

# JCPENNEY PROPERTIES, INC.

*Writer's Direct Dial:*  
972/431-1825

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June 6, 2005

**VIA CERTIFIED MAIL/RRR**

The Honorable Dennis Highberger  
Mayor of Lawrence, Kansas  
P.O. Box 708  
Lawrence, KS 66044-2268

Re: JCPenney Store #2729; Lawrence, Kansas  
Resolution No. 6584—Public Hearing  
Special Assessment Benefit District

Dear Mayor Highberger:

J.C. Penney Properties, Inc. ("Penney") is the ground lessee of certain land upon which a J.C. Penney department store is operated at the above-referenced location pursuant to a lease (the "Lease") dated as of September 30, 1997 by and between 34<sup>th</sup> Street Investors, L.C., as landlord, and Penney, as tenant. A Memorandum of Ground Lease is recorded in the county records as Document Number 126214 in Book 593 at Page 1906.

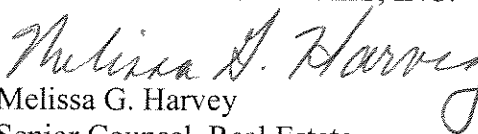
Penney has been advised of Resolution No. 6584, establishing a public hearing for a special assessment benefit district for 33<sup>rd</sup> Street, west of Iowa, and 33<sup>rd</sup> and Nieder, the area in which Penney operates. The purpose of the special assessment benefit district, if approved, would be for the construction of improvements at 33<sup>rd</sup> and Neider Road.

Please be advised that Penney is opposed to the creation of this special assessment district. Penney believes that the modifications being proposed to the intersection will have a negative impact upon Penney's business. Additionally, that portion of Nieder Road which lies south of 33<sup>rd</sup> Street and in front of the Penney store is a private roadway, not a publicly dedicated street. Such roadway is maintained by private parties with funds provided by those private parties.

As a partner in the community of Lawrence, Penney trusts that you will consider our objections in making a decision on this matter. Should you wish to discuss this matter, please feel free to contact me at 972-431-1825.

Cordially,

J.C. PENNEY PROPERTIES, INC.

  
Melissa G. Harvey  
Senior Counsel, Real Estate

cc: Mr. Martin W. Moore  
34<sup>th</sup> Street Investors, L.C.  
1441 Wakarusa Drive, Suite 200  
Lawrence, Kansas 66049

ecc: Linda Siekert  
Carolyn Bednarcik  
Dale McDonough  
Megan McGlinn