

IN THE DISTRICT COURT OF SHERMAN COUNTY, KANSAS

IN THE MATTER OF THE CONDEMNATION OF LAND FOR STATE HIGHWAY PURPOSES

DEBRAL MILLER, Secretary of Transportation of the State of Kansas,

Plaintiff,
v.

Justin D. Bentzinger, a single person, owner, 6480 Road 18, Goodland, Kansas 67735; Western State Bank, mortgage interest holder, 815 Center, Goodland, Kansas 67735; Press Oil Investments, Inc., oil and gas lease interest holder, P.O. Box 464, Wray, Colorado 80758; Eileen Dorothea Nemechek, a widow, owner, 3362 Sunset Drive, Goodland, Kansas 67735; Gregory L. Owens and spouse, if any, owner, 5710 Road 11, Goodland, Kansas 67735; Paul B. Owens and spouse, if any, owner, 29028 Landbridge Street, Wesley Chapel, Florida 33543; Rodney B. Owens and spouse, if any, owner, 3205 Road 65, Edson, Kansas 67733; Brent A. Owens and spouse, if any, owner, 3145 Road 62, Edson, Kansas 67733; Cynthia A. Kickler and spouse, if any, owner, 6450 Road 10, Goodland, Kansas 67735; Beth Johnson and spouse, if any, owner, 807 Eustis, Goodland, Kansas 67735; 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.

Case No. 05 CV 50
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 for 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. 27-91 K-7406-01 in Sherman 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 Sherman County, Kansas:

TRACT 20

Justin D. Bentzinger, a single person, owner, 6480 Road 18, Goodland, Kansas 67735;

Western State Bank, mortgage interest holder, 815 Center, Goodland, Kansas 67735; Press Oil Investments, Inc., oil and gas lease interest holder, P.O. Box 464, Wray, Colorado 80758.

(a) A PERMANENT EASEMENT for controlled access highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the Northeast Quarter of Section 36, Township 8 South, Range 40 West of the 6th P.M., Sherman County, Kansas, described as follows: BEGINNING at the Southeast corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 87 degrees 50 minutes 52 seconds West, 36.987 meters (121.35 feet) along the South line of said Quarter Section; SECOND COURSE, thence North 01 degree 19 minutes 21 seconds East, 4.902 meters (16.08 feet); THIRD COURSE, thence North 02 degrees 19 minutes 25 seconds East, 218.882 meters (718.12 feet); FOURTH COURSE, thence North 04 degrees 47 minutes 39 seconds East, 121.867 meters (399.83 feet) to the South line of a parcel of land described in deed, recorded in Book 122, Page 98, in the Register of Deeds Office, Sherman County, Kansas; FIFTH COURSE, thence South 87 degrees 30 minutes 30 seconds East, 33.935 meters (111.34 feet) along said South line of said parcel to the East line of said Quarter Section; SIXTH COURSE, thence South 02 degrees 40 minutes 29 seconds West, 345.334 meters (1132.98 feet) along said East line to the point of beginning. The above described tract contains 1.285 hectares (3.18 acres), which includes 0.316 hectare (0.78 acre) of existing right of way, resulting in an acquisition of 0.969 hectare (2.40 acres), more or less.

Lands abutting said highway shall have no right or easement of access thereto, provided, however, that the remaining lands shall abut upon and have access to said highway over and across the following described course: ALL of said "SECOND" course.

The plaintiff may install a fence or other device to delineate the above-described controlled access highway right of way and/or limit vehicular access to the controlled access facility. If such fence or other device is installed, plaintiff assumes no legal or other responsibility for fencing private property.

(b) A PERMANENT EASEMENT for controlled access highway right of way, removal of borrow material or for other highway purposes over and upon a tract of land in the Northeast Quarter of Section 36, Township 8 South, Range 40 West of the 6th P.M., Sherman County, Kansas, described as follows: BEGINNING at the Northeast corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of South 02 degrees 40 minutes 29 seconds West, 354.332 meters (1162.50 feet) along the East line of said Quarter Section to the extended North line of a parcel of land described in deed, recorded in Book 122, Page 98, in the Register of Deeds Office, Sherman County, Kansas; SECOND COURSE, thence North 87 degrees 44 minutes 54 seconds West, 35.364 meters (116.02 feet) along the North line of said parcel; THIRD COURSE, thence North 01 degree 20 minutes 49 seconds East, 173.858 meters (570.40 feet); FOURTH COURSE, thence North 04 degrees 40 minutes 29 seconds East, 160.000 meters (524.93 feet); FIFTH COURSE, thence North 74 degrees 00 minute 55 seconds West, 25.495 meters (83.65 feet); SIXTH COURSE, thence North 39 degrees 42 minutes 58 seconds West, 7.147 meters (23.45 feet) to the Southerly right of way line of an existing public road; SEVENTH COURSE, thence North 04 degrees 40 minutes 29 seconds East, 9.153 meters (30.03 feet) to the North line of said Quarter Section; EIGHTH COURSE, thence South 87 degrees 51 minutes 17 seconds East, 63.120 meters (207.09 feet) along said North line to the

point of beginning. The above described tract contains 1.354 hectares (3.35 acres), which includes 0.373 hectare (0.92 acre) of existing right of way, resulting in an acquisition of 0.980 hectare (2.42 acres), more or less.

