

## BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

### WEDNESDAY, JANUARY 22, 2014

4:00 p.m.

-Consider approval of the minutes for December 18, 2013

### CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Review and Approve FY2014 Budget & Summary With Additional Community Corrections Grant Funding Award – Deborah Ferguson;
- (c) Consider approval of resolution directing the County Counselor to institute a Judicial Tax Foreclosure Action in the District Court of Douglas County, Kansas (Paula Gilchrist);
- (d) **CUP-11-6-11**: Consider a 6 month extension for a Conditional Use Permit for US 59 Hwy Borrow Pit located west of US 59 between N 1100 and N 1000 Roads. The property address is 1297 N 1056 Road. Submitted by Landplan Engineering, for Evelyn M. Johnston Trustee, property owner of record. (Sandra Day is the Planner);
- (e) Receive Report of State Forfeitures per K.S.A. 60-4117(d)(2) (Ken McGovern);
- (f) Authorization to purchase precast concrete frame culvert Structure No. 13.00N-23.60E (Keith Browning); and
- (g) Consider approval to solicit bids for supply of rock aggregates (Keith Browning)

### REGULAR AGENDA

- (2) Consider approval of a county resolution with regards to a mortgage tax issue (Kay Pesnell)
- (3) Consider Dust Palliative Program for 2014 (Keith Browning)
- (4) Consider participating with the City of Lawrence on a Transportation Alternatives grant funding application for construction of a multi-use path from Hobb's Park to Constant Park (Keith Browning)
- (5) Consider approval of a contract to conduct Classification and Compensation Study (Sarah Plinsky/ Jackie Waggoner)
- (6) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Public Comment
- (d) Miscellaneous

### RECESS

### RECONVENE

6:35 p.m.

- (7) Public Hearing to consider rescinding minimum maintenance designation for E1600 Road and N1175 Road (Near City Waste Water Treatment Site) (Michael Kelly)
- (8) Adjourn

### MONDAY, JANUARY 27, 2014

-5:30 p.m.-Joint City County work Session with County Commission and Eudora City Council at Eudora City Hall to discuss first response alternatives for eastern portions of Douglas County

### WEDNESDAY, JANUARY 29, 2014

-Introduction of Marlin Bates (Horticulture)-Bill Wood- not an agenda item

**WEDNESDAY, FEBRUARY 5, 2014**

-3:00 p.m. Work Study on Fairgrounds Master Plan (Sarah Plinsky)

-4:00 p.m. - Work Study Session on Wind Towers

**WEDNESDAY, FEBRUARY 12, 2014 (Light agenda)**

**WEDNESDAY, FEBRUARY 19, 2014**

**WEDNESDAY, FEBRUARY 26, 2014**

***Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*

Robert W. Fairchild, Chief Judge

Sally D. Pokorny, Judge

Kay Huff, Judge

Michael J. Malone, Judge

Paula B. Martin, Judge

Peggy C. Kittel, Judge

James T. George, Pro Tem Judge

**DOUGLAS COUNTY DISTRICT COURT**  
Seventh Judicial District  
Judicial Center, 111 E. 11<sup>th</sup> St., Unit #3  
Lawrence, Kansas 66044-2966



Linda Koester-Vogelsang  
Court Administrator, 785-832-5264

Douglas A. Hamilton  
Clerk of the District Court, 785-832-5333

Michelle Roberts  
Chief Court Services Officer, 785-832-5218

Deborah Ferguson  
Community Corrections Director, 785-832-5220

Katy Nitcher  
Court Trustee, 785-832-5315

Heather Kruse-Minnick  
Citizen Review Board Director, 785-832-5219

TO: County Commission  
FROM: Deborah L. Ferguson, Director *DUF*  
SUBJECT: FY14 Additional Funding  
DATE: January 3, 2014

Attached you will find the agency's additional FY14 funding in the amount of \$19,075.21. The additional amount was applied to AISP Personnel. Please review and provide signatory approval.

Thank You!

CC: File

Landon State Office Building  
900 SW Jackson, 4<sup>th</sup> Floor  
Topeka, KS 66612



Phone: (785) 296-3317  
Fax: (785) 296-0014  
Email: kdocpub@doc.ks.gov  
www.doc.ks.gov

Ray Roberts, Secretary

Sam Brownback, Governor

November 26, 2013

Mike Gaughan  
Douglas County Commission  
1100 Massachusetts, 2nd Floor  
Lawrence, Kansas 66044

Dear Commissioner Gaughan:

This letter is to inform you that the Douglas County Community Corrections award for FY 2014 has been increased to \$475,039.21. Ray Roberts, Secretary of Corrections, authorizes approval of the agency's FY 2014 Comprehensive Plan. The Comprehensive Plan includes correctional services the agency proposes to provide, mandatory budget documents for FY 2014, and other statutory and regulatory requirements (Kansas Statutes Annotated (K.S.A.) 785-52,90 through K.S.A. 75-52,113 and Kansas Administrative Regulations (K.A.R.) 44-11-111 through K.A.R. 44-11-135).

The 2013 Legislature appropriated \$18,083,912.00 for the purposes of supporting agency operations and risk reduction initiatives targeted toward the goals of increasing public safety, reducing the community safety risks and increasing the percentage of probationers successfully completing Community Corrections Supervision. This appropriation amount includes funds for Adult Intensive Supervision, Residential Centers, SB 123 supervision, and Risk Reduction Initiatives.

Grant awards were determined in accordance with the criteria specified in K.S.A 75-52,111 and 75-52,112. Emphasis was placed on each agency's population, the risk level of that population and FY 2012 successful completion rate.


