AG	C / C/P / GPR / SF-D	Pasture Estate Homes Jones Aquatic Center KTA/I-335 Urban Single-Family Homes

LY CO = Lyon County
 COE = City of Emporia
 AG = Agriculture Parcel Type
 LI = Light Industrial Parcel Type
 C = Commercial Parcel Type
 IF = Industrial Flex Parcel Type
 SF-D = Single-Family Detached
 C/P = Civic Public Use
 GPR = Greenspace/Parks/Recreation

Analysis: The applicant has requested that the 11 tracts of land be rezoned and subsequently included in a Digital Infrastructure Overlay District (DI-O) to facilitate the future development of the properties. While no end users are currently identified for the development, the inclusion of the properties into a DI-O would allow the developer to move forward with planning and marketing the project to prospective end users, and coordinating infrastructure improvements, including but not limited to the extension of municipal services, necessary private utilities upgrades, and other aspects of project development.

The rezoning of the properties and inclusion of the properties into a DI-O district is not an approval of a particular project, but rather one step in moving a project forward. Securing applicable zoning is one of the first steps in developing property for future proposed uses. The request in this stage of development is no different than other large-scale developments, such as when the Pavilions or the Brownstone development at W HWY 50 were initially proposed. Additional zoning requirements which would come before the Planning Commission prior to final approvals would include platting of the property, and for those properties in Industrial Flex zoning, the creation and approval of a Planned Unit Development would be required.

Tracts 1 through 10 are generally contiguous with each other and the requested rezoning is for the properties to be reclassified as City of Emporia Light Industrial (LI). The LI zoning would allow for these properties to be included in an DI-O. The only property with a City of Emporia parcel type are the lots within Industrial Park IV. These properties were annexed and subsequently rezoned in 2025. The remaining properties have recently been annexed and retain their Lyon County parcel type until that time that they are rezoned and assigned City of Emporia parcel types.

Light Industrial (LI) parcel types allow for a variety of industrial uses that are generally classified as less intensive in terms of noise, odor, smoke, and outdoor operations compared to those uses allowed within Heavy Industrial parcel types. Many of the uses included in the DI-O would be allowed within LI parcel types. Staff has included the use matrix for Industrial Properties as an attachment to this report for review. If the rezoning is approved, any use that is allowed in LI Parcel Types would be allowed on these properties.

A final tract (Tract 11) is outside of the contiguous area and is being proposed to be rezoned to Industrial Flex (IF). If approved and included in the Digital Infrastructure Overlay District, this tract would most likely be the final tract to develop based on its location, and also would require an approved Planned Unit Development prior to any development occurring on the property. As previously stated, any allowed use within an IF parcel type would be allowed on the property if it was rezoned.

The uniqueness of this request and by the sheer size of acreage included, creates complexities that are generally not present in a typical rezoning request. Several of these properties were not contemplated for changes in use during the development of the last comprehensive plan, Plan ELC. Also, with the changing economic climate that Emporia has experienced since the adoption of Plan ELC, staff finds that many of the recommendations may not necessarily be applicable now.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations;
 - a. **A change in parcel type is required prior to any development of properties that are annexed into the city. Lyon County and the City of Emporia, while we have a joint comprehensive plan, do not share common parcel types or extraterritorial zoning. Each of these properties, aside from those lots located in Industrial Park IV have recently been annexed, and prior to any development require the assignment of a City of Emporia parcel type.**
 - b. **Several of the parcels currently have some sort of industrial classification, either Lyon County or Emporia Light Industrial or Industrial Flex zoning. Many of the parcels that are zoned agriculture are contiguous to industrial zoned parcels and demonstrate that rezoning to LI is a natural extension of the existing LI zoning in the area.**
 - c. **Staff contends that the change in parcel type would be consistent with the zoning regulations of the city.**
2. The character and condition of the neighborhood and its effect on the proposed change;
 - a. **The general character and condition of the neighboring properties vary between subject tracts. Tracts 1 through 10 are situated between undeveloped agricultural properties, rural homesteads, estate type homes, commercial and industrial properties. Tract 11, is adjacent to the Kansas Turnpike with urban development to the east of the turnpike and estate homes to the north.**
 - b. **The neighboring properties would have little impact on the subject properties if the rezoning was approved.**
3. The zoning and uses of properties nearby;
 - a. **Zoning and uses of neighboring properties for tracts 1 through 11 vary from vacant agricultural land, estate type homesteads, to commercial and industrial properties and urban density development. A natural boundary of the Kansas Turnpike does separate the urban development from Tract 11. The extension of Industrial Park IV is a natural corridor, and with increased setbacks and required landscape buffering and screening, the impacts of the proposed project will be minimized. Staff would not contend that there will be no impact on those neighboring properties. The depth of that impact is unknown at this time, but staff would content that the impact to neighboring properties does not outweigh the benefit to the community as a whole.**
4. The suitability of the subject property for the uses to which it has been restricted;
 - a. **The subject properties were suitable for the uses that they have been restricted to prior to annexation. Upon annexation, and prior to any development, the properties must be rezoned to Emporia zoning classifications.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property;
 - a. **It is difficult to ascertain whether or not removing the restrictions on the subject properties would have a detrimental impact on nearby properties. Properties**

adjacent to Tract 11 are separated by the turnpike, which is a natural boundary and required setbacks and development review of a planned unit development should reduce the impact on adjacent properties.

- b. **Similarly, those residential properties adjacent to tracts 1-10 are a mix in use, and therefore it is difficult to determine if a detrimental impact would be realized if the restrictions were removed. One study of housing values adjacent to digital infrastructure in Virginia showed that housing values actually increased the closer they were to digital uses as opposed to houses further away from digital infrastructure.**
 - c. **Other studies have shown that properties may have a short-term reduction in value, but generally rebound over time after projects commence.**
 - d. **Staff would not contend that the removal of the restrictions and allowance of LI or IF uses would not have an impact on the neighboring residential properties, as most of the land included in the request has not been developed prior to this request. The unknown is whether or not the new allowed uses would have a detrimental impact on adjacent properties, and would the possible detrimental impact out measure the potential positive impacts on the entirety of the community.**
 - e. **Adjacent commercial and industrial properties would see little to no negative impact and would most likely see an increase in value as development typically spurs additional development once an anchor tenant is established in an area. Those properties along Road G could see increased interest based on their proximity to large scale development.**
 - f. **New infrastructure that would be required, including road improvements, public and private utilities, would also open up adjacent properties for development.**
6. The length of time the subject property has remained vacant as zoned;
- a. **Industrial Park IV is the only property that has been platted. Other properties in the area have been zoned in anticipation of future development, but have also remained vacant for the most part. There has been commercial and industrial development within the surrounding area over the past several years, and the eventuality of development of the subject properties is not out of line with development patterns.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner, public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use;
- a. **The gain to the public welfare, in this case the economic impact of a large-scale development that would provide increased property tax, diversification of the local economy, and new private utility investments would outweigh the hardship created on adjacent landowners.**
 - b. **Modern digital infrastructure projects have adopted technologies that reduce water consumption, use natural gas supplemental electric generation versus diesel, and the requirement of buffer spaces to reduce noise intrusions on**

neighboring properties have minimized the negative impact on adjacent properties, while providing economic benefit for the city as a whole.