Lands abutting said highway shall have no right or easement of access thereto.

The plaintiff may install a fence or other device to delineate the above-described controlled access highway right of way and/or limit vehicular access to the controlled access facility. If such fence or other device is installed, plaintiff assumes no legal or other responsibility for fencing private property.

TRACT 28

Eileen Dorothea Nemechek, a widow, owner, 3362 Sunset Drive, Goodland, Kansas 67735; Gregory L. Owens and spouse, if any, owner, 5710 Road 11, Goodland, Kansas 67735; Paul B. Owens and spouse, if any, owner, 29028 Landbridge Street, Wesley Chapel, Florida 33543; Rodney B. Owens and spouse, if any, owner, 3205 Road 65, Edson, Kansas 67733; Brent A. Owens and spouse, if any, owner, 3145 Road 62, Edson, Kansas 67733; Cynthia A. Kickler and spouse, if any, owner, 6450 Road 10, Goodland, Kansas 67735; Beth Johnson and spouse, if any, owner, 807 Eustis, Goodland, Kansas 67735.

ALL RIGHT OF ACCESS to and from the abutting public highway over and across a line in the Northwest Quarter of Section 31, Township 8 South, Range 39 West of the 6th P.M., Sherman County, Kansas, described as follows: COMMENCING at the Northwest corner of said Quarter Section; thence on an assumed bearing of South 87 degrees 59 minutes 45 seconds East, 9.145 meters (30.00 feet) along the North line of said Quarter Section to the Easterly right of way line of the existing highway; thence South 02 degrees 40 minutes 29 seconds West, 260.605 meters (855.00 feet) along said Easterly right of way line to the North line of a parcel of land described in deed, recorded in Book 104, Page 234, in the Register of Deeds Office, Sherman County, Kansas and the POINT OF BEGINNING;

The plaintiff may install a fence or other device to delineate the above-described controlled access highway right of way and/or limit vehicular access to the controlled access facility. If such fence or other device is installed, plaintiff assumes no legal or other responsibility for fencing private property.

5. That pursuant to K.S.A. 68-412 and K.S.A. 68-406, the City of Goodland, Kansas has entered into an agreement with the Secretary of Transportation for the construction, reconstruction and maintenance of a city connecting link within its corporate limits. That the City has seen and approved the plans for the project. The City, pursuant to its agreement set forth above, verifies the Petition, and that it has requested the Secretary of Transportation to acquire this property. It also affirms the fact that the project is necessary for city connecting link purposes, and that the interests in real property set forth herein are required by the City and the Kansas Department of Transportation.

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. The plaintiff may install a fence or other device to delineate the above-described controlled access highway right-of-way and/or limit vehicular access to the controlled access facility. If such fence or other device is installed, plaintiff assumes no legal or other responsibility for fencing private property.

8. Reasonable ingress and egress to the property remaining shall be afforded by Plaintiffs 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.

9. 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 Sherman 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
Staff Attorney
Office of Chief Counsel
Kansas Dept. of Transportation
Eisenhower State Office Bldg.
700 S.W. 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
ss:
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 5th day of October, 2005.

/s/ PEGGY S. HANSEN-NAGY
NOTARY PUBLIC

My Commission Expires: 03/12/2009

VERIFICATION
STATE OF KANSAS
ss:
COUNTY OF SHERMAN

I, Rick Billinger, Mayor of the City of Goodland, Sherman County, Kansas, being first duly sworn, state that I have read the foregoing Petition, approved the plans for work to be done in conjunction with this condemnation, and that the facts stated therein are true and correct.

/s/ RICK BILLINGER
RICK BILLINGER, MAYOR

Subscribed and sworn to before me this 28th day of September, 2005.

/s/ SHARMIS EMIG
NOTARY PUBLIC
My Commission Expires: 03/05/2007

Published in The Goodland Star-News on Friday, October 21, 2005.

ORDINANCE NO. 1537
AN ORDINANCE ALLOWING THE CITY OF GOODLAND, KANSAS, TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH SHERMAN COUNTY, KANSAS, FOR THE PURPOSE OF OPERATING AND MAINTAINING THE CITY CEMETERY WITH THE AID OF SHERMAN COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS:

Section 1. The City of Goodland, Kansas, hereby declares that it deems it necessary and expedient to enter into an interlocal cooperation agreement with Sherman County, Kansas, for the purpose of operating and maintaining the City cemetery with the aid of Sherman County, Kansas.

