

**BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 10-38

A RESOLUTION TO VACATE A PORTION OF NEBRASKA DRIVE IN FRANKLIN COUNTY, KANSAS

WHEREAS, the Franklin County Commission authorized notice of proposed vacation of a portion of Nebraska Drive at the location of the Taury Creek Bridge, in Franklin County, Kansas; and,

WHEREAS, the Notice of Public Hearing was published in the official county newspaper on October 9, 2010 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, and of their right to protest said vacation; and,

WHEREAS, a hearing was held on October 20, 2010, for anyone wishing to protest the vacation of said particular road; and,

WHEREAS, as a result of that hearing, the Franklin County Commission voted to vacate a certain portion of the road.

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

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

Commencing at the intersection of the centerline of Nebraska Drive and the centerline of the driveway to 3781 Nebraska Drive, thence southwesterly along the centerline of Nebraska Drive for a distance of 51 feet to the Point of Beginning and the start of the road vacation, thence continuing southwesterly along Nebraska Drive for a distance of 120 feet to the end of the road vacation all in Section 17, Township 16S, Range 20E.

This Resolution shall be in full force and effect following its passage by the Board of County Commissioners and its subsequent publication in the official county newspaper.

WHEREUPON, the Board of County Commissioners of Franklin County, Kansas, passes and adopts this Resolution in regular session, at its chambers in Ottawa, Franklin County, Kansas, this 20th day of October, 2010.

/s/ David J Hood
David J. Hood, Chairman

APPROVED, received and recorded this 20th day of October, 2010.

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/s/ Shari Perry
Shari Perry, Franklin County Clerk