

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

Date Application Submitted: 4/5/2013

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): **Ezell-Morgan Construction Co., Inc.**
Address of Property Owner: **2721 W. 6th Street**
Lawrence, KS 66049
Telephone Number: **785-842-3434**

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

Brian Sturm, Landplan Engineering, PA
1310 Wakarusa Drive, Lawrence, KS 66049
785-843-7530

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).

The proposed vacation concerns a portion of utility easement, legally described as follows:
The East 5.00 feet of the West 15.00 feet, less the North 10.00 feet and the south 7.50 feet
of Lot 1, Block Two, Diamondhead, a subdivision in the City of Lawrence, Douglas County
Kansas. Contains 640 square feet, more or less.

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

The existing 15-foot utility easement is larger than necessary given that only underground
electric and telephone lines run within it west half. This lot is already served by waterline
located in the Crystal Lane R.O.W. and sanitary sewer located in a utility easement
adjacent to the rear property line.

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.

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 No
Telephone	<u>Yes</u> or No
Cable	Yes 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.