

BEFORE THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS IN THE MATTER OF THE VACATION OF A SANITARY SEWER EASEMENT; DESCRIBED AS A RESERVED RIGHT IN THE UNIVERSITY HEIGHTS PART TWO PLAT, TO LOCATED CONSTRUCT AND MAINTAIN PIPES FOR SEWERAGE PURPOSES IN LOT 16 ON CRESCENT ROAD, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS (COMMONLY KNOWN AS 1513 CRESCENT ROAD).

ORDER OF VACATION

NOW on this ____ day of _____ 2019, the above entitled matter comes for hearing before the Governing Body of the City of Lawrence, Kansas.

THEREUPON, the Governing Body examines the matter, hears comments on the petition and being duly advised in the premises finds as follows, to-wit:

1. The Governing Body has jurisdiction on the subject matter pursuant to K.S.A. 12-504 *et seq.* as amended.
2. That notice of hearing of said petition and the affidavit of publication thereof are examined and found to have been duly made in strict conformity with the laws of the State of Kansas.
3. That no private rights will be injured or endangered by such vacation.
4. That no objection to said petition has been filed with the City Clerk at the time of or prior to the hearing.
5. That the City Clerk shall certify a copy of this Order to the Register of Deeds of Douglas County, Kansas, for recording as provided by K.S.A. 12-505, as amended.

IT IS THEREFORE, BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, CONSIDERED AND ORDERED that the following described easement:

A RESERVED RIGHT IN THE UNIVERSITY HEIGHTS PART TWO PLAT, TO LOCATE CONSTRUCT AND MAINTAIN PIPES FOR SEWERAGE PURPOSES IN LOT 16 ON CRESCENT ROAD, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, AND AS FURTHER DESCRIBED ON EXHIBIT A ATTACHED HERETO.

is hereby vacated.

CITY OF LAWRENCE, KANSAS

Lisa Larsen,

MayorATTEST:

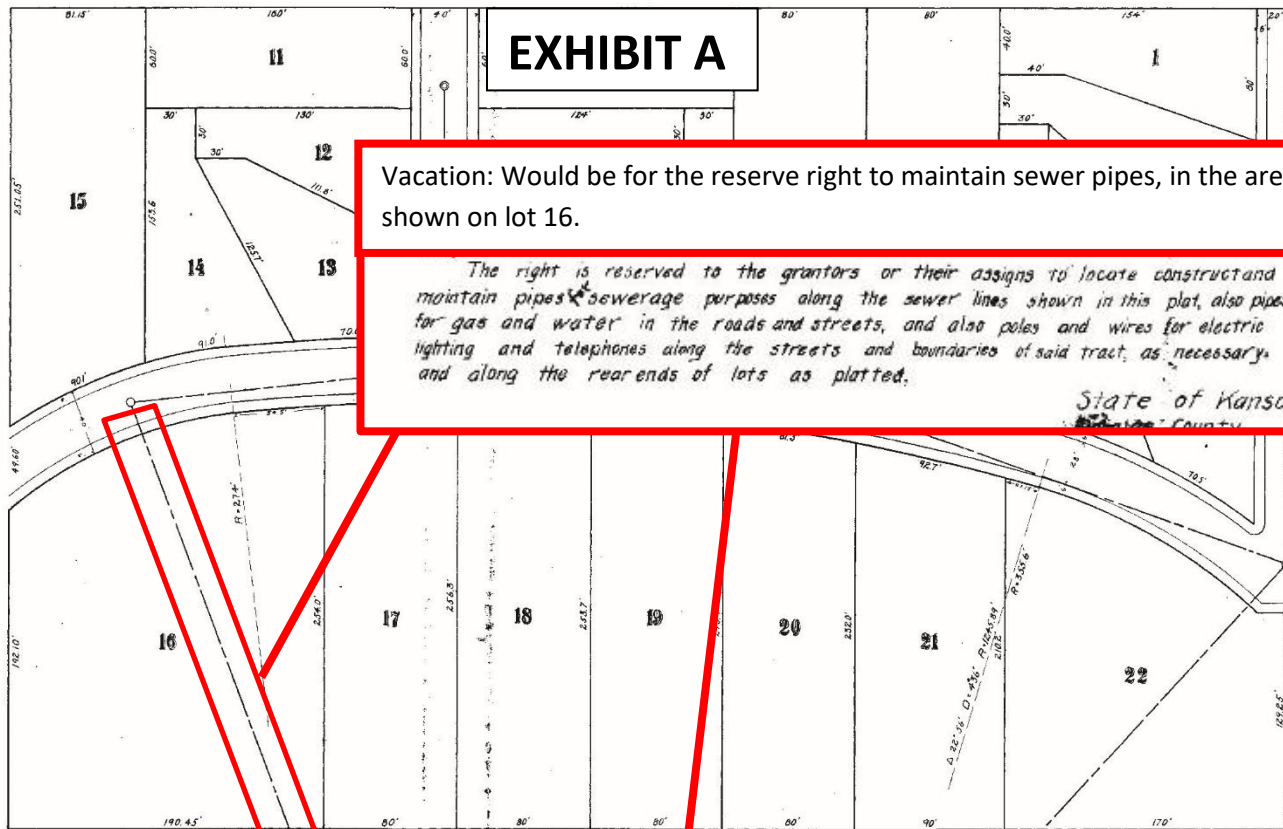
Sherri Riedemann, City Clerk

EXHIBIT A

Vacation: Would be for the reserve right to maintain sewer pipes, in the area shown on lot 16.

