

Fac./Cat. Lexington Highland HOP  
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June 29, 2000

Mr. Don Lininger  
 Superfund Division  
 U.S. Environmental Protection Agency, Region VII  
 901 N. 5<sup>th</sup> Street  
 Kansas City, Kansas 66101

**FILED<sup>4</sup>**  
**APR 29 2004**  
 Missouri Public  
 Service Commission

Subject: Lexington Former Manufactured Gas Plant #2 Site  
 Docket No. CERCLA-7-2000-0020  
 Paragraph 49 - Access to Property and Information

Dear Mr. Lininger:

The purpose of this letter is to provide EPA the status of UtiliCorp's efforts to obtain access to property to conduct the work under the above-referenced order.

On June 26, 2000, UtiliCorp obtained a signed access agreement from Mr. and Mrs. Sands, the owners of Lots 1,2 and 3 in Block E, Anderson's Addition, the western portion of the Site.

On May 31, 2000, UtiliCorp forwarded a proposed access agreement to William Session, attorney for Mr. and Mrs. Doak, who own the remaining portion of the Site. At the same time UtiliCorp offered the proposed access agreement, which included provisions for non-interference, notice, sharing data and restoring the property, UtiliCorp made an alternative offer to purchase the property for a sum that included a substantial premium over the fair market value of the property were it uncontaminated. We received no response from Mr. Session until June 23, 2000. In his response, the Doaks expressed interest in selling the property, but declined the current offer. The Doaks also declined to sign the proposed access agreement, and instead provided a substantially revised access agreement.

UtiliCorp will continue its efforts to obtain access as set forth in the Order. We anticipate that negotiations will continue. If you have any questions, please feel free to contact me at (816) 737-7408.

Sincerely,

Edward B. Clement Jr., P.E.  
 Senior Environmental Engineer

cc: Dana Skelley, US EPA  
 Robert Hinkson, MDNR  
 Sarah Sullivan, Blackwell Sanders

Exhibit No. 158  
 Case No(s) ER-2004-0034  
 Date 3-1-04 Rptr ru