

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

Date Application Submitted: 23 May 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): 900 NEW HAMPSHIRE LLC
Address of Property Owner: 6811 SHANNON MISSOURI FERRY, S/E 120
OVERLAND PARK, KS 66202
Telephone Number: 913.262.5143

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

TREANOR ARCHITECTS, P.A. CONTACT: MATT MURPHY
1040 VERMONT ST. 785.727.2407 (DIRECT)
LAWRENCE, KS 66044 MMURPHY@TREANORARCHITECTS.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).

10.00 FOOT PEDESTRIAN EASEMENT FOR A PUBLIC SIDEWALK. SEE
ATTACHED EASEMENT FOR LEGAL DESCRIPTION

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

CONSTRUCTION OF NEW BUILDING, 900 NEW HAMPSHIRE MARRIOTT TOWER PLACE
WILL RECONFIGURE PARKING ALONG NEW HAMPSHIRE (EAST SIDE) ACCORDING
SIDEWALK TO BE PLACED ALONG ROAD, IN LINE OF FURTHER EAST WITHIN
THE SUBJECT PROJECT SITE.

- 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:

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

| | |
|----------------|-----------|
| Water | Yes or No |
| Sanitary Sewer | Yes or No |
| Stormsewer | Yes or No |
| Gas | Yes or No |
| Electric | Yes or No |
| Telephone | Yes or No |
| Cable | Yes or No |

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

D) Should the vacation reserve any City rights?

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.

LEGAL DESCRIPTION:

The west 10.00 feet of lots 70, 72, 74, 76, and 78 on New Hampshire Street, in the City of Lawrence, Douglas County, Kansas.

ALTA/ACSM LAND TITLE SURVEY

COMMITMENT FOR TITLE INSURANCE
 Issued by Old Republic National Title Insurance Company
 By Its Agent: Kansas Secured Title - Douglas County
 Effective Date: September 26, 2012, at 8:00 AM
 Schedule "A"
 5. The land referred to herein is described in Exhibit A as follows:
 LOTS 70, 71, 74, 76, AND 78 ON NEW HAMPSHIRE STREET, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

- Schedule B-II:
1. Basis of Bearing: Assumed, N 88°23'30" E, along the north right of way of 9th Street.
 2. Flood Plain Note: According to the FEMA Flood Insurance Rate Map Number 200550070D, revised August 5, 2010, this tract lies in Zone "X", areas determined to be outside the 0.2% annual chance floodplain.
 3. Current Zoning: CD, Downtown Commercial District.
 4. This company did not observe evidence of current earth moving work, building construction or building additions on the described property.
 5. This company did not observe evidence of site use as a solid waste dump, lump or sanitary land fill.

Certification
 To: 9-10 L.C. and Old Republic National Title Insurance Company and its agent Kansas Secured Title - Douglas County.
 This is to certify that this map or plat and the survey on which it is based was made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by the National Board of Standards and Practices, including Items 1, 2, 3, 4, 5(a), 8, 11(b), 16 and 18. The field work was completed on September 26, 2012.

John W. Brann, III, Kansas LS-1183
 227 E. Dennis Avenue, Olathe, Kansas 66061
 (913) 782-0541

- (M) = MEASURED IN PLAT OF THE CITY OF LAWRENCE, KANSAS WITH ITS ADDITIONS
 (R) = RECORDED IN PLAT OF THE CITY OF LAWRENCE, KANSAS WITH ITS ADDITIONS
 (C) = CALCULATED
 (S) = SAVED

- LEGEND**
- EXISTING PROPERTY LINE
 - PROPERTY LINE
 - EXISTING STREET LIGHT
 - EXISTING WATER VALVE
 - EXISTING FIRE HYDRANT
 - EXISTING PARKING LOT LIGHT
 - EXISTING MAN-HOLE
 - EXISTING CURB INLET
 - EXISTING UNDERGROUND ELECTRIC
 - EXISTING GAS LINE
 - EXISTING SPRINKLER HEAD
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER
 - EXISTING SPRINKLER VALVE BOX
 - EXISTING TREE
 - EXISTING SHRUB OR BUSH
 - EXISTING "X" REBAR, "X" CUT, PK WALL
 - SET 1/2" BAR & CAP
 - EXISTING TELEPHONE LINE
 - EXISTING UNDERGROUND ELECTRIC
 - EXISTING GAS LINE
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER



| | | | | | |
|-----------|-------|-------|-------|---------|-------------|
| CREATED: | DATE: | BY: | DATE: | STATE: | JOB NUMBER: |
| REVISION: | DATE: | BY: | DATE: | COUNTY: | 212515.8 |
| DATE: | DATE: | DATE: | DATE: | CITY: | 212515.8 |

ALTA/ACSM LAND TITLE SURVEY
 LOTS 70, 71, 74, 76 AND 78 ON NEW HAMPSHIRE STREET
 CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

EASEMENT

THE UNDERSIGNED, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grant, sell, convey and deliver unto the City of Lawrence, Kansas, a municipal corporation, a 10 foot permanent pedestrian easement for the construction and maintenance of a sidewalk over, under and across the following described property in Douglas County, to-wit: Description for a 10.00 Foot wide permanent pedestrian easement.

The West 10.00 Feet of Lots 72,-74,-76, & 78 on New Hampshire Street containing 2000 Square Feet more or less all in the City of Lawrence, Douglas County, Kansas. Subject to Rights-of-way, Easements, & Restrictions of Record.

THE UNDERSIGNED FURTHER WARRANT that they have good and lawful right to convey said easement, and will forever warrant and defend the title thereto.

DATED this 17th day of MAY, 2002.

9-10, L.C. by Martin W. Moore

STATE OF Kansas)
COUNTY OF Douglas) ss.

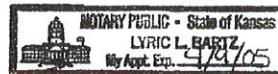
BE IT REMEMBERED that on this 17th day of May, 2002, Before me, the undersigned, a Notary Public in and for the County and State aforesaid came

Martin W. Moore
9-10, L.C.

who I.D. personally known to me to be the person who executed the within and foregoing instrument of writing, and duly acknowledge the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year last above mentioned.

Lyric L. Bartz
Notary Public



My Commission Expires: 4-9-05

Index Numerical Index
No. 227852 Book 773 Page 1278
State of Kansas, Douglas County, SS.
Recorded In Book 773 Page(s): 1278 - 1278
Filed May 21, 2002 4:46 PM Fees \$6.00
Register of Deeds

BOOK 773 PAGE 1278

city