The right is reserved to the grantors or their assigns to locate construct and maintain pipes for sewerage purposes along the sewer lines shown in this plat, also pipes for gas and water in the roads and streets, and also poles and wires for electric lighting and telephones along the streets and boundaries of said tract, as necessary, and along the rear ends of lots as platted.

State of Kansas, 55,
Douglas County



SCALE 40'-1"
Drawn by A.T. Johnson

UNIVERSITY HEIGHTS, PART TWO.

A Residence District Adjoining the CITY of LAWRENCE, KANSAS.

This plat represents a tract of land near the city of Lawrence, Douglas County Kansas, comprising all that part of the south half of the southwest quarter of section thirty six, township twelve south, range nineteen east, in Douglas County Kansas, described as follows- Beginning at a point one hundred twenty nine and twenty five hundredths (129.25) feet south of an iron bar set in the ground at the north west corner of the east half of the southeast quarter of the southwest quarter of said section thirty six, thence north four hundred and ninety two and seventy five hundredths (492.75) feet to an iron bar, thence west seven hundred and sixty nine and fifteen hundredths (769.15) feet to an iron bar, thence south four hundred and ninety two and seventy five hundredths (492.75) feet to an iron bar, thence east seven hundred and seventy and forty five hundredths (770.45) feet to place of beginning.

The undersigned, owners of the above described tract of land, have caused the same to be accurately surveyed and subdivided in the manner represented in this plat, which subdivision and plat shall hereafter be known as University Heights Part Two.

The roads or streets within the above described tract of land, as shown in this plat are hereby dedicated to use as private ways, to be used only by the owners and occupants of the lots shown in this plat, and by present owners of said land, their heirs and assigns. Provided however, that the present owners retain to themselves, their heirs and assigns, the right to fully dedicate the said roads or streets to public use.

The undersigned also grant for a term of twenty years the use of the land lying between the tract described above and the south line of said section thirty six, as a location for a sewerage and sewage disposal system. Provided that such use of said land shall be made and maintained according to the best practice of sanitary engineering, and so regulated as to interfere as little as possible with other use thereof. Provided further, that the ownership and the right of any use of said land not interfering with the use above granted, shall remain in the grantor's their heirs or assigns.

The right is reserved to the grantors or their assigns to locate construct and maintain pipes for sewerage purposes along the sewer lines shown in this plat, also pipes for gas and water in the roads and streets, and also poles and wires for electric lighting and telephones along the streets and boundaries of said tract, as necessary, and along the rear ends of lots as platted.

State of Kansas,
Douglas County

All persons who shall acquire any land in this tract shall be taken and held to agree and covenant with the grantors, their heirs or assigns, to conform to and observe the following restrictions and stipulations as to the use thereof, which restrictions are made and shall be covenants running with the land, and shall be a part of and covenant in each conveyance thereof. Provided, however, that if there shall be formed an association of the owners of the lots shown in this plat, and including if desired the owners of adjoining lots, such association may alter, suspend or abolish any or all of the said restrictions by a resolution passed by the votes of the owners of three fourths of the lots included in said association. The grantors reserve to themselves, their heirs and assigns, and to the owner of any lot shown in this plat, the right to enforce by injunction proceedings or damage suits or both, any restriction at the time in force.

First- No portion of this tract of land shall be built upon, used or occupied for other than residence purposes. No flat or apartment house (to be intended for residence purposes, no boarding or rooming house, no building intended for any business purpose shall be erected, maintained or occupied upon said land. Provided however that the keeping of not to exceed two roomers or boarders in any one residence shall not be held to constitute the same a rooming or boarding house.

Second- Not more than one residence may be erected on any lot shown in this plat. No part of any residence shall be constructed at a distance from the street line of less than thirty feet on lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, nor of less than forty feet on lots 16, 17, 18, 19, 20, 21 and 22. Nor shall any residence or any part thereof be constructed within less than five feet from the side line of the lot, unless such side line be the boundary between two lots owned by the same person.

Third- No stable barn or other outbuilding shall be erected or placed upon any lot within less than ninety feet from the street line.

Fourth- Each and every residence erected or placed on any lot within this tract shall cost, exclusive of decoration and furnishing, not less than three thousand dollars.

Fifth- No lot or portion of this tract shall be conveyed, owned, used or occupied by any person other than a white person, either as owner or tenant.

Sixth- No cesspool nor private sewer system shall be constructed or maintained upon or in any of the lots in this tract.

In testimony whereof Ralph W. Cone and Mabel S. Cone, his wife, owners of the property hereinbefore described, have hereto subscribed their names this 12th day of November, 1909.

Ralph W. Cone
Mabel S. Cone

Be it remembered, that on this first day of November A.D. 1909, before me, Frank E. Banks, a Notary Public in and for said County and State came Ralph W. Cone and Mabel S. Cone, his wife, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of the same. In witness whereof I have hereto subscribed my name and affixed my official seal on the day and year last above written.

Frank E. Banks
Notary Public

My commission expires November 8th, 1910.