- c. **Public services are readily available in the area, and the transportation network has been studied and sized in previous road upgrades to accommodate industrial development in the area. Development Agreements between the city and the developer, which clearly identify costs of public infrastructure upgrades to be borne by the developer also further advance the gain to the public if the rezoning were to be approved.**
8. **The recommendations of a permanent or professional planning staff; Staff recommendation is provided at the end of this report.**
 9. **The conformance of the requested change to Plan ELC;**
 - a. **Plan ELC was adopted in 2017, and since that time, the economic situation of the City and County has changed with the reduction of jobs and loss of businesses in the community. To hold a proposed development to the standards that were identified under previous economic conditions is difficult.**
 - b. **Some aspects of Plan ELC do encourage the economic development efforts of the city to attract new businesses, diversify the economy and adjust the type of businesses that are targeted, and locate those businesses in areas where utilities are located and limited to corridors such as this that are in close proximity to an enhanced road network. At the heart of the subject property city utilities are currently existing. Sewer and water lines of sufficient size exist or can readily be extended to the subject properties, and the properties are within a transportation corridor designed to support the increased traffic that development would create.**
 - c. **KDOT, Lyon County, and Emporia have contemplated development of the areas adjacent to US HWY 50, Road F and G, and have previously improved the road network and have plans for future expansion in place.**
 - d. **Staff contends that the proposed rezoning and subsequent development that could occur outweigh those aspects that are contradictory in Plan ELC. Plan Element IV: Supporting Infill Development states as an objective that new development should be located close to existing infrastructure and along corridors to minimize costs of providing and maintaining public services. Public utilities are readily available in the area and the natural extension of property to the north and south of Industrial Park IV supports this goal.**
 10. **Such other factors as are deemed relevant by the Planning Commission or Governing Body.**

Neighborhood Communications: Staff has received written correspondence both in favor of and against the rezoning request.

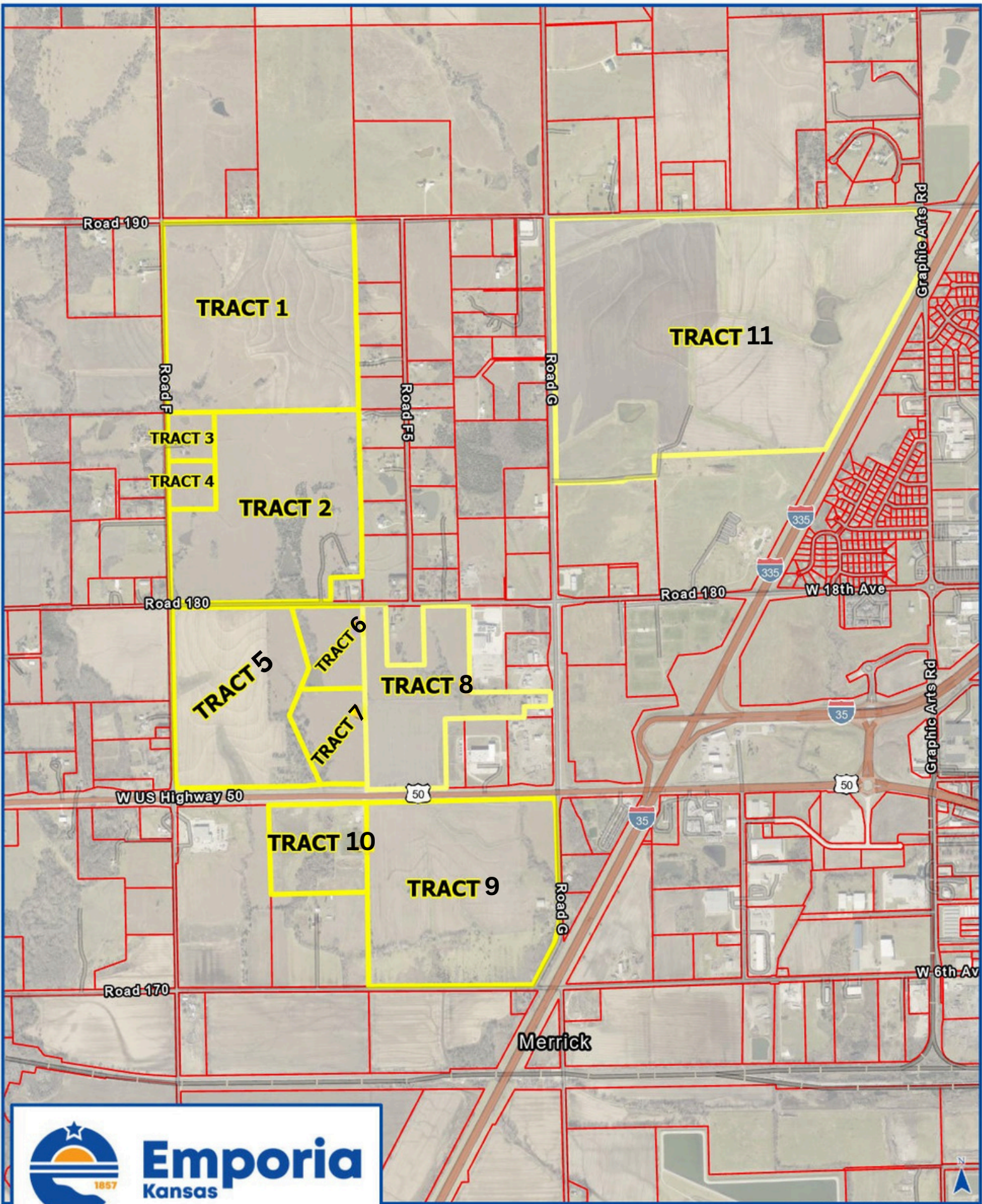
Suggested Motions:

1. **Move to recommend approval of the proposed rezoning as presented. For adoption of the ordinance rezoning the properties, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.**

2. Move to recommend approval of the proposed rezoning with conditions. For adoption of the ordinance rezoning the properties, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.
3. Move to recommend denial of the proposed rezoning. A motion to recommend denial of the ordinance rezoning the properties would trigger a super-majority vote of the City Commission to override the recommendation of the Planning Commission.
4. No action. If the Planning Commission votes to take no action or fails to reach a consensus on any recommendation, the lack of action from the Planning Commission will be treated as a recommendation of denial, and require a super-majority vote of the City Commission to approve the proposed rezoning.
5. Table the matter for further discussion.

