

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY KANSAS  
RESOLUTION NO. 2013-022

**A RESOLUTION TO VACATE A PORTION OF CERTAIN ROAD(S)**

**WHEREAS**, the Jefferson County Commission authorized notice of proposed vacation of a portion of certain road(s) in Jefferson County Kansas, described as follows:

That portion of Third St. in the original town of Dunavant running from Grant Street to Sherman Street; and the alley in Block 7 of the original town of Dunavant, as shown on the original plat of the town of Dunavant, dated October 1, 1887; and

**WHEREAS**, the Notice of Public Hearing was published in the official county newspaper on June 6, 2013; 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(s) and their right to protest said vacation; and,

**WHEREAS**, a hearing was held on June 17, 2013 for anyone wishing to protest the vacation of said particular road(s), and,

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

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

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

That portion of Third St. in the original town of Dunavant running from Grant Street to Sherman Street; and the alley in Block 7 of the original town of Dunavant, as shown on the original plat of the town of Dunavant, dated October 1, 1887; and

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, Member

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

/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 PART OF CERTAIN ROAD(S) DESCRIBED AS FOLLOWS:

That portion of Third St. in the original town of Dunavant running from Grant Street to Sherman Street; and the alley in Block 7 of the original town of Dunavant, as shown on the original plat of the town of Dunavant, dated October 1, 1887; and

**ORDER VACATING A PART OF CERTAIN ROAD(S)**

The Jefferson County Board of County Commissioners met in regular session June 17, 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 part of certain road(s) described as follows:

That portion of Third St. in the original town of Dunavant running from Grant Street to Sherman Street; and the alley in Block 7 of the original town of Dunavant, as shown on the original plat of the town of Dunavant, dated October 1, 1887; and

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. 68-102 has the authority to vacate roads 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. The petitioners and the public will suffer no loss or inconvenience by vacating such road(s).
4. That said road(s) is/are not a public utility by reason of neglect, non-use, or inconvenience and that said road(s) is/are impassable and the necessity for said road(s) as a public utility does not justify the expenditure of the necessary funds to repair said road(s) or put the same in condition for public travel.
5. That the road(s) described as follows should be vacated:

That portion of Third St. in the original town of Dunavant running from Grant Street to Sherman Street; and the alley in Block 7 of the original town of Dunavant, as shown on the original plat of the town of Dunavant, dated October 1, 1887; and

**IT IS THEREFORE ORDERED**, all three commissioners voting in the affirmative:

That the following described road/street, be vacated, to-wit:

That portion of Third St. in the original town of Dunavant running from Grant Street to Sherman Street; and the alley in Block 7 of the original town of Dunavant, as shown on the original plat of the town of Dunavant, dated October 1, 1887.

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 Petitioners.

**IT IS ORDERED THIS** \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Richard Malm, Chairman

Attest: \_\_\_\_\_  
Linda M. Buttron, County Clerk