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May 4, 2026

Curtis M. Holland
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816-753-1536
cholland@polsinelli.com

Via Email

The Retreat at Foxfield Village Homeowners
Association
11087 Hauser St.
Lenexa, KS 66210
Attn: Chris Gripe and Jackie Gonzalez

Re: NE Corner 119th & Lone Elm Rd. (RZ25-0009)

Dear HOA Members and Representatives:

Polsinelli PC represents Bedford Land Development Company, L.C. (“Owner”) and M3, LLC (“Developer”) regarding the proposed development of a townhome project as depicted on the revised Concept Plan attached as Exhibit A (“Project”), located on approximately 7.8 acres at the northeast corner of 119th Street & Lone Elm Road in Olathe, Johnson County, Kansas (“Property”). This letter is intended to enumerate the terms and conditions discussed at our meeting on March 3, 2026, under which the HOA would agree to fully support the Project. Based upon mutual considerations and discussions among the parties, the agreed terms and conditions are set forth below:

1. Density. Reduce density from 71 townhome units to no more than 64 townhome units.
2. Architectural Design of Townhomes. Design new townhome buildings to be consistent with the exterior architectural elevations of the existing, nearby townhomes in The Retreat at Foxfield Village, subject to current City code design standards.
3. Landscape. Provide landscape buffers along the north and east sides of the Property for visual screening, including berms with mixture of evergreen and deciduous trees, subject to civil engineering design best practices for stormwater drainage and obtaining permission, i.e., easements (upon reasonable terms), necessary from the adjoining property owners for any encroachment of such landscape buffers. The final landscape plan must adhere to the requirements of Section 18.30.130 of the Unified Development Code of the City of Olathe, including maintenance, and must be approved by the City.

Atlanta | Boston | Chicago | Dallas | Denver | Fort Lauderdale | Fort Worth | Houston
Kansas City | Los Angeles | Miami | Nashville | New York | Park City | Philadelphia | Phoenix | Raleigh
Salt Lake City | San Diego | San Francisco | Seattle | St. Louis | Washington, D.C. | Wilmington

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4. Access Drive. Add right-in/right out access drive on Lone Elm at location shown on Concept Plan, subject to City approval.

The attached Concept Plan reflects a Project layout consistent with the terms above but is not intended to act as the final site plan and building plan for the Project. It should be noted that all elements above require additional architectural and engineering review and design by Project consultants and City Staff, as well as the submittal to and approval of final site planning and subdivision documents by the City Planning Commission and City Council. Owner and Developer commit to earnestly attempt to include these elements in these approvals.

Other issues that the parties expressed interest in continuing to discuss include:

- Design of driveway depths to prevent trucks or large vehicles from hanging over the driveway edge and encroaching into the street.
- Allowing the new Project to potentially join the HOA to compensate for using existing amenities of the HOA, under terms agreeable to both parties.

Please let us know if you need any additional information. Thanks for your consideration.

Sincerely

A handwritten signature in blue ink that reads "Curtis M. Holland".

Curtis M. Holland

Cc: Jon Lambert, New Bedford Development, LLC
Aaron Mesmer, M3, LLC

[Signature pages below.]



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IN WITNESS WHEREOF the parties hereto have executed this Letter Agreement as of the last signature date below.

OWNER:

New Beford Land Company, L.C.

By: Jon D. Lambert
Name: Jon Lambert, Manager
Date: 5-5-2026

HOA

The Retreat at Foxfield Village Homeowners Association

By: _____
Name: _____
Date: _____

DEVELOPER:

M3, LLC

By: _____
Name: Aaron Mesmer, Manager
Date: _____



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IN WITNESS WHEREOF the parties hereto have executed this Letter Agreement as of the last signature date below.

OWNER:

New Beford Land Company, L.C.

By: _____
Name: Jon Lambert, Manager
Date: _____


HOA

The Retreat at Foxfield Village Homeowners Association

By: _____
Name: _____
Date: _____

DEVELOPER:

M3, LLC

By:  _____
Name: Aaron Mesmer, Manager
Date: May 5, 2026

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IN WITNESS WHEREOF the parties hereto have executed this Letter Agreement as of the last signature date below.

OWNER:

New Beford Land Company, L.C.

By: _____
Name: Jon Lambert, Manager
Date: _____

DEVELOPER:

M3, LLC

By: _____
Name: Aaron Mesmer, Manager
Date: _____

HOA

The Retreat at Foxfield Village Homeowners Association

By: Thomas R Bart
Name: THOMAS R BART
Date: 5/8/2026 BOD
Land Committee chairman

Exhibit "A"
Concept Plan