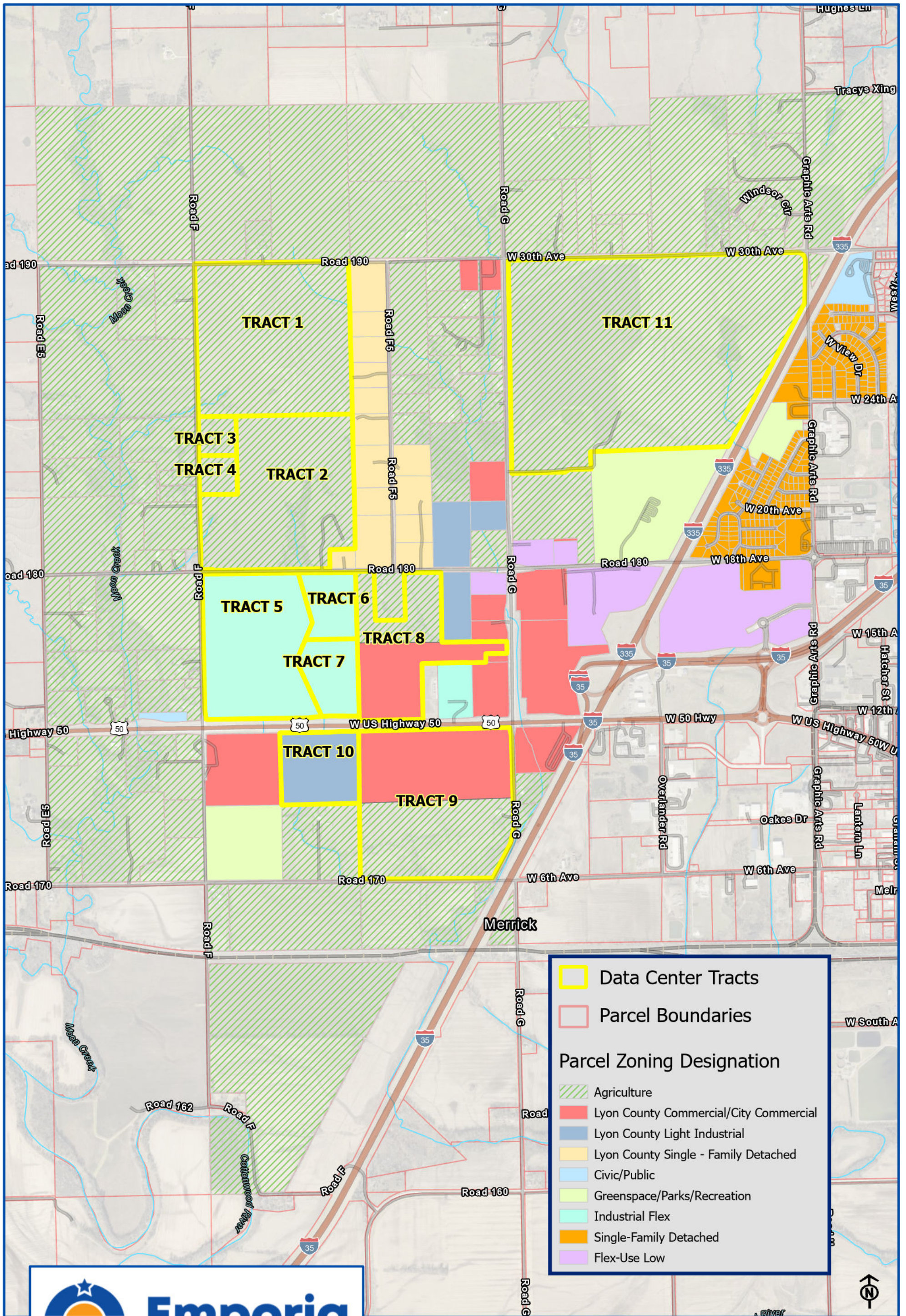
Recommendation: Staff recommends approval of the rezoning as presented, subject to additional Planning Commission comment.

Attachments: Aerial Tract Map | Zoning Map | Full Legal Descriptions | Use Matrix for Industrial Uses | Building Standards for Light Industrial & Industrial-Flex Parcel Types |



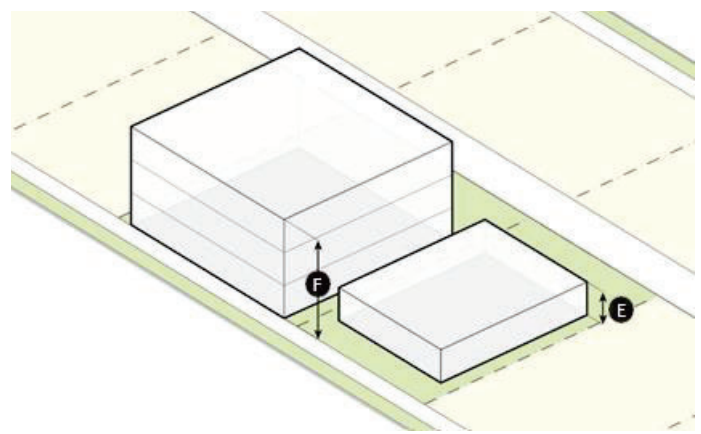
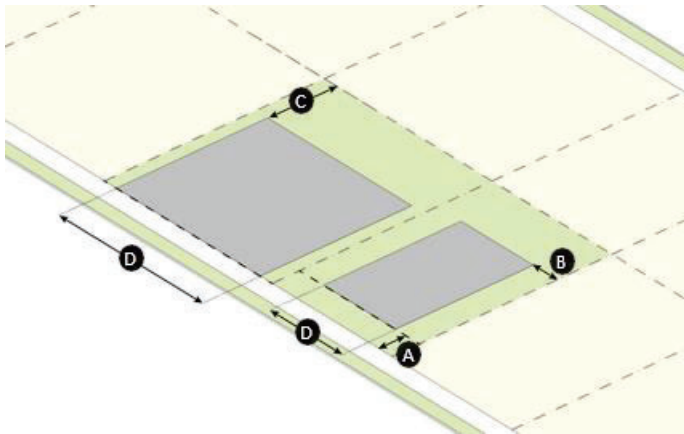
DATA NOT SURVEY ACCURATE

Subject Properties Highlighted in Yellow



DATA NOT SURVEY ACCURATE

INDUSTRIAL FLEX BUILDING STANDARD



Use

Ground Floor	Commercial / Retail / Services / Office / Trade / Light Industrial	
Upper Floor(s)	Commercial / Retail / Services / Office / Trade / Light Industrial	

Placement

Front Required Build-to-Line (BTL)	25' minimum	A
Side Setback	5' minimum	B
Rear Setback	20' minimum	C

Coverage

Primary Street Façade Build to RBL	70% minimum	D
Lot Coverage	60% maximum	
Lot Size	No minimum	

Height

Minimum Number of Floors	1 story	E
Maximum Number of Floors	3 stories = 45'	F
Finished Ground Floor Level	0" minimum above sidewalk	
Ground Floor Ceiling Height	10' minimum	G

Lighting

Exterior Building Lighting Placement	At all primary entries	
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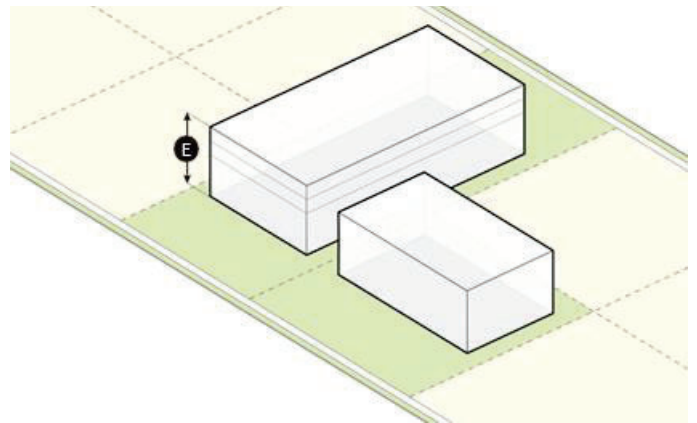
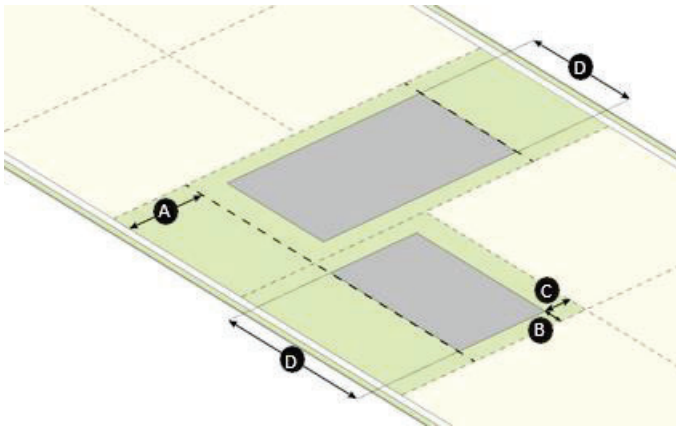
Parking

