

PRICE T. BANKS

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April 15, 2010

City Commission
PO Box 708
Lawrence, Kansas 66044

via facsimile, e-mail and US Mail

Re: SUP 1-2-10, Lawrence Community Shelter.

Dear Mayor and City Commissioners:

I represent the Board of Directors of the Lawrence Community Shelter (Shelter), the applicant in the above-mentioned case.

Please accept this letter as a formal request to place the item on the April 20, 2010 City Commission agenda.

The Shelter Board of Directors has been working diligently, at the City's request, to move the Operations from the current location at 10th and Kentucky to a more suitable site. After reviewing numerous alternatives and locations over the past four years, the Board believes we have made giant steps toward accomplishing that goal. We intend to continue our work to provide a first class facility in Lawrence. The site in Franklin Business Park was selected in response to work with the City Staff, the Commission on Homelessness and neighborhood and community organizations. The Board has worked tirelessly to respond to each and every issue raised during the site selection process, and create solutions to many of the problems associated with homelessness in Lawrence. I believe the current proposal has the support of most members of the Lawrence community.

Board members have begun to arrange private funding for the costs associated with the relocation. Every Board member and every steering committee member has pledged donations for the cause. We are now at the threshold of the solution. The Board has received pledged commitments from organizations, foundations and private donors of over \$1,100,000 toward the acquisition of the site and other expenses.

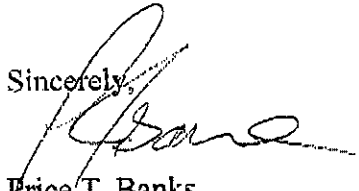
It is imperative that we move ahead to take advantage of the support we have both from within and without the city. The Board is concerned that donor support will begin to wane if the issue continues to drag on. Moreover, included in our pledged commitments is \$215,000 in tax credits that expire in 2010. We may also lose support of the friend of the Shelter who has committed to purchase the building for us.

On behalf of the Board of Directors of the Lawrence Community Shelter, I respectfully request that the Commission approve the Lawrence Community Shelter's application for a Special Use Permit in the Franklin Business Park.

Should you have additional questions or concerns, any Board Member or I will be pleased to discuss them with any Commissioner.

We look forward to meeting with you on the 20th.

Sincerely,



Price T. Banks

cc: Board of Directors, Lawrence Community Shelter

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April 14, 2010

Lawrence Community Shelter
214 West Tenth Street
Lawrence, Kansas 66044

Att'n: Loring Henderson

Re: Opinion Regarding Franklin Business Park Covenants.

Dear Loring:

I have reviewed the April 9, 2010 letter from Attorney Todd Thompson addressed to Don Huggins and Tim Keller regarding the alleged violations of the above-mentioned covenants (the Covenants) should the Lawrence Community Shelter (LCS) relocated to Franklin Business Park. In my opinion all of the issues raised by Mr. Thompson are without merit. I will review Mr. Thompson's interpretations in the order they appear in his letter.

Mr. Thompson correctly quotes, out of context, a portion of Article 3.04 of the Covenants which states "Owner shall submit to the Trustees a description of the proposed use and three (3) full sets of design documents."

Mr. Thompson conveniently omitted the beginning of that sentence. The sentence, in its entirety, reads "***Prior to any application for a building permit for a site***, Owner shall submit to the Trustees a description of the proposed use and three (3) full sets of design documents showing at least the following:

- a. Location of structures, easements, streets and set back lines.
- b. Location of signs, lighting, walks, parking and loading areas, drives, fencing, outside storage areas, screening and landscaping features.
- c. Architectural building elevation drawings of each building face.
- d. Building material, location and color information.
- e. Site coverage data calculations.
- f. Parking data and calculations."

LCS is not seeking a building permit, and in my opinion has no obligation to seek approval of the Trustees at this point in the Special Use Permit process.

Moreover, Article 3.04 must be interpreted in the context of the entirety of Article III of the Covenants.

Article 3.02 states that Trustees' review shall be "for site planning, landscaping, building material use, color, and general building design character. It also clearly states that ***"This approval is for general appearance and aesthetics only and is in no manner a review for compliance with any other regulatory requirements."***

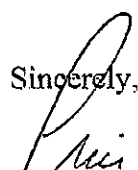
Plans for the site currently under consideration were submitted to and approved by P.D.O. Investors, LLC on June 8, 2001. The approval letter is attached to this opinion.

According to Article 3.08 of the Covenants, the Trustees had 30 days from the submission of said plan to request additional information or design documents ***"shall be deemed to have been approved."***

In my opinion, Mr. Thompson errs when he states that "a park of the highest quality for business, industrial and governmental uses" is a requirement of the Covenants. It is merely a descriptive phrase contained in the preamble of the Covenants, and does not prohibit the use contemplated any more than it prohibits the storage of wrecked automobiles.

I look forward to meeting with you and Board Members later to discuss this matter more thoroughly and answer questions.

Sincerely,



Price T. Banks

**P.D.O.
Investors, L.L.C.**

June 8, 2001

Franklin Business Center, LLC
c/o Tim Keller
123 West 8th St.
Lawrence, Kansas 66044

Gentlemen:

In accordance with the terms of the Real Estate Contract dated December 13, 2000 for Lot 1 Block 2 of Franklin Park PID we are writing to confirm our approval of the following:

1. Lender making the construction loan - Firstar Bank, N. A. Overland Park.
2. Construction plans dated May 16, 2001.
3. General Contractor - Mer Lan Construction.

Please let us know if we can be of assistance as you proceed with your project. We are looking forward to the completion of your first building.

Sincerely,



Stephen E. Glass
Member

P.O. Box 4150

Phone 785-843-1706

Lawrence, KS 66046-1150