

PUBLIC NOTICE

Published in The Norton Telegram, Friday, October 29, 2004. (1T)
IN THE DISTRICT COURT OF NORTON COUNTY, KANSAS
IN THE MATTER OF THE CONDEMNATION OF LAND FOR STATE HIGHWAY PURPOSES
DEBRA L. MILLER, Secretary of Transportation of the State of Kansas, Plaintiff,
v.

Case No. 2004 CV 46
James L. Applegate, *et al.*, Defendants.
PURSUANT TO K.S.A. CHAPTER 26
NOTICE OF PROCEEDING TO CONDEMN LAND FOR STATE HIGHWAY PURPOSES
The named defendants are hereby notified that Debra L. Miller, Secretary of Transportation of the State of Kansas, filed a Petition in the District Court of Norton County, Kansas, seeking the condemnation of certain lands and/or interest and/or rights therein described in the Petition. The Court has ordered that the Petition be considered on November 16, 2004, at 1:30 p.m., in the Norton County Courthouse, 101 S. Kansas Street, Norton, Kansas.

SALLY A. HOWARD
CHIEF COUNSEL
BY:
/s/ RUSSELL K. ASH
RUSSELL K. ASH, No. 07555
Staff Attorney
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Debra L. Miller, Secretary of Transportation of the State of Kansas

IN THE DISTRICT COURT OF NORTON COUNTY, KANSAS
IN THE MATTER OF THE CONDEMNATION OF LAND FOR STATE HIGHWAY PURPOSES
DEBRA L. MILLER, Secretary of Transportation of the State of Kansas, Plaintiff,
v.

Case No. 2004 CV 46
James L. Applegate, owner, RR 1 Box 81, Norcat, Kansas 67653; Phyllis J. Holeman, owner, 301 E. Lincoln Street, Norton, Kansas 67654-2011; United States of America, mortgage interest holder, by serving the United States Attorney General, Department of Justice, 10th and Constitutional Avenue NW, Washington, D.C. 20530 and United States Attorney, 444 SE Quincy, Topeka, Kansas 66683, acting through the Farmers Home Administration, address unknown; Federal Land Bank of Wichita, mortgage interest holder, address unknown; Phyllis J. Holeman, judgment lien holder, Norton County Case No. 97-D-29, 301 E. Lincoln Street, Norton, Kansas 67654-2011; Lloyd Ritter and Ila Marie Ritter, Trustees of the Lloyd Ritter Revocable Trust No. 1, dated July 17, 1996, owners, RR 1 Box 65, Norcat, Kansas 67653; Rusty and John Miller, tenants, RR 3 Box 125, Norton, Kansas 67654; Ila Marie Ritter and Lloyd Ritter, Trustees of the Ila Marie Ritter Revocable Trust No. 1 dated July 17, 1996, owners, RR 1 Box 65, Norcat, Kansas 67653; Kaw Valley State Bank & Trust Company, mortgage interest holder, 1110 North Kansas Avenue, Topeka, Kansas 66608; Kansas Department of Agriculture, Division of Water Resources, easement interest holder, 109 SW 9th Street, Topeka, Kansas 66612; Everett K. White & Co., advertising sign easement interest holder, address unknown; David J. Maddy and Patsy L. Maddy, husband and wife, owners, RR 3 Box 128, Norton, Kansas 67654; Beverly J. Miller and John E. Miller, wife and husband, owners, RR 3 Box 125, Norton, Kansas 67654; Theodore R. Thiele and Mary L. Thiele, husband and wife, owners, RR 2 Box 60, Norton, Kansas 67654; Spencer Braun, tenant, 324 W. Main Street, Norton, Kansas 67654; Farm Credit Bank of Wichita, mortgage interest holder, 245 North Waco, Wichita, Kansas 67202; Joyce Preston, oil and gas mineral interest holder, address unknown; Mary V. Schoen, oil and gas mineral interest holder, 507 W. Crane, Norton, Kansas 67654; Maple Grove Church, owner, RR 2, Norton, Kansas 67654; The unknown heirs, executors, administrators, devisees, legatees, creditors and assigns of each of the defendants; The unknown spouses of the defendants; The unknown guardians and trustees of such defendants; The unknown guardians and trustees of such defendants as are minor or are in anywise under legal disability; The unknown officers, successors, trustees, creditors and assigns of such defendants as are existing, dissolved or dormant corporations, and any unknown persons in possession of the real property described herein,
Defendants.
PURSUANT TO K.S.A. CHAPTER 26
EMINENT DOMAIN PETITION
Comes now Debra L. Miller, Secretary of Transportation of the State of Kansas, and for her cause alleges and states as follows:

