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DOCUMENT COVER PAGE

TITLE OF DOCUMENT: DECLARATION OF RESTRICTIVE COVENANT

DATE OF DOCUMENT: Effective as of May ____, 2023

GRANTOR: **Truman Medical Center, Incorporated**, a Missouri nonprofit corporation

Mailing Address: 2301 Holmes Street
Kansas City, MO 64108

GRANTEE: **Jackson County, Missouri**, a constitutionally chartered county of the State of Missouri

Mailing Address: 414 E 12th Street
Kansas City, MO 64106

PROPERTY ADDRESSES: 800 East 23rd Street, Kansas City, MO 64108
701 East 23rd Street, Kansas City, MO 64108

TAX PARCEL NO.: Parcel Numbers:

29-540-04-15-00-0-00-000

29-510-37-09-00-0-00-000

See legal descriptions attached hereto as **Exhibit 1**
and Exhibit 2

This Instrument Prepared By and After Recording Return to:

Lathrop GPM LLP

Attn: Jerry Riffel

2345 Grand Boulevard, Suite 2200

Kansas City, MO 64108

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant (this “Declaration”) is made this ____ day of May, 2023 by Truman Medical Center, Incorporated, a Missouri nonprofit corporation (hereinafter, the “Hospital Declarant”), and Jackson County, Missouri, a constitutionally chartered county of the State of Missouri (hereinafter, the “County Declarant” and, together with the Hospital Declarant, the “Declarants”).

WHEREAS, the Hospital Declarant is the owner of that real estate described on attached “Exhibit 1” (the “University Health Tract”), and the County Declarant is the owner of that real estate described on attached “Exhibit 2” (the “Jackson County Tract”); and

WHEREAS, the Hospital Declarant plans to construct a new exterior canopy that will attach to the parking garage structure located on the University Health Tract, cross the plaza and cross the shared property line, thereafter attaching to the building located on the Jackson County Tract to provide shelter from the elements for patients arriving at the University Health Tract and walking/being transported to the Jackson County Tract (the “Canopy”); and

WHEREAS, pursuant to the KCBRC 2018 edition of the International Building Code, adopted by the City of Kansas City, Missouri (the “City”) effective June 28, 2020 (the “Code”), and specifically the 2018 IBC Table 602, and Section 706.1 for required firewall without openings at the property line of both the Jackson County Tract and the University Health Tract (the “Required Separation”); and

WHEREAS, the City has approved a waiver of the Required Separation as a Code modification; and

WHEREAS, for the purpose of complying with the Code, the Declarants agree to waive any and all objections to the construction of the Canopy extending across the shared property line so long as the construction serves the purpose of providing coverage over the walking path between the buildings/structures located on each respective property; and

WHEREAS, for the purpose of complying with the Code, the Declarants desire to place a covenant and restriction on the University Health Tract and the Jackson County Tract, respectively, as shown on attached "Exhibit 3" and hereby incorporated herein by reference (collectively, the "Access Areas") in order to provide ingress and egress to and from the University Health Tract and the Jackson County Tract; and

NOW, THEREFORE, the Declarants make the following declaration of restrictive Covenant:

1. The Declarants covenant and agree that so long as the Hospital Declarant, or the Hospital Declarant's successors and assigns, own the University Health Tract, and so long as the County Declarant, or the County Declarant's successors and assigns, own the Jackson County Tract, that each respective Declarant and/or their respective successors and assigns shall provide the Access Areas between the University Health Tract and the Jackson County Tract as shown on "Exhibit 3" for purposes of egress and ingress to and from the Jackson County Tract to the University Health Tract and for purposes of access by means of such exit from the Jackson County Tract to the University Health Tract.

2. Term. This covenant and restriction shall remain in full force and effect and shall run with the land for the term of this Declaration.

3. Declarants covenant and agree that for the life of the Jackson County Tract and the life of the University Health Tract, that the area designated as the “Canopy Project” in attached Exhibit 3 shall remain open and well maintained and shall provide egress and ingress for pedestrians to and from the Jackson County Tract for the purposes of public safety and access to the University Health Tract.

4. The Hospital Declarant and the Jackson County Declarant hereby subject the University Health Tract and the Jackson County Tract to these restrictions and limitations stated herein for the term of this declaration of restrictive covenant.

5. This Declaration shall not be modified, amended, or terminated without first receiving written consent from the City’s Planning & Development, Development Services (CPD-DS) department.

[remainder of page intentionally blank; signatures follow]

IN WITNESS WHEREOF, the Declarants for themselves and for their successors and assigns hereby execute this Declaration on the day and year first above written.

HOSPITAL DECLARANT:

TRUMAN MEDICAL CENTER,
INCORPORATED, a Missouri nonprofit
corporation



Jolie L. Justus, General Counsel

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss

On this 25 day of may, 2023, before me, a Notary Public in and for said state, personally appeared Jolie L. Justus, known to me to be the person who executed the within instrument and acknowledged to me that she executed the same for the purposes therein stated.

