

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

Date Application Submitted: Aug 15th 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.

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

Developer: Chris Russ Owner: Jack Bigler
Name of Property Owner(s): Campus Crest Ellison KU, LTD
Address of Property Owner: 2100 Rexford Road 70 N.E. Loop 410
Suite 414 Suite 545
Telephone Number: Charlotte, NC 28211 San Antonio, Texas 78216
(704) 496-2528

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

Aaron Gasper, Peridian Group, Inc.
265 N. Stone Creek Drive, Gardner, KS 66030
913-856-7899

Section 2. Background Information.

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

An unused utility easement located in Lot 1, Block 1, Legends Addition No. 1

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

The easement is unused and Lot 1 has been revised, making this utility easement not able to properly service Lot 1. The revised Final Development Plan meet the previous FDP density.

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 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.

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:

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

Water	Yes or <u>No</u>
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	_____

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Exhibit "A"

08051
July 8, 2008

Utility Easement Vacation

Description:

A 10.00 FEET WIDE STRIP OF LAND LYING LOT 1, BLOCK 1, LEGENDS ADDITION NO. 1, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 88°26'38" WEST, ALONG THE SOUTH LINE OF LOT 1, 10.00 FEET; THENCE NORTH 01°42'50" WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 1, 67.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°26'38" WEST, 5.00 FEET ON EACH SIDE OF THE DESCRIBED CENTERLINE AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, 230.49 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'; THENCE CONTINUE SOUTH 88°26'38" WEST, 637.43 FEET; THENCE NORTH 01°33'59" WEST, PARALLEL WITH THE WEST LINE OF SAID LOT 1, 298.13 FEET; THENCE NORTH 88°26'01" EAST, 318.97 FEET TO THE POINT OF TERMINUS OF SAID 10.00 FEET WIDE STRIP;

AND:

BEGINNING AT AFOREMENTIONED POINT 'A'; THENCE NORTH 07°13'21" WEST, 5.00 FEET ON EACH SIDE OF THIS DESCRIBED CENTERLINE, 206.61 FEET TO THE POINT OF TERMINUS OF SAID 10.00 FEET WIDE STRIP. LESS EXISTING PLATTED UTILITY EASEMENTS, THESE STRIPS CONTAIN 16,866 SQUARE FEET OF 0.387 ACRES, MORE OR LESS.

I, DENNIS E. BOLTZ, DO HEREBY CERTIFY THAT THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

Dennis E. Boltz, L.S.,
Kansas License No. 1158
Peridian Group, Inc.
265 N. Stone Creek Drive
Gardner, Kansas 66030
913-856-7899