The Douglas County Community Corrections has been awarded \$ 432,650.00 from the general allocation for FY 2014. Half of these funds were distributed in July 2013 and the remainder will be distributed in January 2014.

The 2011 Legislature passed SB60, which included establishing the Community Corrections Supervision Fund (K.S.A. 75-52,113). The fund was created to generate additional funding for Community Corrections through collected DUI fines and fees. The Douglas County Community Corrections was originally awarded \$23,314.00 from the Community Corrections Supervision Fund for FY 2014 and \$11,657.00 of that amount was distributed in July 2013. The Secretary of Corrections has authorized an increase in this award which will raise the total allocation to \$42,389.21 for FY 2014. This increase will result in a second payment of \$30,732.21 to be distributed in January 2014 with the remainder of the general allocation.

Agencies will need to adjust their budget to match the actual award for FY 2014. The final budget detail and budget summary for the allocated amount should be submitted by December 31, 2013, to Ron McVeigh and discussed with the Advisory/Governing Boards as reflected in the meeting minutes. Signatory approval by the County Commission Chair (sponsoring county) and Advisory/Governing Board Chair is required and should be submitted by January 31, 2014. As was the case last fiscal year, no costs associated with conference attendance or out of state travel were approved as an allowable expense for these grant funds.

Should you have any questions or require further information, please do not hesitate to contact my staff or me.

Sincerely,

  
Kathleen Graves  
Deputy Secretary, Community and Field Services  
Designee, Secretary of Corrections

Cc: Milton Scott, Advisory Board Chairperson  
Deborah Ferguson, Director  
File

FY 2014

ADDITIONAL ALLOCATION PERSONNEL BUDGET NARRATIVE

AGENCY NAME

Please attach a Budget Summary to this document

TOTAL PERSONNEL

19,075.21

Current

Allocation

PERSONNEL SECTION

1A ADMIN PERSONNEL

Name	FTE	New Staff	Salary Detail	Salary	CC percent	Subtotal	
					100.00%	0.00	0.00
					100.00%	0.00	0.00
					100.00%	0.00	0.00
<b>TOTAL SALARY</b>							<b>0.00</b>

Name	Benefits Detail	Salary etc.	CC percent	Subtotal	Name Total	
		0.00			0.00	0.00
	FICA Social Security	0.00	6.20%	0.00		
	FICA Medicare	0.00	1.45%	0.00		
	KPERS (Retirement Benefits)	0.00	4.00%	0.00		
	State Unemployment	0.00	1.00%	0.00		
	State Workman's Comp	0.00	1.00%	0.00		
	Health Insurance	0.00	100.00%	0.00		
	Life Insurance	0.00	100.00%	0.00		
	Longevity	0.00	100.00%	0.00		
	(Please Specify)	0.00	100.00%	0.00		
		0.00			0.00	0.00
	FICA Social Security	0.00	6.20%	0.00		
	FICA Medicare	0.00	1.45%	0.00		
	KPERS (Retirement Benefits)	0.00	4.00%	0.00		
	State Unemployment	0.00	1.00%	0.00		
	State Workman's Comp	0.00	1.00%	0.00		
	Health Insurance	0.00	100.00%	0.00		
	Life Insurance	0.00	100.00%	0.00		
	Longevity (50 per year X 10 yrs)	0.00	100.00%	0.00		
	(Please Specify)	0.00	100.00%	0.00		
<b>TOTAL BENEFITS</b>						<b>0.00</b>

1A TOTAL ADMIN PERSONNEL

0.00

Personnel Category Comments:

**1B AISP PERSONNEL**

Name	FTE	New Staff	Salary Detail	Salary	CC percent	Subtotal			
Clint Olson	50%		Supplement ISO Funding	16,784.17	100.00%	16,784.17		16,784.17	
					100.00%	0.00		0.00	
					100.00%	0.00		0.00	
					100.00%	0.00		0.00	
<b>TOTAL SALARY</b>							<b>16,784.17</b>		
Name			Benefits Detail	Salary/etc	CC percent	Subtotal	Name Total		
Clint Olson				16,784.17			2,291.04	2,291.04	
			FICA Social Security	16,784.17	6.20%	1,040.62			
			FICA Medicare	16,784.17	1.45%	243.37			
			KPERS (Retirement Benefits)	16,784.17	4.00%	671.37			
			State Unemployment	16,784.17	1.00%	167.84			
			State Workman's Comp	16,784.17	1.00%	167.84			
			Health Insurance	0.00	100.00%	0.00			
			Life Insurance	0.00	100.00%	0.00			
			Longevity (50 per year X 10 yrs)	0.00	100.00%	0.00			
			(Please Specify)	0.00	100.00%	0.00			
				0.00			0.00	0.00	
			FICA Social Security	0.00	6.20%	0.00			
			FICA Medicare	0.00	1.45%	0.00			
			KPERS (Retirement Benefits)	0.00	4.00%	0.00			
			State Unemployment	0.00	1.00%	0.00			
			State Workman's Comp	0.00	1.00%	0.00			
			Health Insurance	0.00	100.00%	0.00			
			Life Insurance	0.00	100.00%	0.00			
			Longevity (50 per year X 5 yrs)	0.00	100.00%	0.00			
			(Please Specify)	0.00	100.00%	0.00			

