

**RESOLUTION NO. 1902**

**A RESOLUTION OF THE CITY OF NEVADA, MISSOURI, AMENDING THE DEVELOPMENT AGREEMENT WITH WALMART REAL ESTATE BUSINESS TRUST**

**WHEREAS**, the City Council of the City of Nevada, Missouri, previously approved and authorized execution of a Development Agreement with Walmart Real Estate Business Trust relating to development within the City; and

**WHEREAS**, the City and Walmart desire to amend the original Development Agreement to include additional terms and conditions as set forth in Exhibit A, attached and incorporated by reference; and

**WHEREAS**, the City Clerk is directed to record one copy in the office of the Recorder of Deeds of Vernon County, Missouri; and

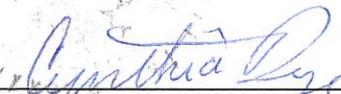
**WHEREAS**, the City Manager or his designee is hereby authorized and directed to execute the Amendment to the Development Agreement on behalf of the City and to take such further actions as may be necessary to carry out the intent of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Nevada, Missouri, hereby amends the Development Agreement between the City of Nevada, Missouri and Walmart Real Estate Business Trust to include Exhibit A, which is attached and made a part of this Resolution.

**PASSED, APPROVED AND ADOPTED**, by the City Council of the City of Nevada, Missouri on this 20th day of January, 2026.



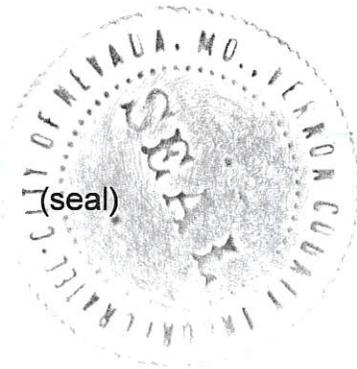
(seal)

  
CYNTHIA DYE, CITY CLERK

  
CAROL BRANHAM, MAYOR

## CERTIFICATION

I, Cynthia Dye, the undersigned City Clerk of the City of Nevada, Missouri, hereby certify that the attached copy of **Resolution No. 1902** adopted by the City Council of the City of Nevada on January 20, 2026, is a true and correct copy, as the same appears of record in my office, and that the same has not been amended or repealed.



City of Nevada  
State of Missouri

  
\_\_\_\_\_  
Cynthia Dye, City Clerk

Signed and sealed this 23rd day of January 2026.

**AGENDA ITEM**  
**January 20, 2026**

Subject: Development Agreement Amendment

Department: Planning and Zoning

**Notes:**

The Board of Adjustments approved a parking space variance in August 2025. This resolution will amend the original contract to reflect that variance.

Recorded in Vernon County, Missouri



Recording Date/Time: 01/22/2026 at 11:35:29 AM

Book: 2026 Page: 140

Instr #: 2026R00140

Pages: 5

Fee: \$36.00 \$ 20260000119

CITY OF NEVADA



Shelly Baldwin  
Recorder of Deeds

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**TITLE OF DOCUMENT:**

Amendment to Development Agreement

**DATE OF DOCUMENT:** January 21, 2026

**GRANTOR:**

Wal-Mart Real Estate Business Trust, a Delaware statutory trust

**GRANTEE:**

The City of Nevada, a municipal corporation

**GRANTEE'S ADDRESS:**

110 South Ash  
Nevada, MO

**LEGAL DESCRIPTION:**

See Exhibit A

**REFERENCE DOCUMENT:**

Book 450, Page 487  
City Council Resolution 1903

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## AMENDMENT TO DEVELOPMENT AGREEMENT

THIS AMENDMENT TO DEVELOPMENT AGREEMENT (this “Amendment”) is made and entered into this 21<sup>st</sup> day of January, 2026 (the “Effective Date”) by and between WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust (“Wal-Mart”) THE CITY OF NEVADA, a municipal corporation (the “City”).

### RECITALS

Walmart and the City are parties to that certain Development Agreement dated August 6, 2002 and recorded August 9, 2002 at Book 450, Page 487 in the Vernon County, Missouri Recorder of Deeds Office (the “DA”). The DA burdens and benefits the “Wal-Mart Property” legally described in the attached Exhibit A. Walmart and the City desire to amend the DA as set forth herein.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The recitals set forth above are hereby incorporated in and shall be deemed a part of this Amendment.
2. Amendment to Section 9; Parking. Section 9 of the DA is deleted and replaced in its entirety with the following: “The Wal-Mart Property shall include at least four (4) parking spaces for each 1,000 square feet of building space maintained on the Wal-Mart Property, including handicapped parking spaces as required by applicable law.”
3. Miscellaneous Provisions.
  - a. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
  - b. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Missouri.
  - c. Severability. If any provision of this Amendment is found to be invalid, illegal, or unenforceable, such provision shall be severable from this Amendment and enforceability of the remaining provisions will not in any way be affected or impaired thereby.
  - d. Effect of Amendment. Except as specifically modified and amended herein, the DA shall be and remain in full force and effect, and, as so modified and amended, is hereby ratified and confirmed.

