

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

RECEIVED

NOV 06 2015

PUBLIC WORKS

Date Application Submitted: 27 Aug 2015

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:

Name of Property Owner(s):

Address of Property Owner:

Telephone Number:

Cornerstone Plaza LLC - Mike & Donna Hultine  
1722 W. 28 ST.  
Lawrence, KS. 66046  
785 423 8123

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

Section 2. Background Information.

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

3.25 ft  
Cornerstone Plaza 2 Lot 1 Block 1 - Vacate ~~2~~ of the  
West edge of the 10' utility easement located on the East side  
of the property.

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

3.25 ft  
I need ~~2~~ of the utility easement for placement of HVAC  
Equipment. The East side of the building is the only  
place to locate said equipment

- 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, The easement is on the east side of the property.*

- 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	<u>Yes</u> or <u>No</u>
Telephone	Yes or <u>No</u>
Cable	<u>Yes</u> 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:

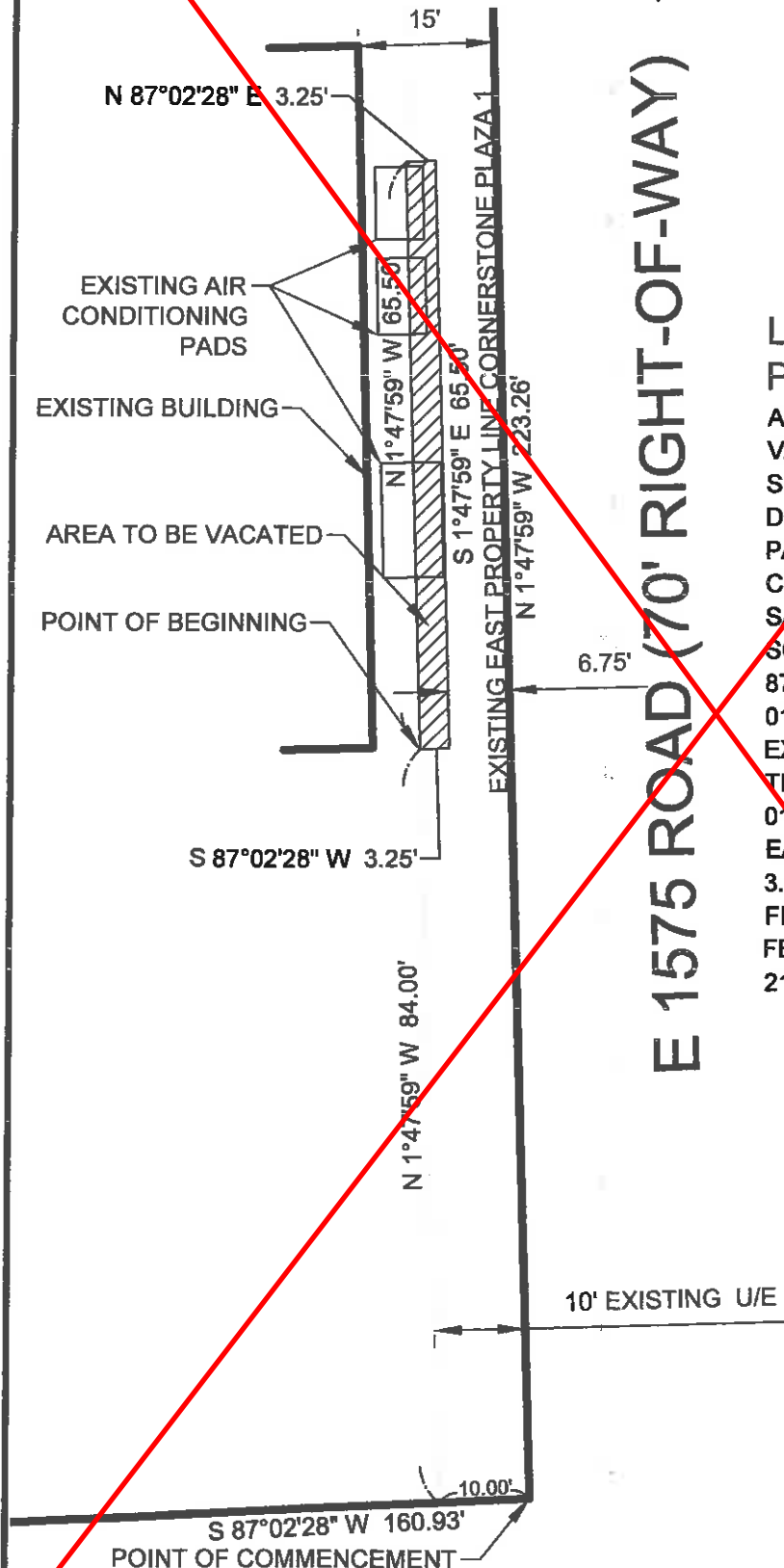
Public Works	_____
Planning	_____
Utilities	_____