				0.00			0.00	0.00
			FICA Social Security	0.00	6.20%	0.00		
			FICA Medicare	0.00	1.45%	0.00		
			KPERS (Retirement Benefits)	0.00	4.00%	0.00		
			State Unemployment	0.00	1.00%	0.00		
			State Workman's Comp	0.00	1.00%	0.00		
			Health Insurance	0.00	100.00%	0.00		
			Life Insurance	0.00	100.00%	0.00		
			Longevity	0.00	100.00%	0.00		
			(Please Specify)	0.00	100.00%	0.00		
				0.00			0.00	0.00
			FICA Social Security	0.00	6.20%	0.00		
			FICA Medicare	0.00	1.45%	0.00		
			KPERS (Retirement Benefits)	0.00	4.00%	0.00		
			State Unemployment	0.00	1.00%	0.00		
			State Workman's Comp	0.00	1.00%	0.00		
			Health Insurance	0.00	100.00%	0.00		
			Life Insurance	0.00	100.00%	0.00		
			Longevity	0.00	100.00%	0.00		
			(Please Specify)	0.00	100.00%	0.00		
<b>TOTAL BENEFITS:</b>								<b>2,291.04</b>
<b>1B</b>	<b>TOTAL AISP PERSONNEL</b>							<b>19,075.21</b>
Personnel Category Comments:								
<b>TOTAL PERSONNEL SECTION</b>								<b>19,075.21</b>

**FY 2014  
ADDITIONAL ALLOCATION NON-PERSONNEL BUDGET NARRATIVE**

**AGENCY NAME**

Please attach a Budget Summary to this document

**TOTAL NON-PERSONNEL**

**0.00  
Current  
Allocation**

**AGENCY OPERATIONS SECTION**

2A	TRAVEL CATEGORY	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
<b>2A</b>	<b>TOTAL TRAVEL CATEGORY</b>					<b>0.00</b>

Travel Category Comments:

2B	TRAINING	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
<b>2B</b>	<b>TOTAL TRAINING CATEGORY</b>					<b>0.00</b>

Training Category Comments:

2C	COMMUNICATION	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
<b>2C</b>	<b>TOTAL COMMUNICATION CATEGORY</b>					<b>0.00</b>

Communication Category Comments:

2D	TOTAL EQUIPMENT	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
<b>2D</b>	<b>TOTAL EQUIPMENT CATEGORY</b>					<b>0.00</b>



FY 2014

ADDITIONAL ALLOCATION NON-PERSONNEL BUDGET NARRATIVE

AGENCY NAME

Please attach a Budget Summary to this document

TOTAL NON-PERSONNEL

0.00  
Current  
Allocation

Equipment Category Comments:

2E	SUPPLIES/COMMODITIES	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
2E	TOTAL SUPPLIES/COMMODITIES CATEGORY					0.00

Supplies/Commodities Comments:

2F	FACILITY	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
2F	TOTAL FACILITY CATEGORY					0.00

Facility Category Comments:

2G	CONTRACTUAL	Details	CC	percent	Subtotal	
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
			0.00	100.00%	0.00	0.00
2G	TOTAL CONTRACTUAL CATEGORY					0.00

Contractual Category Comments:

TOTAL AGENCY OPERATIONS SECTION 0.00





**RESOLUTION NO. 14 - \_\_\_\_\_**

A RESOLUTION DIRECTING THE COUNTY COUNSELOR TO INSTITUTE A JUDICIAL TAX FORECLOSURE ACTION IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

**WHEREAS**, K.S.A. 79-2801, and amendments thereto provides for real estate tax foreclosure actions in the District Court in the name of The Board of County Commissioners, to judicially foreclose on the County's real estate tax liens.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

**Section 1.** Action to be Instituted. The County Counselor of Douglas County, Kansas, in the name of the Board of County Commissioners of Douglas County, Kansas, is directed to institute a judicial tax foreclosure action pursuant to K.S.A. 79-2801, *et seq.*, against the owners or supposed owners of such real estate and all persons having or claiming to have any interest therein or thereto, to enforce the lien of Douglas County, Kansas and its taxing authorities, for taxes, charges, assessments, interest, and penalties on unredeemed real estate bid in by Douglas County for real estate having unpaid real estate taxes and assessments for 2009 and prior years.

**Section 2.** Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners.

**ADOPTED** \_\_\_\_\_, 2014.

**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS**

Attest:

\_\_\_\_\_  
Nancy Thellman, Chair

\_\_\_\_\_  
Jameson D. Shew, County Clerk

\_\_\_\_\_  
Mike Gaughan, Member

\_\_\_\_\_  
Jim Flory, Member

# Memorandum

## City of Lawrence

### Planning and Development Services

**TO:** Craig Weinaug, County Administrator

**FROM:** Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director

**Date:** For January 22, 2014 meeting

**RE:** County commission extension of CUP-11-06-11; US-59 Highway borrow pit

#### **ATTACHMENTS**

- A – Applicants request for extension
- B – CUP staff report
- C – Approved plan
- D – Area Map

The Douglas County Commission approved the attached Conditional Use Permit on February 15, 2012. The proposed work was expected to be completed on or before January 1, 2014. The applicant is requesting the extension of an additional 6 months to complete the remaining site work associated with this application.

The reason for this request is accommodate the request from the property owner regarding the pond on the northwest corner of the borrow area to be deeper. The area from the pond shown to the CUP south has been finished graded and seeded. The work will take approximate 30 days at the most. The contractor will remove more soil from the area of the pond as weather allows and finish grade around the pond. The property requested the pond be approximately 12 to 15 feet in depth as much as possible. The pond at this time is approximately 6 to 7 feet deep. Because of the weather after November 25, 2013 the contractor could not complete the removal of the remaining soil.

