

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

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Date Application Submitted: December 30, 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): Tenants to Homeowners Inc.

Address of Property Owner: 2518 Ridge Ct., Suite 209
Lawrence, Kansas 66046

Telephone Number: 785 842-5494

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

J. Dean Grob
Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049

Section 2. Background Information.

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

The two proposed vacations are the 10-foot wide utility easement along the northern property boundary and the southern 10 feet of the 12th Street right-of-way.

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

The existing 100' right-of-way is excessive for a local road. The existing U/E serves no purpose. In the original development plan, sanitary sewer was to be constructed in the 10' easement along the northern property boundary. Under the revised development plan, sanitary sewer will be constructed in the widened easement along the southern property boundary. As such, the building envelopes should be located farther north, which would only be possible with the proposed vacations, due to setback requirements.

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- 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:

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

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

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

D) Should the vacation reserve any City rights?

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.

Legal Description of Property

LOT 1, BLOCK 1, DELAWARE COMMONS ADDITION II, PLUS 10 FEET OF VACATED 12TH STREET RIGHT OF WAY, ALL CONTAINING 0.534 ACRES MORE OR LESS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" BAR WITH CAP "APS 1391" IN THE NORTHEAST CORNER OF SAID LOT 1; THENCE S01°44'39"E ALONG THE EAST LINE OF SAID LOT 1, 124.00 FEET TO A 1/2" BAR WITH CAP "APS 1391" IN THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S88°10'38"W ALONG THE SOUTH LINE OF SAID LOT 1, 53.00 FEET TO A 1/2" BAR WITH CAP "APS 1391"; THENCE N01°44'25"W 24.00 FEET TO A 1/2" BAR WITH CAP "APS 1391"; THENCE S88°10'38"W 146.89 FEET TO A 1/2" BAR WITH CAP "APS 1391"; THENCE N01°44'30"W ALONG THE WEST LINE OF SAID LOT 1, 100.00 FEET TO A 1/2" BAR AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE N01°44'30"W 10.00 FEET; THENCE N88°10'38"E 199.89 FEET; THENCE S01°44'39"E 10.00 FEET TO THE POINT OF BEGINNING.

Legal Description of Easement to be Vacated

THE EASTERN 149.89 FEET OF THE WESTERN 164.89 FEET OF THE NORTHERN 10.00 FEET OF LOT 1, BLOCK 1, DELAWARE COMMONS ADDITION II, CONTAINING 0.034 ACRES MORE OR LESS.

Legal Description of Right-of-Way to be Vacated

THE SOUTHERN 10 FEET OF THE PORTION OF DELAWARE STREET RIGHT-OF-WAY DIRECTLY ADJACENT TO THE NORTHERN PROPERTY BOUNDARY OF LOT 1, BLOCK 1, DELAWARE COMMONS ADDITION II, CONTAINING 0.046 ACRES MORE OR LESS.