

BOARD OF COUNTY COMMISSIONERS OF
JEFFERSON COUNTY KANSAS

RESOLUTION 2011-020

A RESOLUTION TO VACATE A PORTION OF A ROAD DESCRIBED AS FOLLOWS:

The below described strip of land is part of a public road established on April 5, 1870 and recorded in Road Record Book C, Page 35 & 36 Jefferson County, Kansas.

That part of the J.W. Rogers (King) Road beginning at a point 30 feet (0.4545 chains) South of the Northeast corner of the Northwest Quarter of Section 29, Township 8 South, Range 17 east of the 6th P.M., in Jefferson County, Kansas, thence South on the one-half section line 2306.4 feet (34.9455 chains) to the one-half section line, thence South 521.4 feet (7.90 chains); thence East 16.5 feet (0.25 chains) to the one-half section line thence South on the one-half section line 1102.2 feet (16.7 chains) to the Northeast corner of the South one-half of the Southwest Quarter of said Section 29, and there terminate. All in Jefferson County, Kansas and subject to any easements of record.

All the easement rights of any existing utility lines within the above described strip are hereby reserved in perpetuity, IN JEFFERSON COUNTY KANSAS.

WHEREAS, the Jefferson County Commission authorized notice of proposed vacation of a portion of the above described road in Jefferson County Kansas; and

WHEREAS, the Notice of Public Hearing was published in the official county newspaper on August 18 & 25, 2011; and

WHEREAS, notice of the proposed vacation was mailed by certified mail, return receipt requested, to all landowners of record as required by K.S.A. 68-102 notifying said landowners of the intent to vacate a certain portion of the road and their right to protest said vacation; and,

WHEREAS, a hearing was held on September 19, 2011 for anyone wishing to protest the vacation of said particular road, and,

WHEREAS, as a result of that hearing, the Jefferson County Commissioners voted to vacate a certain portion of the road.

BE IT THEREFORE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
JEFFERSON COUNTY KANSAS:

That the following road is not a public utility by reason of neglect, non-use, or inconvenience and that said road is impassable and the necessity for said road as a public utility does not justify the expenditure of the necessary funds to repair said road or put the same in condition for public travel and therefore a portion of said road is vacated as follows:

That part of the J.W. Rogers (King) Road beginning at a point 30 feet (0.4545 chains) South of the Northeast corner of the Northwest Quarter of Section 29, Township 8 South, Range 17 east of the 6th P.M., in Jefferson County, Kansas, thence South on the one-half section line 2306.4 feet (34.9455 chains) to the one-half section line, thence South 521.4 feet (7.90 chains); thence East 16.5 feet (0.25 chains) to the one-half section line thence South on the one-half section line 1102.2 feet (16.7 chains) to the Northeast corner of the South one-half of the Southwest Quarter of said Section 29, and there terminate. All in Jefferson County, Kansas and subject to any easements of record.

All the easement rights of any existing utility lines within the above described strip are hereby reserved in perpetuity IN JEFFERSON COUNTY KANSAS.

This Resolution shall be in full force and effect following its passage by the Board of County Commissioners and its subsequent publication in the official county newspaper.

WHEREUPON, the Board of County Commissioners of Jefferson County Kansas passes and adopts this Resolution in regular session, at its chambers in Oskaloosa, Jefferson County, Kansas on this 19th day of September, 2011.

/S/ Richard Malm, Chairman

/S/ Roy Dunnaway, Member

/S/ Lynn Luck, Member

APPROVED, received and recorded this 19th day of September, 2011.

/S/ Linda M .Buttron, County Clerk

(seal)

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
JEFFERSON COUNTY KANSAS

IN THE MATTER OF THE PETITION OF
Dan Barrow Trading Co Inc by and through Dan Barrow

That part of the J.W. Rogers (King) Road beginning at a point 30 feet (0.4545 chains) South of the Northeast corner of the Northwest Quarter of Section 29, Township 8 South, Range 17 east of the 6th P.M., in Jefferson County, Kansas, thence South on the one-half section line 2306.4 feet (34.9455 chains) to the one-half section line, thence South 521.4 feet (7.90 chains); thence East 16.5 feet (0.25 chains) to the one-half section line thence South on the one-half section line 1102.2 feet (16.7 chains) to the Northeast corner of the South one-half of the Southwest Quarter of said Section 29, and there terminate. All in Jefferson County, Kansas and subject to any easements of record.