1. Plaintiff is the duly-appointed Secretary of Transportation of the State of Kansas.
2. Pursuant to K.S.A. 68-404 and 68-406 Plaintiff has been delegated the statutory power and authority to designate, construct, maintain, design, locate and establish highways in the State of Kansas.
3. Pursuant to K.S.A. 68-413 Plaintiff is authorized, in the name of the state of Kansas, to acquire by the exercise of the right of eminent domain title or easements to or upon any lands or interest to or rights therein and other property and rights as more fully described in K.S.A. 68-413 as may be necessary for the construction, reconstruction, improvement, maintenance or drainage of the state highway system.
4. Pursuant to her lawful powers and duties as stated herein Plaintiff is undertaking a highway improvement project upon the state highway system designated as KDOT Project No. 36-69 K-6373-01 in Norton County, Kansas, and has determined that in order for her to carry out such project and her lawful powers and duties it is necessary for her to hereby acquire, in the name of the state of Kansas and by the exercise of her power of eminent domain and pursuant to the procedures set forth in the Kansas Eminent Domain Procedure Act, K.S.A. 26-501, et seq., the following titles, easements, or other interests to or upon the

following described lands located in Norton County, Kansas:

TRACT 8
James L. Applegate, owner, RR 1 Box 81, Norcat, Kansas 67653; Phyllis J. Holeman, owner, 301 E. Lincoln Street, Norton, Kansas 67654-2011; United States of America, mortgage interest holder, by serving the United States Attorney General, Department of Justice, 10th and Constitution Avenue NW, Washington, D.C. 20530 and United States Attorney, 444 SE Quincy, Topeka, Kansas 66683, acting through the Farmers Home Administration, address unknown; Federal Land Bank of Wichita, mortgage interest holder, address unknown; Phyllis J. Holeman, judgment lien holder, Norton County Case No. 97-D-29, 301 E. Lincoln Street, Norton, Kansas 67654-2011.

(a) A PERMANENT EASEMENT for highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the Southeast Quarter of Section 33, Township 2 South, Range 25 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at the Southeast corner of said Quarter Section; FIRST COURSE, thence North 88 degrees 53 minutes 37 seconds West, 802.065 meters (2631.44 feet) along the South line of said Quarter Section to the West line of said Quarter Section; SECOND COURSE, thence North 01 degree 42 minutes 07 seconds East, 37.856 meters (124.20 feet) along said West line to the Northernly right of way line of the existing highway; THIRD COURSE, thence South 88 degrees 46 minutes 26 seconds East, 471.934 meters (1548.34 feet) along said Northernly right of way line; FOURTH COURSE, thence North 01 degree 13 minutes 47 seconds East, 10.022 meters (32.88 feet); FIFTH COURSE, thence South 88 degrees 46 minutes 13 seconds East, 145.000 meters (475.72 feet); SIXTH COURSE, thence South 01 degree 13 minutes 47 seconds West, 10.013 meters (32.85 feet) to the Northernly right of way line of the existing highway; SEVENTH COURSE, thence South 88 degrees 46 minutes 26 seconds East, 145.000 meters (475.72 feet) along said Northernly right of way line; EIGHTH COURSE, thence North 23 degrees 24 minutes 39 seconds East, 83.158 meters (272.83 feet) to the Westerly right of way line of an existing public road; NINTH COURSE, thence South 88 degrees 24 minutes 17 seconds East, 9.144 meters (30.00 feet) to the East line of said Quarter Section; TENTH COURSE, thence South 01 degree 35 minutes 43 seconds West, 113.125 meters (371.14 feet) along said East line to the POINT OF BEGINNING. The above described tract contains 3.303 hectares (8.16 acres), which includes 3.039 hectares (7.51 acres) of existing right of way, resulting in an acquisition of 0.264 hectare (0.65 acre), more or less.

