

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

Whereas, Roger D. and Deanna G. Mayhugh (hereinafter "Mayhughs") are the sole owners of the following described property:

TRACT 17

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 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH, ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 527.09 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH ON THE WEST LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 131.76 FEET; THENCE EAST, ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 330.50 FEET; THENCE NORTH, ON A LINE PARALLEL WITH WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 131.76 FEET; THENCE WEST, ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 330.50 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 616 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. 6863 adopted December 17, 1996, and recorded at Book 570, Page 883 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

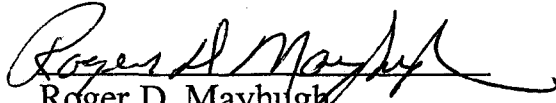
Whereas, Resolution No. 6512 includes the Property owned by the Mayhughs in the special assessment benefit district;

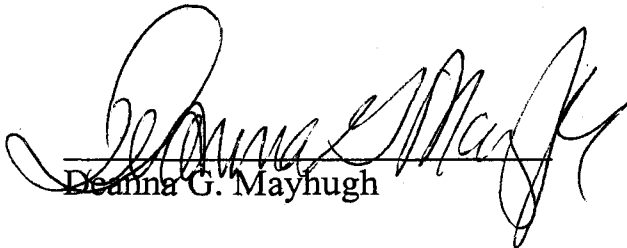
NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE MAYHUGHS AND THE CITY HEREBY AGREE AS FOLLOWS:

1. The above recitals are incorporated herein.
2. The Mayhughs 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 Mayhughs 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 8th DAY OF FEBRUARY, 2004.

FOR MAYHUGHS


Roger D. Mayhugh


Deanna G. Mayhugh

COUNTY OF DOUGLAS
STATE OF KANSAS

BE IT REMEMBERED, that on this 8th day of
Feb, 2004, before me, the undersigned, a Notary Public
in and for the County and State aforesaid, came Roger D. Mayhugh and
Deanna G. Mayhugh, 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.


Notary Public



FOR THE CITY OF LAWRENCE, KANSAS

David M. Dunfield, Mayor

ATTEST:

Frank S. Reeb, City Clerk