The project was originally approved with a condition that established the expiration date unless the Board of County Commissioners approved a request for an extension for approval. This request was submitted prior to January 1, 2014 and is consistent with that condition.



Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying

---

Landplan Engineering, P.A.

1310 Wakarusa Drive  
Lawrence, Kansas 66049

tele 785.843.7530  
fax 785.843.2410  
email [info@landplan-pa.com](mailto:info@landplan-pa.com)

Sandra L. Day, AICP  
City/County Planner II

December 20, 2013

RE: CUP-11-6-11; US-59 Highway borrow pit

Dear Sandra Day:

We are requesting a 6 months extension for the above-reference project between N 100 Road and N 1100 Road. The reason for the extension is to complete the construction of the pond as shown on the approved borrow pit. The area around the pond has been finished graded and seeded. The only item left is to remove move soil for a deeper pond.

If you have any questions please call or email me.

Sincerely,

C.L. Maurer, RLA, ASLA  
Landplan Engineering, P.A.

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
1/25/12

**ITEM NO. 9      CONDITIONAL USE PERMIT FOR US 59 HWY BORROW PIT (SLD)**

**CUP-11-6-11:** Consider a Conditional Use Permit for US 59 Hwy Borrow Pit located west of US 59 between N 1100 and N 1000 Roads. The property address is 1297 N 1056 Road. The applicant proposes to sell soil for the nearby US 59 construction project. Submitted by Landplan Engineering, for Evelyn M. Johnston Trustee, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of a Conditional Use Permit for a borrow pit at 1297 N 1056 Road in the NE1/4 section 26-13-19 and forwarding of this application to the County Commission with a recommendation for approval, based upon the findings of fact presented in the staff report, and subject to the following conditions:

1. Submittal of a revised site plan to show the following revisions and/or additions to the site plan notes as follows:
  - a. The Conditional Use Permit is approved for construction of Highway 59 between N 1000 Road and N 1100 Road and shall expire January 1, 2014 unless a request for an extension is submitted for approval by the Board of County Commission prior to that date.

**Reason for Request:** *"The owner wishes to sell soil for the US-59 roadway improvement on the subject property in conjunction with the existing agricultural uses."*

**KEY POINTS**

- Property is located adjacent to highway construction project.
- Proposed use is for specific project and not intended as a continuous mining operation.

**ATTACHMENTS**

- Area Map
- Site Plan

**GOLDEN FACTORS TO CONSIDER**

**ZONING AND USES OF PROPERTY NEARBY**

- Surrounding area includes both A (Agricultural) and A-1 (Suburban Home Residential) district reflective of the uses in the area.

**CHARACTER OF THE AREA**

- Area is rural with substantial rural residential uses along the highway corridor.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- Property is located adjacent to the boundary of the planned roadway improvements.
- Property is sufficiently large enough to accommodate proposed use and necessary setbacks and provide finish grading to return the property to a compatible use.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Approval by the County Commission.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Staff received call from individual requesting copy of the proposed plan.

<b>Site Summary:</b>	
Subject Property:	126.169 acres
Activity Area	21.89 acres (850' x 1122')
Buildings:	Multiple accessory structures located along the east side of the property.

**Summary of Request**

Proposed request is for the removal of soil to be used in the Highway 59 construction project. Soil will be removed and used for construction of a temporary access road (haul road) while the highway is being constructed. Once the highway is constructed, the pit will be used for containment and crushing of construction materials that will then be hauled away. Finally, fill and soil material used in the temporary road will be replaced with stockpiled topsoil. A small 4 acre pond will remain at the conclusion of the project.

**I. ZONING AND USES OF PROPERTY NEARBY**

**GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural) District; existing farmland with accessory buildings.

Surrounding Zoning and Land Use: A (Agricultural) District to the north, east, west, and southeast.

A-1 (Suburban Home Residential) District to the south and to the east of Highway 59; developed subdivisions.

The surrounding area includes both A (Agricultural) and A-1 (Suburban Home Residential) District zoning. These two districts have very different purposes. The area is characterized by substantial development of homes along county roads in a suburban residential pattern. Larger agricultural tracts are also located within the surrounding area.

**Staff Finding** – The surrounding area includes both agricultural and residential zoning and land uses.

**II. CHARACTER OF THE AREA**

The subject property is located within the Lawrence Urban Growth Boundary. The area along Highway 59 and between N 1150 Road and the south line of the Urban Growth Boundary includes numerous parcels that have been divided for residential purposes. The average parcel size is 8.5 acres in this area. This contributes to the residential character of the area. This characterization is important to assure that any lasting changes that result from the proposed use, if approved, are consistent with the surrounding residential character of the area. A graphic of the area is provided in Figure 1.



**Staff Finding** – Area is within the influence of the City of Lawrence as established by the Urban Growth Area boundary. The development pattern of the area is suburban in nature characterized by smaller lots, platted subdivisions, and interior subdivision streets as well as linear parcels strip out along County roads.

### III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant response: *"The majority of the subject property will remain open space."*

This property is zoned A (Agricultural) District. The purpose of this district is identified in Section 12-306 of the County Zoning Regulations and states: *"...The purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* This district is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the "A" District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open uses of land. This district includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. The County Zoning Regulations also include a number of Conditional Uses listed in Section 12-319 of the Zoning Regulations.

