

From: Robert C. Casad [mailto:casad@sunflower.com]
Sent: Friday, May 20, 2011 3:06 PM
To: Scott McCullough
Subject: May 25 agenda item 11

Dear Commissioners:

I understand the Kappa Delta Sorority is seeking to subdivide some of the property given to them by West Hills Homes Association. I understand that there is a covenant in the deed under which they hold the property specifically prohibiting any further development of that land.

I do not know what part of the property they want to set up as a separate lot, but whatever it is, it would be a violation of the covenant to build anything on it.

Even if it were not prohibited, any development that is visible from Emery Road and High Drive would drastically change the whole character of the neighborhood, much to the detriment of nearby property owners.

Accordingly, we oppose any change in the property or its classification.

Robert C. and Sarah M. Casad
1130 Emery Road
casad@sunflower.com

From: Kurt Falkenstien [mailto:kstien1@gmail.com]

Sent: Tuesday, May 17, 2011 5:10 PM

To: lharris1540@gmail.com; cblaser@sunflower.com; Bradley R. Finkeldei; laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com; charlie.dominguez@therenewgroup.com;

MontanaStan62@gmail.com; kenzieingleton@hotmail.com; bruce@kansascitysailing.com; samd16@ku.edu

Subject: Kappa Delta Sorority replatting request

I am writing as President of the West Hills Homes' Association concerning the replatting request by the Zeta Epsilon House Corporation of Kappa Delta Sorority. The matter is before you on May 25, 2011. Part of this property, known as the "Rock Garden," was previously owned by the association and was deeded by the association to the Alpha Phi Society, the predecessor of Kappa Delta, in 1958, with certain restrictions.

Specifically, the deed provides that this tract of land is restricted as to use and shall never be used for any building purposes nor for any parking facilities. Should these prohibitions be violated, the land reverts to the association. I am attaching a copy of the deed and a map of the 1958 West Hills Homes Association for your review.

If you have questions or would like to discuss this further prior to the meeting, please feel free to contact me at 218-2146 or kstien1@gmail.com. Some members of the Board and I will also attend the meeting and be available to answer questions.

Kurt Falkenstien

68015

BOOK 203

QUIT CLAIM DEED

(51)

Boyles Legal Blanks—FOREE PRINTING CO.—Lawrence, Kansas

This Indenture, Made this 1st day of DECEMBER
in the year of our Lord one thousand nine hundred and fifty-eight between

The West Hills Homes Association, a corporation, duly organized,
incorporated, and existing under and by virtue of the laws of the
State of Kansas

of Lawrence
in the County of Douglas and State of Kansas of the first part,
and The Alpha Phi Society of Lawrence, Kansas, Incorporated of the second part:

WITNESSETH, That the said part Y of the first part, for and in consideration of
the sum of Other valuable consideration and One DOLLARS,
to it duly paid, ha s sold and by these presents do s remise, release and QUIT CLAIM unto
the said part Y of the second part, its successors heirs and assigns, forever, all that tract or parcel of
land situated in the County of Douglas and State of Kansas and
described as follows, to-wit:

A tract of land known as the Rock Garden, being contiguous with
property owned by the Alpha Phi Society of Lawrence, Kansas, Inc.,
and bounded on the South and West by High Drive and on the Southeast
by Emery Road and described as follows: Beginning at a point 950.84
feet West and 618.50/886th of the center of Section 36, Township 12,
Range 19; thence North 64 degrees 36 minutes East 86 feet; thence
South 73 degrees 36.5 minutes East 63 feet; South 24 degrees 10.5
minutes East 169 feet to a two inch iron pin; thence South 73 degrees
06.5 minutes West 100 feet; thence West 34 degrees 12 minutes North
198 feet to point of beginning, less that part of High Drive included
known as the Rock Garden.

The above described land is restricted as to use in that neither the
grantees nor their successors or assigns shall ever use the described
property for any building purposes and no building shall be erected
thereon. Nor shall said land be used for any type of parking
facilities for automobiles. In the event said land shall ever be used
in violation of the above prohibitions, it shall revert to the grantor,
its successors or assigns.

with all the appurtenances, and all the estate, title and interest of the said part Y of the first part
therein.

TO HAVE AND TO HOLD, all and singular, the above described premises, together with the appurten-
ances, unto the said part Y of the second part, its successors heirs and assigns, forever.

IN WITNESS WHEREOF, The said part Y of the first part ha s hereunto set its
hand and seal the day and year above written.

Signed, Sealed, and delivered in presence of

Attest:

Karl Klooz
Karl Klooz, Secretary

The West Hills Homes Association
a Corporation

By Ralph H. King
Ralph H. King, President

STATE OF KANSAS, DOUGLAS, SS:

I, Ralph H. King, the person named as President of grantor
in the deed to which this is attached, do solemnly swear that the actual consideration of this in-
strument was less than \$100.00.

Subscribed and sworn to before me this 1st day of DECEMBER

MY COMMISSION EXPIRES
OCTOBER 30, 1962

Notary Public

STATE OF Kansas Douglas COUNTY, ss.

