

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

**Date Application Submitted:** May 5, 2016

**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): *Commerce Park Investments, LLC*  
John Duckworth, member  
Address of Property Owner: *24210 West 79th Street*  
*Shawnee, KS 66227*  
Telephone Number: *816.835.3316*

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

*Allen Belot*  
*Allen Belot Architect*  
*708 West Ninth Suite 205 785.843.4670*  
*Lawrence, KS 66044 allen@allenbelotarchitect.com*

**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).

*Right-of-Way vacation for the area designated as 'Frontage Road', 50' North of the the North property line of Lot 1, Commerce Park East Plat attached.*

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

*The owner desires to make improvements to the existing parking lot directly North of the existing building & incorporating the existing unused right of way, make it compliant to the current 2006 Land Development Code. Extending this parking North & into the existing right of way via vacation, the Owner will increase the number of off-street parking stalls on-site & reduce the amount of on-street parking on Ponderosa Avenue.*

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

*Beginning at the NE corner of Lot 1, Commerce Park East thence, N89d53'0"W 75.15', thence N0d1'0"E 50.0', thence S89d53'0"E 75.15', thence S0d0'45"W 50.0' to the NE corner of Lot 1 Commerce Park East.*

**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:

*Adjacent property owners to the East & West have previously requested & been granted identical right-of-way vacations for their properties.*

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

Water	Yes	<b>No</b>
Sanitary Sewer	Yes	<b>No</b>
Storm Sewer	Yes	<b>No</b>
Gas	Yes	<b>No</b>
Electric	Yes	<b>No</b>
Telephone	Yes	<b>No</b>
Cable	Yes	<b>No</b>

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

*All existing utilities that can be identified from the City's Interactive Map appear to be located outside this right -of-way vacation.*

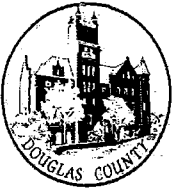
- D) Should the vacation reserve any City rights?

*The property owner would be willing to grant an access/utility easement across part of this vacation if deemed necessary.*

- 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.**



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

**Marni Penrod**-Chief Deputy Clerk  
**Heather Dill**-Deputy Clerk Elections

April 28, 2016

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 2301 PONDEROSA AVE (U18106A01). 04/28/2016. REQUESTED BY ALLEN BELOT, ARCHITECT.