Refer to Component Parcel Type	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design

Notes

Primary entries must occur where designated on the Regulating Plan along the RBL and where designated along the Required Entry Zone (REZ) if shown	Blank lengths of wall (without doors or windows) exceeding 50' are prohibited on the RBLs
Façade Transparency, Shading Elements, and Screening shall refer to component Parcel Type	Not all Light Industrial Uses are allowed on IF parcels. Allowed use must refer to Parcel Type Permitted Uses matrix (2.6)

LIGHT INDUSTRIAL BUILDING STANDARD



Use		
Ground Floor	Light Industrial	
Upper Floor(s)	Light Industrial	
Placement		
Front Required Build-to-Line (BTL)	60' minimum	A
Side Setback	15' minimum	B
Rear Setback	20' minimum 30' minimum when adjoining a residential Parcel Type	C
Coverage		
Primary Street Façade Build to RBL	No minimum	D
Lot Coverage	100% maximum	
Lot Size	No minimum	
Height		
Maximum Height	45' maximum (when within 150' of a residential Parcel Type) 150' maximum (when more than 150' from a residential Parcel Type)	E
Lighting		
Exterior Building Lighting Placement	At all primary entries	
Parking		
Refer to Section 7.13 for Required Parking Spaces	Required parking shall occur in the Parking Envelope shown on the Regulating Plan, if not shown, parking shall be in the rear	
All parking areas shall have approved surfacing (Section 7.14) and be ADA compliant	Refer to Section 5.10 for parking area design	
Notes		
Appropriate Screening (Section 5.7) shall be required for lots adjacent to Parcel Types that allow residential uses.		

2.5.4		Parcel Types												
Entertainment/Sports Uses		Parcel Types												
[Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Amusement places, indoor							P	P	P				
2.	Aquariums										P			
3.	Bowling alleys							P	P	P	P			
4.	Country clubs, private	P						P	P	P	P			
5.	Golf driving ranges	P						P	P	P				
6.	Golf courses, private	P					P	P	P	P				
7.	Gymnasiums/athletic clubs/fitness centers						P	P	P	P	P			
8.	Health spas						P	P	P	P				
9.	Performing arts center						P	P	P	P	P			
10.	Race tracks, vehicle/animal	P								C				
11.	Recreation centers/facilities	C						P	P	C	P			
12.	Skating rinks							P	P	P	P			
13.	Stadium/sports arena						C	C	C	C	P			
14.	Tennis clubs						C	C	C	C				
15.	Theater, indoor						C	C	P	P				
16.	Theater, outdoor								C	C				

2.5.5		Parcel Types												
Industrial Uses		Parcel Types												
[Examples of Specific Uses]		Parcel Types												
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Aircraft storage, maintenance, sales and leasing												P	P
2.	Aircraft terminals, passenger and freight											C	P	P
3.	Air conditioning, heating and plumbing contractors										P	P	P	
4.	Airports and heliports											C	P	P
5.	Artisanal production	P									P	P	P	
6.	Asphalt plants											C	C	
7.	Auction sales, excluding livestock						C	C	C	C	C	P	P	
8.	Bottling and canning										P	P	P	
9.	Building construction contractors											C	P	
10.	Building materials, retail										P	P	P	
11.	Concrete ready-mix plants												P	
12.	Distillery, brewery, winery	P									P	P	P	
13.	Electrical contractors										P	P	P	
14.	Electronics repair										P			

2.5.5		Parcel Types												
Industrial Uses														
[Examples of Specific Uses]														
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
15.	Food locker, storage											P	P	
16.	Foundries												P	
17.	Freight depots, trucks										C	C	P	
18.	Furniture repair										P			
19.	Gas and oil drilling, field service, production and refining facilities, storage and distribution													C
20.	Gravel, sand and stone quarrying											C	P	
21.	High-intensity manufacturing and processing											C	P	
22.	Industrial laundries										C	C	P	
23.	Industrial waste disposal												P	
24.	Livestock, stockyards, sales												C	
25.	Low-intensity manufacturing and processing										P	P	P	
26.	Lumberyards												P	
27.	Machine shop, millwork, carpentry shops										C	P	P	

2.5.5		Parcel Types												
Industrial Uses														
[Examples of Specific Uses]														
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
28.	Manufacturing, fabrication, processing or storage of flammable liquids, chemicals, fertilizer and abrasive products											C	C	
29.	Manufactured/mobile homes, sales										P	P	P	
30.	Masonry, stonework, tile										P	P	P	
31.	Meat processing											C	P	
32.	Monuments										P	P	P	
33.	Motor vehicle body, repair shops							C	C	P	P	P	P	
34.	Motor vehicle storage yards										P	P	P	
35.	Outdoor advertising services										P	P	P	
36.	Outdoor shooting ranges											C	C	
37.	Painting and wallpaper contractors										P	P	P	
38.	Photo finishing/engraving										P	P	P	
39.	Prefabricated building manufacturing											C	P	
40.	Printing										P			
41.	Railroad freight terminals												P	
42.	Resource extraction	C										C	P	
43.	Road maintenance yards											P	P	
44.	Salvage yards											C	C	
45.	Self-service storage											P	P	
46.	Telecommunications towers										C	C	C	
47.	Telephone and electrical substations	C					C	C	C	C	C	C	P	P
48.	Tow lots, vehicle impoundment											P	P	
49.	Utility maintenance yards											P	P	
50.	Veterinarian services, facilities	P					P	P	P	P	P	P	P	
51.	Vocational schools										C	C	C	
52.	Warehouses, storage units											P	P	
53.	Warehousing, storage and wholesaling of explosive, volatile products											P	P	
54.	Water well drilling											P	P	
55.	Wholesale establishments/mail order houses										P	P		

2.5.6		Parcel Types												
Utilities Uses		Parcel Types												
[Examples of Specific Uses]														
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Electric generation facility									C		C	C	P
2.	Public utilities: telephone, electrical substations and similar facilities	C	C	C	C	C	C	C	C	P	P	P	P	P
3.	Telecommunication towers and related structures for police and emergency communications	C	C	C	C	C	C	C	C	C	C	C	P	P
4.	Utility maintenance yards	C						C	C	C			P	P
5.	Towers and related structures for radio, telephone and TV transmissions	C	C				C	C	C	C	C	C	C	P
6.	Water storage facility	P					C	C	C				P	P
7.	Water treatment plant	C								C			P	P
8.	Wastewater treatment plant	C											P	P

