

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY KANSAS
RESOLUTION NO.2013-023

A RESOLUTION TO VACATE UTILITY EASEMENTS

WHEREAS, the Jefferson County Board of County Commissioners authorized notice of proposed vacation of utility easements on a parcel of land in Jefferson County Kansas, described as follows:

The public utility easements on the east and south boundaries of the following parcel of real estate: Lot 4 of the Bar-M Subdivision, Jefferson County, Kansas, as recorded on pages 23-24 of Plat Book 7 in the Jefferson County, Kansas Register of Deeds Office; and

WHEREAS, the Notice of Public Hearing was published in the official county newspaper on June 6, 2013, constituting at least 20 days prior to the date of the hearing; and

WHEREAS, a hearing was held on July 1, 2013 for anyone wishing to protest the vacation of said utility easements; and

WHEREAS, as a result of that hearing, the Jefferson County Commissioners voted to vacate such utility easements;

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

That the public will suffer no loss or inconvenience and that no private rights will be injured or endangered by the vacation of the following utility easements:

The public utility easements on the east and south boundaries of the following parcel of real estate: Lot 4 of the Bar-M Subdivision, Jefferson County, Kansas, as recorded on pages 23-24 of Plat Book 7 in the Jefferson County, Kansas Register of Deeds Office.

This Resolution shall be in full force and effect following its passage by the Board of County Commissioners.

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 12th day of August, 2013.

BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, KANSAS

/s/ Richard Malm, Chairman

/s/ Lynn Luck, Vice-Chair

/s/ Wayne Ledbetter, Commissioner

APPROVED, received and recorded this 12th day of August, 2013.

Attest: /s/Linda M. Buttron, County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
JEFFERSON COUNTY KANSAS

IN THE MATTER OF THE PETITION OF
BOARD OF COUNTY COMMISSIONERS JEFFERSON COUNTY KANSAS

TO VACATE CERTAIN UTILITY EASEMENTS AS DESCRIBED AS FOLLOWS:

The public utility easements on the east and south boundaries of the following parcel of real estate: Lot 4 of the Bar-M Subdivision, Jefferson County, Kansas, as recorded on pages 23-24 of Plat Book 7 in the Jefferson County, Kansas Register of Deeds Office.

ORDER VACATING CERTAIN UTILITY EASEMENTS

The Jefferson County Board of County Commissioners met in regular session July 1, 2013. Commissioners Richard Malm, Lynn Luck, and Wayne Ledbetter were present.

Upon motion by Lynn Luck, seconded by Wayne Ledbetter, the Board upon its own motion made petition to vacate certain utility easements described as follows:

The public utility easements on the east and south boundaries of the following parcel of real estate: Lot 4 of the Bar-M Subdivision, Jefferson County, Kansas, as recorded on pages 23-24 of Plat Book 7 in the Jefferson County, Kansas Register of Deeds Office.

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 COMMISSIONERS HEREBY FIND:

1. That the Board of County Commissioners pursuant to K.S.A. 58-2613 has the authority to vacate a utility easement 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 public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered thereby.
4. That the utility easements described as follows should be vacated.

The public utility easements on the east and south boundaries of the following parcel of real estate: Lot 4 of the Bar-M Subdivision, Jefferson County, Kansas, as recorded on pages 23-24 of Plat Book 7 in the Jefferson County, Kansas Register of Deeds Office.

IT IS THEREFORE ORDERED, all three commissioners voting in the affirmative, that the following described utility easement, be vacated, to-wit:

The public utility easements on the east and south boundaries of the following parcel of real estate: Lot 4 of the Bar-M Subdivision, Jefferson County, Kansas, as recorded on pages 23-24 of Plat Book 7 in the Jefferson County, Kansas Register of Deeds Office.

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, all at the cost of the Petitioners.

IT IS ORDERED THIS ___ day of _____, 2013.

Richard Malm, Chairman

Attest: _____

Linda M. Buttron, County Clerk