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

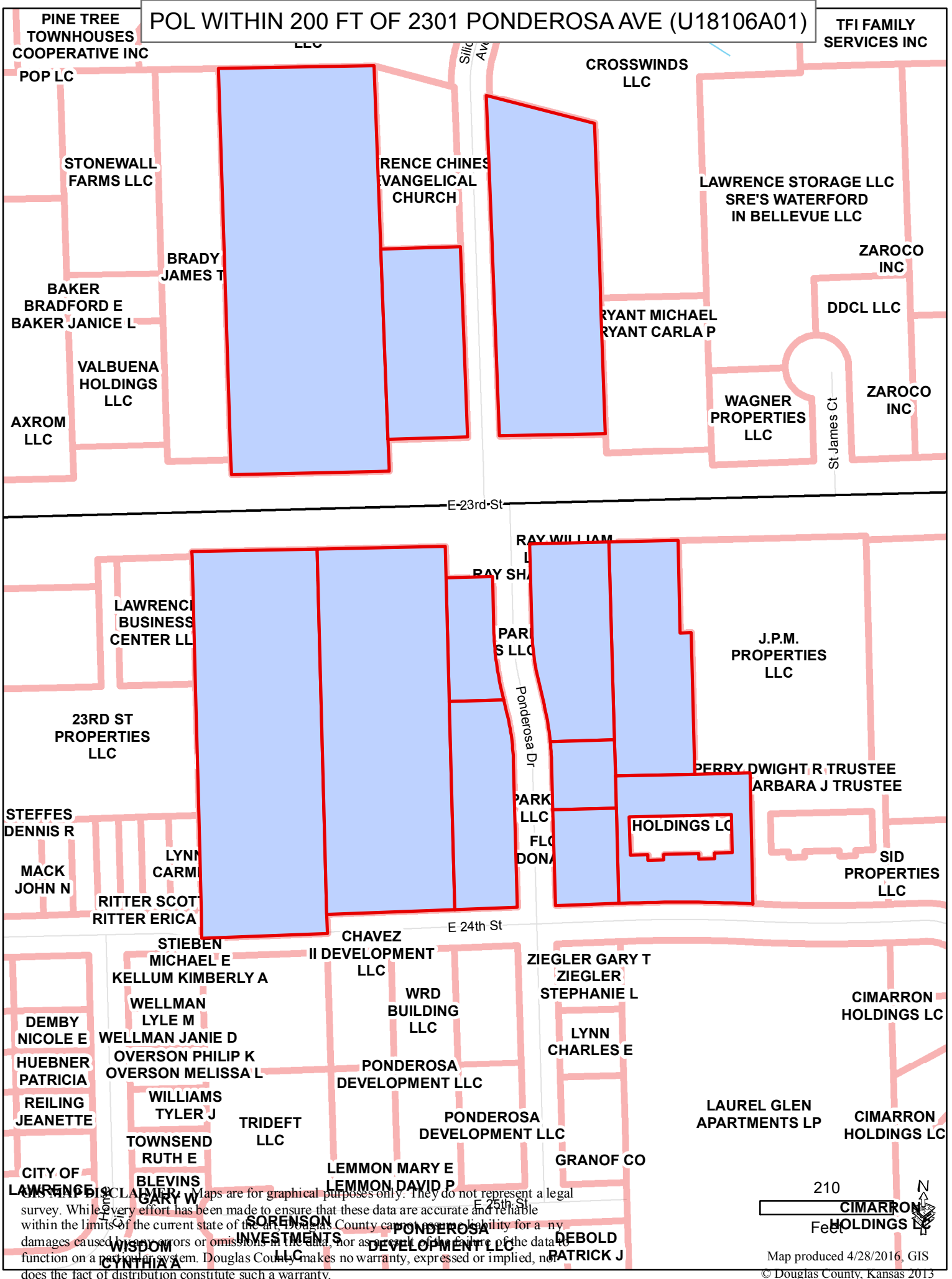
785-832-5147

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

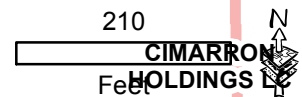
Douglas County Real Estate Division  
County Clerk's Office. I do hereby certify  
the Property Ownership listed hereto, to be  
true and accurate.

JOINPIN	SYSALACRE	owner1	owner2	owner3	address	city	sta	zip	plate	PID	Quickrefid	situs
103-05-0-30-11-010.00-0	3.63134987	DEEMS FARM EQUIPMENT INC			1110 E 23RD ST	LAWRENCE	KS	66046	U13340	023-103-05-0-30-11-010.00-0	R21432	1110 E 23RD ST
103-05-0-30-12-002.01-0	1.97704684	CASPIAN GROUP LC			PO BOX 842	LAWRENCE	KS	66044	U13360Q	023-103-05-0-30-12-002.01-0	R21436	1202 E 23RD ST
103-05-0-30-11-011.01-0	0.86360911	OEHLERT LUKE			976 N 1050 RD	LAWRENCE	KS	66047	U13336	023-103-05-0-30-11-011.01-0	R21433	1120 E 23RD ST
103-08-0-20-01-007.00-0	1.00430839	MCW LLC			1225 E 23RD ST	LAWRENCE	KS	66046	U18112C	023-103-08-0-20-01-007.00-0	R23786	1215 E 23RD ST
103-08-0-20-02-003.00-0	2.75439957	LAUBER MARK E TRUSTEE	LAUBER CHRIS A		2218 N 1400 RD	EUDORA	KS	66025	U18104	023-103-08-0-20-02-003.00-0	R23807	1105 E 23RD ST
103-08-0-20-01-008.00-0	0.85290569	RAY WILLIAM L TRUSTEE	RAY SHARON L TRUSTEE		1891 N 1000 RD	LAWRENCE	KS	66046	U18107MA	023-103-08-0-20-01-008.00-0	R23788	1209 E 23RD ST
103-08-0-20-02-001.00-0	0.33853528	COMMERCE PARK PROPERTIES LLC			2317 PONDEROSA DR	LAWRENCE	KS	66046	U18106A01	023-103-08-0-20-02-001.00-0	R23805	2301 PONDEROSA DR
103-08-0-20-02-002.00-0	2.66295823	MCCONNELL ELMER A TRUSTEE			1111 E 23RD ST	LAWRENCE	KS	66046	U18105A01	023-103-08-0-20-02-002.00-0	R23806	1111 E 23RD ST
103-08-0-20-02-015.00-0	0.73101350	COMMERCE PARK PROPERTIES LLC			2317 PONDEROSA DR	LAWRENCE	KS	66046	U18106C	023-103-08-0-20-02-015.00-0	R23822	2309 PONDEROSA DR
103-08-0-20-01-009.00-0	0.24723410	MCW LLC			1225 E 23RD ST	LAWRENCE	KS	66046	U18107KA	023-103-08-0-20-01-009.00-0	R23789	2300 PONDEROSA DR
103-08-0-20-01-011.01-0	0.74900330	CIMARRON HOLDINGS LC			PO BOX 505	LAWRENCE	KS	66044	U18112E	023-103-08-0-20-01-011.01-0	R307200	1400 E 24TH ST
103-08-0-20-01-010.00-0	0.34557988	FLORA DONALD D			705 CHOUTEAU CT	LAWRENCE	KS	66049	U18107HA	023-103-08-0-20-01-010.00-0	R23790	2328 PONDEROSA DR