(b) A TEMPORARY EASEMENT for the construction of an entrance over and upon a tract of land in the Southeast Quarter of Section 33, Township 2 South, Range 25 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at a point on the Northernly right of way line of the existing highway intersecting with the West line of said Quarter Section which point is North 01 degree 42 minutes 07 seconds East, 37.856 meters (124.20 feet) along said West line from the Southwest corner of said Quarter Section, the South line of said Quarter Section having an assumed bearing of North 88 degrees 53 minutes 37 seconds West; FIRST COURSE, thence North continuing 01 degree 42 minutes 07 seconds East, 13.053 meters (42.82 feet) along said West line; SECOND COURSE, thence South 88 degrees 46 minutes 13 seconds East, 26.826 meters (88.01 feet); THIRD COURSE, thence South 01 degree 13 minutes 47 seconds West, 13.051 meters (42.82 feet) to the Northernly right of way line of the existing highway; FOURTH COURSE, thence North 88 degrees 46 minutes 26 seconds West, 26.934 meters (88.37 feet) along said Northernly right of way line to the POINT OF BEGINNING. The above described tract contains 0.035 hectare (0.09 acre), more or less.

This easement expires four (4) years after legal possession through condemnation or ninety (90) days after completion of the highway construction for which this easement is acquired, or whichever comes first.

TRACT 11
Lloyd Ritter and Ila Marie Ritter, Trustees of the Lloyd Ritter Revocable Trust No. 1, dated July 17, 1996, owners, RR 1 Box 65, Norcat, Kansas 67653; Rusty and John Miller, tenants, RR 3 Box 125, Norton, Kansas 67654.

A PERMANENT EASEMENT for highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the East Half of the Northwest Quarter of Section 3, Township 3 South, Range 25 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at the Northeast corner of said Quarter Section; FIRST COURSE, thence South 01 degree 57 minutes 17 seconds West, 78.855 meters (258.71 feet) along the East line of said Quarter Section; SECOND COURSE, thence North 89 degrees 37 minutes 47 seconds West, 301.872 meters (990.39 feet); THIRD COURSE, thence North 88 degrees 46 minutes 13 seconds West, 99.790 meters (327.40 feet) to the West line of the East Half of said Quarter Section; FOURTH COURSE, thence North 02 degrees 00 minute 50 seconds East, 81.606 meters (267.73 feet) along said West line to the North line of said Quarter Section; FIFTH COURSE, thence South 89 degrees 01 minute 27 seconds East, 401.513 meters (1317.30 feet) along said North line to the POINT OF BEGINNING. The above described tract contains 3.244 hectares (8.02 acres), which includes 0.491 hectare (1.21 acres) of existing right of way, resulting in an acquisition of 2.753 hectares (6.80 acres), more or less.

TRACT 13
Ila Marie Ritter and Lloyd Ritter, Trustees of the Ila Marie Ritter Revocable Trust No. 1 dated July 17, 1996, owners, RR 1 Box 65, Norcat, Kansas 67653; Rusty and John Miller, tenants, RR 3 Box 125, Norton, Kansas 67654; Kaw Valley State Bank & Trust Company, mortgage interest holder, 1110 North Kansas Avenue, Topeka, Kansas 66608; Kansas Department of Agriculture, Division of

Water Resources, easement interest holder, 109 SW 9th Street, Topeka, Kansas 66612; Everett K. White & Co., advertising sign easement interest holder, address unknown.