**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.**

# PARTIAL EASEMENT VACATION EXHIBIT

LOT 2, CORNERSTONE PLAZA 2  
1918 EAST 23RD STREET  
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

E 1575 ROAD (70' RIGHT-OF-WAY)



## LEGAL DESCRIPTION FOR PARTIAL EASEMENT VACATION:

A PORTION OF AN EXISTING EASEMENT TO BE VACATED IN LOT 1 CORNERSTONE PLAZA 2, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION SOUTH 87°02'28" WEST, 10.00 FEET; THENCE NORTH 01°47'59" WEST 84.00 FEET TO POINT ON THE EXISTING 10' EXISTING UTILITY EASEMENT AND THE POINT OF BEGINNING; THENCE NORTH 01°47'59" WEST 65.50 FEET ALONG SAID EASEMENT; THENCE NORTH 87°02'28" EAST, 3.25 FEET; THENCE SOUTH 01°47'59" EAST 65.50 FEET; THENCE SOUTH 87°02'28" WEST, 3.25 FEET; TO THE POINT OF BEGINNING. CONTAINS 212.8 SQUARE FEET



NORTH  
SCALE: 1" = 5'

Brian O'Keefe PS

115 E 17th Street  
Lawrence, Kansas 66044  
tele (785)979-0168

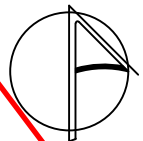
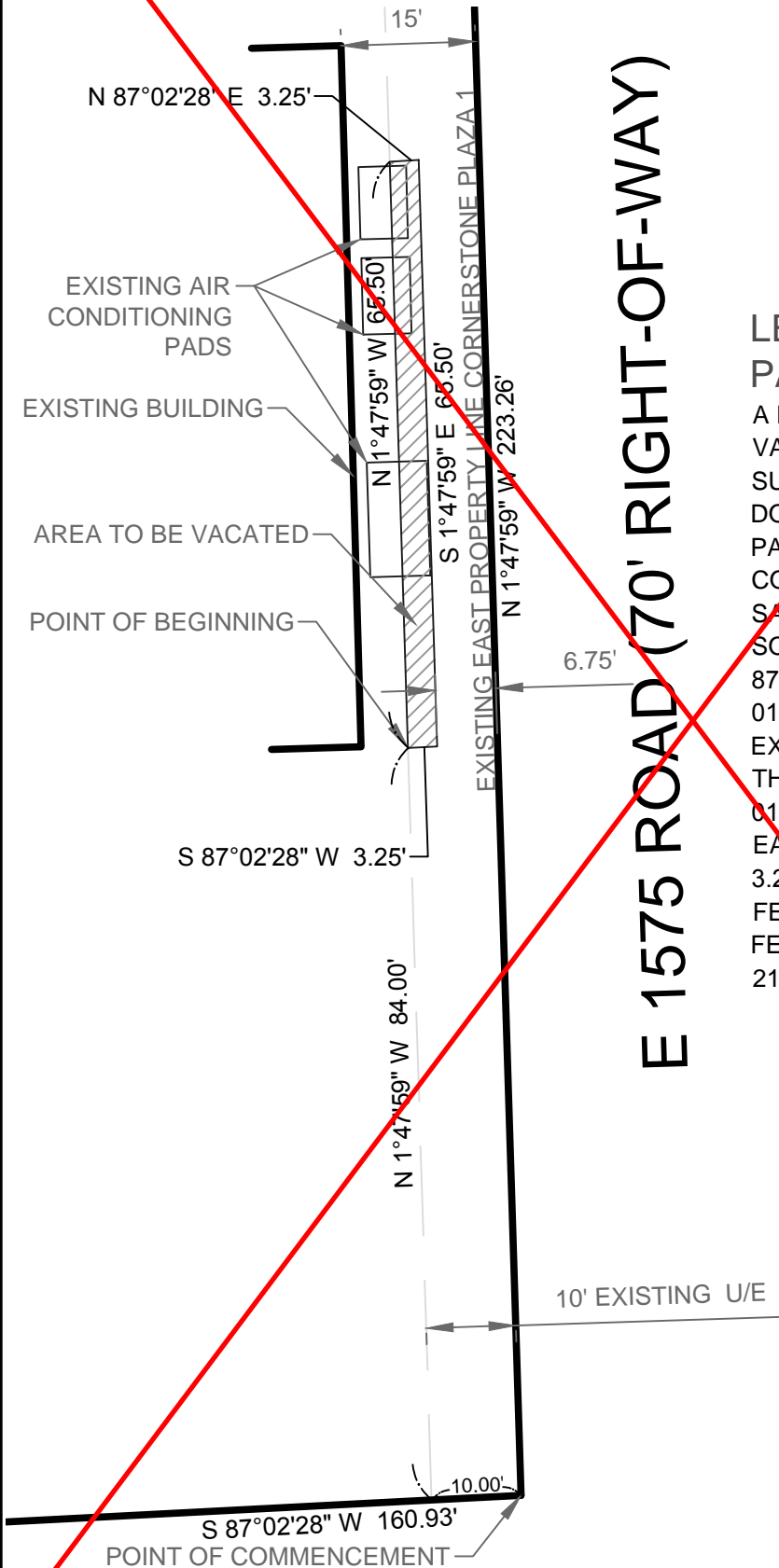
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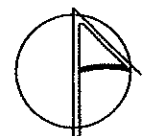
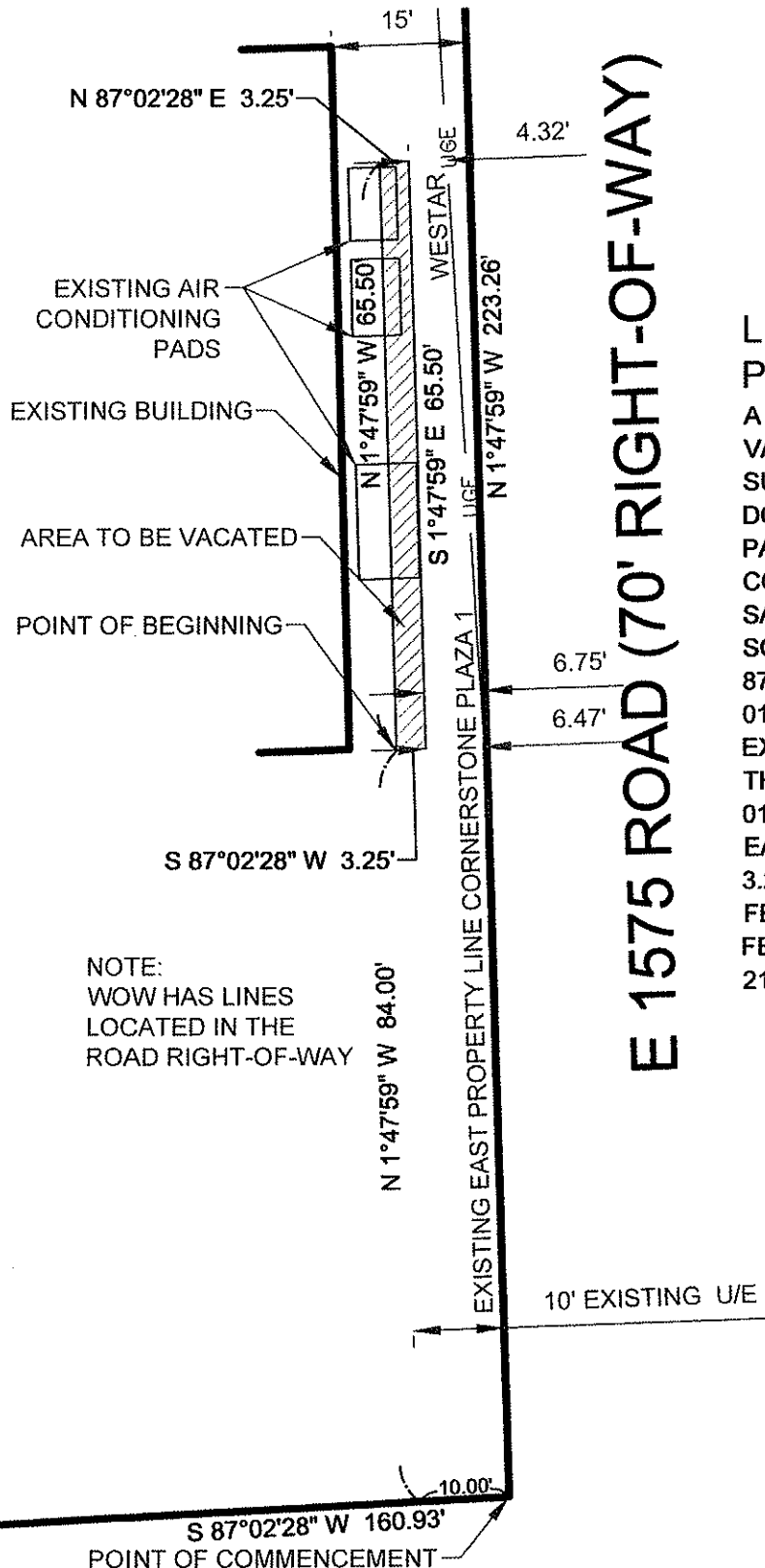
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**JAMIE SHEW**  
**DOUGLAS COUNTY CLERK**  
1100 Massachusetts  
Lawrence, KS 66044

