

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

Date Application Submitted: December 20, 2018

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): Melissa C. Moore and Kurt K. Look, Co-Trustees
Address of Property Owner: 1513 Crescent Road
Lawrence, KS 66044
Telephone Number: (785) 864-2086 look@ku.edu

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

Nicholas Hoyt
City of Lawrence Utilities Department
(785) 832-7882 nhoyt@lawrenceks.org

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).

There is no defined easement or legal description for the proposed vacation. The right was reserved to "locate, construct and maintain pipes for sewerage purposes along the sewer lines shown" in Original University Heights Part Two Plat. The plat is dated November 1, 1909. It is proposed for the City to vacate this reserved right for University Heights Part Two, Lot 16B (1513 Crescent Rd).

- B) Describe the purpose or reason for seeking the proposed vacation:
As part of City Project UT1513, City installed new sanitary along Crescent Rd to the west. This eliminated the need for a public sewer crossing 1513 Crescent Rd. City no longer needs to reserve the right to maintain a sewer pipe in this area as described in plat.

- 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, a new public sanitary sewer was constructed in 2017 to the west in Crescent Rd that is sized to serve all properties upstream of this location.

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

Water	Yes or <input type="checkbox"/> No	
Sanitary Sewer	<input checked="" type="checkbox"/> Yes or No	The sanitary through 1513 Crescent Rd is now a private service lateral. See Bill of Sale.
Stormsewer	Yes or <input type="checkbox"/> No	
Gas	Yes or <input type="checkbox"/> No	
Electric	Yes or <input type="checkbox"/> No	
Telephone	Yes or <input type="checkbox"/> No	
Cable	Yes or <input type="checkbox"/> No	

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

No, there is a existing defined easement along the west side of the property for other utilities. The public sanitary sewer and watermain are located with the Crescent Road right-of-way.

D) Should the vacation reserve any City rights?

No.

E) City staff recommendation for the proposed vacation:

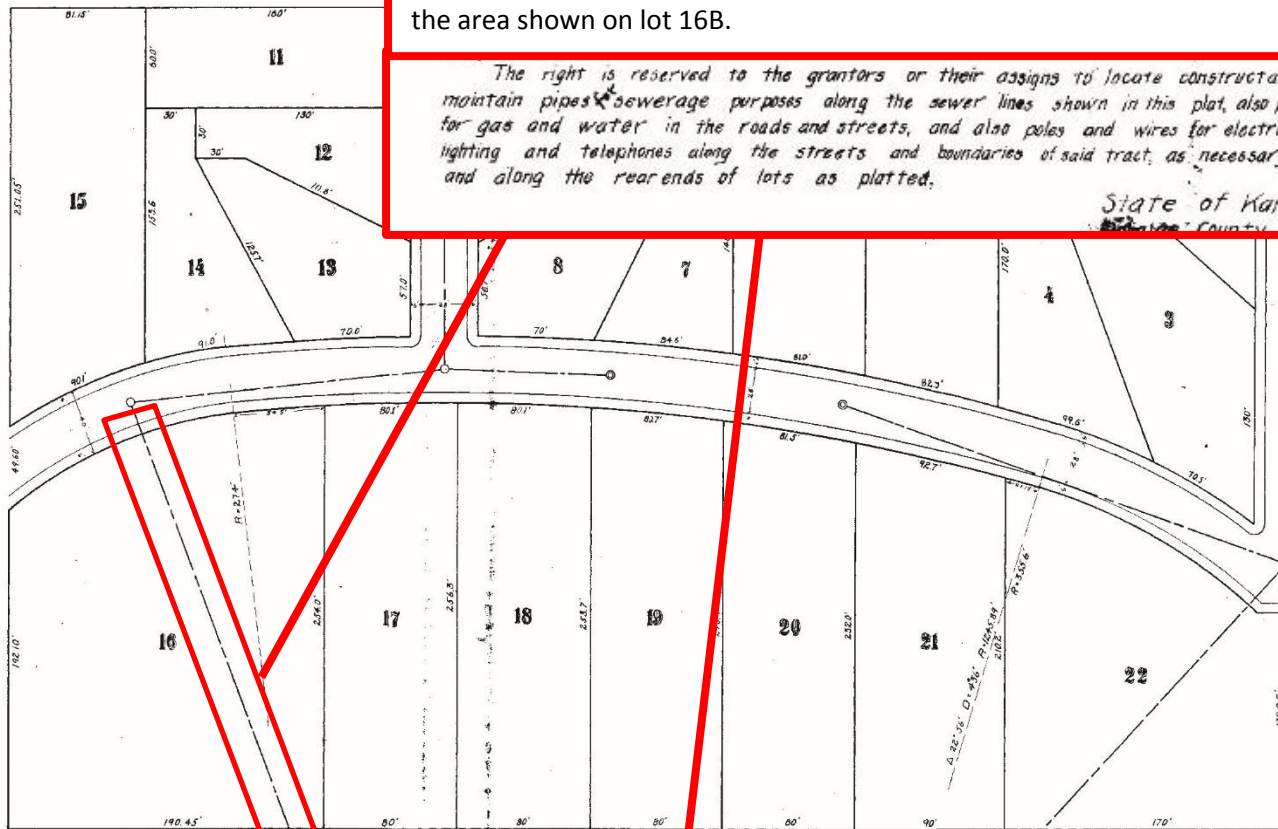
Public Works	_____
Planning	_____
Utilities	<u>Yes</u>

