November 29, 2012

Sandra Day
City of Lawrence
6 East 6th Street
Lawrence, Kansas 66044

Dear Sandra Day,

The request for levee right-of-way "plat" document represents an 18 month period of time in which our clients worked with Matt Bond and the Army Corps of Engineers to better define the actual boundary needed for the levee that protects North Lawrence. While pursuing this project, it was determined that there was the potential for a dispute about what is actually levee right-of-way, and what should be levee right-of-way. While some of the properties may have an encroachment shown on their title, most do not. The only document that we had to go off of was the original construction plans for the levee. In this document the plans showed "right-of-way". Today, we would probably call these lines a "construction easement". In some cases, the "right-of-way" encroached far beyond the boundary needed for the actual levee. (See attachment "A" – highlighted right-of-way line.)

In cooperation with Matt Bond's efforts, we successfully negotiated a proper boundary to define the required levee right-of-way. The new boundary is represented in the document that you are currently reviewing. Matt bond was a great asset in working through these issues.

The proposed document defines the west boundary of the North Mass Development. Both our clients and the Kaw Drainage District will be dedicating land to the City of Lawrence to define this boundary.

It is our opinion that this is the best method at this time to define the boundary. The west property line is already represented in the preliminary plat and will follow through on the final plat.

Please let me know if there are any additional questions or concerns which can be addressed.

Sincerely,

Paul Werner

Attachments: "A" – Proposed/Existing Right-of-Way
                 "B" – Affected Properties