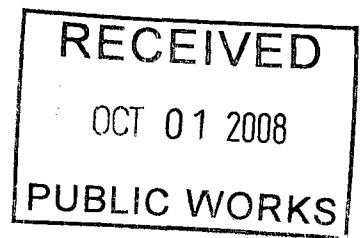


**Application for the Vacation of
Public Right of Way or Easement
City of Lawrence, Kansas**



Date Application Submitted: 9/29/08

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): McDonald's Corporation
Address of Property Owner: 10801 Mastin Blvd. Suite 400
Overland Park, KS 66210
Telephone Number: 913-217-3847

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

Rick Dayton
Ozark Civil Engineering
1008 NW J Street, Suite C
Bentonville, Arkansas 72712

Section 2. Background Information.

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

A portion of a utility easement granted in Book 256, Page 352

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

Portion of easement to be vacated is not in use by any utility and new construction is proposed over existing easement.

- 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, because this is a utility easement and no access is associated with it.

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

Water	No
Sanitary Sewer	No
Stormsewer	No
Gas	No
Electric	No
Telephone	No
Cable	No

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

No because no utilities are presently using this portion of the easement

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.

Existing utility easement as described in Book 256 at Page 352:

A. The south 7.5 feet of the following described tract: Lot 5, Haddock Addition less the south 45 feet thereof and the west 16 feet thereof.

B. The south 7.5 feet and the west 7.5 feet of the following described tract: The west 16 feet of Lot 5, less the south 45 feet thereof; Lot 4 less the south 45 feet thereof; and the east 8 feet of Lot 3, less the south 45 feet thereof, all in Haddock Addition.

C. The south 7.5 feet and the east 7.5 feet of the following described tract: Lots 1 and 2; Lot 3 less the east 8 feet thereof; the north 85 feet of Lots 9 and 10; the north 85 feet less the east 8 feet of Lot 8, all in Haddock Addition.

D. The north 7.5 feet and the west 7.5 feet of the following described tract: Lots 6 and 7; the east 8 feet of Lot 8; the south 45 feet of the east 8 feet of Lot 3; the south 45 feet of Lots 4 and 5, all in Haddock Addition.

E. The north 7.5 feet and the east 7.5 feet of the following described tract: Lots 9 and 10, less the north 85 feet thereof; Lot 8 less the east 8 feet thereof and less the north 85 feet thereof, all in Haddock Addition.

The part of existing utility easement requested to be vacated:

The west 108.45 feet of the south 7.5 feet of Tract B as described in Book 256 at Page 352;

AND

The west 108.45 feet of the north 7.5 feet of Tract D as described in Book 256 at Page 352;