The Code states:

*"Section 12-319-4.05 **Mining and Excavation** to assure the continued development of all natural resources will be made possible through inclusion of known mineral deposits within zones reserved for their development and production, to guarantee that these sources will not be forever lost for the benefit of Douglas county, Kansas:*

- a. Mining excavation and extraction of mineral or raw materials including but not limited to stone, sand, gravel or the other building materials and the manufacturing, processing, storage and selling of said minerals and materials shall be permitted to continue in operation in "A" Agricultural District, "VC" Valley Channel District and Floodway and Floodway Fringe Overlay Districts (only on those areas under lease and on record at the time this resolution goes into effect.)*
- b. Mining, extraction and excavation of raw materials at new locations within Agricultural, Valley Channel districts, in Douglas County, shall require that an approved plan of restoration of land be submitted to the Planning Board for its recommendation to the Board of County Commissioners. This plan shall show that all excavated material will be returned to a level no higher than the elevation of surrounding land, and that proper drainage is provided. All shafts or tunnels must be left in a safe condition when abandoned."*

The proposed use is most similar to and is being reviewed as a *Mining and Excavation* use. A Conditional Use Permit (CUP) does not change the base, underlying zoning. Approval of the request will change the topography of approximately 21 acres of the 126 acre parcel.

The proposed use is immediately adjacent to the Highway construction project thus limiting the required distance trucks will be required to transport the resource to the project. The proposed use is temporary in nature for the life of the construction project. At the conclusion of the project fill and soil material will be used to return a majority of the property back to the original grade with only a small pond remaining.

**Staff Finding** – This proposed activity will not alter the base zoning of the property. The proximity of the property to the construction project allows for the least amount of impact to surrounding properties and can be accomplished with no impact to existing County roads.

#### **IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED**

**Staff Finding** – County Zoning Regulations were adopted in 1966; this property has been zoned “A (Agricultural)” since that adoption. The property includes accessory structures.

#### **V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY**

Applicant Response: *“No detriment to nearby property will occur. This CUP request maintains existing agricultural uses on the land while adding employment and revenue opportunities in the northeast Douglas County.”*

This request does not propose to remove restrictions related to the base A (Agricultural) Zoning District. Certain uses may be permitted within the “A” District provided that certain conditions are met. This proposed request is intended to supply material for a significant public improvement project. The area includes numerous existing residences that will be affected by the construction project regardless of the approval or denial of this request.

Section 12-319-1.01 of the County Zoning Regulations recognizes: *“certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”* The proposed use falls under section 12-319-4.05 of the Chapter XII, (Zoning Regulations) of the County Code. The use enumerated in this section is: “Mining and Excavation”.

Approval of a Conditional Use Permit does not remove restrictions imposed by the A (Agricultural) zoning of the property. Approval of the request does not grant a right to the property owner to continue mining or excavating material once the highway project is complete.

The proposed activity is located on the southern portion of the 126 acre parcel. The site plan shows a buffer yard of 115’ along the south property line. South of the subject property is an existing rural residential subdivision (Shank Hill Subdivision) developed with numerous homes. This area includes an existing tree line that will also serve to buffer the homes from the excavation activity. It is to be expected that this activity may be a temporary nuisance to residents during the life of the construction project due to noise, dust and related highway construction activities.

**Staff Finding** – The proposed limits of the excavation boundary and the presence of an existing tree line will mitigate, to some degree, the impact of the activity on the adjacent uses to the south. No long term detrimental impacts are anticipated by the proposed use.

#### **VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS**

Applicant Response: *“No identifiable gain will result by denial of this request; no identifiable hardship will result from its approval.”*

This factor is a test of balance; weighing the relative gain to the public against the hardship imposed upon the property owner/applicant if the application is denied.

The proposed request is directly related to a significant public improvement, that being the reconstruction of Highway 59 a major north/south thoroughfare through Douglas County. Material is needed for the construction of the highway. The closer materials are located to the construction sites the lower the haul costs are associated with the project. The proposed request represents the largest parcel of land in the immediate vicinity of the construction. This larger tract of land is more likely to absorb the impacts of the soil removal (and replacement) than one or more smaller parcels in the same general area. The larger parcel size allows a greater setback from adjacent properties and would be less constrained by operations with limited maneuverability of excavation equipment on a smaller lot.

As the use proposed conveys a specific public benefit, does denial of it convey an unreasonable hardship? In this case, the test of balance weighs in the favor of the property owner/applicant. The hardship imposed by denial of this Conditional Use Permit (CUP) application would require revisions to the Highway project to identify a new source of fill dirt. It is probable that a different location would require heavy vehicle travel on County roads to access the material and haul it to the construction site.

Allowing the use through the approval of a CUP conveys a gain to the public related to the Highway 59 construction project.

**Staff Finding** – Approval of the Conditional Use Permit would allow the efficient continuation of the Highway 59 construction project. The Conditional Use Permit provides a clearly enforceable document regarding the expectation of use of the property and the implementation of final site grading at the end of the construction project.

## VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant Response: *"This request complies with Horizon 2020. The proposed borrow pit operation meets 1) Open Space network and 2) Agricultural Soils specific locational criteria set forth in Chapter 16, Summary of Issues.*

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not address special or conditional use permits. A key feature of the plan states: "The Plan encompasses goals and policies which are representative of the community's desires for the future. It recognizes the numerous plans and projects that are either underway or pending and anticipates that the Plan will be reviewed when significant land use changes occur within the community (pg. 3-1)."

*Horizon 2020* speaks to existing businesses in the county and the need to: "Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future" (Chapter 7). The provision of safe and efficient transportation networks is inherent in policy. This request does not represent an expansion of an existing business but does represent the implementation of planned highway improvements.