(a) A PERMANENT EASEMENT for highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the Southeast Quarter of Section 34, Township 2 South, Range 25 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at the Southeast corner of said Quarter Section; FIRST COURSE, thence North 89 degrees 01 minute 27 seconds West, 803.027 meters (2634.60 feet) along said South line to the West line of said Quarter Section; SECOND COURSE, thence North 01 degree 29 minutes 49 seconds East, 32.614 meters (107.00 feet) along said West line to the Northernly right of way line of the existing highway; THIRD COURSE, thence South 88 degrees 46 minutes 10 seconds East, 222.012 meters (728.38 feet) along said Northernly right of way line; FOURTH COURSE, thence North 46 degrees 12 minutes 19 seconds East, 21.222 meters (69.63 feet); FIFTH COURSE, thence South 88 degrees 46 minutes 13 seconds East, 35.000 meters (114.83 feet); SIXTH COURSE, thence South 43 degrees 44 minutes 39 seconds East, 21.223 meters (69.63 feet) to the Northernly right of way line of the existing highway; SEVENTH COURSE, thence South 88 degrees 46 minutes 10 seconds East, 495.000 meters (1624.01 feet) along said Northernly right of way line; EIGHTH COURSE, thence North 21 degrees 54 minutes 33 seconds East, 34.225 meters (112.29 feet) to the Westerly right of way line of an existing public road; NINTH COURSE, thence South 88 degrees 25 minutes 04 seconds East, 9.144 meters (30.00 feet) to the East line of said Quarter Section; TENTH COURSE, thence South 01 degree 34 minutes 56 seconds West, 61.012 meters (200.17 feet) along said East line to the POINT OF BEGINNING. The above described tract contains 2.599 hectares (6.42 acres), which includes 2.505 hectares (6.19 acres) of existing right of way, resulting in an acquisition of 0.094 hectare (0.23 acre), more or less.

(b) A TEMPORARY EASEMENT for drainage purposes over and upon a tract of land in the Southeast Quarter of Section 34, Township 2 South, Range 25 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at a point on the Northernly right of way line of the existing highway, which point is North 83 degrees 09 minutes 44 seconds West, 297.278 meters (975.32 feet) from the Southeast corner of said Quarter Section, the South line of said Quarter Section having an assumed bearing of North 89 degrees 01 minute 27 seconds West; FIRST COURSE, thence North 88 degrees 46 minutes 10 seconds West, 55.000 meters (180.45 feet) along the Northernly right of way line of the existing highway; SECOND COURSE, thence North 01 degree 13 minutes 47 seconds East, 12.016 meters (39.42 feet); THIRD COURSE, thence South 88 degrees 46 minutes 13 seconds East, 55.000 meters (180.45 feet); FOURTH COURSE, thence South 01 degree 13 minutes 47 seconds West, 12.016 meters (39.42 feet) to the POINT OF BEGINNING. The above described tract contains 0.066 hectare (0.16 acre), more or less.

This easement expires four (4) years after legal possession through condemnation or ninety (90) days after completion of the highway construction for which this easement is acquired, or whichever comes first.

TRACT 30
David J. Maddy and Patsy L. Maddy, husband and wife, owners, RR 3 Box 128, Norton, Kansas 67654; United States of America, mortgage interest holder, by serving the United States Attorney General, Department of Justice, 10th and Constitutional Avenue NW, Washington, D.C. 20530 and United States Attorney, 444 SE Quincy, Topeka, Kansas 66683, acting through the Farmers Home Administration, address unknown; Kansas Department of Agriculture, Division of Water Resources, easement interest holder, 109 SW 9th Street, Topeka, Kansas 66612.

A PERMANENT EASEMENT for highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the West Half of the Northwest Quarter of Section 4, Township 3 South, Range 24 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at the Northwest corner of said Quarter Section; FIRST COURSE, thence South 88 degrees 33 minutes 38 seconds East, 403.447 meters (1323.64 feet) along the North line of said Quarter Section to the East line of the West Half of said Quarter Section; SECOND COURSE, thence South 01 degree 41 minutes 09 seconds West, 22.738 meters (74.60 feet) along said East line to the Southernly right of way line of the existing highway; THIRD COURSE, thence North 88 degrees 36 minutes 50 seconds West, 370.052 meters (1215.61 feet) along said Southernly right of way line; FOURTH COURSE, thence South 01 degree 18 minutes 32 seconds West, 166.120 meters (545.01 feet); FIFTH COURSE, thence South 13 degrees 45 minutes 16 seconds West, 120.880 meters (396.59 feet) to the Easternly right of way line of an existing public road; SIXTH COURSE, thence North 88 degrees 19 minutes 39 seconds West, 9.144 meters (30.00 feet) to the West line of said Quarter Section; SEVENTH COURSE, thence North 01 degree 40 minutes 21 seconds East, 307.265 meters (1008.09 feet) along said West line to the POINT OF BEGINNING. The above described tract contains 1.746 hectares (4.31 acres), which includes 1.189 hectares (2.94 acres) of existing right of way, resulting in an acquisition of 0.556 hectare (1.37 acres), more or less.