**Marni Penrod-Chief Deputy Clerk**  
**Benjamin Lampe-Deputy Clerk Elections**

August 27, 2015

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 1918 E 23<sup>RD</sup> ST  
(U13249). 08/27/2015. REQUESTED BY MIKE HULTINE OF CORNERSTONE PLAZA,  
LLC.

JOHN R. NICHOLS  
DOUGLAS COUNTY CLERK'S OFFICE  
1100 MASSACHUSETTS ST  
LAWRENCE, KS 66044

785-832-5147

[jnichols@douglas-county.com](mailto:jnichols@douglas-county.com)

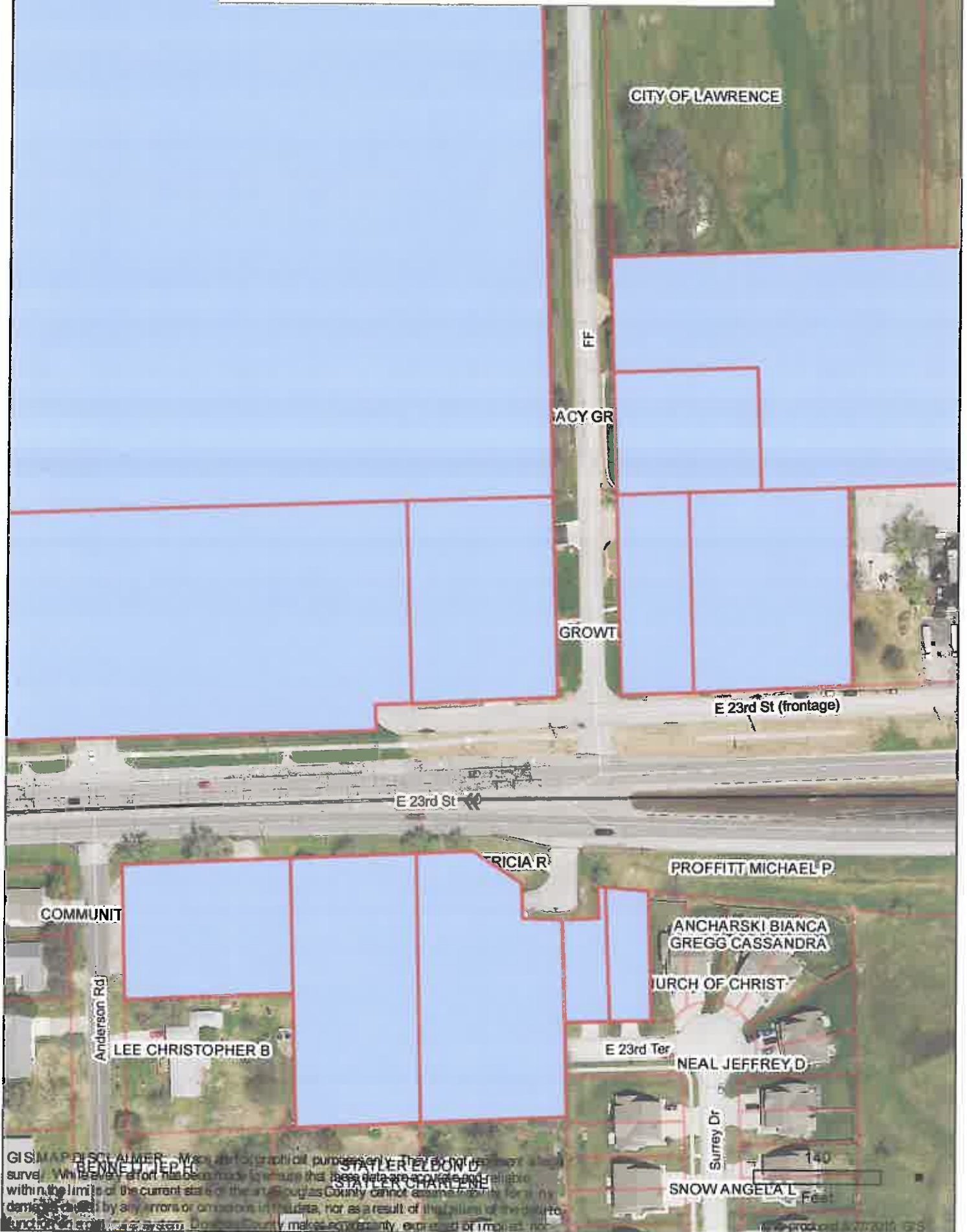
Douglas County Real Estate Division  
County Clerk's Office. I do hereby certify  
the Property Ownership listed hereto, to be  
true and accurate.

A handwritten signature in black ink, appearing to read "John R. Nichols", is written over a horizontal line.

