

COMMISSIONERS RECORD 5, DOUGLAS COUNTY

Term, 19

day of

19

Lockwood Co., Inc. Reorder No. 180428-12-79

Vacate:
Petition for
vacating
13th Miss. &
Oread Ave.

At the advertised hour of 9:00 a.m., the Board sits to hear the Petition of the City of Lawrence for an Order in the matter of the vacation of that portion of Thirteenth (13th) Street laying between the East right-of-way line of Mississippi Street and the West right-of-way line of Oread Avenue, in the City of Lawrence, Douglas County, Kansas. The petitioner states:

- (1) That the petitioner is a duly incorporated City of the First-Class within the State of Kansas.
- (2) That this petition is made pursuant to the authority of K.S.A. 12-504 et seq.
- (3) That no private rights will be injured or endangered by such vacation.
- (4) That the public will suffer no loss or inconvenience by said vacation.
- (5) That said order of vacation should reserve unto the petitioner and the owners of any lesser property rights for public service utilities, rights-of-ways and easement for public service facilities now in existence and use.
- (6) That the Governing Body of the City of Lawrence, Kansas, did on the 24th day of March 1981, unanimously approve and authorize the filing of this petition and all proceedings hereunder.

The petitioner is represented in this instance by Counselor Gerald L. Cooley, and no other persons appeared in protest of this petition. The petitioner presented to the Board an Affidavit in Proof of Publication which indicates that legal notice in the newspaper of record for Douglas County has been given. After a complete review of the details of this requested vacation it was moved by Mr. Cragan that the following Order of Vacation be adopted: That on this 22nd day of April 1981, this petition for vacation comes on for hearing before the Board of County Commissioners of Douglas County, Kansas, upon the petition of the City of Lawrence, Kansas, for an order vacating that portion of Thirteenth (13th) Street laying between the East right-of-way line of Mississippi Street and the West right-of-way line of Oread Avenue, in the City of Lawrence, Douglas County, Kansas. The Board examines the file, hears the comments of the attorney for the petitioner and being duly advised in the premises unanimously finds as follows, to-wit:

- (1) That the board has jurisdiction of subject matter of said petition, pursuant to K.S.A. 12-504 et seq., as amended.
- (2) That notice of hearing on said petition and the affidavit of publication thereof are examined and found to have been duly made in strict conformity with the laws of the State of Kansas.
- (3) That no private rights will be injured or endangered by such vacation.
- (4) That no written objection to said petition has been filed with the County Clerk at the time of or prior to this hearing.
- (5) That the public will suffer no loss or inconvenience by said vacation, and that in justice to the petitioner the prayer of the petitioner should be and the same is hereby granted.
- (6) That there shall be reserved to the City of Lawrence, Kansas, and all owners of lesser rights, for public utilities, right-of-ways and easements for public service facilities, all such rights now in existence and use.
- (7) That the County Clerk shall certify a copy of this order to the register of deeds of Douglas County, Kansas, for recording as provided by K.S.A. 12-505, and amendments thereto.

It is therefore by the Board of County Commissioners of Douglas County, Kansas, considered and unanimously ordered that the portion of Thirteenth (13th) Street laying between the East right-of-way line of Mississippi Street and the West right-of-way line of Oread Avenue, in the City of Lawrence, Douglas County, Kansas, be vacated, subject however to the reservations unto the City of Lawrence, Kansas, and the owners of any lesser property rights for public service facilities now in existence and use. Motion seconded by Mr. Neis and carried.

Perry Street

The Board then sits to hear the Petition of the City of Lawrence for an Order in the matter of the vacation of that portion of Perry Street described as commencing at the Northwest corner of Lot Four (4), in Block Four (4), in Smith's Subdivision, in that part of the City of Lawrence, Douglas County, Kansas, formerly known as North Lawrence; thence East along the South line of said Perry Street to the Northeast corner of Lot One (1), in Block Four (4), in said Smith's Subdivision; thence North to the Southeast corner of Lot Eight (8), in Block One (1), in said Smith's Subdivision; thence West along the North line of said Perry Street to the Southwest corner of Lot Six (6), in Block One (1), in said Smith's Subdivision; thence South to the point of beginning, all in the City of Lawrence, Douglas County, Kansas. The petitioner states:

- (1) That the petitioner is a duly incorporated City of the First-Class within the State of Kansas.
- (2) That this petition is made pursuant to the authority of K.S.A. 12-504 et seq.
- (3) That no private rights will be injured or endangered by such vacation.
- (4) That the public will suffer no loss or inconvenience by said vacation.
- (5) That said order of vacation should reserve unto the petitioner and the owners of any lesser property rights for public service utilities, rights-of-ways and easement for public service facilities now in existence and use.