

**VACATION OF A PORTION OF 238th ROAD BETWEEN C ROAD AND D ROAD
RESOLUTION NO. 2012- 22**

BE IT RESOLVED that the Board of County Commissioners, pursuant to K.S.A. 68-102 may vacate a road when it is determined that such road is not a public utility by reason of neglect, nonuse, or inconvenience or from other cause or causes that such road has become practically impassable and the necessity for such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel.

WHEREAS, the Jackson County Commissioners had requested that a one mile portion of 238th Road lying between C Road and D Road in Jackson County, Kansas, which portion of 238th Road lies between Section 32, Township 7 South, Range 13 East of the 6th P.M. and Section 5, Township 6 South, Range 13 East of the 6th P.M. all in Jackson County, Kansas, be vacated.

WHEREAS, pursuant to K.S.A. 68-102a a notice was published one time in the Holton Recorder on the 5th day of September, 2012, and a copy of said publication was sent by certified mail to each owner of property adjoining the road, at the address where the owner's tax statement is sent. Proceedings for the award of damages, if any, to the property owners affected by such action, and any appeal therefrom, shall be made in the same manner as provided in K.S.A. 68-107, and amendment thereto.

WHEREAS, Randy Pool, Jackson County Road and Bridge Supervisor, has viewed the location and has stated that the County has no need to retain a road right of way and that the road is not used by a public utility.

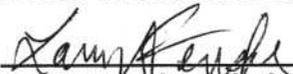
WHEREAS, a hearing was held at 10:00 a.m. on September 17, 2012, for the purpose of hearing objections to vacating the road and concerns and objections were heard.

IT IS SO ORDERED, that the following portion of 238th Road lying between C Road and D Road in Jackson County, Kansas, which portion of 238th Road lies between Section 32, Township 6 South, Range 13 East of the 6th P.M. and Section 5, Township 7 South, Range 13 East of the 6th P.M., all in Jackson County, Kansas, be vacated, said portion of road described as follows, to-wit:

An approximate three-quarter mile portion of 238th Road lying between C Road and D Road in Jackson County, Kansas shall be vacated, commencing 1,421 feet East from the center of C Road and proceeding East on 238th Road to the center of D Road in Jackson County, Kansas.

Dated this 17th day of September, 2012.

Board of Jackson County Commissioners



Larry Fenske, Chairman



Roger Coverdale, Member



Attest:

Kathy Mick
Kathy Mick, Jackson County Clerk

Ed Kathrens
Ed Kathrens, Member

cc: Lynn and Diana Rieschick
cc: Terrance and Sandra Bottom
cc: Larry and Linda Savage
Jackson County Road and Bridge
Jackson County Mapping
Jackson County 911
Jackson County Emergency Management