ORDER VACATING A PART OF KING ROAD AKA J.W. ROGERS ROAD

The Jefferson County Board of County Commissioners, met in regular session September 12, 2011.

Present: Richard Malm, Lynn Luck & Roy Dunnaway

Upon motion by Lynn Luck, seconded by Richard Malm, the Petition of Dan Barrow Trading Co Inc. by and through Dan Barrow, to vacate part of King Road described as follows:

That part of the J.W. Rogers (King) Road beginning at a point 30 feet (0.4545 chains) South of the Northeast corner of the Northwest Quarter of Section 29, Township 8 South, Range 17 east of the 6th P.M., in Jefferson County, Kansas, thence South on the one-half section line 2306.4 feet (34.9455 chains) to the one-half section line, thence South 521.4 feet (7.90 chains); thence East 16.5 feet (0.25 chains) to the one-half section line thence South on the one-half section line 1102.2 feet (16.7 chains) to the Northeast corner of the South one-half of the Southwest Quarter of said Section 29, and there terminate. All in Jefferson County, Kansas and subject to any easements of record.

In Jefferson County Kansas the petitioners and subject to any easement of record.

Petitioner(s) appear(s) in person. After hearing all testimony necessary in order to fully understand the true nature of the petition and propriety of granting the same , the Board of County Commissioner find:

1. That the Board of County Commissioners pursuant to K.S. A. 68-102 have the authority to vacate a road within the county.
2. That due and legal notice has been given by publication as required by law, and the proof thereof has been duly made and filed as required.
3. That the Road described as follows should be vacated. The petitioners and the public will suffer no loss or inconvenience by closing the road described as:

That part of the J.W. Rogers (King) Road beginning at a point 30 feet (0.4545 chains) South of the Northeast corner of the Northwest Quarter of Section 29, Township 8 South, Range 17 east of the 6th P.M., in Jefferson County, Kansas, thence South on the one-half section line 2306.4 feet (34.9455 chains) to the one-half section line, thence South 521.4 feet (7.90 chains); thence East 16.5 feet (0.25 chains) to the one-half section line thence South on the one-half section line 1102.2 feet (16.7 chains) to the Northeast corner of the South one-half of the Southwest Quarter of said Section 29, and there terminate. All in Jefferson County, Kansas and subject to any easements of record.

IT IS THEREFORE ORDERED, two (2) / three (3) members voting in the affirmative:

1. That the following described road, be vacated, to-wit:

That part of the J.W. Rogers (King) Road beginning at a point 30 feet (0.4545 chains) South of the Northeast corner of the Northwest Quarter of Section 29, Township 8 South, Range 17 east of the 6th P.M., in Jefferson County, Kansas, thence South on the one-half section line 2306.4 feet (34.9455 chains) to the one-half section line, thence South 521.4 feet (7.90 chains); thence East 16.5 feet (0.25 chains) to the one-half section line thence South on the one-half section line 1102.2 feet (16.7 chains) to the Northeast corner of the South one-half of the Southwest Quarter of said Section 29, and there terminate. All in Jefferson County, Kansas and subject to any easements of record.

The utility easements shall be undisturbed by this closure and remain reserved and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such road is to be retained by the owners thereof for ingress and egress for the purpose of construction and maintenance of utilities thereon.

2. That the County Clerk enter the proceedings concerning said vacation upon the records at length; that she certify a copy thereof to the Register of Deeds of Jefferson County, Kansas and enter into the Jefferson County Road Book, all at the cost of the Petitioner(s).

/S/ Richard Malm, Chairman

ATTEST: /S/ Linda M. Buttron, County Clerk

(seal)