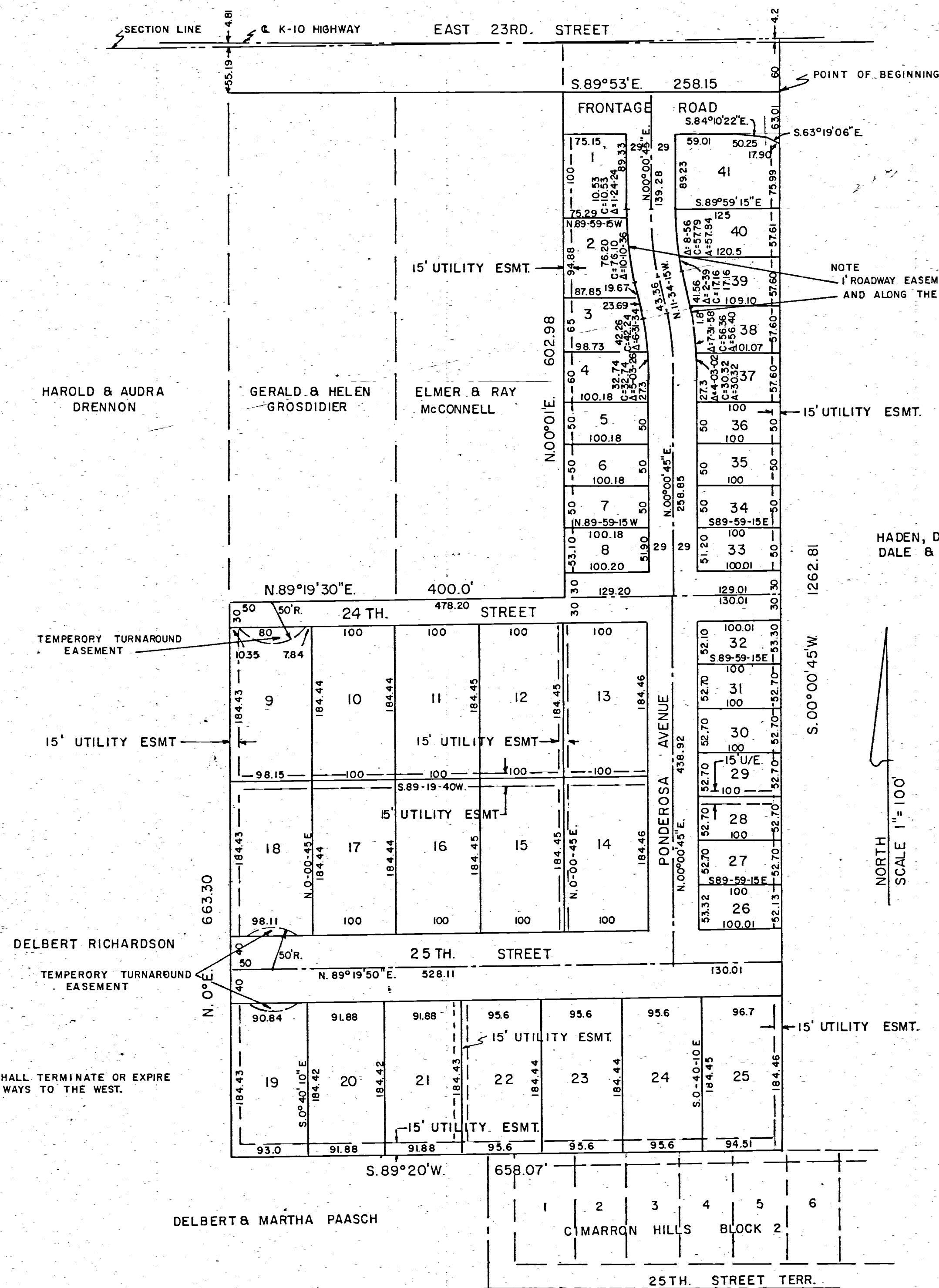
# POL WITHIN 200 FT OF 2301 PONDEROSA AVE (U18106A01)



