

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

Date Application Submitted: _____

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):	<u>Pamela Mayfield</u>
Address of Property Owner:	<u>403 Pasadena</u>
	<u>Lawrence, KS 66049</u>
Telephone Number:	<u>785-865-9777</u>

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

Bradley R. Finkeldei, Stevens & Brand, LLP, 785-843-0811

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 Petition

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

See attached Petition

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

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

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.

STEVENS & BRAND L.L.P.

11/30/07
Mayfield

WEBSTER L. GOLDEN
PETER K. CURRAN
WINTON A. WINTER, JR.
EVAN H. ICE
SHERRI E. LOVELAND
MOLLY M. WOOD
CHRISTOPHER F. BURGER*
WESLEY F. SMITH
BRADLEY R. FINKELDEI
MATTHEW H. HOY*

Attorneys at Law
US Bank Tower
900 Massachusetts, Suite 500
Post Office Box 189
Lawrence, Kansas 66044-0189
Telephone: (785) 843-0811
Fax: (785) 843-0341

LESLIE M. MILLER
SHANNON C. OURY*
EMILY A. DONALDSON
REBECCA J. WEMPE
PATRICIA E. HAMILTON*
JOHN T. BULLOCK*
BENJAMIN M. WELLS

*admitted in Kansas and Missouri
*admitted in Kansas and Colorado
*admitted in Kansas, Missouri and California

November 30, 2009

RICHARD B. STEVENS
1899-1991
JOHN W. BRAND
1907-1971
JOHN W. BRAND, JR.
Retired

Office of City Clerk
City Hall
6 E. 6th St.
Lawrence, KS 66044

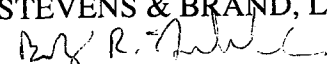
Re: Petition to Vacate Easements

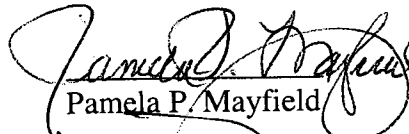

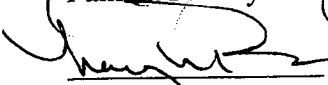
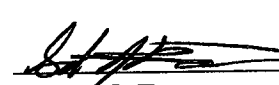
Dear Mr. Douglass:

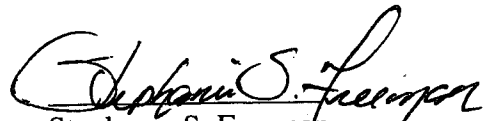
Pursuant to K.S.A. 12-504, Pamela P. Mayfield, Mike Polk and Nancy L. Borer, and Steven J. Freeman and Stephanie S. Freeman ("Petitioners") hereby petition the Lawrence City Commission to vacate the two easements attached as Exhibit "A" to this letter and replace the same with the easement attached as Exhibit "B", or a similar replacement easement as determined appropriate by the City.

Petitioners represent all of the owners of the property which is adjacent to the easements which they seek to have vacated (see easement map attached as Exhibit "C"). The current easements allow for full vehicular access through what can be best described as a "driveway" which leads to significant safety and security issues for the Petitioners and those traversing said easements (see photograph attached as Exhibit "D"). Petitioners do not believe that the vacation of these easements will endanger any private rights nor will the general public suffer any loss (based upon a traffic count performed by public works).

Thank you in advance for your consideration of this request.

Sincerely
STEVENS & BRAND, LLP

Bradley R. Finkeldei
bradfink@stevensbrand.com


Pamela P. Mayfield

Mike Polk

Nancy L. Borer

Steven J. Freeman


Stephanie S. Freeman

cc: Chuck Soules

Lawrence
900 Massachusetts, Ste 500

WWW.STEVENSBRAND.COM

Topeka
515 South Kansas Avenue, Ste 200

201717

PEDESTRIAN, ACCESS AND UTILITY EASEMENT

THE UNDERSIGNED, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby grant, sell, convey, and deliver unto the city of Lawrence, Kansas, a municipal corporation, a permanent and perpetual thirty (30) foot pedestrian, access and utility easement over, under, and across the following described tract of real estate situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A 30-FOOT WIDE STRIP OF LAND IN LOTS 7 AND 8, BLOCK ONE, IN BRIARWOOD ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

THE 30' ACCESS AND UTILITY EASEMENT IN SAID LOTS 7 AND 8 AS SHOWN ON THE RECORDED PLAT OF BRIARWOOD ADDITION RECORDED IN P15 PAGE 793 IN THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE, THE NORTH LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST LINE OF SAID LOT 7 A DISTANCE OF 98.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 7; THENCE SOUTH 89°59'23" EAST ALONG THE NORTH LINE OF THE EXISTING ACCESS AND UTILITY EASEMENT, 49.33 FEET; THENCE SOUTH 74°57'41" EAST, 108.83 FEET; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID LOT 8 A DISTANCE OF 18.32 FEET EAST OF THE WEST LINE IF PASADENA DRIVE.