JOINPIN	SYSALACRE	owner1	owner2	owner3	address	city	sta	zip	plate	PID	Quickrefid	situs
103-05-0-40-02-008.00-0	0.49880758	LEGACY GROWTH HOLDING LLC			1800 E LINWOOD BLVD	KANSAS CITY	MI	64109	U13404A03	023-103-05-0-40-02-008.00-0	R329817	2250 STREET FF
103-05-0-40-01-005.00-0	19.02881104	HARPER WOODS LLC			31200 NORTHWESTERN HWY	FARMINGTON HILLS	MI	48334	U131351	023-103-05-0-40-01-005.00-0	R21478	2200 HARPER ST
103-05-0-40-03-002.00-0	0.88699866	SLIMMER PATRICK J	SLIMMER LINDA M		1621 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U133354	023-103-05-0-40-03-002.00-0	R21486	2090 E 23RD ST
103-05-0-40-02-001.01-0	0.41199182	LEGACY GROWTH HOLDING LLC			1800 E LINWOOD BLVD	KANSAS CITY	MI	64109	U13357A	023-103-05-0-40-02-001.01-0	R21483	2004 E 23RD ST
103-05-0-40-01-008.00-0	0.82865442	CORNERSTONE PLAZA LLC			2004 E 23RD ST STE C	LAWRENCE	KS	66046	U13249	023-103-05-0-40-01-008.00-0	R21481	1918 E 23RD ST
103-05-0-40-01-007.01-0	4.85415258	10 MARKETPLACE INVESTORS LLC			700 W 47TH ST STE 200	KANSAS CITY	MI	64112	U13247A	023-103-05-0-40-01-007.01-0	R21480	1800 E 23RD ST
103-08-0-10-01-001.00-0	0.99601931	EAST LAWRENCE CHURCH OF CHRIST			113 PINERIDGE PL	LAWRENCE	KS	66049	U181348A01	023-103-08-0-10-01-001.00-0	R23393	1919 E 23RD ST
103-08-0-10-01-001.01-0	0.95976696	MCKINNEY KAREN S			974 N 1050 RD	LAWRENCE	KS	66047	U18134CA	023-103-08-0-10-01-001.01-0	R23394	1901 E 23RD ST A
103-08-0-10-01-002.00-0	0.63981545	COMMUNITY CHURCH OF GOD THE			2300 ANDERSON RD	LAWRENCE	KS	66046	U18126A	023-103-08-0-10-01-002.00-0	R23395	2300 ANDERSON RD
103-08-0-10-24-021.01-0	0.13598703	JANZEN PATRICIA R			2004 E 23RD TER	LAWRENCE	KS	66046	U18122-021A	023-103-08-0-10-24-021.01-0	R303610	2004 E 23RD TER
103-08-0-10-24-021.00-0	0.15713167	ALBIN TERRY A	ALBIN LAURA E		2006 E 23RD TER	LAWRENCE	KS	66046	U18122-021	023-103-08-0-10-24-021.00-0	R23776	2006 E 23RD TER
103-05-0-40-02-009.00-0	2.50373552	CITY OF LAWRENCE			PO BOX 708	LAWRENCE	KS	66044	U13404A02	023-103-05-0-40-02-009.00-0	R329818	2200 STREET FF



POL WITHIN 200 FT OF 1918 E 23RD ST (U13249)



GIS MAP DISCLAIMER: Map is for informational purposes only. There is no warranty made about the survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, Douglas County cannot assume any liability for damages caused by any errors or omissions in the data, nor as a result of the reliance of third parties on the data. Douglas County makes no warranty, express or implied, nor does the fact of distribution constitute such a warranty.