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.

Due to the unique nature of this vacation, the City and property owner will execute a bill of sale.

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

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

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 herewith 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.

ENDORSEMENTS.

The Planning Commission of the City of Lawrence at its meeting on MAY 19, 1965, has examined this plat to be known as Replat of Lot 16 University Heights, Part Two Revised, and has approved it for filing in the County records.

Donald E. Metzler
 Donald E. Metzler, Chairman
Barbara Jane Allen
 Barbara Jane Allen, Secretary.

The City Commission of the City of Lawrence at its meeting on May 25, 1965, has examined this plat to be known as Replat of Lot 16, University Heights Part Two Revised, and has approved it for filing in the County records.

Ernest E. Pulliam
 Ernest E. Pulliam, Mayor
H.C. Fisher
 H.C. Fisher, City Clerk.

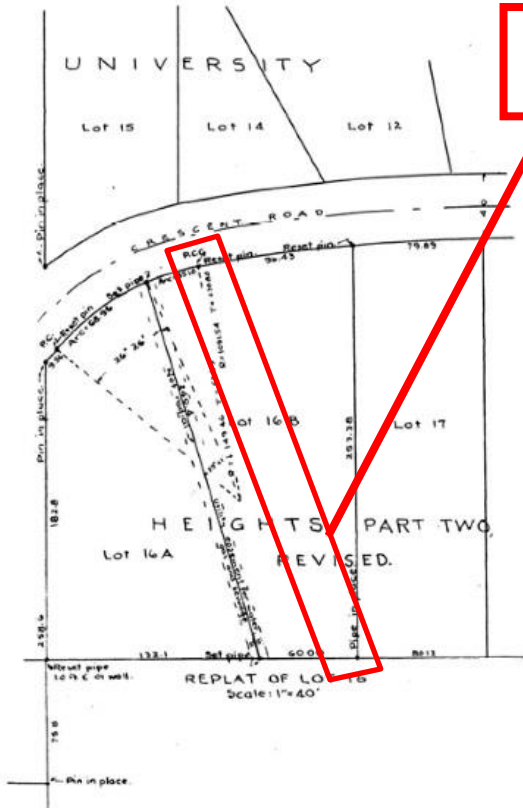
CERTIFICATIONS

I hereby certify that the platted area as shown hereon represents all boundaries and accurately gives all lot and street dimensions as determined and marked by field survey covering Replat of Lot 16, University Heights, Part Two, Revised.

May 10, 1965.

D. D. Haines
 D. D. Haines
 Licensed Engineer.

Plat of Record. Proposed vacation would be in area shown in red. Easement shown in this plat on west property line of Lot 16B, would remain.



County surveyor in and here on shown and that I do hereby approve it for filing in the County Records.

May 25th, 1965

L. D. Rice
 County Surveyor.

DESCRIPTION.

Lot 16 (henceforth to be known as Lot 16A and Lot 16 B), University Heights, Part Two, Revised, a residential district within the City of Lawrence, Douglas County, Kansas, and lying within the South one-half of the Southwest one-quarter of Section 36, Township 12 South, Range 19 East.

DEDICATION & REDEDICATION

KNOW ALL MEN BY THESE PRESENTS That we, the undersigned, owner of the real estate hereon described have caused the same to be resurveyed and subdivided into lots and easements, all in the City of Lawrence, Douglas County, Kansas, under the name of Replat of Lot 16, University Heights, Part Two Revised. The right is reserved to construct and maintain pipelines for water gas and sewage upon the easement space shown hereon.

