

RESOLUTION 07-2024

**A RESOLUTION BY THE CHEROKEE COUNTY, KANSAS BOARD OF COMMISSIONERS
VACATING CERTAIN REAL PROPERTY**

WHEREAS upon petition of any adjacent landowner, the board of county commissioners may lay out, alter or vacate a road. The board of county commissioners also may layout or alter any road when deemed necessary by the board. K.S.A. 68-102(a).

WHEREAS the owners of any tract or part of a tract of land which has been platted as an addition or subdivision or adjoins on both sides of any street, alley, public easement, or public reservation, or part thereof, and which lies wholly outside the limits of any incorporated city or within the limits of an incorporated city which has had no governing body for 10 years or more may file a petition with the board of county commissioners of the county in which the land is located, describing the plat, street, alley, public easement or reservation, including dedicated building setback lines or access control proposed to be vacated and praying for the vacation described.

WHEREAS upon filing such petition, the board of county commissioners shall fix a time for the hearing of the petition and shall give notice of the hearing by publication in the official county paper. Such notice shall be published at least one time at least 20 days prior to the date of the hearing. K.S.A. 58-2613.

WHEREAS Bruce Allen Parker, hereinafter referred to as "Petitioner", is the owner of the following real estate located in Cherokee County, Kansas:

Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Block B of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, according to the recorded plat thereof;

Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16) in Block B of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, according to the recorded plat thereof;

Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6), Seven (7), and Eight (8) in Block C of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, according to the recorded plat thereof; and

Lots Nine (9), Ten (10), Eleven (11), and Twelve (12) in Block C of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, according to the recorded plat thereof.

WHEREAS Petitioner submitted a Petition to Vacate certain real property, hereinafter referred to as the "Vacated Property", to this Board pursuant to K.S.A. 58-2613, concerning the following property:

1. The portion of Block B of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, reserved as an alley, adjoining Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16) of said Block B, according to the recorded plat thereof;
2. The portion between Block B and Block C of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, reserved as Gibbs Avenue, adjoining Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16) of said Block B and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of said Block C according to the recorded plat thereof and;
3. The portion of Block C of Miller's 2nd Addition to the Town of Hallowell, Cherokee County, Kansas, reserved as an alley, adjoining Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16) of said Block C, according to the recorded plat thereof.

WHEREAS upon the hearing, the Cherokee County Board of County Commissioners finds:

1. Notice has been given as required by K.S.A. 58-2613;
2. The public will suffer no loss or inconvenience by the requested vacation; and
3. No private rights will be injured or endangered by the requested vacation.

NOW THEREFORE the Cherokee County Board of County Commissioners resolves as follows:

1. The Petition to Vacate is granted.
2. The Vacated Property shall revert to the adjoining land or easement holder and/or assignees as their interest may appear.
3. This order shall not impact the property rights of public utilities, rights-of-way, and easements for public service facilities currently in existence and use.
4. The cost of this proceeding, including the cost of publication and recoding cost, shall be paid by the Petitioner.

BE IT RESOLVED this 18th day of March 2024 by the Cherokee County Board of Commissioners.

Approved:

Myra Carlisle-Frazier

Myra Carlisle-Frazier
County Commissioner

Lorie Johnson

Lorie Johnson
County Commissioner

Cory Moates

Cory Moates
County Commissioner

Attest

Rebecca Brassart

Rebecca Brassart
County Clerk

