

RESOLUTION 08-2024

**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 Michael Caldwell, Brice Sanders, Bryce Bass, and David Crowder, hereinafter referred to as "Petitioners", are the owners of the real property adjacent to Condor Lane.

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. All of Condor Ln, in the Lakeview Hills Subdivision, in Cherokee County, Kansas, 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.

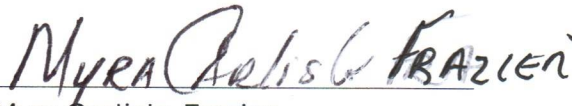
NOW THEREFORE the Cherokee County Board of County Commissioners resolves as follows:

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.

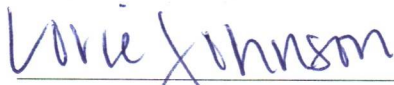
BE IT RESOLVED this 1st day of April 2024 by the Cherokee County Board of Commissioners.

Approved:

Attest


Myra Carlisle-Frazier
County Commissioner


Rebecca Brassart
County Clerk


Lorie Johnson
County Commissioner


Gery Moates
County Commissioner