2.5.7		Parcel Types												
Public Uses		Parcel Types												
[Examples of Specific Uses]														
		AG	CH	SF-D	SF-A	MF	MU	FH	FL	C	IF	LI	HI	CP
1.	Auditoriums and similar places of public assembly					C	P	P	P	P	C			P
2.	Churches and similar places of worship	P	P	P	P	P	P	P	P	P	C			
3.	City, county state and federal offices and facilities					C	P	P	P	P	P			P
4.	Conference and convention centers						C	P	P	P	P			P
5.	Educational institutions, K-12, public colleges and universities	C	C	C	C	C	C	C	C	C				P
6.	Fraternal organization offices and meeting places						C	C	C	C				
7.	Hospitals	C					C	C	C	C				P
8.	Libraries			C	C	C	C	C	C	C				P
9.	Military installations	C					C	C	C					P
10.	Museums and galleries						P	P	P	P	P			P
11.	Parks, playgrounds and recreation areas, public	P	P	P	P	P	C	C	C					P
12.	Police, fire and EMS stations	C					C	C	C	C				P
13.	Stadiums						C	C			P			P



LEGAL DESCRIPTIONS FOR PROPERTIES APPLYING FOR REZONING AND INCLUSION IN A DIGITAL INFRASTRUCTURE OVERLAY DISTRICT

TRACT 1 – 600 Road 190

THE NORTHWEST QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 2 – 640 Road 180

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4; THENCE WEST 430 FEET; THENCE NORTH 354.5 FEET; THENCE EAST 430 FEET; THENCE SOUTH 354.5 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N00°22'13"W FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING OF N00°22'13"W FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE S89°42'35"E FOR A DISTANCE OF 660 FEET; THENCE S00°22'13"E FOR A DISTANCE OF 1319.73 FEET; THENCE N89°42'18"W FOR A DISTANCE OF 660 FEET TP THE POINT OF BEGINNING.

TRACT 3 – 1842 Road F

A TRACT IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUME BEARING NORTH 0°22'13" WEST FOR A DISTANCE OF 1980 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'13" WEST ON SAID WEST LINE FOR A DISTANCE OF 659.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89°42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0°22'13" EAST FOR A DISTANCE OF 659.73 FEET; THENCE NORTH 89°42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 4 – 1800 Road F

THE SOUTH HALF OF THE FOLLOWING DESCRIPTION:

A TRACT OF LAND IN THE SW1/4 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUMED BEARING OF NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89 DEGREES 42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0 DEGREES 22'13" EAST FOR A DISTANCE OF 1319.73 FEET; THENCE NORTH 89 DEGREES 42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 5 – 626 W HWY 50

LOT 1 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 6 – 600 W HWY 50

LOT 3 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 7 – 600 W HWY 50

LOT 2 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 8 – 1771 Road G

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.

2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.

3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.

4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.

6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE¼ OF SAID SECTION 12: THENCE N.00°32'25"E. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A ½" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 150.00 TO A ½" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A ½" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A ½" IRON PIN ON THE NORTHERLY RIGHT OF

WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A ½" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A ½" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER, PS 752, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET TO THE NORTH LINE OF A PREVIOUSLY SURVEYED 20.7 ACRE TRACT RECORDED AS DOCUMENT #2011-03365 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 89°31'38" E ON THE NORTH LINE OF SAID 20.7 ACRE TRACT FOR A DISTANCE OF 500.00 FEET TO A POINT 678.00 FEET WEST ON THE EAST LINE OF SAID NE1/4, SAID POINT BEING THE SOUTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 446 AT PAGE 945 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET TO THE NORTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 436 AT PAGE 58 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE 89°31'38" E ON THE NORTH LINE OF SAID PREVIOUSLY DESCRIBED TRACT IN BOOK 436 AT PAGE 58 FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G) AS RECORDED IN BOOK 571 AT PAGE 253 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT:

BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN A EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LIEN OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.

8. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, BEING ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50 AS DESCRIBED IN TRACT 1 OF CASE NO. 25582 IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF EMPORIA, KANSAS, AS DESCRIBED ON DOCUMENT NO. 2015-04360; THENCE ALONG THE WEST LINE OF SAID CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50 S. 89°47'27" E. (HIGHWAY 50 TRACT: S. 89°03' E.) 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES

THE BASIS OF BEARINGS ON THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 12 BEING S. 89°05'28" E. (HIGHWAY 50 TRACT: S. 88°21' E.)

9. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF N01°06'46"W, 85.74 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; FIRST COURSE, THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; SECOND COURSE, THENCE N88°47'42"E, 55.11 FEET; THIRD COURSE, THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; FOURTH COURSE, THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

TRACT 9 – 600 Road 175

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE OF SAID QUARTER; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LYON COUNTY, KANSAS.

TRACT 10 – 647 W HWY 50

THE NE1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LESS THAT PART TAKEN FOR HIGHWAY.

TRACT 11 – 4502 W Eighteenth

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

Tract #1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE CLS20", HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00'02" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR

FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND

DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.

Tract#2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00'00"W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00'00"W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57'57"E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12'24"E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12'24"E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION 9310+83.40 OF SAID TURNPIKE; THENCE S30°06'36"W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT COURT CASES 23521 AND 23563; THENCE S85°48'36"W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00'00"E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 23, 2026, 6:00 PM
WLW CIVIC AUDITORIUM**

STAFF REPORT

Application #: PC 2026-08

Applicants: Kanza Park Place, LLC

Owners: Kanza Park Place, LLC (Equitable Owner)

Requested Action: Consider a request to include 11 tracts of land from into a Digital-Infrastructure Overlay District (DI-O).

Purpose: The applicant has requested the subject tracts be included into a Digital-Infrastructure Overlay District (DI-O) for the purpose of a future digital infrastructure campus development.

Legal description: Full legal descriptions of each tract are provided as an attachment to this report.

Property Information:

Tract	Address	Lot Size	Current Zoning Class	Proposed Zoning Class
Tract 1	600 Road 190	155.70 Acres	LY CO AG	COE LI
Tract 2	640 Road 180	134.40 Acres	LY CO AG	COE LI
Tract 3	1842 Road F	9.70 Acres	LY CO AG	COE LI
Tract 4	1800 Road F	9.70 Acres	LY CO AG	COE LI
Tract 5	626 W HWY 50	98.80 Acres	COE IF	COE LI
Tract 6	600 W HWY 50	22.10 Acres	COE IF	COE LI
Tract 7	600 W HWY 50	26.10 Acres	COE IF	COE LI
Tract 8	1771 Road G	73.20 Acres	LY CO AG/C	COE LI
Tract 9	600 Road 175	148.30 Acres	LY CO AG/C	COE LI
Tract 10	647 W HWY 50	37.20 Acres	LY CO LI	COE LI
Tract 11	4502 W 18 th	350.10 Acres	LY CO AG	COE IF

LY CO = Lyon County

COE = City of Emporia

AG = Agriculture Parcel Type

LI = Light Industrial Parcel Type

C = Commercial Parcel Type

IF = Industrial Flex Parcel Type

Adjacent Zoning & Use:

Tract	Current Zoning	Surrounding Zoning	Surrounding Actual Use
Tract 1	LY CO AG	AG / SF-D	Pasture Estate Homes
Tract 2	LY CO AG	AG / SF-D / IF	Pasture Estate Homes
Tract 3	LY CO AG	AG	Pasture Farmstead
Tract 4	LY CO AG	AG	Pasture Farmstead
Tract 5	COE IF	AG / IF / C / LI	Pasture Farmstead Prairieland Dealership
Tract 6	COE IF	AG / C / SF D	Pasture Homestead
Tract 7	COE IF	AG / C / LI	Pasture
Tract 8	LY CO AG/C	IF / SF-D / C / LI	Pasture Fanestil Meats Evergy Road G Commercial
Tract 9	LY CO AG/C	C / LI / IF / AG	KOA Fanestil Meats Pasture
Tract 10	LY CO LI	C / IF / AG	Pasture Fanestil Meats Prairieland Dealership
Tract 11	LY CO AG	C / C/P / GPR / SF-D	Pasture Estate Homes Jones Aquatic Center KTA/I-335 Urban Single-Family Homes

