

THOMPSON RAMSDELL & QUALSETH, P.A.

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*Also admitted in Illinois and
in the District of Columbia

February 14, 2008

RECEIVED

HAND DELIVERED

FEB 14 2008

**CITY MANAGERS OFFICE
LAWRENCE, KS**

David L. Corliss
City Manager
City Hall
Lawrence, KS 66044-0708

Re: *Bauer Brook Annexation*

Dear David:

This letter is on behalf of Doug and Lara Compton regarding the referenced annexation, and is a follow-up to my recent conversations with you and Scott Wagner, and to your earlier conversations with Doug.

1. Agricultural Building

Doug and Lara have already made plans for the construction of an agricultural utility building on Lot 2A. The building has been ordered, as evidenced by the attached bid. Also, the County was given notice of the planned construction late last year, and confirmed that because it is an agricultural building, no building permit is required. It is our understanding that the Comptons will be allowed to proceed with the construction of the building post annexation without a City building permit, provided that the construction is completed within one year of the annexation.

2. Animals

In your letter of January 24th, you advised that as part of the annexation process the City will allow for certain animals that would not be otherwise be allowed to be kept under the City Code. The animals that the Comptons want registered as part of the annexation process, and thus exempted from the exclusionary provisions of the Code, are the following:

- a. Goat – one
- b. Horses – four
- c. Camel – four
- d. Cattle – four
- e. Zebra – four.

3. Private Road

We discussed that the Comptons desire that North 1665 Road become a private road upon (or as soon as possible after) annexation. We discussed the process for accomplishing the vacation of the road would be the same as with any other City street. The key element to confirm here is that City Staff is not opposed to such “privatization” of the road, so long as:

- A. All of the property owners adjoining the road execute a consent to the vacation by the City;
- B. An access easement for the private road is granted to the City for the providing of City services;
- C. Easements for utilities to serve the Bauer Brook properties are provided; and
- D. IF there is a gate to be installed (which is not currently planned), the emergency services would have to have the ability to open the gate (the details to be worked out with the Fire Department).

4. Sewer connections/septic tanks

Since the filing of the Plat, the parties have modified their agreement as to the timing of connecting to the City’s sewer system. The current agreement on this point is set out in your letter of the 24th. At the present time all existing homes in the subdivision are believed to have properly functioning septic systems, and thus will not be required to hook up to the City’s sanitary sewer system at the time of annexation. If the City has any indication to the contrary, we ask that we be so advised at the City’s earliest convenience.

5. No Protest Agreements

The agreement from 1999 states that the owners of the Bauer Brook property waive the right until 2019 to protest the inclusion of the property in a benefit district for the construction of certain public improvements adjoining the property. That waiver will not be modified by the annexation. You indicated that water lines down Folks Road and into the *cul de sac* have not yet been designed, but will need to be installed, and that the construction of the Folks Road line will be funded through a special benefit district in which the City will participate. The line into the

David L. Corliss
City Manager
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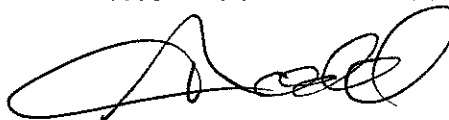
cul de sac will be funded by the Bauer Brook residents. You also indicated that improvements to Folks Road probably won't happen until the east side of the street is annexed and developed.

Thanks to you and to Scott for discussing these issues with Doug and with me. If our understanding, as set forth above, differs from the City's position, please let me know.

We ask that you share this letter with the City Commissioners prior to the Commission meeting on the 19th.

Sincerely,

THOMPSON RAMSDELL & QUALSETH, P.A.

A handwritten signature in black ink, appearing to read 'Todd N. Thompson', with a large, stylized initial 'T'.