IN WITNESS WHEREOF we have hereunto subscribed our names
Ine P. Kreye George W. Kreye

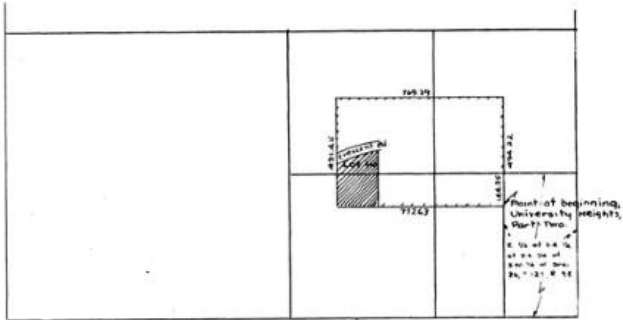
STATE OF KANSAS,
 COUNTY OF DOUGLAS
 BE IT REMEMBERED that on this 11th day of May, 1965, before me the undersigned, a Notary Public in and for said County and State, came Ine P. Kreye, to me personally known, who being sworn did execute the foregoing instrument, and duly acknowledge execution of the same.
 My Commission expires 2-12-66
Donna A. Leary
 Notary Public.

STATE OF NEW YORK,
 COUNTY OF RENSSELAER
 BE IT REMEMBERED that on this 11th day of May, 1965, before me the undersigned, a Notary Public in and for said County and State, came George W. Kreye, to me personally known, who being sworn did execute the foregoing instrument, and duly acknowledge execution of the same.
 My Commission expires March 22, 1966
Margaret H. Johnson
 Notary Public.

**REPLAT OF LOT 16
 UNIVERSITY HEIGHTS
 PART TWO, REVISED
 LAWRENCE, KANSAS
 MAY 1965. SCALE AS SHOWN.**

D. D. Haines
 LICENSED ENGINEER.

NO. _____
 22 MAY 1965
 NOTARY PUBLIC, INDEPENDENT
 State of Kansas, Douglas County, 15
 Filed and Entered in Vol. P-2
 Page 4 of 278 sheets P. 51
 JUN 2 - 1965
 Record of Deeds
 Doany



Location in the South 1/2 of the Southwest 1/4 of Sec. 36, T 12 S, R. 19 E.
 Scale: 1" = 300'

(As described in the Revised Plat of University Heights, Part Two as prepared in 1928.)

List of Properties Within 200 ft of 1513 Crescent Rd

STREET ADDRESS	OWNER 1	OWNER 2	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	LEGAL DESCRIPTION
1321 STRONG AVE	MAZZA STEPHEN W		1321 STRONG AVE	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 13
1325 STRONG AVE	CASTLE JOYCE		1325 STRONG AVE	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 11
1330 SPENCER DR	MILLER ALLAN R TRUSTEE	MILLER SANDRA K TRUSTEE	1330 SPENCER DR	LAWRENCE	KS	66044	SPENCER HEIGHTS LT 4
1331 STRONG AVE	ALLEN BRYAN J	PHAN-ALLEN HUONG	10115 W 126TH ST	OVERLAND PARK	KS	66213	UNIVERSITY HEIGHTS PART 2 LT 9
1336 SPENCER DR	KISH FRANCIS B	KISH JUDITH K	1336 SPENCER DR	LAWRENCE	KS	66044	SPENCER HEIGHTS LT 5
1341 STRONG AVE	MILLSTEIN JOSHUA	AINSWORTH CATHERINE	659 N 1457 RD	LAWRENCE	KS	66049	UNIVERSITY HEIGHTS PART 2 LT 8LESS S 7.5 FT
1500 W 15TH ST	UNIVERSITY OF KANSAS	BOARD OF REGENTS OF THE STATE OF KANSAS	1450 JAYHAWK BLVD RM 245	LAWRENCE	KS	66045	36-12-19 BEG AT PT 93.5 RDS E OF SW COR SD SEC ON S LINE SD SEC & 381.54 FT N TH E 192.27 FT N 150 FT W 192.27 FT S 150 FT TO PT BEG;ALSO BEG AT PT 93.5 RDS E OF SW COR SD SEC ON SLINE SD SEC TH N 381.54 FT E 192.27 FT N 150 FT E 589.33 FT S 531.42 FT TO
1508 CRESCENT RD	MUNCH STEVEN J	SHELDON-SHERMAN JENNIFER A L	1508 CRESCENT DR	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 7& S 7.5 FT LT 8 (U08666 & 68 COMBINED 1988)
1509 CRESCENT RD	LERNER STEPHEN TRUSTEE	LERNER HARRIET G TRUSTEE	1509 CRESCENT RD	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 19 & E 1/2 LT 18
1510 CRESCENT RD	INGRAM RICK	HAMILTON NANCY	1510 CRESCENT RD	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 10
1511 CRESCENT RD	SHERMAN JAMES A	SHELDON JAN B	1511 CRESCENT RD	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 17 & W 1/2 LT 18 (U08677 & 8678COMBINED 1988)