LY CO = Lyon County
 COE = City of Emporia
 AG = Agriculture Parcel Type
 LI = Light Industrial Parcel Type
 C = Commercial Parcel Type
 IF = Industrial Flex Parcel Type
 SF-D = Single-Family Detached
 C/P = Civic Public Use
 GPR = Greenspace/Parks/Recreation

Analysis: The applicant has requested that the 11 tracts of land be included in a Digital Infrastructure Overlay District (DI-O) to facilitate the development of a future digital infrastructure project. While no end users are currently identified for the project, the inclusion of the properties into a DI-O would allow the developer to facilitate and move forward with planning and marketing the project to prospective end users, and coordinate infrastructure improvements, including but not limited to municipal services, private utilities, and other necessary aspects of the development.

Inclusion of the property into a DI-O district is not an approval of a particular project, but rather one step in moving a project forward. Securing applicable zoning is one of the first steps in developing property for future proposed uses. The request in this stage of development is no different than other large-scale developments. Additional zoning requirements which would come before the Planning Commission prior to final development would include platting of the property, and for those properties in Industrial Flex zoning, the creation and approval of a Planned Unit Development would be required.

10 of the 11 tracts are centrally aligned with the existing Industrial Park IV being the center piece of the development. A final tract (Tract 11) is currently outside of the contiguous area of the proposed development. This tract would most likely be the final tract to develop based on its location, and also would require a PUD prior to any development occurring on the property.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in bold and is based on an assumption that the Digital Overlay District Text Amendment is adopted and incorporated into the Zoning Regulations. Absent DI-O approval, this report is moot.**

1. Whether the change or approval would be consistent with these regulations;
 - a. **Assuming a Digital Infrastructure Overlay District is adopted, the inclusion of these properties would be consistent with the zoning regulations. The DI-O was created to provide a regulatory framework for the development of digital infrastructure projects.**
2. The character and condition of the neighborhood and its effect on the proposed change;
 - a. **The general character and condition of the neighboring properties vary between subject tracts. Tracts 1 through 10 are situated between undeveloped agricultural properties, rural homesteads, estate type homes, commercial and industrial properties. Tract 11, is adjacent to the Kansas Turnpike with urban development to the east of the turnpike and estate homes to the north.**
 - b. **The neighboring properties would have little impact on the subject properties if the properties were included in a DI-O.**
3. The zoning and uses of properties nearby;
 - a. **Zoning and uses of neighboring properties for tracts 1 through 11 vary from vacant agricultural land, estate type homesteads, to commercial and industrial properties and urban density development.**

- b. **A natural boundary of the Kansas Turnpike does separate the urban development to the east of Tract 11.**
 - c. **The extension of Industrial Park IV is within a natural corridor, and with increased setbacks, required landscape buffering, screening and other protections provided in the DI-O, the impacts of the proposed project will be minimized on adjacent properties.**
 - d. **Staff would not contend that there will be no impact on those neighboring properties. The depth of that impact is unknown at this time, but staff would contend that the impact to neighboring properties does not outweigh the benefit to the community as a whole.**
4. **The suitability of the subject property for the uses to which it has been restricted;**
- a. **The subject properties were suitable for the uses that they have been restricted to prior to annexation. Upon annexation, and prior to any development, the properties must be rezoned to Emporia zoning classifications.**
5. **The extent to which removal of the restrictions will detrimentally affect nearby property;**
- a. **It is difficult to ascertain whether or not removing the restrictions on the subject properties would have a detrimental impact on nearby properties. Properties adjacent to Tract 11 are separated by the turnpike, which is a natural boundary, and required setbacks and other protections of the DI-O development review process should reduce the impact on adjacent properties.**
 - b. **Similarly, those properties adjacent to tracts 1-10 are a mix in use, and therefore it is difficult to determine if a detrimental impact would be realized if the restrictions were removed. One study of housing values adjacent to digital infrastructure in Virginia showed that housing values actually increased the closer they were to digital uses as opposed to houses further away from digital infrastructure.**
 - c. **Other studies have shown that properties may have a short-term reduction in value, but generally rebound over time once projects commence.**
 - d. **Staff would not contend that the removal of the restrictions and allowance of a DI-O would not have an impact on the neighboring residential properties as most of the land included in the request has not been developed prior to this request. The regulations and reviews created by the DI-O should provide additional protections to minimize any detrimental impact. The unknown is whether or not the new allowed uses would have a detrimental impact on adjacent properties, and would the possible detrimental impact out measure the potential positive impacts on the entirety of the community.**
 - e. **Adjacent commercial and industrial properties would see little to no negative impact. Most likely these properties would see an increase in value as development typically spurs additional development once an anchor tenant is established in an area, future development would most likely follow. Those properties along Road G could see increases interest based on their proximity to large scale development.**

- f. **New infrastructure that would be required, including road improvements, public and private utilities, would also open up adjacent properties for development.**
6. The length of time the subject property has remained vacant as zoned;
 - a. **Industrial Park IV is the only property that has been platted. Other properties in the area have been zoned in anticipation of future development, but have also remained vacant for the most part. There has been commercial and industrial development within the surrounding area over the past several years, and the eventuality of development of the subject properties is not out of line with development patterns.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use;
 - a. **The gain to the public welfare, in this case the economic impact of a large-scale development that would provide increased property tax, diversification of the local economy, and new private utility investments which would outweigh the hardship created on adjacent landowners.**
 - b. **Modern digital infrastructure projects have adopted technologies that reduce water consumption, use natural gas supplemental electric generation, and the requirement of buffer spaces to reduce noise intrusions on neighboring properties within the DI-O will minimize the negative impact on adjacent properties, while providing economic benefit for the city as a whole.**
 - c. **Public services are readily available in the area, and the transportation network has been studied and sized in previous road upgrades to accommodate industrial development in the area. Development Agreements between the city and the developer, which clearly identify costs of public infrastructure upgrades to be borne by the developer also further advance the gain to the public if the DI-O application were to be approved.**
8. The recommendations of a permanent or professional planning staff; **Staff recommendation is provided at the end of this report.**
9. The conformance of the requested change to Plan ELC;
 - a. **Plan ELC was adopted in 2017, and since that time, the economic conditions of the City and County have changed with the reduction of jobs and loss of businesses in the community. To hold a proposed development to the standards that were identified under previous economic conditions is difficult.**
 - b. **Some aspects of Plan ELC do encourage the economic development efforts of the city to attract new businesses, diversify the economy and adjust the type of businesses that are targeted, and locate those businesses in areas where utilities are located and limited to corridors such as this that are in close proximity to an enhanced road network. At the heart of the subject property city utilities are currently existing. Sewer and water lines of sufficient size exist or can readily be extended to the subject properties, and the properties are within a transportation corridor designed to support the increased traffic that development would create.**

