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Subj: **Re: Follow up**

Date: 11/3/2005 10:24:31 AM Eastern Standard Time

From: [Elam2000](#)

To: Lori.Locker@kcpl.com

CC: mutz@boulevard.com, Michael.Rowe@me00.kcpl.com, Melinda.Mangold@me00.kcpl.com, Nathan.Michael@me00.kcpl.com, Mary.Wells@me00.kcpl.com, Philip.Burright@me00.kcpl.com, jkrum@boulevard.com, jbowers@whitegoss.com, mmoore@americanenergy.com

Lori,

As discussed, I was to follow up with Mary Wells and provide documentation about the relocation being for the "public good" or other governmental document which would provide KCP&L the supporting information to not charge Boulevard Brewery any CIAC tax for this project. In addition to the supporting documentation, we also discovered that the area has been declared "blighted" by the City of Kansas City under Ordinance #041081. The redevelopment of a blighted area constitutes a governmental purpose.

As you know the original intent was to not only have the feeder on 26th street relocated but to have the feeder on Bellevue removed completely to support this redevelopment, which is in accordance with the City's plan and ordinance for this area.

As such, in Missouri, a utility company must bear the cost of relocation of its facilities from the public right away if the relocation is necessitated by a governmental purpose. Construction of the Boulevard Brewery's new facilities necessitates the relocation of the utilities. Accordingly, the common law rule requiring a utility company to pay the relocation costs is applicable in this instance. I am sure KCP&L has the legal cases, but if needed, we can forward.

As a result, Boulevard Brewery is requesting the following:

1. That the line on Bellevue be removed or relocated from the public right away to accommodate the development
2. That the line on 26th Street be relocated to the west side of the street from Bellevue to Southwest Blvd. to accommodate the new Boulevard building and widening of the street
3. That KCP&L pay for the entire relocation

As previously discussed, time is of the essence. Therefore, we request KCP&L to begin its relocation immediately, and to do so at its own expense. Any delay in KCP&L relocating these facilities can cause harm to Boulevard and the development.

I have attached the Ordinance listed above for your review.

Feel free to contact me to discuss any of the above.

Greg Elam

American Energy

Thursday, November 03, 2005 America Online: Elam2000