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RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

Terence E. Leibold Email:
tleibold@barberemerson.com

September 22, 2004

Via Email

David Corliss
Assistant City Manager -
Administrative Legal Services Director
City Hall
Six East Sixth Street
Lawrence, Kansas 66044

Re: Lot 2, Sigma Nu Addition, West Hills Apartments, Building Encroachment

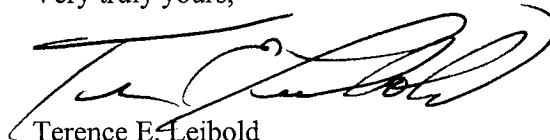
Dear David:

As we discussed last week, I am representing the current owner of the above-referenced property, which is under a Contract for sale. In connection with the sale of the property, a survey was performed by Danny Stebbins of EBH & Associates, which showed that the corner of one of the West Hills Apartment Buildings (Building G) encroaches upon the City's sewer easement. I enclose a portion of that survey showing the Northwest corner of Building G's encroachment upon the sewer easement. I also enclose a copy of the plat of Sigma Nu Addition for your convenience.

We are asking the City to enter into a license agreement to allow encroachment of Building G and to allow it to remain in its present location. I enclose a draft of the license agreement for your review and approval. In order to expedite this matter, by copy of this letter to the Buyer's attorney, Blake Terry, I am requesting he review and approve the license agreement. If Mr. Terry has any revisions to the agreement, I will let you know. The Contract for the sale of this property is currently set for October 8, 2004, and we would prefer that this issue be resolved prior to that date, so as soon as you can have the agreement reviewed and approved and get the matter set for the City Commission's agenda, I would appreciate it.

If you have any revisions to the agreement, please let me know. Thank you for your help.

Very truly yours,



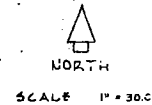
Terence E. Leibold
of Barber Emerson, L.C.

TEL:tel

Enclosure

cc: Ms. Sheryl Lemesany (w/ enclosure)
Mr. Blake Terry (w/ enclosure)

SIGMA NU ADDITION



DEDICATION.

This Plat Represents A Tract Of Land Described As Follows: Beginning At A Point 182.51 Feet East Of The Southeast Corner Of The Northwest Quarter Of Section Thirty Six (36), Township Twelve (12) South, Range Nineteen (19) East, For A Point Of Beginning, Thence North 492 Feet, Thence West 21.69 Feet, Thence North 27.3 Feet, Thence North 80°51' West 4.01 Feet, Thence in a Southwesterly Direction Along A Curve Of 267.37 Foot Radius To A Point 544.08 Feet East And 333.78 Feet North Of Southeast Corner Of Above Described Quarter Section, Thence Along A Line South 12°09' West 34.44 Feet, Thence East 47.43 Feet To The Point Of Beginning Containing 4.52 Acres, More Or Less, In Douglas County, Kansas.

No Chapter Of Sigma Nu Fraternity, Owner Of The Above Described Tract Has Caused The Same To Be Surveyed, Platted, And Platted As An Addition To The City Of Lawrence, Kansas, Under The Name Of Sigma Nu Addition, And Has Caused The Same To Be Dedicated To The Public Use. All Streets Included Within Said Addition Are Shown And Fully Defined In This Plat And Are Herby Dedicated To And For Public Use And Benefit. Easements As Indicated On Plat Are Reserved For Construction Of Underground Sewer Lines And Pipes.

IN WITNESS WHEREOF, The Undersigned, Owner Of All The Real Estate Included In The Above Described Tract, Have Hereunto Subscribed Their Name As Of This 12th Day Of July, 1956.

W. L. Harrison W. W. Holloway, Pres.
William L. Harrison W. W. Holloway

State Of Kansas) ss.
Douglas County)

BE IT REMEMBERED, That On The 12th Day Of July, 1956 Before Me, A Notary Public, in And For Said County And State, William L. Harrison & W. W. Holloway, To Me Personally Known To Be The Same Person Who Executed The Within Instrument Of Writing, And Duly Acknowledged The Execution Of The Same.

IN WITNESS WHEREOF, I Have Hereunto Subscribed My Name And Affixed My Official Seal On The 12th Day Last Above Written.

My Commission Expires 12-31-1957

A. R. Sigmond
Notary Public
A. R. Sigmond

The Planning Board Of The City Of Lawrence At Its Meeting On July 24, 1956, Has Examined The Plat To Be Known As Sigma Nu Addition, And Has Approved The Plat For Filing In The County Records.

E. F. Smallberg
Chairman City Planning Board
E. F. Smallberg

The City Commission Of The City Of Lawrence At Its Meeting On July 31, 1956, Has Examined The Plat To Be Known As Sigma Nu Addition And Has Approved The Plat For Filing In The County Records.