Todd N. Thompson

TNT:lg
Attachment
cc: Doug and Lara Compton

White - MORTON HOME OFFICE
Green - MORTON CREW
Gold - MORTON HOME OFFICE
Canary - CONSTRUCTION CENTER
Pink - OWNER'S COPY

151606 MORTON BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Sold To: Douglas J Compton Phone: 785.841.7333

Address: P.O. Box 1797 Lawrence KS AREA CODE 660 ZIP CODE 66044

Deliver To: 1034 N 1665 Rd. Phone: 766.3665 AREA CODE 766 ZIP CODE 66035

Address: Lawrence KS STREET, RD., P.O. BOX CITY STATE ZIP CODE

Directions to job site: Hwy 40 (10th St) @ Folks Rd (E 1100) go

North on Folks Rd to (N 1665), west on 1665
to End @ 1034.

JOB NUMBER

Date Nov 30, 2008

Sales Consultant

1. 444WARD2. Dec / Jan

SITE PREPARED DATE

APPROX. DELIVERY DATE

BID JOB Yes/No (CIRCLE ONE)

PREVAILING WAGE Yes/No (CIRCLE ONE)

BUILDING USE Farm Storage CLASS NO 100 HI RIB STEEL PANEL USE, PAINT TYPE & COLOR

BUILDING SPECIFICATION (all dimensions are nominal)

QTY.	STYLE	WIDTH	HEIGHT	LENGTH	TRUSS SPACING	PAINT	ROOF	SIDE/END	SLIDE/DOOR	OVERHEAD DOOR	WAINSCOT
1	398	36'	14'	60'	7'6"	COLOR	OSB	OSB	OSB	/	/

8:12 pitch w/ 2:12 raised lower eave
1 180" x 60" lean to w/ 2:12 pitch. low side open
lean to 12' o.c. w/ (5) 12' x approx 10'3" open bays
diamond m' effect on open bays.

1 Cupola
12" overhang, sides & ends w/ gutters

2 6'x8' single sliding side doors w/ OSB covering exterior

2 12'x12' double sliding side doors w/ OSB covering exterior

2 Entry door openings (no doors) install owner's doors (30

11 Windows openings (no windows) install owner's windows.

"The price of this order is conditioned upon delivery of building material on or before

31/29/08 MBI has the option to reprice the order if delivery does not occur,

through no fault of MBI, by this date."

Contract Price excluding subsequent change orders \$ 602,324.00

\$ 6300 - Down Payment (CHECK # 503) All applicable taxes included.

\$ 32,000 Delivery Payment due upon delivery of materials.

\$ — Progress Payment due upon —

\$ 24024 Final Payment is to be paid to freeman upon completion of this contract.

\$ 2500 - will be added to the contract price if the payment schedule at left is not met.

LEAD SOURCE ownerNO. 245

No representation, warranty, condition or agreement of any kind or nature whatsoever shall be binding upon Morton Buildings, Inc. unless incorporated in this Agreement. It is understood by the parties hereto that the terms and conditions of this contract and the financial ability of the purchaser are subject to acceptance at the Morton, Illinois office of Morton Buildings, Inc.; that prior to such acceptance an investigative consumer report may be obtained; and that prior to such acceptance the entire liability of Morton Buildings, Inc. under the contract may be discharged by the return of any monies which the purchaser may have deposited as a condition of this contract. It is agreed by the parties hereto that the Company assumes no liability for failure for any reason to deliver the merchandise on any requested or tentatively set shipping date, and the customer agrees to accept delivery of the merchandise at any reasonable time, thereafter. Builders' Risk insurance coverage will be provided by Morton Buildings, Inc. until construction is completed and accepted by the owner. Owner can occupy building upon acknowledging satisfactory completion of the building and making payment in full. If occupancy must take place before completion of the project, final payment and proof of insurance is required. It is agreed that labor other than Morton Buildings, Inc. employees, and its subcontractors is not anticipated, and that if other labor or supervision is required the contract will be renegotiated. In the event of default by the Buyer, Morton Buildings, Inc. shall be entitled to 1 1/2% per month service charge from the date of default (18% annual rate) or the maximum rate allowed in the customer's state of residence whichever is less; and the reasonable amount of costs and attorney's fees expended to enforce the terms of this contract.

