

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

Date Application Submitted: [March 30, 2011](#)

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
785 856-1900](#)

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 proposed vacation is a 10-foot wide utility easement in the western portion of Lot 1.](#)

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

[The 10' U/E was originally included on the plat to provide Westar a means of servicing a street light. Westar no longer wants to service the street light by this easement and will be serviced by other easement. The revised development plan proposes to have a building where the existing U/E resides so it must be vacated.](#)

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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?

No, explain: It is only an unoccupied utility easement.

- 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; there are existing U/E along the perimeter and within the platted lot.

- 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.

Legal Description of Property

LOT 1, PRAIRIE WIND ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINING 3.04 ACRES MORE OR LESS.

Legal Description of Easement to be Vacated

THAT PART OF LOT 1, PRAIRIE WIND ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°16'52" EAST ALONG THE SOUTH LINE OF SAID LOT 1, 15.00 FEET; THENCE NORTH 00°00'00" WEST PARALLEL TO THE WEST LINE OF SAID LOT 1, 131.95 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°16'52" EAST, 82.01 FEET; THENCE NORTH 00°00'00" WEST, 10.00 FEET; THENCE SOUTH 89°16'52" WEST, 82.01 FEET; THENCE SOUTH 00°00'00" EAST, 10.00 FEET TO THE POINT OF BEGINNING. THE EASEMENT CONTAINS 0.019 ACRES MORE OR LESS.

ENDORSEMENTS

Approved by
City of Lawrence
Planning Commission
Douglas County, Kansas

Rights-of-Way and Easements
Accepted by
City Commission
Lawrence, Kansas

Grant Eichhorn 1/24/07 *Sue Hack* 10/10/07
Chairperson Date Mayor Date
Grant Eichhorn Sue Hack

Frank S. Reeb 5-28-08 *Michael D. Kelly* March 19, 2008
City Clerk Date Douglas County Surveyor
Frank S. Reeb Michael D. Kelly, P.L.S. #869
Reviewed in accordance with
K.S.A. 58-2005.

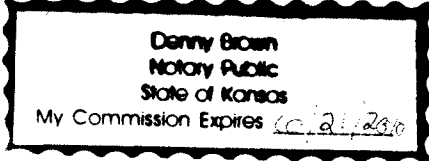
ACKNOWLEDGEMENT

State of Kansas
County of Douglas

Be it remembered that on this 22 day of March
2008, before me, the undersigned, a notary public, in and for said
county and state, came Tim Keller, who is (are) personally
known to me to be the same person(s) who executed the foregoing
instrument of writing and duly acknowledge the execution of the same.

In witness whereof, I have hereunto set my hand and affixed my seal on
the day and year last written above.

Donny Brown 6/21/2010
Notary Public My commission expires



FILING RECORD

State of Kansas
County of Douglas

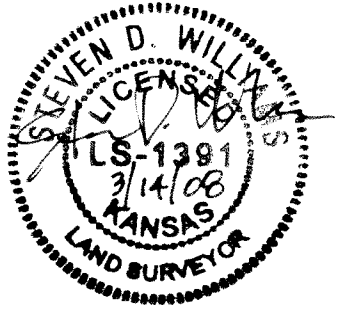
This is to certify that this instrument was filed for record in the office
of the Douglas County Register of Deeds on this 2nd day of
June, 2008, and is duly recorded at 4:36 AM/PM in
plat book 18 page 231.

Kay Pesnell
Register of Deeds
Kay Pesnell

SURVEYOR'S CERTIFICATION

I hereby certify that the platted area shown hereon is the true and
accurate result of a field survey performed under my direct supervision in
July 2006, and that the plat is a closed traverse.

Steven D. Williams
Steven D. Williams, P.L.S. #1391
P.O. Box 4444
Lawrence, KS 66046
(785)832-2121