TRACT 36
Beverly J. Miller and John E. Miller, wife and husband, owners, RR 3 Box 125, Norton, Kansas 67654; Kaw Valley State Bank & Trust Co., mortgage interest holder, 1110 North Kansas Avenue, Topeka, Kansas 66608; Kansas Department of Agriculture, Division of Water Resources, easement interest holder, 109 SW 9th Street, Topeka, Kansas 66612.

(a) A PERMANENT EASEMENT for highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the West

Half of the Northwest Quarter of Section 3, Township 3 South, Range 24 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at the Northwest corner of said Quarter Section; FIRST COURSE, thence South 88 degrees 39 minutes 17 seconds East, 403.191 meters (1322.80 feet) along the North line of said Quarter Section to the East line of the West Half of said Quarter Section; SECOND COURSE, thence South 01 degree 59 minutes 09 seconds West, 21.977 meters (72.10 feet) along said East line to the Southernly right of way line of the existing highway; THIRD COURSE, thence North 88 degrees 36 minutes 42 seconds West, 353.471 meters (1159.68 feet) along said Southernly right of way line; FOURTH COURSE, thence South 16 degrees 32 minutes 56 seconds West, 158.435 meters (519.80 feet) to the Easterly right of way line of an existing public road; FIFTH COURSE, thence North 88 degrees 15 minutes 16 seconds West, 9.144 meters (30.00 feet) to the West line of said Quarter Section; SIXTH COURSE, thence North 01 degree 44 minutes 44 seconds East, 174.540 meters (572.64 feet) along said West line to the POINT OF BEGINNING. The above described tract contains 1.329 hectares (3.28 acres), which includes 1.102 hectares (2.72 acres) of existing right of way, resulting in an acquisition of 0.228 hectare (0.56 acre), more or less.

(b) A TEMPORARY EASEMENT for the construction of an entrance over and upon a tract of land in the West Half of the Northwest Quarter of Section 3, Township 3 South, Range 24 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at a point on the Southernly right of way line of the existing highway, which point is South 79 degrees 27 minutes 27 seconds East, 136.225 meters (446.93 feet) from the Northwest corner of said Quarter Section, the North line of said Quarter Section having an assumed bearing of South 88 degrees 39 minutes 17 seconds East; FIRST COURSE, thence South 88 degrees 36 minutes 42 seconds East, 25.000 meters (82.02 feet) along the Southernly right of way line of the existing highway; SECOND COURSE, thence South 01 degree 18 minutes 32 seconds West, 16.712 meters (54.83 feet); THIRD COURSE, thence North 88 degrees 41 minutes 28 seconds West, 25.000 meters (82.02 feet); FOURTH COURSE, thence North 01 degree 18 minutes 32 seconds East, 16.746 meters (54.94 feet) to the POINT OF BEGINNING. The above described tract contains 0.042 hectare (0.10 acre), more or less.

This easement expires four (4) years after legal possession through condemnation or ninety (90) days after completion of the highway construction for which this easement is acquired, or whichever comes first.

TRACT 37
Theodore R. Thiele and Mary L. Thiele, husband and wife, owners, RR 2 Box 60, Norton, Kansas 67654; Spencer Braun, tenant, 324 W. Main Street, Norton, Kansas 67654; Farm Credit Bank of Wichita, mortgage interest holder, 245 North Waco, Wichita, Kansas 67202.

(a) A PERMANENT EASEMENT for highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the East Half of the Southwest Quarter of Section 34, Township 2 South, Range 24 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at the Southeast corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 88 degrees 39 minutes 17 seconds West, 403.191 meters (1322.80 feet) along the South line of said Quarter Section to the West line of the East Half of said Quarter Section; SECOND COURSE, thence North 01 degree 17 minutes 03 seconds East, 82.694 meters (271.31 feet) along said West line; THIRD COURSE, thence South 87 degrees 17 minutes 58 seconds East, 102.338 meters (335.75 feet); FOURTH COURSE, thence South 84 degrees 49 minutes 35 seconds East, 301.419 meters (988.91 feet) to the East line of said Quarter Section; FIFTH COURSE, thence South 01 degree 07 minutes 57 seconds West, 60.148 meters (197.34 feet) along said East line to the POINT OF BEGINNING. The above described tract contains 2.946 hectares (7.28 acres), which includes 0.951 hectare (2.35 acres) of existing right of way, resulting in an acquisition of 1.994 hectares (4.93 acres), more or less.