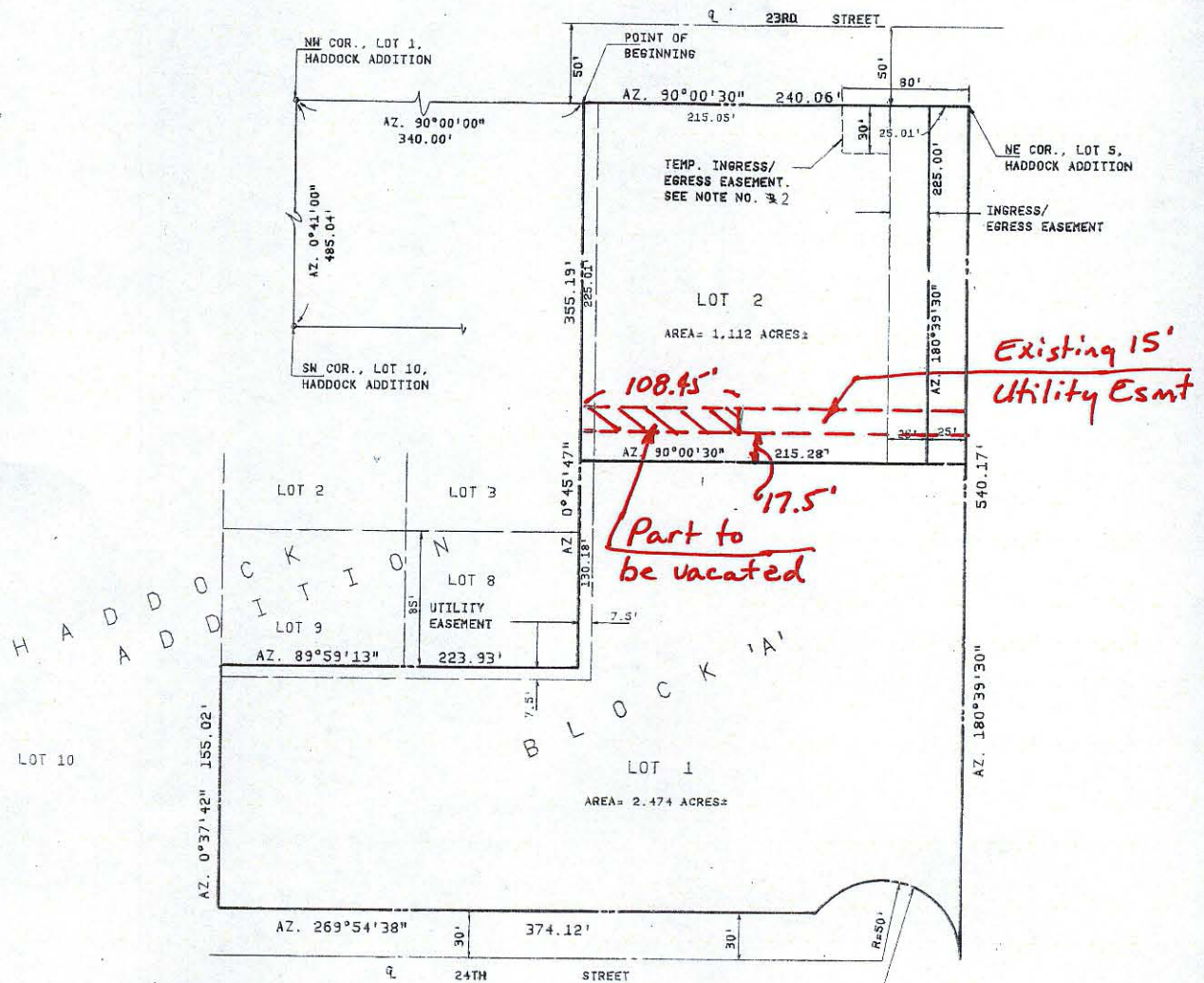
ALSO DESCRIBED AS:

The west 108.45 feet of the north 15 feet of the south 32.5 feet of Lot 2, McDonald's Subdivision as recorded in Book P-15 at Page 329.

A FINAL PLAT FOR:

MCDONALDS SUBDIVISION

A PARTIAL REPLAT OF HADDOCK ADDITION, CITY OF LAWRENCE,
DOUGLAS COUNTY, KANSAS.



NOTES:

- 1) REGARDING USE EASEMENT GRANTOR AND GRANTEE ACKNOWLEDGE THAT GRANTEE CANNOT CONSTRUCT OR ALTER ANY IMPROVEMENTS ON THE PARCEL WITHOUT PRIOR WRITTEN CONSENT OF GRANTOR. GRANTOR WILL RETAIN AN EASEMENT OVER THE PARCEL FOR INGRESS/EGRESS, PARKING, UTILITIES, SURFACE DRAINAGE AND FOR ANY OTHER PURPOSE GRANTOR DEEMS NECESSARY. GRANTOR RESERVES THE RIGHT TO INCORPORATE THE ABOVE INFORMATION IN A RECORDABLE DOCUMENT SATISFACTORY TO GRANTOR.

CURVE DATA:

L = 124.90'
R = 50.00'
 $\Delta = 143^{\circ}07'49''$

- 2) TEMPORARY INGRESS/EGRESS EASEMENT TO BE NULL AND VOID AT SUCH TIME THAT DRIVE ENTRANCES ON 23RD STREET ARE RELOCATED.