

RESOLUTION NO. 2018- 1439

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
ATCHISON COUNTY, KANSAS, AUTHORIZING THE VACATION OF A
PORTION OF TWO ROADS LOCATED IN IN THE TOWN OF
ARRINGTON, AN UNINCORPORATED PORTION OF ATCHISON
COUNTY, KANSAS**

WHEREAS, at a regular meeting of the Board of County Commissioners of Atchison County, Kansas held on Tuesday, June 19, 2018, pursuant to the dictates of K.S.A. 68-102. *et seq.*, the Board received the Petition of Michael P. Elliott and Shannon R. Elliott requesting vacation of two roads situate in Atchison County, Kansas, being the owners of land adjacent to said road, to-wit:

Road A: All of the east west alley in Block 7 of the Town of Arrington, Atchison County, Kansas.

Road B: All of that portion of Delaware Street in the town of Arrington which lies south of and adjacent to Block 7 of the Town of Arrington, Atchison County, Kansas.

WHEREAS, said roads lie within the limits of the Town of Arrington; that the Town of Arrington has had no governing body for more than ten (10) years; said roads were established by Plat filed of record at Slide 22 in the Office of the Register of Deeds, Atchison County, Kansas; and

WHEREAS, the Board of County Commissioners appointed Joe Taliaferro, Gregg Oswald and Russell Reichart as viewers; and

WHEREAS, notice to the public was published in the Atchison Globe on May 26, 2018 and June 2, 2018, and notice to adjacent landowners was given by certified mail, return receipt requested; and

WHEREAS, on the day established therefore, said viewers met at the point of beginning of said roads, made their view and agreed upon their report; and

WHEREAS, the viewers recommended that the Board of County Commissioners determine that Road A is NOT a public utility and should be vacated, and that the Board of County Commissioners determine that Road B is NOT a public utility and should be vacated; and

WHEREAS, no written applications for damages were made by any owners of property adjacent thereto; and

WHEREAS, the said viewers requested no compensation for services as viewers.

WHEREAS, pursuant to K.S.A. 68-102a the Board of County Commissioners held a public hearing to consider the requested vacation; and

WHEREAS, the Board determined that the public would suffer no loss or inconvenience by the requested vacation and that no private rights will be injured or endangered thereby; and

IT IS NOW, THEREFORE, HEREBY ORDERED AND RESOLVED by the Board of County Commissioners of Atchison County, Kansas, that Road A as described above, is hereby vacated.

IT IS NOW, THEREFORE, HEREBY ORDERED AND RESOLVED by the Board of County Commissioners of Atchison County, Kansas, that Road B, as described above, is hereby vacated.

IT IS FURTHER ORDERED AND RESOLVED THAT the vacation of said portion of road is subject to the reservation of any currently existing easements for public utilities over, under, and across all that portion of vacated road for the repair, maintenance, and replacement of any existing utilities presently located within the vacated road.

IT IS FURTHER ORDERED AND RESOLVED THAT a copy of this resolution shall be forwarded to the County Clerk to be placed in the road records.

IT IS FURTHER ORDERED AND RESOLVED that a copy of this resolution shall be forwarded to the County Appraiser.

IT IS FURTHER ORDERED AND RESOLVED THAT the costs of these proceedings shall be assessed against the Petitioners.

IT IS FURTHER ORDERED AND RESOLVED that this Resolution shall take effect after its publication in the official County newspaper.

ADOPTED AND APPROVED by the Board of County Commissioners of Atchison County, Kansas this 19th day of June, 2018.

By: 
Eric Noll, Chairman



By: Henry W. Pohl
Henry W. Pohl, Commissioner

By: Jack Bower
Jack Bower, Commissioner

ATTEST:

Michelle Phillips
Michelle Phillips, Atchison County Clerk

