

## **ORDER FOR VACATION OF A COUNTY ROAD**

**WHEREAS**, Sedgwick County Charter Resolution No. 64 provides a procedure through which county roads may be vacated; and

**WHEREAS**, the Board of County Commissioners of Sedgwick County held a hearing regarding a proposed road vacation of a portion of 71<sup>st</sup> Street South to the west of 143<sup>rd</sup> Street East during their regular meeting on the 3<sup>rd</sup> day of May, 2017 ; and

**WHEREAS**, consistent with Charter Resolution No. 64, the Board of County Commissioners made findings to vacate the portion of 71<sup>st</sup> Street South.

**NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ORDERS THE VACATION OF A COUNTY ROAD AND STATES AS FOLLOWS:**

### **SECTION 1.**

This Order pertains to the following real property [hereinafter "the Road"]:

#### **Tract 1**

A tract of land in the Southeast Quarter of Section 35, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Southeast Corner of the Southeast Quarter; thence S 89°56'17" W along the South line of said Southeast Quarter a distance of 60 feet to the point of beginning; thence continuing S 89°56'17" W along the South line of said Southeast Quarter a distance of 407 feet; thence N 0°03'43" W perpendicular to the South line of said Southeast Quarter a distance of 60 feet to a point on the South line of Lot 8, Block A "Downwind Estates" to Sedgwick County, Kansas; thence N 89°56'17" E along the South line of said Lot 8, a distance of 117.10 feet; thence N 81°24'31" E along the South line of said Lot 8, a distance of 101.13 feet; thence N 89°56'17" E along the South line of said Lot 8, a distance of 175.00 feet to the Southeast Corner of said Lot 8; thence N 0°00'00" E along the East line of said Lot 8, a distance of 175.00 feet; thence N 8°31'51" E along the East line of said Lot 8, a distance of 101.14 feet; thence S 0°00'00" W, 60 feet West of and parallel to the East line of the Southeast Quarter of said Section 35, a distance of 350.00 feet to the point of beginning.

#### **Tract 2**

A tract of land in the Northeast Quarter of Section 2, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence West along the North line of said Northeast Quarter a distance of 60 feet to the point of beginning; thence South parallel to the East line of said

Northeast Quarter a distance of 22.5 feet; thence West parallel to the North line of said Northeast Quarter a distance of 288.5 feet; thence North parallel to the East line of said Northeast Quarter a distance of 22.5 feet to the North line of said Northeast Quarter; thence East along the North line of said Northeast Quarter a distance of 288.5 feet to the point of beginning.

#### Tract 3

A tract of land in the Northeast Quarter of Section 2, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence West along the North line of said Northeast Quarter a distance of 348.5 feet to the point of beginning; thence South parallel to the East line of said Northeast Quarter a distance of 22.5 feet; thence West parallel to the North line of said Northeast Quarter a distance of 118.5 feet; thence North parallel to the East line of said Northeast Quarter a distance of 22.5 feet to the North line of said Northeast Quarter; thence East along the North line of said Northeast Quarter a distance of 118.5 feet to the point of beginning.

#### Tract 4

A tract of land in the Northeast Quarter of Section 2, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence S 0°40'20" W on an assumed bearing along the East line of said Northeast Quarter a distance of 250 feet; thence S 90°00'00" W a distance of 50 feet to the point of beginning; thence S 0°40'20" W parallel to the East line of said Northeast Quarter a distance of 99.41 feet; thence N 13°29'01" W a distance of 102.22 feet; thence N 90°00'00" E a distance of 25 feet to the point of beginning.

### **SECTION 2.**

During its regular meeting on May 3, 2017, the Board of County Commissioners made the following findings regarding the Road:

- (1) That all required notices were provided;
- (2) That the Road does not provide any public utility due to nonuse, inconvenience, and the prior re-routing and vacation of 71<sup>st</sup> Street South to the west of the Road;
- (3) Any present or future public utility does not justify the expenditure of necessary funds to continue to repair the Road and keep it in condition for public travel;
- (4) The public will not suffer any unreasonable loss or inconvenience and no private rights will be endangered or injured; and
- (5) That it would be appropriate for the Road to be vacated so the property owners could use the vacated property for purposes other than road right-of-way.

### **SECTION 3.**

As a result of the aforementioned findings, the Board of County Commissioners orders the Road to be vacated.

**SECTION 4.**

The County Counselor's Office is directed to file this Order with the Sedgwick County Register of Deeds.

Commissioners present and voting were:

DAVID M. UNRUH	_____
MICHAEL B. O'DONNELL, II	_____
DAVID T. DENNIS	_____
RICHARD RANZAU	_____
JAMES M. HOWELL	_____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
KELLY B. ARNOLD, County Clerk

\_\_\_\_\_  
DAVID M. UNRUH, Chairman  
Commissioner, First District

\_\_\_\_\_  
MICHAEL B. O'DONNELL, II, Chair Pro Tem  
Commissioner, Second District

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JUSTIN M. WAGGONER,  
Assistant County Counselor

\_\_\_\_\_  
DAVID T. DENNIS  
Commissioner, Third District

\_\_\_\_\_  
RICHARD RANZAU  
Commissioner, Fourth District

\_\_\_\_\_  
JAMES M. HOWELL  
Commissioner, Fifth District