

NSPJ

NEARING STAATS PRELOGAR & JONES AIA CHARTERED
ARCHITECTS

Mr. David Corliss
City Manager
City of Lawrence Kansas
City Hall, PO Box 708
Lawrence, Kansas 66044

May 13, 2008

**Re: The Oread Inn;
Request for a vacation of a portion of the Right-of-way on the East side of
Indiana Street.**

Mr. Corliss,

This letter is to give explanation to the request for vacation of a portion of the City of Lawrence's Right-of-way beginning at the South end of the West property line of the Project and extending to the North end of the West property line. We would like to request moving the West property line, parallel to its existing configuration, exactly three (3)-feet to the West.

This vacation would allow the entire building, as a whole, to shift three (3)-feet to the West.

The reason behind the shift of the building is a result of limited options by which the East edge of the property could be safely shored during excavation and construction of the underground parking structure.

An existing concrete retaining wall on the adjacent property to the East (2'-14' tall, and extending 2/3 of the length of the Oread's East property line) needs to be safely supported at its base during the excavation of the underground parking structure. The adjacent property owner has denied the Oread Developer the use of any standard shoring techniques that would encroach onto his property. Even below grade.

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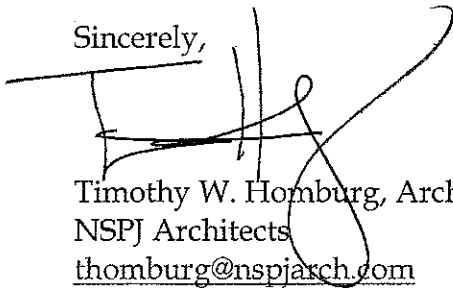
So rather than being able to secure back into the sidewall of the excavation to the East, the Developer is limited to constructing a vertically cantilevered shoring design that is entirely on his property.

The design, done by a Soils Engineer specializing in shoring design, has a minimum required distance from the building to the existing retaining wall. This minimum distance is needed so that the existing retaining wall will not fail and collapse into the excavation, not only risking the safety of the employees of the Developer, but also the safety of the apartment's tenants.

In preliminary discussions with the City Staff, it was agreed on to keep the existing East curb line of Indiana Street as well as the sidewalk in the Right-of-way in it's current location. There would only be a loss of lawn area between the building and the sidewalk. The approved planting proposal along Indiana would not be affected.

I hope this provides you with the necessary information in making this determination. Please do not hesitate to call or E-mail if you have any additional questions.

Sincerely,



Timothy W. Homburg, Architect
NSPJ Architects
thomburg@nspjarch.com

cc. file

Thomas Fritzel
Paul Werner

**Application for the Vacation of
Public Right of Way or Easement
City of Lawrence, Kansas**

Date Application Submitted: May 14, 2008

Procedures for Vacation Application:

1. Complete Vacation Application Form, including legal description.
2. Provide ownership list from Douglas County Clerk's Office for property owners within 200 feet of proposed vacation.
3. For vacation requests that are not initiated by City staff or the City Commission, please provide a check made payable to "City of Lawrence, Kansas" in the amount of \$200.00. This check should accompany the completed application, and is non-refundable. The application fee covers staff work and publication costs for the notices.

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Section 1. Property Owner Information. Provide information on property owner(s) adjoining proposed vacation requesting the vacation:

Name of Property Owner(s): Oread Inn, L.C.
Address of Property Owner: P.O. Box 721
Lawrence, Kansas 66044
Telephone Number: 785-841-6346

If the owner is represented by a third party (engineer, architect, attorney) who will serve as the applicant's representative, provide contact information:

Timothy Homburg, Architect NSPJ Architects 3515 W. 75th Street, Suite 201
Prairie Village, Kansas 66208
Ph. 913-831-1415

Section 2. Background Information.

- A) Describe the proposed vacation. What is proposed to be vacated? (e.g. Right-of-way, utility easement, drainage easement).

See attached letter.

- B) Describe the purpose or reason for seeking the proposed vacation:

See attached letter.

- C) Attach a copy of the plat of record of the property, indicating the location of the proposed vacation.

- D) Attach a copy of the legal description for the portion of the easement or right-of-way which is to be vacated.

Section 3. City Staff Review. The following items will be reviewed by City staff in the Public Works, Utilities and Planning Departments, as applicable.

- A)** Will the proposed vacation impair access to a public street by any adjoining property owners? Yes or No, explain:

No

- B)** Are utilities currently located in the easement or right-of-way?

Water	<u>Yes</u> or No
Sanitary Sewer	Yes or <u>No</u>
Stormsewer	Yes or <u>No</u>
Gas	Yes or <u>No</u>
Electric	Yes or <u>No</u>
Telephone	Yes or <u>No</u>
Cable	Yes or <u>No</u>

- C)** Will the proposed vacation impair the ability of utilities to deliver services to the adjoining property and surrounding area?