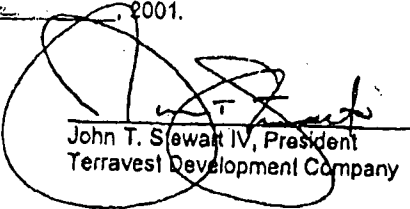
Grantee, the Public and all other public utility companies shall have the right of ingress and egress upon the above-described easement for the purpose of pedestrian access, transportation, installing, maintaining, repairing, or replacing sidewalk and public utilities, and otherwise make all uses of said easement and do all things necessary or proper for the use of said easement for public utilities, and pedestrian and vehicle traffic.

Grantor shall do or cause nothing to be done to interfere with the Grantee's right of use of said easement for the purposes herein states.

THE UNDERSIGNED FURTHER WARRANTS that they have good and lawful right to convey said easement, and will forever warrant and defend the title thereto.

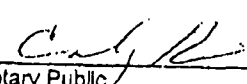
THIS AGREEMENT is and shall be binding and obligatory upon the heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

DATED this 5th day of June, 2001.

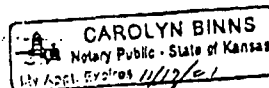
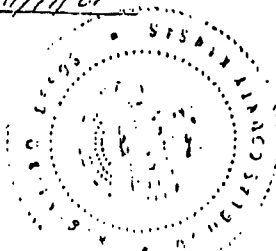

John T. Stewart IV, President
Terravest Development Company

STATE OF KANSAS)
COUNTY OF DOUGLAS) SS:

The following instrument was acknowledged before me this 5th day of June, 2001, by John T. Stewart IV,
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.


Notary Public

My appointment expires: 11/17/01



Mail
→ Peridian Group
500 Rockledge Rd
Lawrence, KS 66044
(na)

015-793
Index ✓ Numerical Index
No. 201717 Book 716 Page 244
State of Kansas, Douglas County, SS.
Recorded in Book 716 Page(s): 244 - 244
Filed Jun 6, 2001 3:12 PM Fees \$6.00
Printed on Recd

EASEMENT

THE UNDERSIGNED, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grant, sell, convey and deliver unto the City of Lawrence, Kansas, a municipal corporation, a permanent easement for access and utilities over, under, and across the following described property situated in Douglas County, to wit:

A PORTION OF LOT 7, BLOCK ONE, BRIARWOOD ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE, 37.89 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 00°00'21" EAST, ALONG SAID WEST LINE, 28.00 FEET; THENCE SOUTH 89°59'23" EAST, 45.37 FEET; THENCE SOUTH 74°57'41" EAST, 43.50 FEET; THENCE NORTH 89°59'23" WEST, 22.00 FEET; THENCE SOUTH 71°59'03" WEST, 54.03 FEET; THENCE NORTH 89°59'23" WEST, 14.00 FEET TO THE POINT OF BEGINNING.

THE UNDERSIGNED FURTHER WARRANT that they have good and lawful right to convey said easement, and will forever warrant and defend the title thereto.

DATED this 24th day of April, 2007

Mike Polk
MP Builders, LC
Mike Polk, President

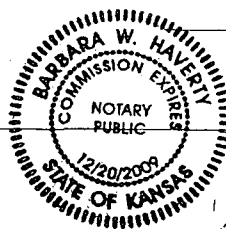
STATE OF KANSAS)
)
COUNTY OF DOUGLAS)

BE IT REMEMBERED, that on this 24th day of April, 2007, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Mike Polk, President of MP Builders, LC, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above mentioned.

Barbara W. Haverly
Notary Public

My Appointment Expires:



Douglas County Register of Deeds
Book: 1021 Page: 2890

Receipt #: 373597
Pages Recorded: 1
Cashier Initials: rec

Authorized By: Ray Pearson
Recording Fee: \$8.00

Date Recorded: 4/25/2007 2:20:25 PM



mail. Lenzplan

BOOK 1021 PAGE 2890

PEDESTRIAN, UTILITY AND EMERGENCY ACCESS EASEMENT

The Undersigned, Pamela P. Mayfield, Mike Polk and Nancy L. Borer, and Steven J. Freeman and Stephanie S. Freeman ("**Grantors**"), for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby grant, sell, convey, and deliver (1) unto the City of Lawrence, a municipal corporation, a permanent easement for foot pedestrian, utility and emergency vehicle access over, under and across the following described property situated in Douglas County, Kansas and (2) unto each other a permanent easement for private driveway access over the following described property situated in Douglas County, Kansas, to wit:

Tract 1: A 30-foot wide strip of land in Lots 7 and 8, Block One, in Briarwood Addition to the City of Lawrence, Douglas County, Kansas described as follows:

The 30' Access and Utility Easement in said Lots 7 and 8 as shown on the recorded plat of Briarwood Addition recorded in P15 page 793 in the Douglas County Register of Deeds Office, the North line of which is described as follows:

Beginning at the West line of said Lot 7 a distance of 98.00 feet South of the Northwest corner of said Lot 7; thence south 89°59'23" East along the North line of the described Access and Utility Easement, 49.33 feet; thence South 74°57'41" East, 108.83 feet; thence Southeasterly to a point on the South line of said Lot 8 a distance of 18.32 feet East of the West line of Pasadena Drive.

Tract 2: A portion of Lot 7, Block One, Briarwood Addition, A subdivision in the City of Lawrence, Douglas County, Kansas, described as follows:

Beginning at a point on the West line, 37.89 feet North of the Southwest corner of said Lot 7; thence North 00°00'21" East, along said West line, 28.00 feet; thence South 89°59'23" East, 45.37 feet; thence South 74°57'41" East, 43.50 feet; thence North 89°59'23" West, 22.00 feet; thence South 71°59'03" West, 54.03 feet; thence North 89°59'23" West, 14.00 feet to the point of beginning.

The City of Lawrence, the public and all other public utility companies shall have the right of ingress and egress upon the above described property for the purpose of pedestrian access; installing, maintaining, repairing, or replacing sidewalk and public utilities; emergency vehicle access; and otherwise make all uses of said easement and do all things necessary and proper for the use of said easement for public utilities, pedestrian access, and emergency vehicle access.

Grantors shall do or cause nothing to be done to interfere with the Grantee's rights of use of said easement for the purposes herein stated.

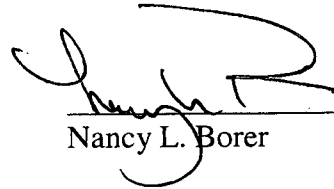
The Undersigned further warrant that they have good and lawful right to convey said easement, and will forever warrant and defend the title thereto.

This Easement runs with the land and is and shall be binding and obligatory upon the heirs, administrators, executors, personal representatives, successors, and assigns of the parties hereto.

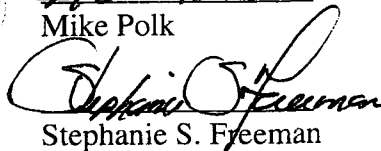
Date this 24 day of NOVEMBER, 2009


Pamela P. Mayfield


Mike Polk

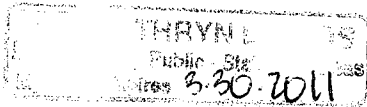

Nancy L. Borer

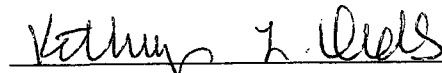

Steven J. Freeman


Stephanie S. Freeman

STATE OF KANSAS)
)
) ss:
COUNTY OF DOUGLAS)

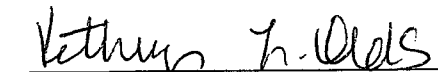
This foregoing instrument was acknowledged before me this 24 day of November, 2009 by Pamela P. Mayfield.



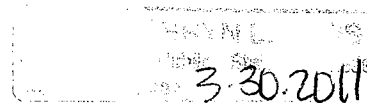

Notary Public
My Appointment Expires: 3-30-2011

STATE OF KANSAS)
)
) ss:
COUNTY OF DOUGLAS)

This foregoing instrument was acknowledged before me this 24 day of November, 2009, by Mike Polk


Notary Public
My Appointment Expires: 3-30-2011

STATE OF KANSAS)
)
) ss:
COUNTY OF DOUGLAS)



This foregoing instrument was acknowledged before me this 24 day of day of November, 2009, by Nancy L. Borer.

Vethung L. Olds
Notary Public
My Appointment Expires: 3.30.2011

STATE OF KANSAS)
)
COUNTY OF DOUGLAS) ss:

This foregoing instrument was acknowledged before me this 24 day of day of November, 2009, by Steven J. Freeman.

Vethung L. Olds
Notary Public
My Appointment Expires: 3.30.2011

STATE OF KANSAS)
)
COUNTY OF DOUGLAS) ss:

This foregoing instrument was acknowledged before me this 24 day of day of November, 2009, by Stephanie S. Freeman.

Vethung L. Olds
Notary Public
My Appointment Expires: 3.30.2011



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