Map produced 6/27/2013 GIS  
© Douglas County, Kansas 2013



# **SURVEYOR'S CERTIFICATE:**

I, the undersigned, do hereby certify that I am a licensed professional surveyor in the State of Kansas, with experience and proficiency in land surveying; that the heretofore described property was surveyed and subdivided by me, or under my supervision; that all Subdivision Regulations of the City of Lawrence, Douglas County, Kansas have been complied with in the preparation of this plat; and that all of the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief on or before July, 2004.

Given under my hand and seal at Ottawa, Kansas, this 19<sup>th</sup> day of NOVEMBER, A.D. 2004.

Stephen I. Marino II, LS-1380



## **DESCRIPTION:**

A tract of land in the Southwest Quarter of the Southeast Quarter of Section 5, Township 13 South, Range 20 East of the 6th Principal Meridian, Douglas County, Kansas, as recorded in Deed Book: 405 Page: 1982 and being more particularly described as follows: Commencing at a smooth bar at the Southeast Corner of the Southwest Quarter of the Southeast Quarter of Section 5, Township 13 South, Range 20 East of the 6th Principal Meridian, Douglas County, Kansas; THENCE N01°47'59"W for a distance of 108.11 feet to a concrete highway right of way marker at the POINT OF BEGINNING; THENCE N01°47'59"W for a distance of 222.96 feet to a 1/2" rebar at the Southeast Corner of Starr Addition; THENCE S87°54'08"W for a distance of 160.94 feet to a 1/2" rebar at the Northeast Corner of Lot 1, Marketplace Addition; THENCE S01°48'35"E for a distance of 225.38 feet to a 1/2" rebar on the East Line of said Lot 1; THENCE N87°02'28"E for a distance of 160.93 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 36,073.3 square feet or 0.83 more or less, in Douglas County, Kansas.

## **OWNER'S CERTIFICATE:**

State of Kansas  
County of Douglas

This is to certify that the undersigned is the owner of the land described in the plat, and that the owner have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

All streets as shown on this plat are hereby dedicated to the public. An easement or license to the public to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, water, gas and sewer pipes or required drainage channels or structures upon the areas marked for easements on this plat is hereby granted.

