

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Mark Fletchall, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for \_1\_ issues, that the first publication of said notice was

made as aforesaid on the 24th of

September A.D. 2011, with

subsequent publications being made on the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true.

Mark Fletchall

Subscribed and sworn to before me this

26th day of September, 2011

PENNY L. CASE
Notary Public - State of Kansas
My Appt. Expires 5/28/2014

Penny L. Case
Notary Public Sedgwick County, Kansas

Printer's Fee : \$68.25

LEGAL PUBLICATION

PUBLISHED IN THE WICHITA EAGLE
SEPTEMBER 24, 2011 (3142929)
NOTICE OF PROPOSED ACTION
on a Petition to Vacate a Road

A petition to vacate the road described below has been filed asking that the Sedgwick County Board of County Commissioners (the Board) vacate:

See Attachment A

The petition was filed with a bond as required by law. A copy of the petition and bond is on file in the County Clerk's office at the Sedgwick County Courthouse, 525 N. Main, Suite 211, Wichita, KS, and may be viewed during business hours.

NOTE: This request was previously heard by the Metropolitan Area Planning Commission in December 2010, but due to legal procedural requirements must now be reconsidered by the Board. The requested vacation has not changed.

The petition and bond will be presented to the Board at its regular meeting at 9:00 a.m., on the 5th day of October, 2011, at the Sedgwick County Courthouse, 525 N. Main, Wichita, KS, in the Board of County Commissioners meeting room Suite 320. At that meeting the Board will determine if the petition is legal, that the proper bond has been given, and then may take further action as determined to be necessary. If you would like to address the Board regarding this matter, you may attend the meeting and be heard.

Pursuant to K.S.A. 68-104, the petitioners have requested the Board dispense with the road viewing because the owners of the land have agreed to the change in the road and the change prayed for is practicable and can be made without unreasonable expense. The Board may, but is not required to, take action to grant the petition at the October 5th meeting without further notice to the public or any adjoining landowner.

In witness whereof I have hereunto set my hand and official seal this 21st day of September, 2011.

Kelly B. Arnold,
County Clerk

This notice shall be published once in the official county newspaper and sent by certified mail to each property owner 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 amendments thereto. Any person or persons may make written application to the county commissioners for payment for damage to property caused by such action. The county commissioners shall not award damages unless there has been filed with the county clerk, within 12 months after the entering of the order laying out, altering or vacating such road, a written application giving a description of the premises for which damages or compensation are claimed. The county commissioners shall determine the amount of damage sustained, if any, by such claimant. All applications for damages shall be forever barred unless they are presented as provided by this act.

ATTACHMENT A

A tract of land lying within the South half of the Southwest Quarter of the Northwest Quarter, of Section 28, Township 28 South, Range 2 East, of the Sixth Principle Meridian, Sedgwick, Kansas, said tract being more particularly described as follows: COMMENCING at the northwest corner of said South Half, thence along the west line of said South Half on an assumed bearing of S00°29'53"E, 75.00 feet to the POINT OF BEGINNING, thence S31°29'01"E, 37.25 feet to a point on a non-tangent curve to the left; thence along the said curve 241.44 feet, said curve having a central angle of 212°49'16", a radius of 65.00 feet, and a long chord distance of 124.70 feet, bearing N42°15'06"E; thence N64°09'32" W, 37.55 feet to a point on the north line of said South Half, being 70.19 feet east of said northwest corner and being a point on a non-tangent curve to the right; thence along the said curve and Webb Road right-of-way recorded on Film 246, Page 908, 356.94 feet to the POINT OF BEGINNING, said curve having a central angle of 272°36'02", a radius of 75.02 feet, and a long chord distance of 103.66 feet, bearing S42°06'35"W. CONTAINING: 3.111 square feet or 0.07 acres of land, more or less.