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JAN 28 2004

CITY MANAGERS OFFICE
LAWRENCE, KS

January 24, 2003

City of Lawrence
David L. Corliss
Assistant City Manager & Director of Legal Services
PO Box 708
Lawrence, KS 66044-0708

Dear Mr. Corliss:

Enclosed are the signed agreements for the properties at 700 and 704 Folks Road. Should you have any questions, you can reach us at (785) 841-2503. After the appropriate signatures from the City, if someone could forward us signed completed copies for our records, it would be appreciated.

Sincerely,


Eric L and Colleen Hodge

AGREEMENT CONCERNING SPECIAL
ASSESSMENT BENEFIT DISTRICT FOR
THE IMPROVEMENT OF FOLKS ROAD

Whereas, Eric L. and Colleen M. Hodge (hereinafter “Hodges”) are the sole owners of the following described property:

TRACT 14

A TRACT OF LAND IN THE WEST 10 ACRES OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE SOUTH ON THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 34 A DISTANCE OF 658.85 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH ON THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 34 A DISTANCE OF 131.76 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 34 A DISTANCE OF 330.50 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 34 A DISTANCE OF 131.76 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 34 A DISTANCE OF 330.50 FEET TO THE POINT OF BEGINNING, CONTAINING 43,547 SQUARE FEET OR 0.9997 ACRES MORE OR LESS ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. Said property commonly known also as 700 Folks Road, Lawrence, Kansas, 66049.

hereinafter referred to as the “Property”; and

Whereas, the City of Lawrence, Kansas (hereinafter “City”) annexed said Property pursuant to Ordinance No. 6918 adopted May 13, 1997 and recorded at Book 588, Page 1130 et seq. in Office of the Douglas County Register of Deeds; and

Whereas, the City adopted Resolution No. 6512 on December 2, 2003 establishing a special assessment benefit district for the improvement of Folks Road, south of West 6th Street. Resolution No. 6512 is attached hereto and incorporated by reference herein; and

Whereas, Resolution No. 6512 includes the Property owned by the Hodges in the special assessment benefit district;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE HODGES AND THE CITY HEREBY AGREE AS FOLLOWS:

1. The above recitals are incorporated herein.
2. The Hodges hereby consent to the formation of the special assessment benefit district established pursuant to Resolution No. 6512 and will not: 1) protest the formation of the special assessment benefit; or 2) challenge the special assessments placed on the Property.
3. The City shall pay all of the special assessments pursuant to Resolution No. 6512 assessed to the Property, provided that the amount of \$7,500.00 shall be due and owing to the City if one of the following conditions shall ever occur: 1) the Property is used for any use other than one (1) single-family dwelling unit, 2) a building permit is requested for any use other than the re-construction or addition to the one (1) single family dwelling unit existing on the Property at the time of execution of this Agreement, or 3) rezoning of the Property for any use other than one (1) single family dwelling unit is approved by the City. This covenant shall run with the land and shall be binding upon all successors and assigns to the Property. It is the intent of the parties that the amount of \$7,500.00 shall be due and owing to the City when one (1) of the conditions set forth above is met.
4. The City anticipates the need to acquire right-of-way and other property interests from the Property for the improvements set forth in Resolution No. 6512. The City shall either negotiate a fair market value satisfactory to the Hodges for such acquisition or shall exercise eminent domain authority to acquire the necessary right-of-way and other property interests. The City shall not assess the cost right-of-way and other property interest acquisition from the Property on to the Property.
5. This Agreement shall run with the land and shall be binding upon all successors and assigns of the Property. In the event that the benefit district established by Resolution No. 6512 is: 1) successfully protested pursuant to the laws of the State of Kansas; or 2) repealed by the City prior to the construction of any public improvements to Folks Road; this agreement shall become null and void, and neither party shall have any continuing obligations pursuant to the agreement.

AGREED TO THIS 26th DAY OF Jan, 2004.

FOR HODGES

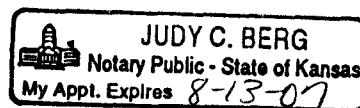
Eric L. Hodge
Eric L. Hodge

Colleen M. Hodge
Colleen M. Hodge

COUNTY OF DOUGLAS
STATE OF KANSAS

BE IT REMEMBERED, that on this 26th day of January, 2004, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Eric L. Hodge and Colleen M. Hodge, who are personally known to me to be the same persons who executed the above Agreement, and such persons duly acknowledged the execution of the same to be their free and voluntary act and deed.