**DISCLAIMER:** Maps are for graphical purposes only. They do not represent a legal 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 accept liability for any damages caused by errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. Douglas County makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.

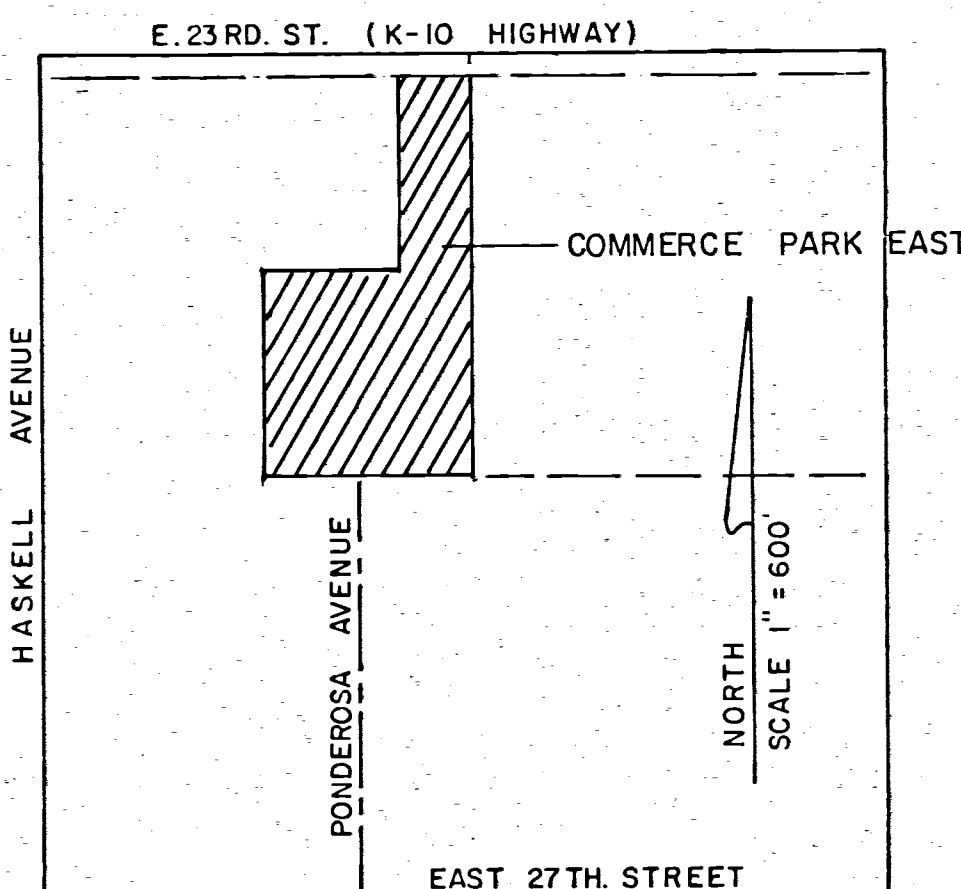


Map produced 4/28/2016, GIS  
© Douglas County, Kansas 2013



NOTE  
NO LOT SHALL HAVE DIRECT VEHICULAR INGRESS OR EGRESS TO EAST 23RD STREET.  
ALL ACCESS FROM EAST 23RD STREET SHALL BE VIA A TEMPORARY CUT ALIGNMENT WITH  
ALL ACCESS FROM EAST 23RD STREET SHALL BE VIA A TEMPORARY CUT ALIGNMENT WITH  
PONDEROSA DRIVE. ALL OTHER EXISTING CURBS CUTS ALONG THE EAST 23RD STREET  
FRONTAGE OF COMMERCE PARK EAST WILL BE CLOSED & CURBED IN ACCORDANCE WITH  
APPROPRIATE SPECIFICATIONS. THE TEMPORARY ACCESS TO EAST 23RD STREET VIA PONDEROSA  
DRIVE WILL BE CLOSED & CURBED AT SUCH TIME AS A FRONTAGE ROAD IS CONSTRUCTED FROM  
PONDEROSA DRIVE EITHER WESTWARD TO HASKELL AVE. OR EASTWARD TO A POINT  
APPROXIMATELY 200 FEET EAST OF THE EASTERN BOUNDARY OF THIS PLAT.

BM.  
R/W MARKER - N.W. CORNER  
23 & HARPER ELEV. 911.73



LOCATION MAP  
NORTHWEST 1/4 OF SECTION 8-13-20

## DESCRIPTION

BEGINNING 64.2 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH. PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, THENCE S.00°00'45"W. ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, 1262.81 FEET, TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID NORTHWEST 1/4, THENCE S.89°20'W. ALONG SAID SOUTH LINE 658.07 FEET, TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID NORTHWEST 1/4, THENCE N.0°E. ALONG SAID WEST LINE 663.30 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID NORTHWEST 1/4, THENCE N.89°19'30"E. ALONG SAID SOUTH LINE 400.0 FEET, THENCE N.00°01'E., 602.98 FEET TO THE SOUTH RIGHT OF WAY OF KANSAS HIGHWAY NO. 10, THENCE S.89°53'E. ALONG SAID RIGHT OF WAY, 258.15 FEET TO THE POINT OF BEGINNING. CONTAINS 13.58 ACRES, MORE OR LESS.

