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RESOLUTION NO. 05-7

A RESOLUTION OF THE JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS ORDERING THE COMDEMNATION AND APPROPRIATION OF CERTAIN REAL ESTATE IN JEFFERSON COUNTY, KANSAS FOR USE IN WIDENING AND OTHERWISE IMPROVING WELLMAN ROAD, A JEFFERSON COUNTY ROAD.

WHEREAS, the Board of County Commissioners of Jefferson County, Kansas (hereinafter the "Board") has heretofore found it necessary to appropriate for public use and purposes certain private property in Jefferson County, Kansas necessary for widening and otherwise improving Wellman Road from the Jefferson County/Douglas County border in a northerly direction approximately 6.5 miles to 54th Street, known as Project No. KDOT #44 C-3789-01 (hereinafter the "Project").

WHEREAS, the Board has heretofore authorized and ordered a survey to be made of such land by a competent surveyor and said survey has been completed.

WHEREAS, the Jefferson County Road & Bridge Department has been unable to purchase certain right-of-way necessary for the Project and the Board has determined it necessary and in the public interest and appropriate to use its powers of eminent domain for purposes of acquiring such property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Jefferson County, Kansas, as follows:

Section 1. The Board hereby affirms finds and declares the necessity of appropriating interests in real estate for public use for widening and otherwise improving Wellman Road from the Jefferson County/Douglas County border in a northerly direction approximately 6.5 miles to 54th Street.

Section 2. The lands and interests required to be taken for such public purpose, for which the Jefferson County Road & Bridge Department has been unable to purchase through agreement, are described as follows:

A. A PERMANENT AND PERPETUAL EASEMENT OF RIGHT-OF-WAY in, over, under, upon and across the following tracts of real estate situated in Jefferson County, Kansas:

Permanent Tracts 61, 62, 63 and 64 according to Exhibit A attached hereto.

All for the purposes and use set forth in Section 1.

B. TEMPORARY EASEMENTS, in, over, under, upon and across the following described tracts of real estate situated in Jefferson County, Kansas:

Temporary Tract 65 and 66 according to Exhibit B.

All for the purposes and use set forth in Section 1, which temporary easement shall terminate upon completion of the Project.


Section 3. The interest in said real estate described in Section 2 hereof are hereby ordered condemned for the purposes and use set forth in Section 1.

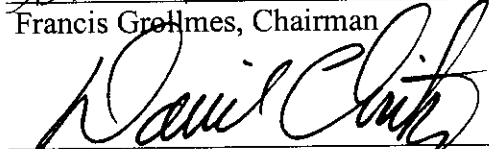
Section 4. Steven C. Montgomery, County Counselor for Jefferson County, Kansas, is hereby authorized to file a verified petition in the District Court of Jefferson County, Kansas, for condemnation and appropriation of real estate and interests described in Section 2 pursuant to the Eminent Domain Procedure Act, Article 5 of Chapter 26 of Kansas Statutes Annotated, as amended, and to do all things necessary for the condemnation and acquisition of said real estate, and interest therein.

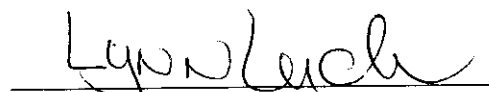
Section 5. This Resolution shall take effect and be in full force from and after its adoption by the Board of Jefferson County Commissioners.

IN WITNESS WHEREOF, this Resolution is adopted this 14th day of February, 2005.

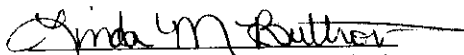
BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, KANSAS


Francis Grollmes, Chairman


David Christy, Member


Lynn Luck, Member




Linda Buttron, County Clerk

COOK FLATT & STROBEL
Engineers, P.A.
November, 2002

KDOT Project No.

44 C-3789-01
CF & S No. 00-601

RIGHT OF WAY DESCRIPTION
Robert E. Petrie - Trust

Tracts of land in the Southwest Quarter of Section 12 Township 11 South, Range 19 East, of the 6th P.M., Jefferson County, Kansas, described as follows:

(61)

Commencing at the Northeast corner of the said Southwest Quarter of Section 12; thence South 02 degrees 06 minutes 27 seconds East, on an assumed bearing, along the East line of the said Southwest Quarter, 519.03 feet, to the Point of Beginning; thence South 02 degrees 06 minutes 27 seconds East, along said East line of the Southwest Quarter, 1,148.29 feet; thence South 87 degrees 53 minutes 33 seconds West, 24.49 feet; thence North 06 degrees 26 minutes 45 seconds West, 82.23 feet; thence North 02 degrees 18 minutes 34 seconds West, 820.21 feet; thence North 00 degrees 55 minutes 42 seconds West, 246.14 feet; thence North 87 degrees 53 minutes 33 seconds East, 28.54 feet, to the Point of Beginning.

also

(62)

Commencing at the Northeast corner of the said Southwest Quarter of Section 12; thence South 02 degrees 06 minutes 27 seconds East, on an assumed bearing, along the East line of the said Southwest Quarter, 1,995.40 feet, to the Point of Beginning; thence South 02 degrees 06 minutes 27 seconds East, along said East line, 480.80 feet; thence South 87 degrees 29 minutes 13 seconds West, 22.00 feet; thence North 12 degrees 00 minutes 37 seconds West, 72.02 feet; thence North 00 degrees 33 minutes 49 seconds West, 410.16 feet; thence North 87 degrees 53 minutes 33 seconds East, 23.34 feet, to the Point of Beginning.

Containing 0.2034 acres of land, more or less, excluding the existing road right of way.

