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*ADMITTED IN KANSAS AND MISSOURI

February 28, 2014

VIA HAND DELIVERY AND E-MAIL

Mr. Scott McCullough, Director
Planning and Development Services
City Hall, 6 E. 6th Street
Lawrence, KS 66044

*Re: 2200 Noria Road and 4600 East 23rd Street (collectively, the "Property")
Petition to De-Annex and Vacate Plats*

Dear Scott:

The Economic Development Corporation of Lawrence and Douglas County, f/k/a Douglas County Development, Inc. (referred to herein as the "**Applicant**") is the owner of the Property. I am writing on behalf of Roger Kitsmiller and Gaye Kittsmiller (referred to herein as the "**Contract Purchaser**"). The Contract Purchaser is under contract to purchase the Property from the Applicant, subject to approval of the land use requests described in this letter. An Owner's Authorization Form is enclosed with this letter.

Please accept this letter as the Applicant's petition, pursuant to K.S.A. 12-504 and 12-505, to: (1) de-annex and exclude the Property from the boundaries of the City of Lawrence, Kansas (the "**City**")¹; and (2) to vacate the recorded plats of the *East Hills Business Park East* and the *East Hills Business Park East No. 2* (collectively, the "**Plats**")², except for and excluding any public right-of-way dedicated by the Plats for Noria Road and East 23rd Street (the "**Right-of-Way**"), which shall be reserved unto the City. If the City and Douglas County, Kansas (the "**County**") agree that the Plats do not reserve additional Right-of-Way for East 23rd Street (a/k/a Old K-10 Highway and Douglas County Road #442), the Applicant requests that the Plats be vacated without reservation of the same.

¹ The legal description of the Property is: Lot One, Block One, East Hills Business Park East; and Lot One, Block One, East Hills Business Park East No. 2.

² The Plats are recorded in the Office of the Register of Deeds of Douglas County, Kansas in Book 17, page 241 and in Book 17, page 379, respectively.

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The Property has been used for agricultural purposes at all times before and since annexation and platting, and the expense of developing the Property for industrial use is cost prohibitive, all as more particularly set forth in the Applicant's application to re-zone the Property, which shall be submitted under separate cover. No private right will be injured or endangered by the de-annexation and vacation requests contained in this Petition, and the public will suffer no loss or inconvenience thereby.

I respectfully submit this petition on behalf of the Applicant, and request that the City refer this matter to the Lawrence - Douglas County Metropolitan Planning Commission, pursuant to K.S.A. 12-505, for consideration in May 2014. Please do not hesitate to contact me if you require additional information.

Very truly yours,

BARBER EMERSON, L.C.



Matthew S. Gough

MSG:plh

cc: Diane Trybom, Acting City Clerk (via e-mail only)
Matthew H. Hoy (via e-mail only)