Given under my hand at Lawrence, Kansas this 23<sup>rd</sup> day of November, A.D. 2004.

Ken Hayes  
Cornerstone Plaza - Owner  
Ken Hayes

## **NOTARY CERTIFICATE:**

State of Kansas  
County of Douglas

I, Kathleen Smith, a Notary Public in and for said County, in the state aforesaid, do hereby certify that Ken Hayes, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such owner, appeared before me this day in person and acknowledged that he signed and delivered the plat as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 23<sup>rd</sup> day of November, A.D. 2004.

KATHLEEN D. SMITH  
Notary Public - State of Kansas  
My Comm. Expires 5/22/06

Kathleen Smith  
CERTIFICATE OF THE CITY GOVERNING BODY:

State of Kansas  
City of Lawrence

Approved this 7<sup>th</sup> day of September, A.D. 2004.

Mike Rundle  
Mike Rundle - Mayor

## **CERTIFICATE OF THE LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION:**

State of Kansas  
City of Lawrence

Approved this 2<sup>nd</sup> day of August, A.D. 2004.

David Burruss  
David Burruss - Chairperson

## **CERTIFICATE OF FILING:** 309143

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 28<sup>th</sup> day of December, 2004, and is duly recorded at 8:59 AM PM, in Plat Book P-17, Page 808.

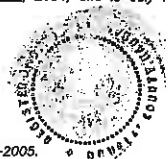
Kay Fesnell  
Kay Fesnell - Register of Deeds

## **COUNTY SURVEYOR CERTIFICATION:**

Reviewed in compliance with K.S.A. 58-2005.

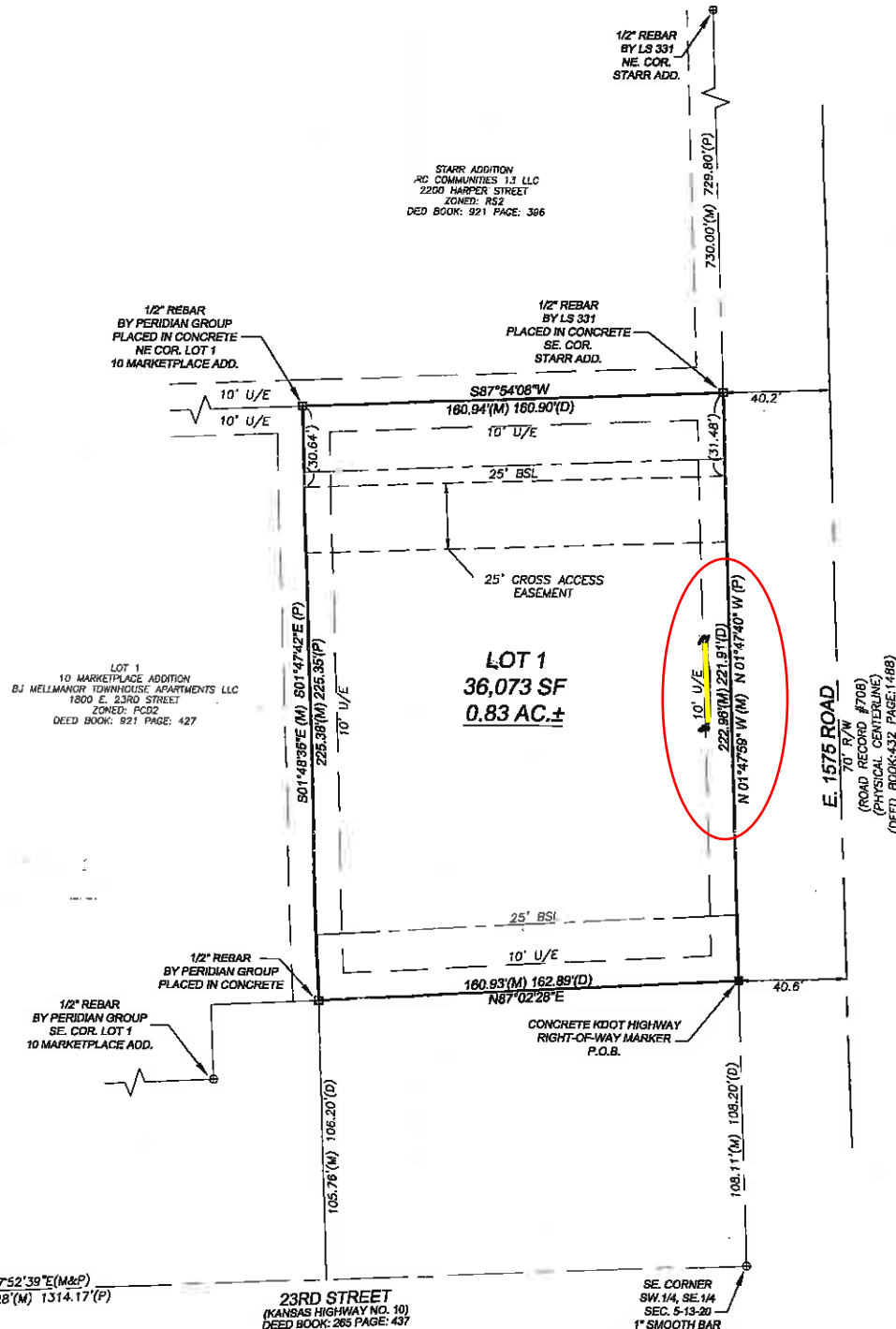
Michael D. Kelly  
Michael D. Kelly, LS-059  
County Surveyor