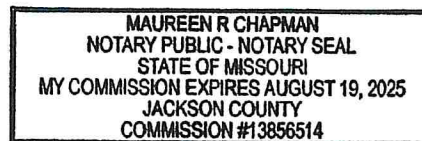
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri the day and year last above written.



Notary Public

My commission expires:

8/19/2025



IN WITNESS WHEREOF, the Declarants for themselves and for their successors and assigns hereby execute this Declaration on the day and year first above written.

COUNTY DECLARANT:

JACKSON COUNTY, MISSOURI

[Name, Title]

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss

On this _____ day of _____, 2023, before me, a Notary Public in and for said state, personally appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri the day and year last above written.

Notary Public

My commission expires:

IN WITNESS WHEREOF, the Declarants for themselves and for their successors and assigns hereby execute this Declaration on the day and year first above written.

CITY DECLARANT:

CITY OF KANSAS CITY, MISSOURI, a political
subdivision of the State of Missouri

[Name, Title]

APPROVED AS TO FORM:

Assistant City Attorney

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss

On this _____ day of _____, 2023, before me, a Notary Public in and for said state, personally appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri the day and year last above written.

Notary Public

My commission expires:

EXHIBIT 1

UNIVERSITY HEALTH TRACT LEGAL DESCRIPTION

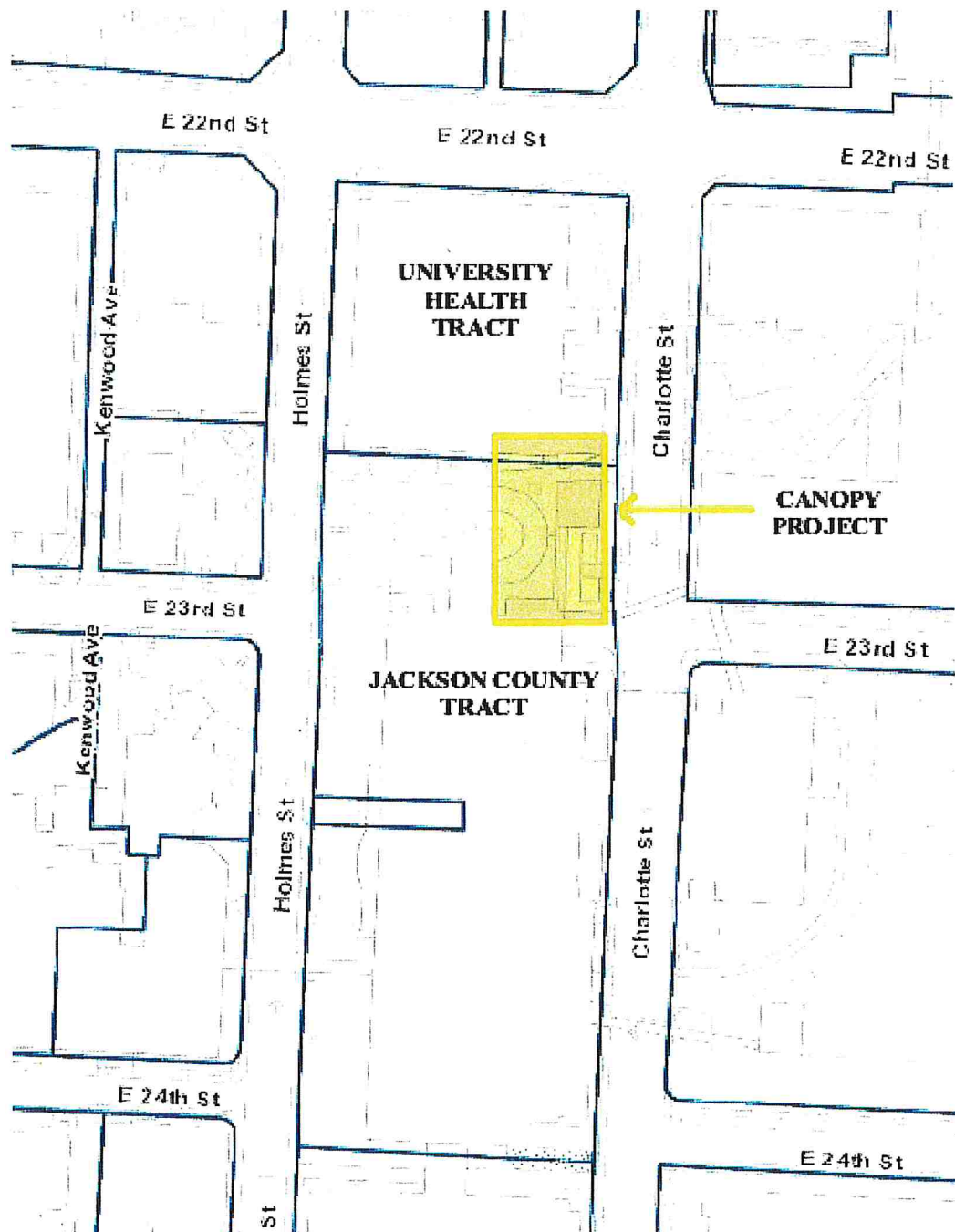
A tract of land in the East $\frac{1}{2}$ of Section 8, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, including parts platted as part of LOT 38, all of LOTS 28 through 37, inclusive, HOME PARK and part of BLOCK 12, BOUTON'S ADDITION, together with part of a vacated alley, all described by metes and bounds as follows: Beginning at a point on the East line of Holmes Street, as now established, that is 176 feet North of the South line of 23rd Street (now vacated); thence North along the East line of Holmes Street 264 feet, more or less, to the Northwest corner of LOT 28, HOME PARK, also being the South line of 22nd Street; as now established, thence East along the South line of 22nd Street; as now established, thence East along the South line of 22nd Street 261.0 feet, more or less, to the West line of Charlotte Street; thence South along the West line of Charlotte Street 264.0 feet, more or less, to a point of the West line of Charlotte Street, said point being 116 feet North of the North line of 23rd Street (now vacated, also being the Southeast corner of BLOCK 12, BOUTON'S ADDITION), thence West 260.0 feet, more or less, to the point of beginning. Except those parts conveyed to the City of Kansas City by Warranty Deeds filed as Document No. K366281 in Book K845 at page 369 and as Document No 2002K0054299.