Chapter 8 of *Horizon 2020* provides a cross reference to the community's transportation plan, Transportation 2030 which acknowledged Highway 59 improvements as a planned State of Kansas project. Major goals included in Chapter 8 state: "Maintain, Expand and Enhance the Existing Transportation Network" and "Promote Efficient System Management and Operations (pg. 8-2)." The upgrade of this road is implementing its construction consistent with its planned functional classification as a non-interstate freeway/expressway shown in Figure 6.9 *Transportation 2030*.

Chapter 16 of *Horizon 2020* provides guidance regarding environmental features for Douglas County. Among one of the most discussed topics is the classification of soils and the preservation of Class I and II soils. The proposed borrow pit will not disturb identified class I and II soils. Refer to Figure 2 for a map of the soils in the area.

**Staff Finding** – The issuance of special or conditional use permits is not discussed in *Horizon 2020*. However, the Plan does address major thoroughfares planning and environmental features that should be protected. The proposed request is consistent with the adopted long range plans for the community.

## **STAFF REVIEW**

This request is for the approval of a Conditional Use Permit to allow for an excavation of material and construction of a temporary haul road to accommodate the reconstruction of Highway 59. The project is estimated to last approximately two years. Removal of soil within the disturbed area of the site will be from the north to the south. The estimated depth of the pit will be 10'. The access proposed will be located within the KDOT right-of-way and does not require travel over County roads.

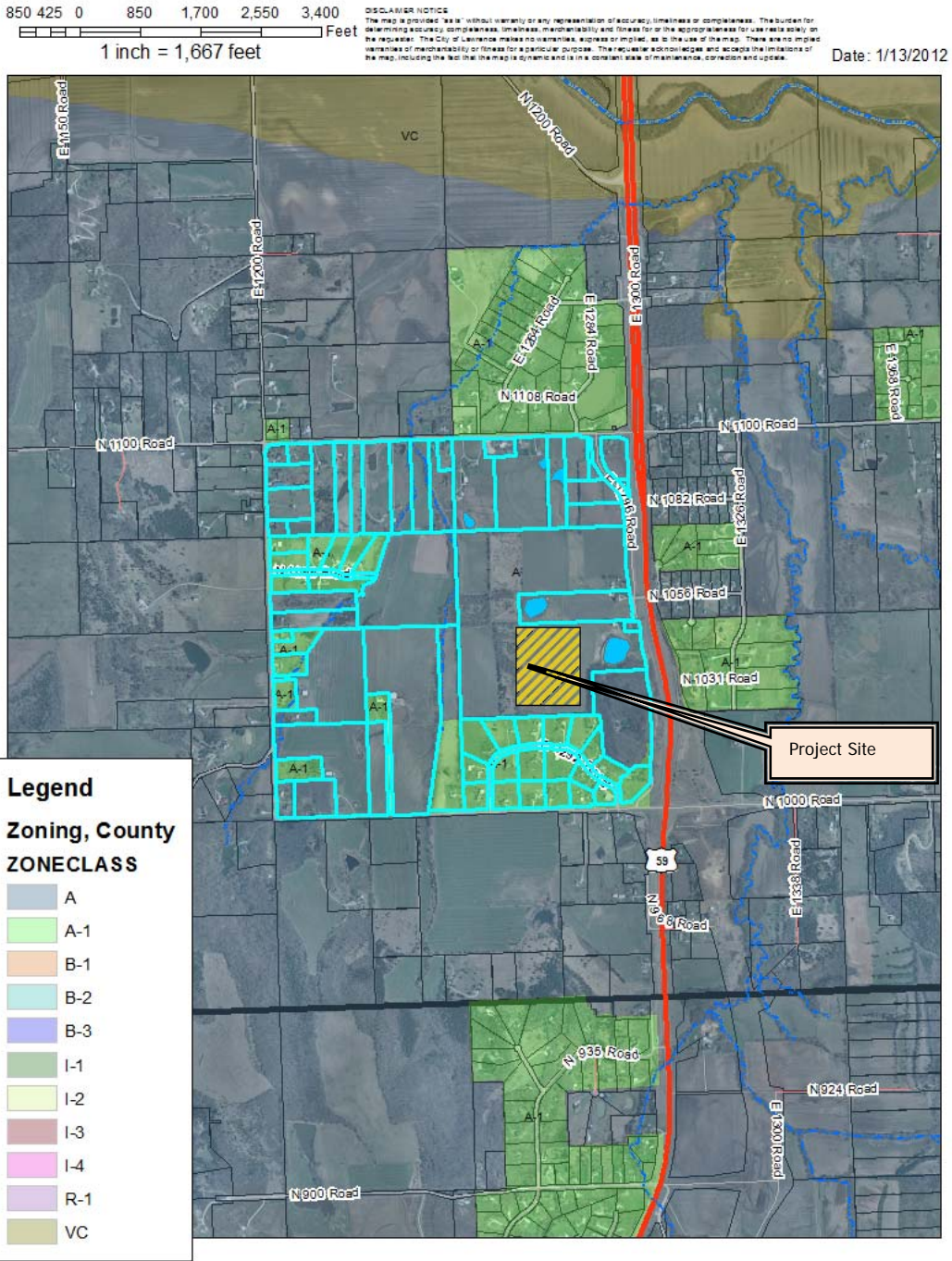
A series of notes on the plan describe the activity and include the temporary stockpiling of topsoil and crushing activities related to the eventual removal of the temporary road. Refuse from the construction project will be hauled from the site for proper disposal. There are no structures proposed with this use. Upon completion the site will include a small pond at the north end of the area where soil had been removed.