ENGINEER'S CERTIFICATION

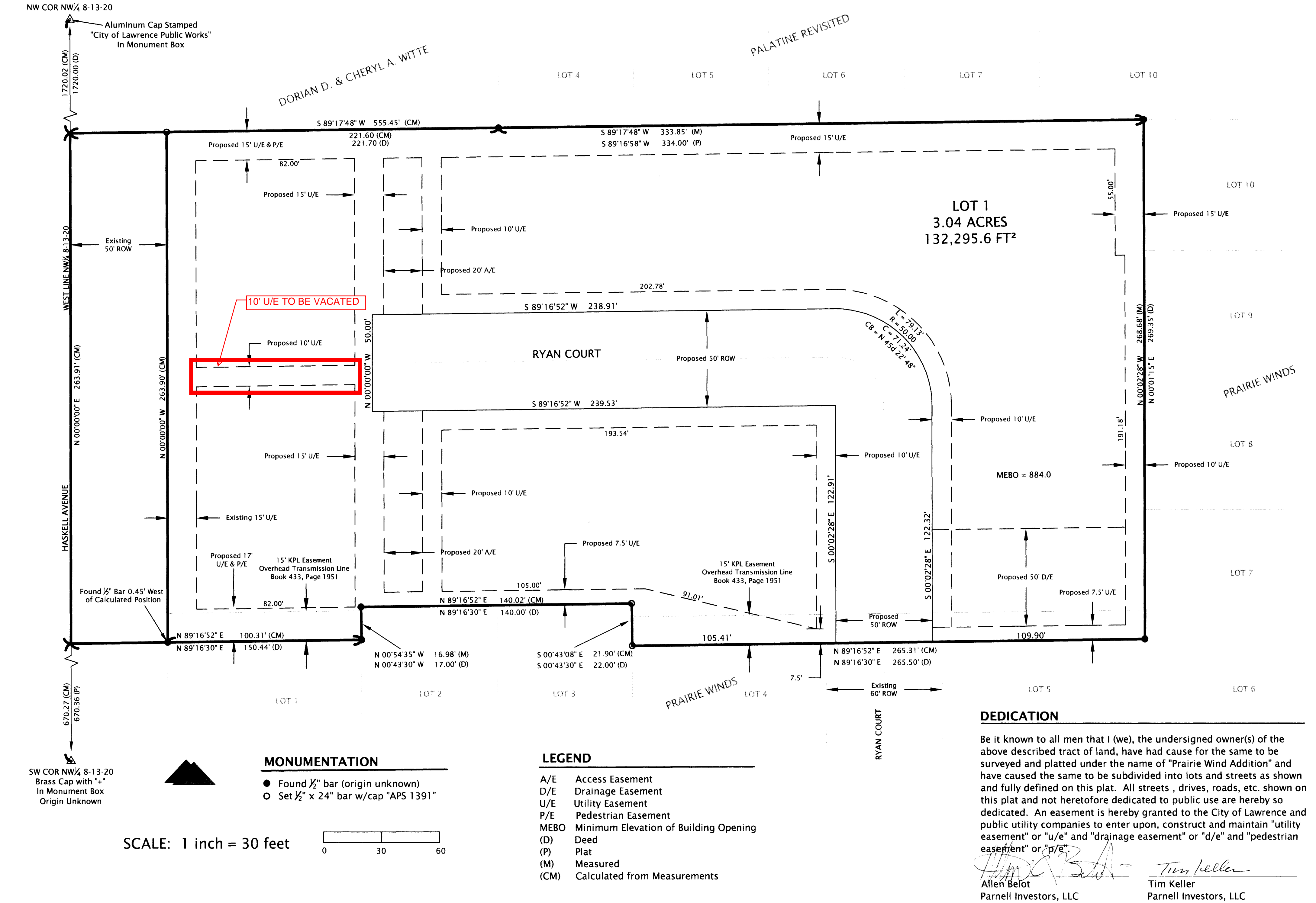
I hereby certify that the information and area map shown hereon are
true and accurate to the best of my knowledge. Plat prepared March,
2008.

John Dean Grob
John Dean Grob
Professional Engineer #12769
P.O. Box 502
Lawrence, KS 66044
(785)856-1900



a final plat of PRAIRIE WIND ADDITION

A Subdivision in the City of Lawrence, Douglas County, Kansas
NW¼ Section 8, Township 13 South, Range 20 East



DEDICATION

Be it known to all men that I (we), the undersigned owner(s) of the
above described tract of land, have had cause for the same to be
surveyed and platted under the name of "Prairie Wind Addition" and
have caused the same to be subdivided into lots and streets as shown
and fully defined on this plat. All streets, drives, roads, etc. shown on
this plat and not heretofore dedicated to public use are hereby so
dedicated. An easement is hereby granted to the City of Lawrence and
public utility companies to enter upon, construct and maintain "utility
easement" or "u/e" and "drainage easement" or "d/e" and "pedestrian
easement" or "p/e".

