

**FRANKLIN COUNTY
COMMISSION AGENDA ITEM**

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: James M. Haag, Jr.	Ext: 3552
DEPARTMENT: Public Works	
DATE: Wednesday, October 14, 2009	No:

ITEM: Hold a Board discussion and consider approval of a Resolution vacating 4300 to 4325 Ellis Road.

Background: The Board of County Commissioners conducted a road viewing on Monday, October 12, 2009 and need to hold Board discussion about the request to vacate 4300 to 4325 Ellis Road. Following the discussion the Board will consider a Resolution vacating 4300 to 4325 Ellis Road.

Recommended Action: Motion approving a Resolution vacating 4300 to 4325 Ellis Road.

Attachments: Resolution

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

RESOLUTION NO. 09-

A RESOLUTION TO VACATE A PORTION OF ELLIS ROAD IN FRANKLIN COUNTY, KANSAS

WHEREAS, the Franklin County Commission authorized notice of proposed vacation of a portion of Ellis Road between Utah Road and Vermont Road, a minimum maintenance road, in Franklin County, Kansas; and,

WHEREAS, the Notice of Public Hearing was published in the official county newspaper on September 24, 2009 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, a minimum maintenance road and of their right to protest said vacation; and,

WHEREAS, a hearing was held on October 7, 2009, 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:

Beginning at the Section Corner common to Sections 19, 20, 29 & 30, Township 18S, Range 21E, thence east along the centerline of the existing road for a distance of one thousand three hundred twenty (1,320) feet.

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 7th day of October, 2009.

John E. Taylor, Chairman

APPROVED, received and recorded this 7th day of October, 2009.

Shari Perry, Franklin County Clerk