(b) A TEMPORARY EASEMENT for the construction of an entrance over and upon a tract of land in the East Half of the Southwest Quarter of Section 34, Township 2 South, Range 24 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at a point on the Northernly right of way line of the proposed highway intersection with the East line of said Quarter Section, which point is North 01 degree 07 minutes 57 seconds East, 60.148 meters (197.34 feet) along the East line of said Quarter Section from the Southeast corner of said Quarter Section, the South line of said Quarter Section having an assumed bearing of South 88 degrees 39 minutes 17 seconds East; FIRST COURSE, thence North 84 degrees 49 minutes 35 seconds West, 24.695 meters (81.02 feet) along said Northernly right of way line; SECOND COURSE, thence North 06 degrees 14 minutes 41 seconds East, 16.437 meters (53.93 feet); THIRD COURSE, thence South 83 degrees 24 minutes 41 seconds East, 23.274 meters (76.36 feet) to the East line of said Quarter Section; FOURTH COURSE, thence South 01 degree 07 minutes 57 seconds West, 15.899 meters (52.16 feet) along said East line to the POINT OF BEGINNING. The above described tract contains 0.039 hectare (0.10 acre), more or less.

This easement expires four (4) years after legal possession through condemnation or ninety (90) days after completion of the highway construction for which this easement is acquired, or whichever comes first.

TRACT 38
Ila Marie Ritter and Lloyd Ritter, Trustees of the Ila Marie Ritter Revocable Trust No. 1 dated July 17, 1996, owners, RR 1 Box 65, Norton, Kansas 67653; Rusty and John Miller, tenants, RR 3 Box 125, Norton, Kansas 67654; Joyce Preston, oil and gas mineral interest holder, address unknown; Mary V. Schoen, oil and gas mineral interest holder, 507 W. Crane, Norton, Kansas 67654; Kaw Valley State Bank & Trust Co., mortgage interest holder, 1110 North

Kansas Avenue, Topeka, Kansas 66608; Kansas Department of Agriculture, Division of Water Resources, easement interest holder, 109 SW 9th Street, Topeka, Kansas 66612; Everett K. White & Co., advertising sign easement interest holder, address unknown.

A TEMPORARY EASEMENT for a detour over and upon a tract of land in the East Half of the Northwest Quarter of Section 3, Township 3 South, Range 24 West of the 6th P.M., Norton County, Kansas, described as follows: BEGINNING at a point on the Southernly right of way line of the existing highway intersection with the East line of said Quarter Section, which point is South 02 degrees 13 minutes 30 seconds West, 22.281 meters (73.10 feet) along said East line from the Northeast corner of said Quarter Section, the North line of said Quarter Section having an assumed bearing of South 88 degrees 39 minutes 17 seconds East; FIRST COURSE, thence continuing South 02 degrees 13 minutes 30 seconds West, 7.647 meters (25.09 feet) along said East line; SECOND COURSE, thence North 80 degrees 09 minutes 39 seconds West, 52.029 meters (170.70 feet) to the Southernly right of way line of the existing highway; THIRD COURSE, thence South 88 degrees 36 minutes 42 seconds East, 51.576 meters (169.21 feet) along said Southernly right of way line to the POINT OF BEGINNING. The above described tract contains 0.020 hectare (0.05 acre), more or less.

This easement expires four (4) years after legal possession through condemnation or ninety (90) days after completion of the highway construction for which this easement is acquired, or whichever comes first.

TRACT 125
Maple Grove Church, owner, RR 2, Norton, Kansas 67654.
Any and all Outdoor Advertising Rights and the Outdoor Advertising Structure located at U.S. 36 mile-marker 107.5 Left, [KDOT sign inventory #12329.]

5. That for the purposes of this petition and the subject action the following definitions shall apply:

"OUTDOOR ADVERTISING RIGHTS" is described as all leases, easements, contracts or other forms of agreements existing between any fee simple landowners (or such fee simple landowners' predecessors in interest) and any third person, party, corporation, limited liability company, partnership or other entity under which such third parties are permitted, allowed, authorized or entitled to erect, construct, maintain or operate sign structures, billboards or other similar structures utilized for outdoor advertising at the described location.