Section 2. The Mayor and City Clerk of the City of Goodland, Kansas, are hereby authorized to execute an agreement of interlocal cooperation dated the 17TH day of October, 2005, between Sherman County, Kansas, the City of Goodland, Kansas, the City of Kanorado, Kansas, and the City of Brewster, Kansas, and said agreement and all the provisions therein contained are hereby approved.

PASSED AND APPROVED by the Governing Body of the City of Goodland, Kansas, this 17th day of October, 2005.

Rick Billinger, Mayor
City of Goodland, Kansas

ATTEST:
Mary P. Volk, City Clerk
City of Goodland, Kansas

Published in The Goodland Star-News on Friday, October 21, 2005.

kansas classifieds

Help Wanted/Truck Driver
Drivers - Flatbed 1st Year \$40,000. Excellent miles, hometime. Bonuses 0.025/mile quarterly and .04/mile yearly. CDL "A" 6 months experience. E.W. Wylie Corporation. 1-877-967-7648. www.wylietrucking.com.

DRIVERS! Looking for more? At GAINNEY we've got great miles, top pay & benefits. HAZMAT NOT REQUIRED, students welcome. KCKS terminal 800-287-0376 www.gaineycorp.com.

Hunting & Fishing
HUNT ELK, Red Stag, White-tail, Buffalo - season opens 3/31/06. Guaranteed hunting license \$5.00. We have a no-game, no-pay policy. Call days (314)209-9800 - evenings (314) 293-0610.

Legal Services
Social Security disability claims; Saunders & Saunders Attorneys at Law. No recovery, No fee! 1-800-259-8548.

Internet tonight
899-2338

2004 Personal Property Taxes		
68.52	JESUS A ALVARADO	PO BOX 14
	KANORADO KS 67741	38.40
734.06	CINDY C. BOOKOUT	
	270766 LAKE MINATARE RD	
	SCOTTSBLUFF NE 69361-7102	669.04
118.55	CEF LEASE RESIDUAL HOLDING, LLC	
	PO BOX 3649 DANBURY CT 06813-9661	
53.23	RICHARD ELI	512 W 16TH
	GOODLAND KS 67735	23.90
101.33	JASON T ERHART	316 11TH STREET
	BURLINGTON CO 80807	69.48
176.49	MARC R FENNER	614 CENTER
	GOODLAND KS 67735	140.70
164.79	ERIC GAMBOA	PO BOX 13
	KANORADO KS 67741	129.62
75.28	ROSIE GONZALEZ	PO BOX 83
	KANORADO KS 67741	44.80
42.73	MELESIO HERNANDEZ	1210 SYRACUSE
	GOODLAND KS 67735	13.96
368.10	ROB JOHNSON	1502 SHERMAN
	GOODLAND KS 67735	322.26
228.53	BRYAN LANKFORD	5815 ROAD 26
	GOODLAND KS 67735	197.01
57.47	LOUIE'S	314 W 7TH
	GOODLAND KS 67735-1618	27.92
981.17	M I M COMPANIES	PO BOX 3
	STRATTON CO 80836	903.18
109.62	SOCORRO MONTANEZ	PO BOX 3
	GOODLAND KS 67735	77.34
88.58	LUCAS MOORE	916 E HWY 24 LOT #12
	GOODLAND KS 67735	57.40
39.76	KEVIN L NELSON	1003 W HWY 24
	GOODLAND KS 67735	11.14
90.89	LETICIA OLAVE	825 W HWY 24 LOT B2
	GOODLAND KS 67735	59.60
109.33	POWERPLAY AMUSEMENTS	5101 G RD
	INGALLS KS 677853-9133	77.06
302.46	ARNALDO RANGEL	PO BOX 447
	GOODLAND KS 67735	260.06
206.61	RAUL RODRIGUEZ	PO BOX 5
	GOODLAND KS 67735	169.24
74.06	GEORGE SANDOVAL	112 FRONT
	KANORADO LS 67741	43.61
101.79	LEON STASSER	245 S 56TH ST LOT 219
	MESA AZ 85206-1549	69.92
64.03	DUANE TAYLOR	518 W 17TH
	GOODLAND KS 67735	34.14
85.01	THE MOTOR DOCTOR	326 E 5TH
	GOODLAND KS 67735	54.78
70.62	VFS LEASE RESIDUAL HOLDING LLC	PO BOX 3649 DANBURY CT 06813-9661
		40.38
40.50	DARRELL L WALDMAN	6630 ROAD 20
	GOODLAND KS 67735	11.84
4,554.31	GRAND TOTAL	

THE ABOVE LISTING OF DELINQUENT PERSONAL PROPERTY TAXES AND IS IN ACCORDANCE TO KSA 19-547 AND IS A TRUE AND ACCURATE LIST. CERTIFIED TO THE CLERK OF DISTRICT COURT THIS 3RD DAY OF OCTOBER, 2005
SHELBY MILLER
SHERMAN COUNTY TREASURER

Published in The Goodland Star-News on Friday, October 7, 14 and 21, 2005.