Date: December 17, 2004



S:\PROJECTS\15889\DWG\15889FP.DWG

# **- FINAL PLAT - OF CORNERSTONE PLAZA 2** IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



## **LEGEND:**

Existing Monuments and Property Corners (as labeled)

(D) Deed (M) Measured or Calculated (P) Plat

P.O.C. - Point of Commencement

P.O.B. - Point of Beginning

U/E - Utility Easement

BSL - Building Setback Line

## **REFERENCE SURVEYS:**

10 Marketplace Addition  
Plat Book: 17 Page: 52  
Filed at the Register of Deeds Office

Starr Addition  
Plat Book: 8 Page: 20  
Filed at the Register of Deeds Office

Survey by L.D. Rice, County Surveyor  
#1941 and #2166  
Filed at the County Engineers Office

Survey by C.E. Redmond, County Surveyor  
#1255 and #2571  
Filed at the County Engineers Office

## **GENERAL NOTES:**

There are no fences, gaps, overlaps, or known discrepancies between ownership or possession, unless shown.

This survey does not certify ownership.

All distances shown are measured unless otherwise noted.

This property is not located within the 100 year flood plain according to flood insurance rate map, community panel number 20045c0039 c, effective date November 7, 2001.

All monuments will be set prior to filing of plat.

## **BASIS OF BEARING:**

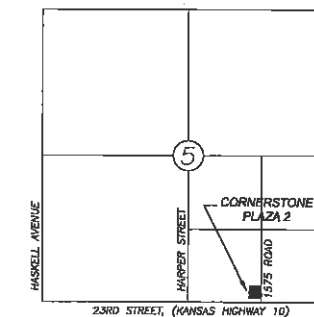
A bearing of N87°52'39"E was assumed along the South Line of the Southeast Quarter of Section 5, Township 13 South, Range 20 East of the Sixth Principal Meridian, in the City of Lawrence, Douglas County, Kansas.

## **MASTER STREET TREE PLAN:**

Agreement filed in Book 918, Page 1606 in the Register of Deeds Office.

## **PRECISION:**

1:358,328



REV.	DATE	REVISIONS
1	7/19/04	Planning Commission's Comments

**- FINAL PLAT -  
CORNERSTONE PLAZA 2**  
S.W.1/4, S.E.1/4, SECTION 5, TOWNSHIP 13, RANGE 20  
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

**Taylor Design Group, P.A.**  
Surveyors - Engineers  
308 S. Main • P.O. Box 327 • Ottawa, KS 66067  
785-242-8845 • Fax: 785-242-5852

DRAWN:	WOL/VLR
DESIGNED:	KD
CHECKED:	SW
DATE:	7/19/04
PROJECT:	15889
SHEET NO.	1