BE IT REMEMBERED, That on this 1st day of December A. D. 19 58

before me, the undersigned, a notary public in and for the County and State aforesaid, came

Ralph H. King President of The West Hills Homes

Association, a corporation a corporation duly organized, incorporated and existing under and by virtue

of the laws of Kansas and Karl Klooz Secretary of said

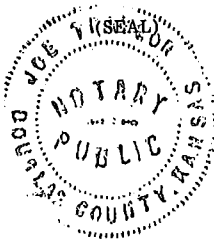
corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons

who executed, as such officers, the within instrument of writing on behalf of said corporation, and such persons duly acknowl-

edged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official

Seal the day and year last above mentioned.



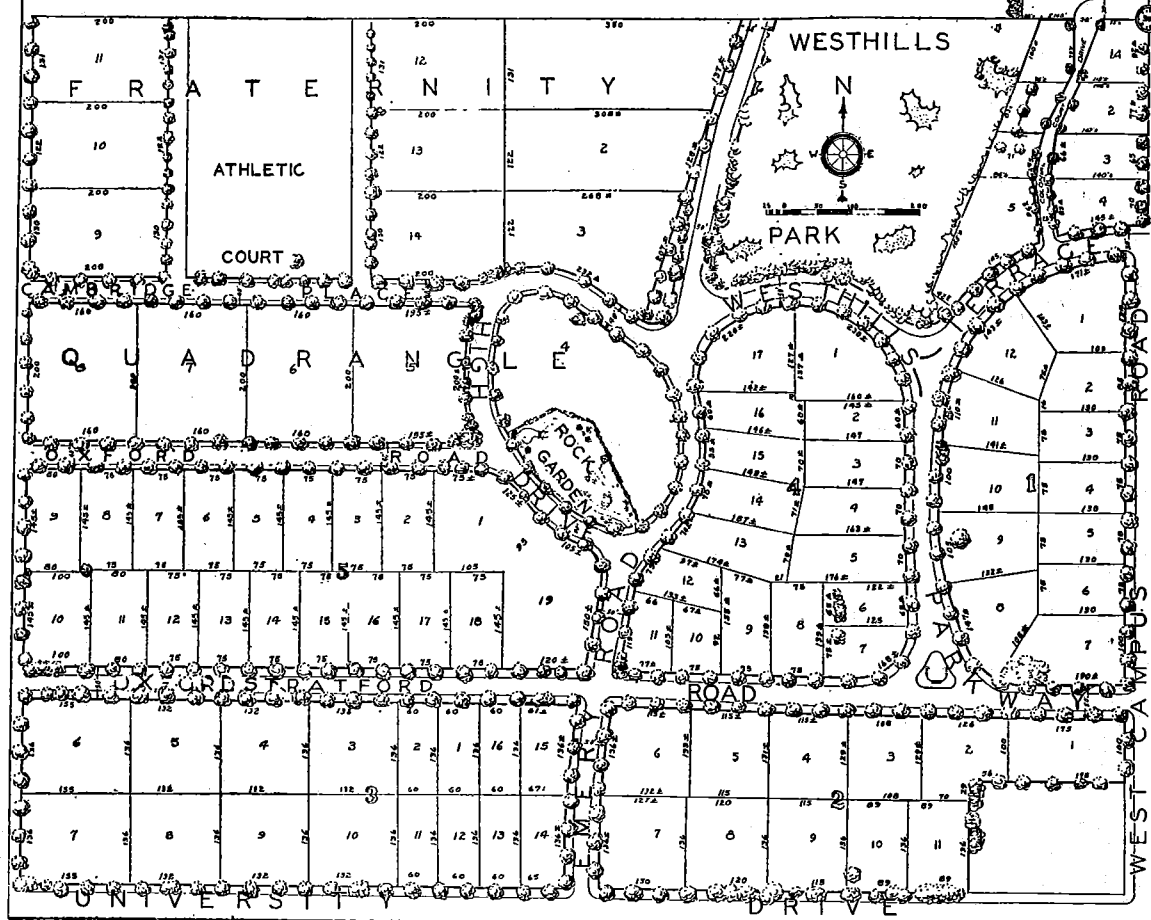
Joe Taylor Notary Public.
 MY COMMISSION EXPIRES
 Term expires OCTOBER 30, 1962, 19 58

Recorded December 11, 1958 at 2:00 P.M.

Harold A. Beck

Register of Deeds

LAWRENCE KANSAS



PROPOSED BUDGET

1952-53

Garbage and Trash	\$200.00
Taxes (Rock Garden, Park, Athletic Court)	45.00
Sewer Tax on sewer by Athletic Court (one year)	55.00
Printing	10.00
Stamps	5.00
Beautify area (Maintenance of islands and grass cutting)	50.00
Safety deposit box	3.60
Bank Service Charge	6.00
Incidental Expense	25.40
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	\$420.00

Proposed Assessment for Members

Class "A"	$\frac{1}{2}$	mill	per sq.	ft.
Class "B"	$\frac{3}{8}$	mill	per sq.	ft.
Class "C"	$\frac{1}{4}$	mill	per sq.	ft.