The items described on this Form 12, and on any accompanying Form 12S's, with Serial numbers —, Form 86,

and Form 153, Form 3 constitute our agreement in its entirety. Additions and/or changes to this agreement must be in writing with necessary

charges and credits stated. Warning Forms 84, 21 and Warranty No. 1291 apply. (X) PC

Owner's initials

BANK

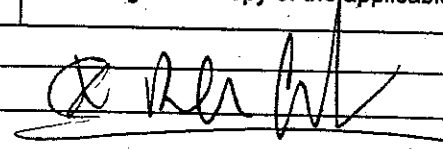
The undersigned hereby warrants and represents that he/she is the owner of record of the premises upon which this building is to be erected.

Owner's Signature [Signature]

[Signature]

BUILDING PLAN & PERMIT TRANSMITTAL

REQUIRED FOR ALL COMMERCIAL BUILDINGS AND OTHER BUILDINGS REQUIRING PERMITS OR PLANS

SOLD TO: <u>Deery Construction</u>		JOB NUMBER _____	
Type of Permit		Issuing Authority	Paid for by
State	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>Ag Use / Deery Co</u>	
Local	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Zoning	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Other	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Applicable Bldg Code		Year of Edition _____ IBC UBC BOCA SBC <--circle one or list local code	
REQUIRED LOADING (List only loads that apply)		Specific design adjustments that are not included in basic building package	
Ground Snow Load	Live Roof Load	Attic Draft Stop	Specify location of attic draft stops on Form 86, if required. Normally, buildings with attics require draft stops every 3000 sq. ft.
Wind Speed (V _{3s})	Wind Load	Fire Walls	Specify location of fire resistive walls on Form 86, if required. Contact a DE or the Professional Group for assistance.
Ceiling Load	Floor/Deck Load	Plot Plan	REQUIRED for all commercial buildings.
Other Loads SPECIFY: (ie: sprinkler, dead, ancillary, etc.)		Interior Plan	REQUIRED for all commercial buildings with interior rooms.
		If interior plans or plot plans are provided by others, forward copy of plans to Morton.	
Professional	Contact Name	Address	Phone Number
Geotechnical Engineer			() -
Consulting Architect			() -
Consulting Engineer			() -
Consulting Surveyor or Site Utility Plan			() -
Power Co. Engineer			() -
If plans by outside engineers, outside architects, or other professionals are provided by others, forward copy of plans to Morton.			
NO. of REQUIRED SETS of Plans	QTY	IMPORTANT CREW INFORMATION FOR INSPECTION	
	Required		Name & Phone No. of Authority
PLANS FOR BLDG. DEPT.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Footing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> () -
CUSTOMER APPROVED	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Framing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> () -
CONCRETE FOUNDATION	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Insulation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> () -
SUBCONTRACTOR'S PLANS OR EXTRA PLANS*	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Mech.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> () -
		Final	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> () -
*ALWAYS send the subcontractor a full set of Structural and Mechanical Plans.			
Order Path at MBI Corporate: (Circle "A" or "B") <u>A</u> A: Traditional Order - standard processing procedures B: Design Estimator Involved - DE Notification Form included			
PLANS TARGET DATE: ____ / ____ / ____ (ASAP is Not a date) APPROX. DELIVERY DATE: ____ / ____ / ____			
If date is less than 4 weeks before approximate ship date on Form 12 or required by a specific date, <u>EXPLAIN</u>			
Message or Relevant Notes Concerning Project Information. (Area for Sales Consultant or Stamped Plans to record project notes)			
To:	Date:	When all permits are secured, return White & Green Copies of this form along with a copy of the applicable permits to Morton.	
From:			
 <u>11/30/07</u>			

WHITE - GREEN - PINK - GOLDENROD -- TO MORTON WITH NEW ORDER YELLOW -- TO OFFICE FILE
 WHITE - GREEN -- TO OFFICE WITH STAMPED PLANS (RETURN WITH COPY OF PERMIT TO MORTON)
 GREEN -- TO CREW FOREMAN WITH CONSTRUCTION PLANS
 FORM 148 Rev. 4/04