6. That no right, title, or interest in or to the oil and gas minerals, under or in the lands described herein is to be condemned.

7. Reasonable ingress and egress to the property remaining shall be afforded by Plaintiff's contractor at all times during the period of the temporary construction easements. Ingress and egress over and across temporary construction easements will be maintained at all times except during actual entrance construction or reconstruction activities. In the event the property has more than one entrance to be constructed or reconstructed, not more than one entrance to the property will be closed for the construction or reconstruction of the entrance at any one time. Temporary surfacing will be applied and maintained to allow reasonable ingress and egress to the property during times of inclement weather.

8. The owners, tenants and easement holders may fully use and enjoy the land within the temporary construction easement, provided such use shall not interfere with the construction of the improvement. All areas disturbed will be restored by seeding or replacement of sod, or the placement of surfacing to a condition as good as, or better than before. No part of any building or structure, including any eaves, awnings or other overhanging attachment, either within or partly within temporary easements shall be damaged or removed unless specifically stated.

WHEREFORE, Plaintiff hereby respectfully prays that the Court set a hearing to consider this Verified Petition, and

that at such hearing the Court enter an Order finding from this Verified Petition that the Plaintiff has the power to exercise the right of eminent domain for the purposes stated herein; that the titles or easements to or upon lands, or interests or rights therein, and other property and rights described herein are necessary to carry out the Plaintiff's lawful powers and duties; that three disinterested residents of Norton County be appointed to view and appraise the value of the titles or easements to or upon lands or interest or rights therein and other property and rights described herein and to determine just compensation to the parties named herein; and for such further appropriate relief as the Court deems just and equitable.

SALLY A. HOWARD
CHIEF COUNSEL
BY:
/s/ RUSSELL K. ASH
RUSSELL K. ASH, No. 07555
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700 SW Harrison Street
Topeka, Kansas 66603-3754
(785) 296-3831
Attorney for Plaintiff
Debra L. Miller, Secretary of Transportation of the State of Kansas

VERIFICATION
STATE OF KANSAS

COUNTY OF SHAWNEE
I, Debra L. Miller, Secretary of Transportation of the State of Kansas, being first duly sworn, state that I have read the foregoing Petition and that the facts stated therein are true and correct.
/s/ DEBRA L. MILLER
DEBRA L. MILLER
Secretary of Transportation
Subscribed and sworn to before me this 8th day of October, 2004.
/s/ PEGGY S. HANSEN-NAGY
NOTARY PUBLIC
My Commission Expires: March 12, 2005

PUBLIC NOTICE

The Estate of Larry Brown

Published in The Norton Telegram on Friday, October 22, 29, and November 5, 2004 (3T)

IN THE DISTRICT COURT OF NORTON COUNTY, KANSAS
PROBATE DIVISION

In the Matter of the Estate of LARRY BROWN, Deceased

Case No. 2003-PR-23
NOTICE OF HEARING ON PETITION FOR FINAL SETTLEMENT
The State of Kansas to All Persons Concerned

You are hereby notified that a petition has been filed on October 21, 2004, in said Court by the executor of the Estate of Larry Brown, deceased, praying for a final settlement of the estate, approval of his acts and proceedings as executor, allowance for attorneys' fees and expenses, determination of the heirs entitled to the estate. You are hereby required to file your written defenses thereto on or before November 16, 2004, at 2:00 p.m., on said day, in said Court, in the City of Norton, in Norton County, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said Petition.

Charles Brown, Petitioner
Rance E. Ames, #18059
HAHN & AMES, P.A.
353 F Street
Phillipsburg, KS 67661
785-543-2166
Attorney for Petitioner



John Faber

State Representative
120th District

I've served as your State Representative the past 8 years and it has been a privilege and an honor.

I take this responsibility very seriously. My voting record reflects my core beliefs in family and fiscal responsibility as well as my support for local Western Kansas Schools. It's my belief that we have some of the strongest schools in the state and it will be my goal to continue to protect them from cuts in revenue.

Whoever is elected on November 2nd will vote on issues that will affect every person in the 120th District.

Use your vote to support the candidate that best represents you and can give you the best representation. I believe I am the best choice, and I hope you do too.

Your strongest link
Support John Faber
to Topeka

Political advertisement paid for by campaign to elect John Faber