## DEDICATION

BE IT KNOWN TO ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "COMMERCE PARK EAST" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREET(S) AS SHOWN BY THIS PLAT 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 UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT OR U/E".

ORVILLE L. RAY

KATHERINE S. RAY

## ACKNOWLEDGEMENT

STATE OF KANSAS  
COUNTY OF DOUGLAS

BE IT REMEMBERED, THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1976, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME ORVILLE L. RAY AND KATHERINE S. RAY, HIS WIFE

WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS 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.

NOTARY PUBLIC

MY COMMISSION EXPIRES

## ENDORSEMENTS

THE PLANNING COMMISSION OF THE CITY OF LAWRENCE, KANSAS, AT ITS MEETING ON THE 26th DAY OF JANUARY, 1977, HAS EXAMINED THIS PLAT AND HAS APPROVED THE PLAT FOR FILING IN THE COUNTY RECORDS.

W. M. LUCAS JR., CHAIRMAN

THE CITY COMMISSION OF THE CITY OF LAWRENCE, KANSAS, AT ITS MEETING ON THE 15th DAY OF FEBRUARY, 1977, HAS EXAMINED THIS PLAT AND HEREBY ACCEPTS DEDICATION OF EASEMENTS AND RIGHTS OF WAY.

FRED PENCE, MAYOR

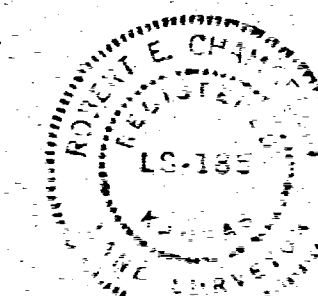
ATTEST  
VERA MERCER

## CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP HEREON SHOWN ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRAVERSE.

State of Kansas, Douglas County, ss.  
Filed and Entered in Vol. 133  
Page 1 at 1:50 o'clock P.M.

MAR 3 - 1977  
Register of Deeds  
By Deputy



ROBERT E. CHAMBERLIN  
KANSAS SURVEYOR NO. 185  
PLAT PREPARED FEBRUARY 27, 1976

YOUNG & BROCKWAY, INC.  
715 E. 22ND  
LAWRENCE, KANSAS 66044

A FINAL PLAT OF

# COMMERCE PARK EAST

AN ADDITION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

Commerce Park East