- c. **KDOT, Lyon County, and Emporia have contemplated development of the areas adjacent to US HWY 50, Road F and G, and have previously improved the road network and have plans for future expansion in place.**
- d. **Staff contends that the proposed inclusion in a DI-O District and subsequent development that could occur outweigh those aspects that are contradictory in Plan ELC. Plan Element IV: Supporting Infill Development states as an objective that new development should be located close to existing infrastructure and along corridors to minimize costs of providing and maintaining public services. Public utilities are readily available in the area and the natural extension of property to the north and south of Industrial Park IV supports this goal.**

10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

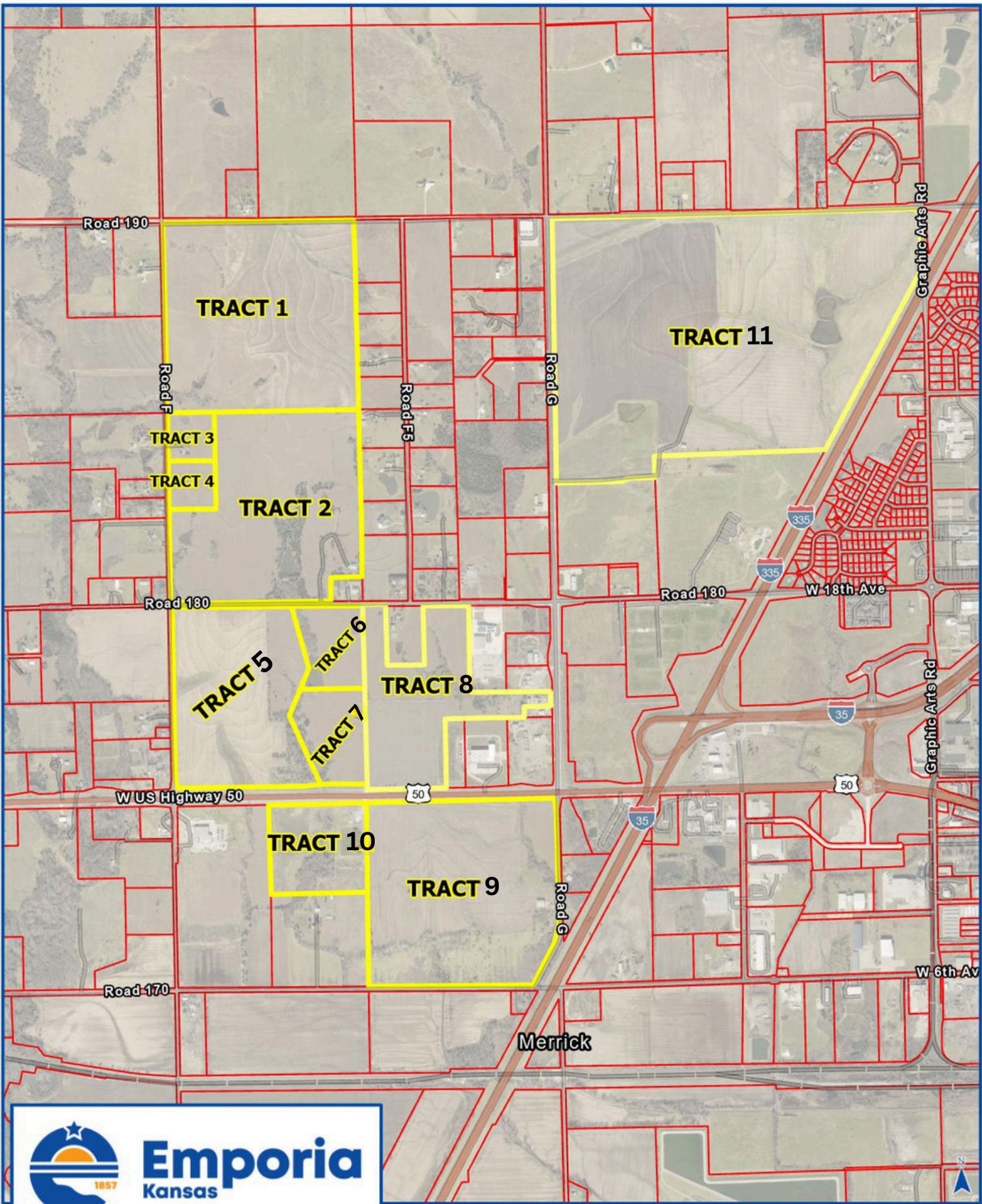
Neighborhood Communications: Staff has received written correspondence both in favor of and against the rezoning request.

Suggested Motions:

1. Move to recommend approval of the inclusion of the 11 tracts in a Digital Infrastructure Overlay District. For adoption of the ordinance establishing the properties in the overlay district, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.
2. Move to recommend approval of the inclusion of the 11 tracts in a Digital Infrastructure Overlay District with conditions as seen fit by the Planning Commission. For adoption of the ordinance establishing the properties in the overlay district, the City Commission would only need a simple majority in favor, subject to a protest petition, that would require a super-majority vote.
3. Move to recommend denial of the inclusion of the 11 tracts in a Digital Infrastructure Overlay District. A motion to recommend denial of the ordinance establishing the properties in the overlay district would trigger a super-majority vote of the City Commission to override the recommendation of the Planning Commission.
4. No action. If the Planning Commission votes to take no action or fails to reach a consensus on any recommendation, the lack of action from the Planning Commission will be treated as a recommendation of denial, and require a super-majority vote of the City Commission to approve the proposed rezoning.
5. Table the matter for further discussion.