*[Remainder of page intentionally left blank; signature pages follow]*

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

WAL-MART:

WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By: Lina Vest  
Name: Lina Vest  
Its: Director

STATE OF ARKANSAS    )  
                                  ) ss.  
COUNTY OF BENTON    )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2025 by Lina Vest, the Director of Wal-Mart Real Estate Business Trust, a Delaware statutory trust, for and on behalf of the statutory trust.

LISA A. FISHER  
NOTARY PUBLIC  
BENTON COUNTY, ARKANSAS  
COMM. EXP. 11/26/34  
COMMISSION NO. 12402095

Lisa A. Fisher  
Notary Public

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

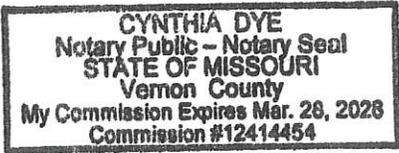
THE CITY:

THE CITY OF NEVADA, a municipal corporation

By: [Signature]  
Name: GARY EDWARDS  
Its: Town Manager

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF VERNON     )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of January, 2026 by Gary Edwards, the City Manager of the City of Nevada, a municipal corporation, for and on behalf of the corporation.



[Signature]  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
Rich Rosenblatt  
Kutak Rock LLP  
1650 Farnam Street  
Omaha, NE 68102-2186  
(402) 346-6000

## EXHIBIT A

### LEGAL DESCRIPTION OF THE WAL-MART PROPERTY

LOT 1 SUPERCENTER ADDITION, AS REPLATTED ACCORDING TO PLAT RECORDED IN PLAT CABINET 1 PAGE 121 OF THE VERNON COUNTY, MISSOURI RECORDS, WHICH WAS CREATED FROM ALL OF LOTS 64 AND 65, PART OF LOTS 66 THRU 68 AND PART OF LOTS 92 AND 93 AND ALL OF LOTS 94 THRU 103 AND LOTS 106 THRU 111 OF EASTVIEW HEIGHTS ADDITION, A SUBDIVISION LOCATED IN PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION ELEVEN (11), TOWNSHIP THIRTY-FIVE NORTH (T35N), RANGE THIRTY-ONE WEST (R31W), AS RECORDED IN PLAT BOOK 5 AT PAGES 32 THRU 35 IN VERNON COUNTY, MISSOURI AND ALL OF VACATED KENNEDY DRIVE AND PART OF VACATED JOHNSON DRIVE AS VACATED BY CITY OF NEVADA ORDINANCE #5028 RECORDED IN BOOK 439 AT PAGE 544 AND PART OF LOT C-5 OF EASTVIEW HEIGHTS ADDITION AND ALL OF LOT C-6 AND PART OF LOTS C-7 AND C-8 OF SAID EASTVIEW HEIGHTS ADDITION AND PART OF KENNEDY DRIVE AND PART OF TRUMAN ROAD AND BEING ALSO DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 106 OF SAID EASTVIEW HEIGHTS ADDITION, SAID CORNER BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°04'00" EAST 1043.13 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL TO THE NORTHERLY LINE OF LOT C-5 OF SAID EASTVIEW HEIGHTS ADDITION SOUTH 90°00'00" EAST 415.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF KENNEDY DRIVE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE 43.75 FEET ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 16°42'40", AND HAVING A CHORD WHICH BEARS SOUTH 08°21'20" WEST 43.59 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 00°00'00" WEST 156.87 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 90°00'00" EAST 370.45 FEET; THENCE SOUTH 00°10'36" EAST 648.13 FEET; THENCE SOUTH 90°00'00" EAST 217.54 FEET TO A POINT ON THE EAST LINE OF SAID LOT 68; THENCE SOUTH 00°00'00" WEST 195.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 68; THENCE NORTH 90°00'00" WEST 1000.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 783,487 SQUARE FEET OR 17.9864 ACRES, MORE OR LESS (THE "WAL-MART PROPERTY"); ACCORDING TO SURVEY BY CEI ENGINEERING ASSOCIATES, INC. LESS AND EXCEPT:

A PART OF LOT 1 OF SUPERCENTER ADDITION, A RECORDED SUBDIVISION IN THE CITY OF NEVADA, VERNON COUNTY, MISSOURI, AS RECORDED (N PLAT CABINET 1, PAGE 121 OF THE VERNON COUNTY RECORDER'S OFFICE.

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 31 WEST, VERNON COUNTY, MISSOURI; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID CORNER BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT STREET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE AND PARALLEL TO THE NORTHERLY LINE OF LOT C-5, EASTVIEW HEIGHTS ADDITION AS RECORDED IN PLAT BOOK 5 AT PAGE 32 THROUGH 35, S90°00'00"E, 10.00 FEET; THENCE S00°04'00"W, 60.00 FEET FOR A POINT OF BEGINNING; THENCE S89°49'32"E, 166.16 FEET, ALONG THE SOUTH RIGHT-OF-WAY LINE OF LINCOLN AVENUE, THENCE S00°09'51"W, 197.00 FEET TO THE SOUTHEAST CORNER OF SAID LEASE AREA; THENCE N89°50'09"W, 146.80 FEET; THENCE N45°35'59"W, 26.59 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BARRETT STREET; THENCE N00°04'00"E, 177.47 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING: CONTAINING 0.7% ACRES, OR 32,442 SQUARE FEET, MORE OR LESS,