This request is for a specific purpose. Approval of the borrow pit to remove soil for the Highway 59 construction project should not be construed to be approval as a continuous mining, excavation or soil removal operation. Upon completion of the Highway 59 project in this area, the Conditional Use Permit shall become void. A note on the face of the plan is recommended to clearly state this intent. This is in effect a time limitation on the Conditional Use Permit.

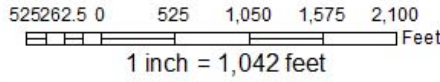
### **Conclusion:**

The use proposed is an appropriate application of the Conditional Use Permit regulations in the Zoning Regulations. Staff recommends that a note be added to clearly indicate that the mining operation is restricted to the Highway project and shall not be used for any continued commercial operation.

**Figure 1: Area Zoning and Land Division**



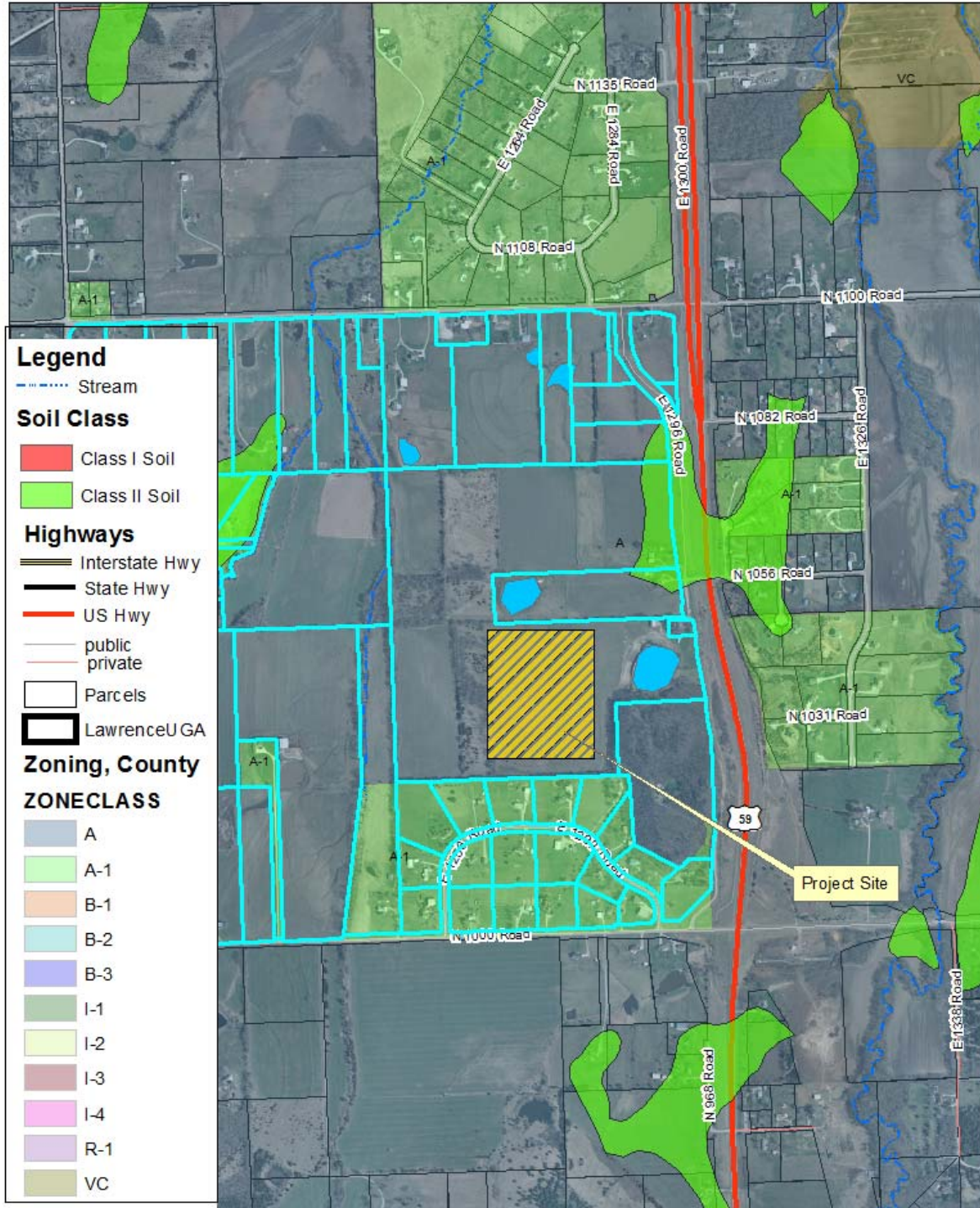
**Figure 2: Soil Designations**



**DISCLAIMER NOTICE**

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the user. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 1/13/2012

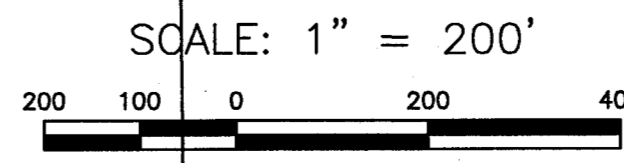


FILE NAME: P:\20111255\CAD\Planning\CUP\11255CUP.dwg LAST SAVED BY: CL Maurer SAVED DATE: 3/7/2012 8:47 AM PLOTTED: 3/7/2012 8:48 AM