EXHIBIT 2

JACKSON COUNTY TRACT LEGAL DESCRIPTION

A tract of land in Kansas City, Jackson County, Missouri, thusly described: A tract of land in the east 1/2 of Section 8, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, including part platted as Lots 1 through 16, CONTINUATION OF BARTLETT PLACE, part of Block 12, BOUTON'S ADDITION, part of Lot 38, HOME PARK, and part of Lot 29, COLONEL E. M. McGee's SUBDIVISION, together with part of the vacated streets and alleys, all described by metes and bounds as follows: Beginning at a point on the east line of Holmes Street that is 176 feet north of the south line of 23rd Street (now vacated); thence south along the east line of Holmes Street 292.0 feet to the northwest corner of a tract heretofore deeded by Research Hospital and Medical Center to Kansas City General Hospital and Medical Center as "Tract E" in Document No. B-517256, filed for record on May 26, 1965; thence east along the north line of said tract and the prolongation thereof 132.0 feet to the center line of the vacated alley; thence south along said center line 50 feet; thence west along the prolongation and the south line of said "Tract E" to the east line of Holmes Street; thence south along the east line of Holmes Street, 50 feet; thence east along the north line of "Tract D", as conveyed by said Document B-517256 and the prolongation thereof, a distance of 132.0 feet, to the center line of said vacated alley; thence south along said center line 212 feet, more or less, to the center line of vacated 24th Street; thence west along said center line 132.00 feet to the southerly prolongation of the east line of Holmes street; thence south along said southerly prolongation of the east line of Holmes Street, 30 feet, more or less, to the south line of vacated 24th Street; thence east along said south line of vacated 24th Street 261.35 feet, more or less, to the West line of Charlotte Street, as established by Ordinance No. 35387; thence North along said west line of Charlotte street, as established by said Ordinance (No. 35387), to its intersection with the south line of 23rd street (now vacated); thence northwesterly a distance of 60 feet, more or less, along the west line of Charlotte Street, as established by Ordinance No. 35387, to its intersection with the north line of 23rd Street (now vacated) (said point also being the southeast corner of Block 12, BOUTON'S ADDITION); thence north along the east line of Block 12, BOUTON'S ADDITION (said east line also being the west line of Charlotte Street), a distance of 116.0 feet; thence west 260 feet, more or less, to the point of beginning.

EXHIBIT 3
ACCESS AREAS



(Space Above for Recorder's Use Only)

DOCUMENT COVER PAGE

TITLE OF DOCUMENT: MEMORANDUM OF UNDERSTANDING

DATE OF DOCUMENT: Effective as of July ____, 2023

GRANTOR: **Truman Medical Center, Incorporated**, a Missouri nonprofit corporation

Mailing Address: 2301 Holmes Street
Kansas City, MO 64108

GRANTEE: **Jackson County, Missouri**, a constitutionally chartered county of the State of Missouri

Mailing Address: 414 E 12th Street
Kansas City, MO 64106

PROPERTY ADDRESSES: 800 East 23rd Street, Kansas City, MO 64108
701 East 23rd Street, Kansas City, MO 64108

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