No

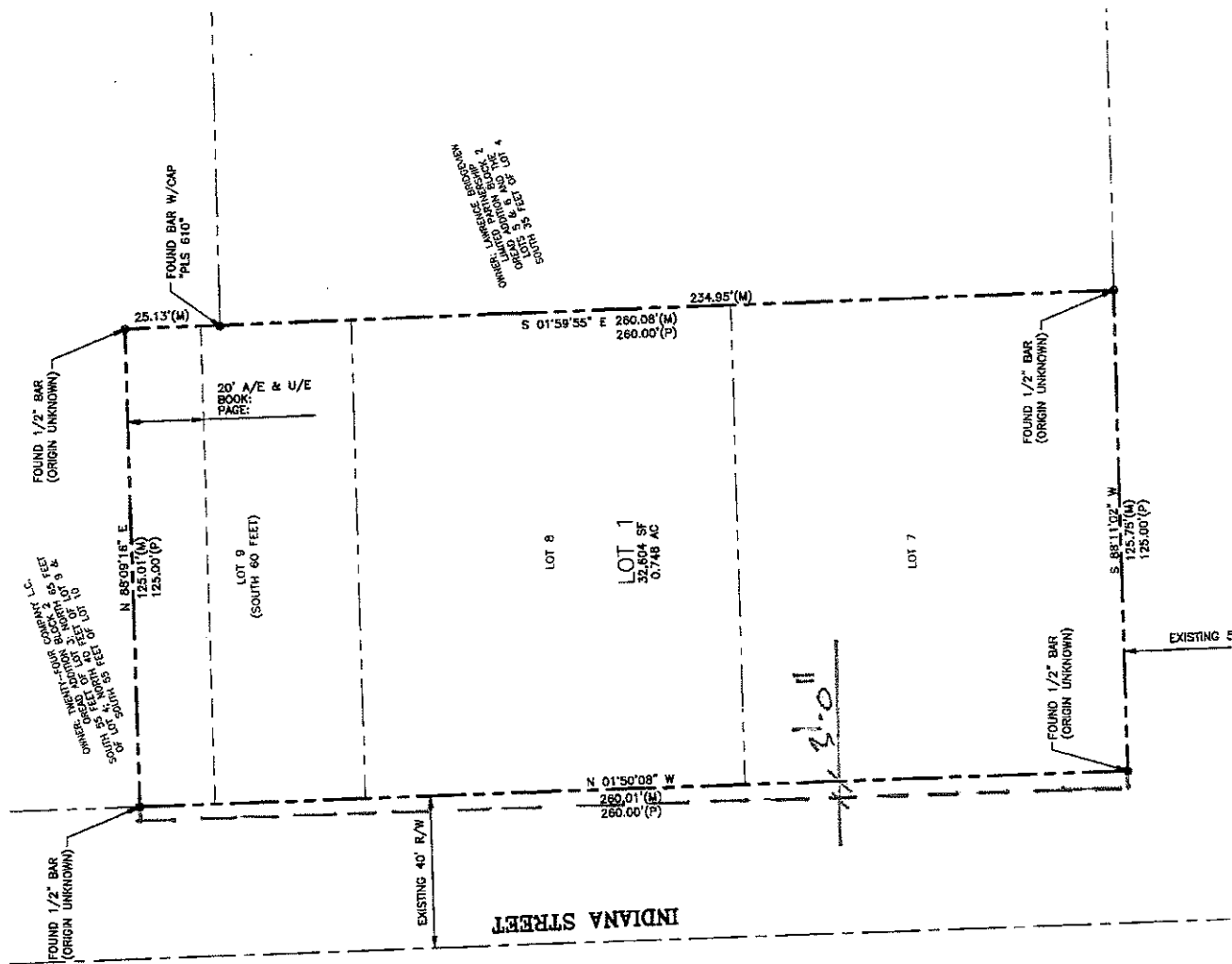
- D)** Should the vacation reserve any City rights?

No

- E)** City staff recommendation for the proposed vacation:

Public Works	_____
Planning	_____
Utilities	_____

Section 4. After City staff approval, the property owner must execute a Petition for Vacation which will be prepared by City staff. Once a petition has been received, notice of the hearing on vacation will be published. The City Commission will consider the proposed vacation at the hearing, and if appropriate, authorize the Mayor to execute the Order of Vacation which vacates the easement or right-of-way.



A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DODD COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

LOTS 7, 8, AND THE SOUTH 60 FEET OF LOT 9 IN AREA ADJACENT TO THE CITY OF LAWRENCE, DODD COUNTY, KANSAS.

[Signature]
THOMAS BRIDGES, PRESIDENT

STATE OF KANSAS
COUNTY OF DOUGLAS

NOVARTY PUBLIC _____ **MY COMMISSION EXPIRES**

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

COUNTY SHERIFF
MICHAEL KELLY, P.E. /SAB

STATE OF KANSAS
COUNTY OF DOUGLAS

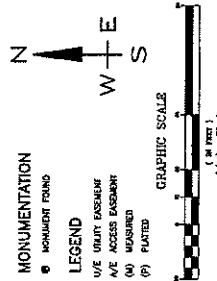
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE
OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS _____ DAY OF
_____, 2008 AND IS ONLY RECORDED AT _____ PLAT BOOK _____ PAGE _____

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DUEST SUPERVISION IN SEPTEMBER 2007 AND THAT THE PLAT IS A CLOSED INTEREST. THE SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS.



A BEARING OF N 88°11'02" E WAS ASSUMED ALONG THE SOUTH LINE OF LOT 7,

EXISTING SANITARY SEWER CASQUEMENT VACATED BOOK 1026 PAGE 4360



A REPLAT OF LOTS 7, 8, AND PART OF LOT 9 IN BLOCK 2 OF OREAD ADDITION,
IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS
SE 1/4, SEC. 36-T12S-R19E