

Michael and Kendra Smalley
113 Lakeshore Drive
Marion, KS

19 January 2011

To: Marion County Board of Commissioners

Re: Case No. PC -11-02 Public Hearing for Conditional Use Permit filed by Heather, Molly, Daniel C., and Tamara Holub to allow a recreational cabin rental facility at 10 Heated Dock Road, Marion, Kansas.

Subject: Written comments to be publically read at Planning Commissioning Meeting

Ladies and Gentlemen:

As a property owner, and potential year round resident at Marion County Park and Lake, I would like to express my objection to the proposed use of Marion County property as described in the request for Conditional Use Permit referenced above.

This suggested private development of real estate, on public property, puts the residents of Marion County at risk for the performance of a private business enterprise. Although this type of relationship is not unheard of, before committing the residents of Marion County to such a relationship there needs to be a significant due diligence study of the lessee's proposed business plan, its pro forma requirements, and the resulting risks to be assumed by the residents of Marion County should the business enterprise fail.

Although such a development may have the potential to benefit the residents of Marion County, I question if the assumed taxes and fees that could be generated by the proposed rental cabin facility adequately offset the risks, some of which to consider would be:

- How would the County be protected from the business's financial obligations or liability claims?
- To what building codes and life safety codes would the facility be built?
- Assuming the rental cabins would not have a resident manager like a hotel or bed-and-breakfast facility, who would respond to the needs of the tenants?
- How would tenant issues impact the Lake Office Manager at Marion County Park and Lake?
- If the facility were to fall into disrepair, would the County be obligated to make the repairs?
- If the business were to fail, is the County prepared to operate and provide upkeep of the facility?
- If the County were to have to assume responsibility for the facility would it be vacated?
- If the business pro forma were to prove to be unsustainable, would the County be responsible for restoring the property to its original condition?

Given the inherent risks of the applicant's proposed facility, and the minimal benefit potential to the residents of Marion County, I believe it in the best interest of the County that if such a private business enterprise be allowed, it should be on private property, not Marion County Park and Lake owned property.

Therefore, I urge the Marion County Board of Commissioners to decline this request.

Sincerely,

Michael Smalley

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