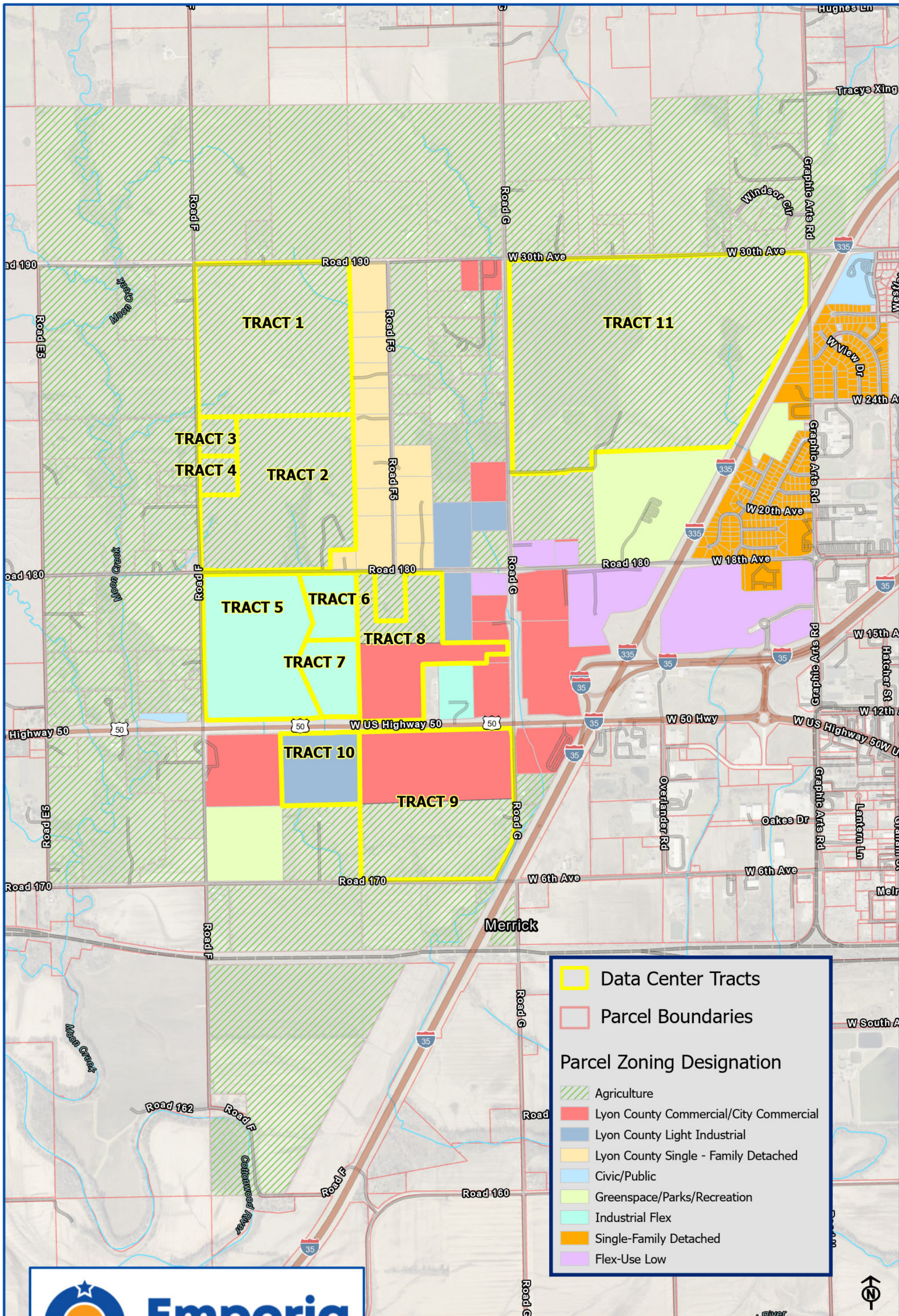
Recommendation: Subject to the Digital Overlay District Text Amendment being adopted, and any additional Planning Commission requirements or comments, staff would recommend the inclusion of these properties within a Digital Overlay District.

Attachments: Aerial Tract Map | Current Zoning Map



DATA NOT SURVEY ACCURATE

Subject Properties Highlighted in Yellow



DATA NOT SURVEY ACCURATE



LEGAL DESCRIPTIONS FOR PROPERTIES APPLYING FOR REZONING AND INCLUSION IN A DIGITAL INFRASTRUCTURE OVERLAY DISTRICT

TRACT 1 – 600 Road 190

THE NORTHWEST QUARTER (NW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 2 – 640 Road 180

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT A TRACT BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4; THENCE WEST 430 FEET; THENCE NORTH 354.5 FEET; THENCE EAST 430 FEET; THENCE SOUTH 354.5 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N00°22'13"W FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING OF N00°22'13"W FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE S89°42'35"E FOR A DISTANCE OF 660 FEET; THENCE S00°22'13"E FOR A DISTANCE OF 1319.73 FEET; THENCE N89°42'18"W FOR A DISTANCE OF 660 FEET TP THE POINT OF BEGINNING.

TRACT 3 – 1842 Road F

A TRACT IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUME BEARING NORTH 0°22'13" WEST FOR A DISTANCE OF 1980 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°22'13" WEST ON SAID WEST LINE FOR A DISTANCE OF 659.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89°42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0°22'13" EAST FOR A DISTANCE OF 659.73 FEET; THENCE NORTH 89°42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 4 – 1800 Road F

THE SOUTH HALF OF THE FOLLOWING DESCRIPTION:

A TRACT OF LAND IN THE SW1/4 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW1/4; THENCE NORTH ON THE WEST LINE OF SAID SW1/4 ON AN ASSUMED BEARING OF NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON SAID WEST LINE ON AN ASSUMED BEARING NORTH 0 DEGREES 22'13" WEST FOR A DISTANCE OF 1319.67 FEET TO THE NORTH LINE OF SAID SW1/4; THENCE SOUTH 89 DEGREES 42'35" EAST FOR A DISTANCE OF 660 FEET; THENCE SOUTH 0 DEGREES 22'13" EAST FOR A DISTANCE OF 1319.73 FEET; THENCE NORTH 89 DEGREES 42'18" WEST FOR A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

TRACT 5 – 626 W HWY 50

LOT 1 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 6 – 600 W HWY 50

LOT 3 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 7 – 600 W HWY 50

LOT 2 IN PARK IV SUBDIVISION TO SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

TRACT 8 – 1771 Road G

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.

2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.

3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.

4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.

6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE¼ OF SAID SECTION 12: THENCE N.00°32'25"E. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A ½" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 150.00 TO A ½" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A ½" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A ½" IRON PIN ON THE NORTHERLY RIGHT OF

WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A ½" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A ½" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A ½" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER, PS 752, AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET TO THE NORTH LINE OF A PREVIOUSLY SURVEYED 20.7 ACRE TRACT RECORDED AS DOCUMENT #2011-03365 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 89°31'38" E ON THE NORTH LINE OF SAID 20.7 ACRE TRACT FOR A DISTANCE OF 500.00 FEET TO A POINT 678.00 FEET WEST ON THE EAST LINE OF SAID NE1/4, SAID POINT BEING THE SOUTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 446 AT PAGE 945 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET TO THE NORTHWEST CORNER OF A PREVIOUSLY DESCRIBED TRACT RECORDED IN BOOK 436 AT PAGE 58 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE 89°31'38" E ON THE NORTH LINE OF SAID PREVIOUSLY DESCRIBED TRACT IN BOOK 436 AT PAGE 58 FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G) AS RECORDED IN BOOK 571 AT PAGE 253 IN THE OFFICE OF THE LYON COUNTY REGISTER OF DEEDS OFFICE; THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W ON SAID RIGHT OF WAY LINE FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

ALSO:

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT:

BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN A EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LIEN OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.

8. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, BEING ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50 AS DESCRIBED IN TRACT 1 OF CASE NO. 25582 IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF EMPORIA, KANSAS, AS DESCRIBED ON DOCUMENT NO. 2015-04360; THENCE ALONG THE WEST LINE OF SAID CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50 S. 89°47'27" E. (HIGHWAY 50 TRACT: S. 89°03' E.) 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES

THE BASIS OF BEARINGS ON THIS DESCRIPTION IS THE SOUTH LINE OF SECTION 12 BEING S. 89°05'28" E. (HIGHWAY 50 TRACT: S. 88°21' E.)

9. A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6th P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF N01°06'46"W, 85.74 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; FIRST COURSE, THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; SECOND COURSE, THENCE N88°47'42"E, 55.11 FEET; THIRD COURSE, THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; FOURTH COURSE, THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

TRACT 9 – 600 Road 175

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE OF SAID QUARTER; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LYON COUNTY, KANSAS.

TRACT 10 – 647 W HWY 50

THE NE1/4 OF THE SW1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LESS THAT PART TAKEN FOR HIGHWAY.

TRACT 11 – 4502 W Eighteenth

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

Tract #1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE CLS20", HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00'02" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR

FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND

DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.

Tract#2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00'00"W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00'00"W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57'57"E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12'24"E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12'24"E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION 9310+83.40 OF SAID TURNPIKE; THENCE S30°06'36"W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT COURT CASES 23521 AND 23563; THENCE S85°48'36"W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00'00"E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.