

**From:** [Brian Kemp](#)  
**To:** [Mary Miller](#)  
**Subject:** Dream Haven II  
**Date:** Monday, September 21, 2015 5:06:54 PM

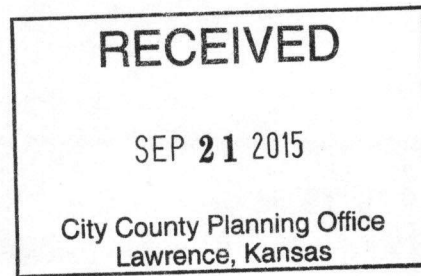
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Good afternoon Mary,

As residents on Durham Court we are very excited about this development. One of the main concerns we had when we purchased our house in 2000, was that there would be very dense development on this property once the owner decided to sell it. We are overjoyed by the fact that Durham Court will remain a cul-de-sac, and by the minimal development occurring on this property. Thank you for keeping the neighborhood informed of the development that will occur here. We are very grateful that the owner has decided to develop it as planned instead of caring only about profit and developing it in a dense fashion.

Sincerely,  
Brian and Julinne Kemp  
508 Durham Court

City of Lawrence  
City Commission  
City Hall, PO Box 708  
Lawrence, KS 66044



Dr. M. Paonessa  
501 Durham Ct  
Lawrence, Ks  
66049

Dear Sirs,

I write in response to the issue concerning the PP-15-00067 issue for the plat for Dream Haven II. As the owner of the 501 Durham ct. property I must of course strongly oppose this unethical land grab at the expense of myself and the owners of the other adjacent properties. This whole process was done in an entirely inappropriate fashion and is entirely unethical in that it both takes and destroys the property of others for the trivial whims of a private concern. It is the responsibility of the city and its organizations to prevent such actions, not be complicit in the crime.

There is absolutely no doubt that the consequences for me, the neighbor across the street, and even those in these new developments are **ALL significantly detrimental**. For me this involves

- Taking my private land
- Destroying a number of mature trees which are decades old and destroying the treeline
- The front yard sprinkler system has a head near where this path is indicated which could be destroyed
- Destroying the whole cul-de-sac privacy of the location
- Undermining property values and adversely affecting tax assessments of the property

Against this list of detriments there is not a single positive to the existing property owners on Durham ct. There are also detriments to the proposed new property owners as they will have to exit all the way about the cul-de-sac, and any emergency services to them will also have to take this route.

As this proposed path does not continue on through that property to Peterson road, the proposal is not a traffic shortcut, so there is **no benefit to any other residents - only those proposing this inconsiderate crap !!!** No argument can be made that this action somehow works towards some larger or collective public good. It is a narrow selfish proposal which seeks to take from others entirely for self-interest.

Let us review the course of events:

1. The architects – obviously made a plan to suit only themselves and the owner who hired them, being fully aware they were screwing over existing property owners by trying to take their land - simply to make a private driveway !! Only when others who were adversely affected found out did they consider the consequences. As they are a private business whose only concern is profit this is hardly a surprise. Their position is easily understood, especially in this state.
2. The city planning services – failed dismally to perform their proper tasks. It is part of their job to keep private interests from stealing and/or destroying the property of others, though obviously

they do not understand or are unaware of this responsibility. They failed to notify the property owners concerned of the initial notification and only did so when caught in the attempt to sneak this by. Below is the response (text below is verbatim from an email dated 9/4 ) :

Mark,

The Preliminary Plat for Dream Haven II was approved by the Planning Commission at their April 20th meeting. After receiving inquiries from several property owners in the area we reviewed the property owner list for the Preliminary Plat and found that it was incomplete. You and other property owners in the area should have been provided written notice for the Preliminary Plat similar to that you received for the Final Plat.

Due to this error, the Preliminary Plat will be returned to the Planning Commission for consideration and a public hearing at their September 21st/23rd meeting. You will receive mailed notification of the meeting date when the agenda has been set as the items are divided between the two meetings. The mailed notification is sent out at least 20 days prior to the Commission meeting.

Please note, that the property to the south is currently platted with one access from the right-of-way for Durham Court. I've attached the recorded plat for the property to the south.

Thank you for getting in touch with me regarding the plat. Please feel free to contact me again if you have any other questions.

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Error ???! Not likely. The group failed to do the basic first steps of their job !! This is more disappointing as this is a position of public trust and responsibility. The architect clearly has the planning group in their pocket, again all too common.

Let us review the basics, and this time include what is obviously not understood and omitted previously:

- This is a fully private venture, so any and all consequences of adding new features fall on THOSE benefiting from this, not upon others. Destroying the property and land values of others is not an option for a private venture, PERIOD. Any plans made up are required to follow this rule FIRST and ABOVE ALL. If access to some to some of these residences can come from Peterson road, then certainly access to the remaining two can also be made, without all the detrimental effects on others.
- The city commission and planning groups have the responsibility to protect the rights of existing property owners, not to serve the private interests of their 'buddies'.

The lack of respect for the property of others displayed by this so called 'neighbor' and his architect minion is appalling, especially when the proper course is so easy.

There is no way the city should approve such outrageously selfish behavior when a simple and proper course is easily available which puts the responsibility where it squarely belongs, on those seeking to make the profit from this totally private scheme. Any five year-old

with the big crayon could make a proper plan which provides access to any and all new lots from Peterson road and which does not require taking and trashing the property of others. It seems someone has missed the ethical lesson of the kindergarden 'stay within the lines' exercise. All of the accesses can be done from the South side Peterson road and any plan considered should do just that.

We expect the commission to have the good sense to understand this, and the integrity to take the proper action by disallowing this.

Dr. Mark Paonessa

9/12/2015