Exhibit A

COOK FLATT & STROBEL
Engineers, P.A.
November, 2002

KDOT Project No.

JEFFERSON COUNTY, KS.

52
44 C-3789-01
CF & S No. 00-601

RIGHT OF WAY DESCRIPTION
Robert E. Patrie - Trust

A tract of land in the East Half of the Northwest Quarter of Section 12 Township 11 South, Range 19 East, of the 6th P.M., Jefferson County, Kansas, described as follows:

(63) Beginning at the Southeast corner of the said East Half of the Northwest Quarter of Section 12; thence South 87 degrees 01 minutes 50 seconds West, on an assumed bearing, along the South line of the said East Half of the Northwest Quarter, 30.37 feet; thence North 14 degrees 58 minutes 10 seconds West, 56.96 feet; thence North 00 degrees 43 minutes 50 seconds East, 246.50 feet; thence North 87 degrees 59 minutes 28 seconds East, 31.36 feet, to the West line of said East Half of the Northwest Quarter; thence South 02 degrees 00 minutes 32 seconds East, 301.22 feet, along said West line, to the Point of Beginning.

also

(64) Commencing at the Northeast corner of the said East Half of the Northwest Quarter of Section 12; thence South 87 degrees 01 minutes 50 seconds West, on an assumed bearing, along the North line of said East Half of the Northwest Quarter, 403.81 feet, to the Point of Beginning; thence South 01 degrees 03 minutes 04 seconds West, 225.24 feet; thence around a curve to the left having an arc length of 127.68 feet, a radius of 803.81 feet, a chord bearing South 03 degrees 27 minutes 47 seconds East, 127.56 feet; thence South 16 degrees 54 minutes 00 seconds East, 233.23 feet; thence South 21 degrees 49 minutes 32 seconds East, 62.30 feet; thence North 21 degrees 49 minutes 32 seconds West, 62.30 feet; thence South 21 degrees 47 minutes 59 seconds East, 618.15 feet; thence South 68 degrees 08 minutes 17 seconds West, 40.00 feet, to the Baseline Alignment of Wellman Road; thence South 21 degrees 50 minutes 34 seconds East, 158.36 feet, along said Baseline Alignment; thence South 68 degrees 08 minutes 17 seconds West, 40.00 feet; thence North 30 degrees 44 minutes 11 seconds West, 166.03 feet; thence North 12 degrees 57

minutes 06 seconds West, 166.07 feet; thence North 68 degrees 10 minutes 30 seconds East, 40.00 feet, to the said Baseline Alignment; thence North 21 degrees 49 minutes 30 seconds West, 328.08 feet, along said Baseline Alignment; thence South 68 degrees 10 minutes 30 seconds West, 40.00 feet; thence North 32 degrees 42 minutes 40 seconds West, 83.52 feet; thence North 21 degrees 41 minutes 06 seconds West, 140.42 feet; thence around a curve to the right having an arc length of 201.08 feet, a radius of 908.79 feet, a chord bearing North 14 degrees 23 minutes 08 seconds West, 200.67 feet; thence North 02 degrees 29 minutes 41 seconds East, 172.35 feet; thence South 88 degrees 56 minutes 46 seconds East, 40.00 feet, to the said Baseline Alignment; thence North 01 degrees 03 minutes 14 seconds East, 164.04 feet, along said Baseline Alignment; thence North 88 degrees 56 minutes 46 seconds West, 40.00 feet; thence North 59 degrees 48 minutes 30 seconds West, 48.11 feet, to the said North line of the East Half of the Northwest Quarter; thence North 87 degrees 01 minutes 50 seconds East, along said North line, 131.55 feet, to the Point of Beginning.

Containing 0.315 acres of land, more or less, excluding the existing road right of way.

COOK FLATT & STROBEL
Engineers, P.A.
November, 2002

JEFFERSON COUNTY, KS.
KDOT Project No. 44 C-3789-01
CF & S No. 00-601

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION
Robert E. Petrie - Trust

Tracts of land in the East Half of the Northwest Quarter of Section 12 Township 11 South, Range 19 East, of the 6th P.M., Jefferson County, Kansas, described as follows:

(65) Commencing at the Northeast corner of the said East Half of the Northwest Quarter of Section 12; thence South 87 degrees 01 minutes 50 seconds West, on an assumed bearing, along the North line of the said East Half of the Northwest Quarter, 264.86 feet; thence South 02 degrees 58 minutes 10 seconds East, 1,221.41 feet, to the Point of Beginning; thence South 12 degrees 57 minutes 06 seconds East, 16.60 feet; thence South 30 degrees 44 minutes 11 seconds East, 66.41 feet; thence South 68 degrees 08 minutes 17 seconds West, 33.22 feet; thence North 21 degrees 51 minutes 07 seconds West, 82.02 feet; thence North 68 degrees 08 minutes 17 seconds East, 25.53 feet, to the Point of Beginning.

also

(66) Commencing at the Northeast corner of said East Half of the Northwest Quarter of Section 12; thence South 87 degrees 01 minutes 50 seconds West, on an assumed bearing, along the North line of said East Half of the Northwest Quarter, 361.19 feet, to the Point of Beginning; thence South 00 degrees 58 minutes 53 seconds West, 117.67 feet; thence North 88 degrees 56 minutes 46 seconds West, 42.65 feet; thence North 01 degrees 02 minutes 55 seconds East, 114.68 feet, to the said North line; thence North 87 degrees 01 minutes 50 seconds East, along said North line, 42.62 feet, to the Point of Beginning.

Containing 0.165 acres of land, more or less.

Exhibit B