

Summary and history of the Cross Use Agreement with Prairie Shopping Center. 8/2009

In 1994, the KSAL Board purchased from Bud Ford a 70' by 165' piece of property on the west end of the Hayden Library lot. It connected the existing library property to Centa Avenue a private right of way in Prairie Shopping Center (PSC). The intent was to use the property as a parking lot in the future when the Hayden Library was expanded.

In 1997, Prairie Shopping Center LLC, an LLC owned and managed by Steve Meyer and Charlie Nipp (and their wives- Judy Meyer and Susan Nipp) approached the KSAL Board about a cross use agreement that would allow access to the library property by PSC customers. The cross use agreement was designed as an easement to allow parking on the library parcel by both library and shopping center users as well as allowing library users to park on PSC property.

The possibility of Judy Meyer's conflict of interest was identified at the beginning and discussed with Freeman Duncan, counsel to the Library Board. The Library Board acted according to attorney Duncan's advice.

As the discussion unfolded, it was determined that such a cross use agreement would also allow Library patrons to travel out of the Library west over private travel ways within Prairie Shopping Center to exit onto US 95. The Library Board was concerned about the safety aspects of northward bound patrons having to make a left turn onto Government Way, a very busy street (about 10,000 cars per day). Arranging for access to US 95 allowed the much safer right hand turns.

An agreement was reached whereby PSC would build a parking lot on the Library parcel which could be used by either Shopping Center or Library users. The construction entailed clearing the site and adjacent KSAL property, stripping the unsuitable material, adding base rock, fine grade rock, asphalt paving, striping, irrigation and landscaping on the perimeter and light poles. Prairie Shopping Center maintained the parking lot, the landscaping and the lighting at no cost to the Library. In exchange for approximately \$100,000 worth of improvements to the land and for access rights over the Shopping Center land to US 95, the Library District would agree to a cross use easement. The Library District retained ownership of the land.

In 2004, the cross use agreement was approved by the KSAL board and executed by both parties. Because of the possibility of a conflict of interest, board member Judy Meyer abstained from voting.

In 2006, construction started on the expansion of the Hayden Library. Because the expansion would encroach on the existing Hayden parking lot, the use of the cross use parking lot was factored into the calculation of parking spaces for the new building. In addition, the rough excavation done in 1997 saved the District dollars in grading the remaining KSAL property for expansion of the parking lot and adding a large grassy swale. After construction was completed in 2007, library patrons obtained drive-through access from Government Way to US 95 (right turn only) allowing two access points to the library parking lot and providing a much safer access for KSAL Outreach Department vehicles to enter and leave the library property. Customers and staff of PSC and KSAL frequently use the cross use agreement parking lot, validating the original idea envisioned in 1994.