

**58-2614. Same; order; protest by city; recordation of order; costs.** Upon the hearing, if the board of county commissioners determines that notice has been given as required by this act, that the public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered thereby, the board shall order that such vacation be made and if the vacation is of a plat that such land shall be listed for taxation and for other purposes as though it had never been platted. If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the board in the same manner provided by K.S.A. 12-752, and amendments thereto, for submission and approval of recommendations regarding plats. No such vacation shall be granted if the governing body of any city having subdivision regulations applicable to the area in which the property is located, shall protest against such vacation. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the county clerk by any owner of land which adjoins the portion to be vacated. The order of the board shall be entered on the records of proceedings of the board, and a certified copy thereof recorded in the office of the register of deeds of the county. Such order, if approving a vacation of a plat, street, alley, public easement or reservation shall protect and provide for the property rights of public utilities, rights-of-way, and easements for public service facilities then in existence and use. The costs of the proceedings, including publication and recording costs, shall be paid by the party or parties presenting the petition.

**History:** L. 1949, ch. 223, § 2; L. 1967, ch. 306, §2; L. 1997, ch. 147, § 7; May 1.