List of Properties Within 200 ft of 1513 Crescent Rd

STREET ADDRESS	OWNER 1	OWNER 2	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	LEGAL DESCRIPTION
1513 CRESCENT RD	MOORE MELISSA C CO-TRUSTEE	LOOK KURT K CO-TRUSTEE	626 N 1000 RD	LAWRENCE	KS	66047	REPLAT OF LT 16 UNIVERSITY HEIGHTS PART 2,REVISED,LT 16B & PART LT 16A DESC AS:BEG AT NE COR SD LT 16A TH S11DEG47'50"E ALONG ELY LINE SD LT 55.95 FT TH N56DEG12'30"W 61.69 FT TO PT ON N LINE SD LT TH NELY ALONG N LINE SD LT ON CURVE TO RIGHT RADIUS OF 1
1516 CRESCENT RD	WATSON G FAYE TRUSTEE		1516 CRESCENT RD	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 BEG AT SW COR LT 12 ON N SIDE CRESCENT RD TH IN ELY DIR ALONG N SIDE CRESCENT RD 74.98 FT TO SW COR LT 10 TH NWLY 76.27 FT ALONG E LINE LT 12 & W LINE LT 10 TO NE COR LT 12 TH CONT NWLY 86 FT ALONG E LINE LT 12 & WLINE LT 11 TO
1519 CRESCENT RD	BENNETT CAROLINE R	BENNETT AARON T	1519 CRESCENT RD	LAWRENCE	KS	66049	REPLAT OF LT 16 UNIVERSITY HEIGHTS PART 2,REVISED,LT 16A LESS BEG AT NE COR SD LT 16A TH S11DEG47'50"E ALONG ELY LINE SDLT 55.95 FT TH N56DEG12'30"W 61.69 FT TO PT ON N LINE SD LT TH NELY ALONG N LINE SD LT ON CURVE TO RIGHT WITH RADIUS 149.46 FT ARC DIS
1520 CRESCENT RD	OTT GENNA M TRUSTEE		1520 CRESCENT RD	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 14 & THAT PART LT 12 LYING WLY OF STRAIGHT LINE BETWEEN SW COR SD LT 12 & PT 30 FT E OF NW COR SD LT 12 (NEW LEGAL DESC 1997)
1525 CRESCENT RD	OYLER CARYN	WILLEMS JESSICA C	2236 KILLARNEY CT	LAWRENCE	KS	66047	SPENCER HEIGHTS BEG SE COR LT 32 TH N ON SD LT LINE 258.6 FT TO CRESCENT RD TH SWLY DIR ON SD LT LINE ALONG SD CRESCENT RD 173.5 FT TH IN SELY DIR ON STRAIGHT LINE 167.6 FT TO SE COR SD LT TO PT BEG
1531 CRESCENT RD	PRO STEPHAN	PRO JONI M	1531 CRESCENT RD	LAWRENCE	KS	66044	SPENCER HEIGHTS LT 32,LESS BEGAT SE COR LT 32 TH N ON SD LT LINE 258.6 FT TO CRESCENT RD TH IN SWLY DIR ON SD LT LINE ALONG SD CRESCENT RD 173.5 FT THIN SELY DIR ON STRAIGHT LINE 167.6 FT TO SE COR SD LT 32 TO PT BEG D 192/480
1602 CRESCENT RD	WOMACK JAMES R	WOMACK MARY K	1602 CRESCENT RD	LAWRENCE	KS	66044	UNIVERSITY HEIGHTS PART 2 LT 15
1602 W 15TH ST	HOUSE CORP OF KS ALPHA PHI KAPPA PSI	C/O DOLSKI ADAM	5942 BUENA VISTA ST	FAIRWAY	KS	66205	PHI KAPPA PSI ADD LT 1
1609 HILLCREST RD	WEST CINDY	GALAS JUDITH C	1609 HILLCREST RD	LAWRENCE	KS	66044	SPENCER HEIGHTS LT 31
1612 CRESCENT RD	SMITH ESTHER M		1612 CRESCENT RD	LAWRENCE	KS	66044	SPENCER HEIGHTS LT 30