Judy C. Berg
Notary Public



FOR THE CITY OF LAWRENCE, KANSAS

David M. Dunfield, Mayor

ATTEST:

Frank S. Reeb, City Clerk

AGREEMENT CONCERNING SPECIAL
ASSESSMENT BENEFIT DISTRICT FOR
THE IMPROVEMENT OF FOLKS ROAD

Whereas, Eric L. and Colleen M. Hodge (hereinafter "Hodges") are the sole owners of the following described property:

TRACT 13

A TRACT OF LAND IN THE WEST 10 ACRES OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE SOUTH ON THE WEST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 34 A DISTANCE OF 790.61 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH ON THE WEST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 34 A DISTANCE OF 131.80 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 34 A DISTANCE OF 330.50 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 34 A DISTANCE OF 131.80 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 34 A DISTANCE OF 330.50 FEET TO THE POINT OF BEGINNING, CONTAINING 43,560 SQUARE FEET OR 1.000 ACRES MORE OR LESS ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. Said property commonly known also as 704 Folks Road, Lawrence, Kansas, 66049.

hereinafter referred to as the "Property"; and

Whereas, the City of Lawrence, Kansas (hereinafter "City") annexed said Property pursuant to Ordinance No. 6917 adopted May 13, 1997, and recorded at Book 588, Page 1128 et seq. in Office of the Douglas County Register of Deeds; and

Whereas, the City adopted Resolution No. 6512 on December 2, 2003 establishing a special assessment benefit district for the improvement of Folks Road, south of West 6th Street. Resolution No. 6512 is attached hereto and incorporated by reference herein; and

Whereas, Resolution No. 6512 includes the Property owned by the Hodges in the special assessment benefit district;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE HODGES AND THE CITY HEREBY AGREE AS FOLLOWS:

1. The above recitals are incorporated herein.
2. The Hodges hereby consent to the formation of the special assessment benefit district established pursuant to Resolution No. 6512 and will not: 1) protest the formation of the special assessment benefit; or 2) challenge the special assessments placed on the Property.
3. The City shall pay all of the special assessments pursuant to Resolution No. 6512 assessed to the Property, provided that the amount of \$7,500.00 shall be due and owing to the City if one of the following conditions shall ever occur: 1) a building permit is sought to construct a structure on the Property, 2) rezoning of the property is sought by the Property owner, or their successors or assigns, to allow for the construction of a structure or multiple structures on the Property. This covenant shall run with the land and shall be binding upon all successors and assigns to the Property. It is the intent of the parties that the amount of \$7,500.00 shall be due and owing to the City when one (1) of the conditions set forth above is met.
4. The City anticipates the need to acquire right-of-way and other property interests from the Property for the improvements set forth in Resolution No. 6512. The City shall either negotiate a fair market value satisfactory to the Hodges for such acquisition or shall exercise eminent domain authority to acquire the necessary right-of-way and other property interests. The City shall not assess the cost of right-of-way and other property interest acquisition from the Property on to the Property.
5. This Agreement shall run with the land and shall be binding upon all successors and assigns of the Property. In the event that the benefit district established by Resolution No. 6512 is: 1) successfully protested pursuant to the laws of the State of Kansas; or 2) or repealed by the City prior to the construction of any public improvements to Folks Road; this agreement shall become null and void, and neither party shall have any continuing obligations pursuant to the agreement.

AGREED TO THIS 26th DAY OF Jan, 2004.

FOR HODGES

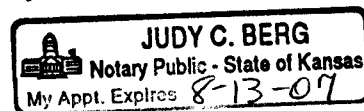
Eric L. Hodge
Eric L. Hodge

Colleen M. Hodge
Colleen M. Hodge

COUNTY OF DOUGLAS
STATE OF KANSAS

BE IT REMEMBERED, that on this 26th day of January, 2004, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Eric L. Hodge and Colleen M. Hodge, who are personally known to me to be the same persons who executed the above Agreement, and such persons duly acknowledged the execution of the same to be their free and voluntary act and deed.

Judy C. Berg
Notary Public



FOR THE CITY OF LAWRENCE, KANSAS

David M. Dunfield, Mayor

ATTEST:

Frank S. Reeb, City Clerk