Allen Belot *Tim Keller*
Allen Belot Tim Keller
Parnell Investors, LLC Parnell Investors, LLC

NOTES

- Basis for bearings for this plat is the West line of the Northwest
Quarter of Section 8, Township 13 South, Range 20 East (N 00° 00'
00" - Assumed).
- Plat is a closed traverse. Error of closure: 0.0011
Course: N 32-43-24 E
Error North: 0.00090 East : 0.00058
Precision 1: 1,438,681.82
- Street trees shall be provided in accordance with the master street
tree plan filed with the register of deeds. Book 1037
Page 2624.
- The City is hereby granted a temporary right of entry to plant the
required street trees pursuant to Chapter 21, Article 7, Section
21-708a of the City Subdivision Regulations.
- Adjacent property owners are required to maintain all drainage
easements not owned by the City. Structures, fences, and cut/fill
operations are prohibited within drainage easements.
- The lot will be pinned prior to recordation of the final plat at the
Register of Deeds Office (per Section 21-302.2).
- An SWP3 plan will be provided and approved prior to construction
activity, including earthwork, removal of existing vegetation and
issuance of building permits.
- The detention area will be privately-owned and maintained. The
developer is responsible for establishing ownership and
maintenance of same via individual owner maintenance.
- Referenced Deeds:
Deed to Thervald Holmes Jr. and Elaine M. Holmes
Book 425, Page 2016.
Deed to Dorian D. and Cheryl A. Witte
Book 553, Page 1896

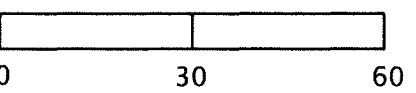
LEGEND

A/E Access Easement
D/E Drainage Easement
U/E Utility Easement
P/E Pedestrian Easement
MEBO Minimum Elevation of Building Opening
(D) Deed
(P) Plat
(M) Measured
(CM) Calculated from Measurements

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 8,
TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL
MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS,
NOW DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE
WEST LINE OF SAID QUARTER SECTION, SAID POINT BEING 1983.93
FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION;
THENCE NORTH 89 DEGREES, 16 MINUTES, 52 SECONDS EAST, 50.00
FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST
ROAD RIGHT-OF-WAY OF HASKELL AVENUE; THENCE NORTH 89
DEGREES, 16 MINUTES, 52 SECONDS EAST, 100.31 FEET TO A 1/2" BAR
FOUND AT THE NORTHEAST CORNER OF LOT 1, BLOCK 4, PRAIRIE
WINDS, AN ADDITION TO SAID CITY OF LAWRENCE; THENCE NORTH 00
DEGREES, 54 MINUTES, 35 SECONDS WEST, 16.98 FEET TO A 1/2" BAR
FOUND AT THE NORTHWEST CORNER OF LOT 2, BLOCK 4 IN SAID
PRAIRIE WINDS; THENCE NORTH 89 DEGREES, 16 MINUTES, 52 SECONDS
EAST, 140.02 FEET TO THE NORTHEAST CORNER OF LOT 3, BLOCK 4 IN
SAID PRAIRIE WINDS; THENCE SOUTH 00 DEGREES, 43 MINUTES, 08
SECONDS EAST, 21.90 FEET TO THE NORTHWEST CORNER OF LOT 4,
BLOCK 4 IN SAID PRAIRIE WINDS; THENCE NORTH 89 DEGREES, 16
MINUTES, 52 SECONDS EAST, 265.31 FEET TO A 1/2" BAR FOUND AT
THE NORTHWEST CORNER OF LOT 6, BLOCK 4 IN SAID PRAIRIE WINDS;
THENCE NORTH 00 DEGREES, 02 MINUTES, 28 SECONDS WEST, 268.68
FEET TO A 1/2" BAR FOUND AT THE NORTHWEST CORNER OF LOT 10,
BLOCK 4 IN SAID PRAIRIE WINDS; THENCE SOUTH 89 DEGREES, 17
MINUTES, 48 SECONDS WEST, 505.45 FEET TO A POINT ON SAID EAST
ROAD RIGHT-OF-WAY OF HASKELL AVENUE; THENCE SOUTH 00
DEGREES, 00 MINUTES, 00 SECONDS WEST ALONG SAID ROAD RIGHT-OF-
WAY, 263.90 FEET TO THE POINT OF BEGINNING.

SCALE: 1 inch = 30 feet



MONUMENTATION

- Found 1/2" bar (origin unknown)
- Set 1/2" x 24" bar w/cap "APS 1391"



PROJECT LOCATION