Jack Morris
Mayor
J. H. Wigglesworth
City Manager

State Of Kansas) ss.
Douglas County)

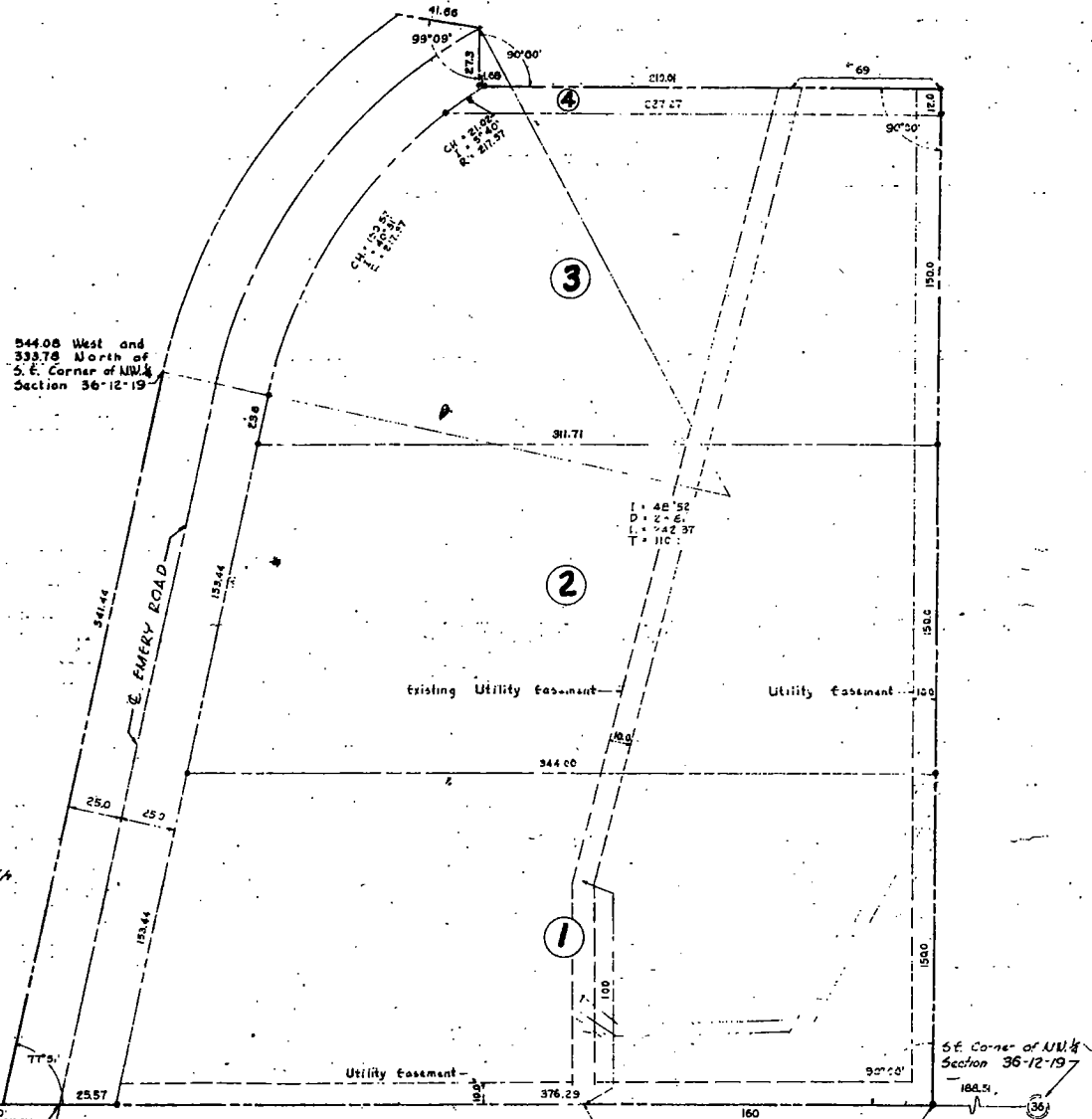
This is To Certify That L. D. Rice, County Surveyor, in And For Said County, Has Examined The Plat To Be Known As Sigma Nu Addition And Has Approved The Plat For Filing In The County Records.

L. D. Rice 7-6-56
County Surveyor
L. D. Rice

I Herby Certify That The Platted Area As Shown Represents A Boundaries And Accurately Gives All Lot Dimensions As Determined And Marked By Field Survey.

John L. Crawford
Registered Engineer
John L. Crawford

Steel Pin in Place



SE Corner of NW 1/4
Section 36-12-19
182.51

SIGMA-NU ADDITION

146,915 SQUARE FEET
3.37 ACRES

BUILDING "C"

LOT 2

OFFICE

BUILDING "G"