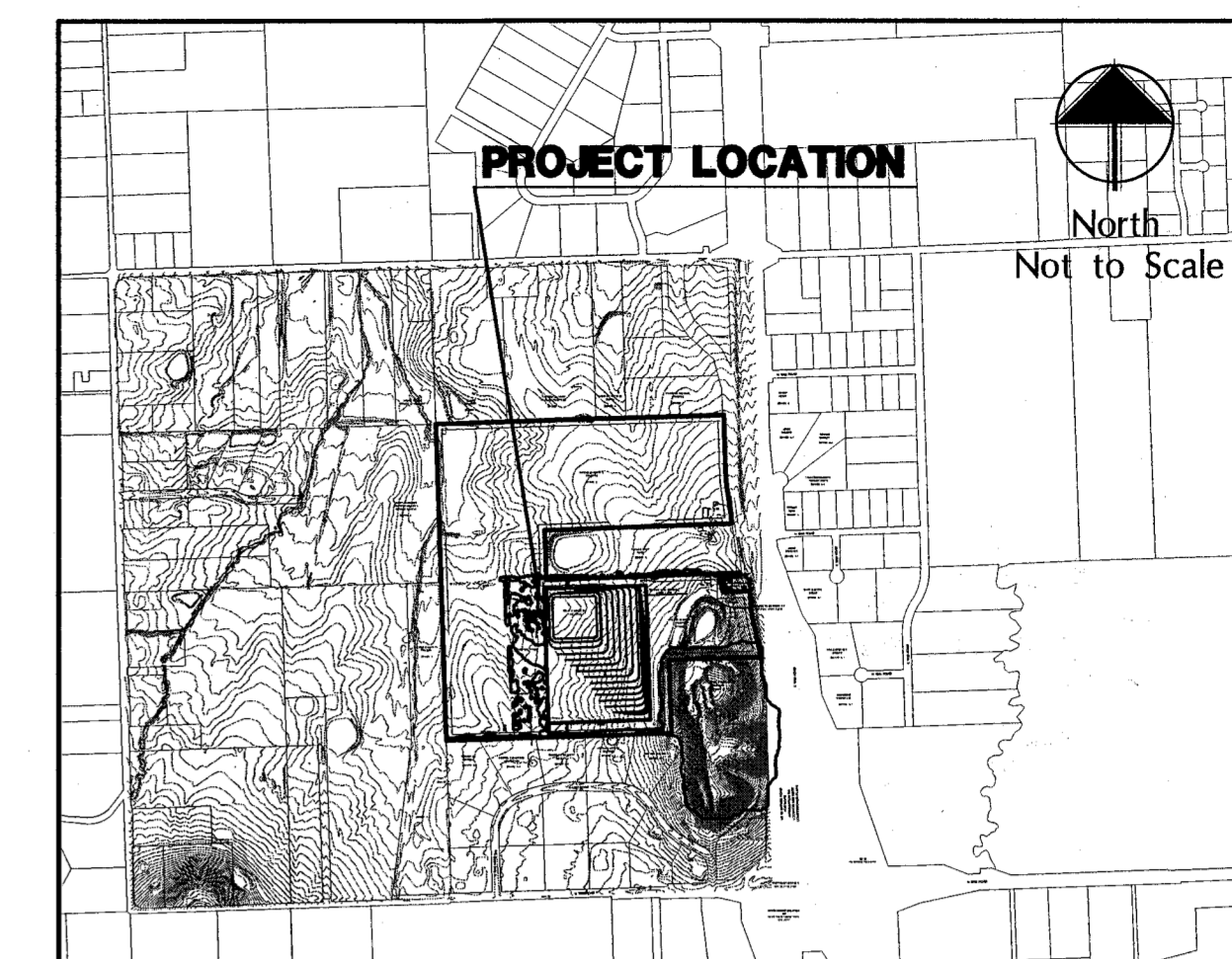


US 59 BYPASS ROAD FOR NOTATION ON LOCATION SEE KDOT CONSTRUCTION PLANS

APPROXIMATE LOCATION OF REMOVAL OF CONCRETE CULVERT



**Location Map**



**General Notes**

- OWNER: EVELYN M JOHNSTON TRUSTEE  
1297 N 1056 ROAD  
LAWRENCE, KS 66047
- CONTRACTOR: KIN'S CONSTRUCTION  
205 WAKNUT STREET  
OSKALOOSA, KANSAS 66066-4000
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.  
1310 WAKARUSA DRIVE  
LAWRENCE, KS 66049
  - TOPOGRAPHIC INFORMATION OBTAINED FROM 2006 DOUGLAS COUNTY LIDAR AERIAL DATA.
  - EXISTING LAND USE: AGRICULTURAL
  - PROPOSED LAND USE: BORROW PIT US - 59 HIGHWAY PROJECT; AGRICULTURAL
  - EXISTING ZONING: A
  - PROPOSED ZONING: A
  - THIS SITE HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
  - OPERATION OF THE BORROW PIT  
STRIPPING 6" TO 12" TOPSOIL AS NEEDED STOCK PILE TOPSOIL ON EDGES OF PIT. REMOVE FILL FROM BORROW PIT DELIVER TO CONSTRUCTION SITE EAST SIDE OF US 59 HIGHWAY.  
HAULING OF FILL ACROSS BYPASS ROAD WITH FLAG MAN REQUIRED BY KDOT DEVELOP POND 3 TO 4 ACRES IN NORTHWEST CORNER OF BORROW PIT AFTER COMPLETION AND OPENING OF US 59 HIGHWAY, REMOVAL OF BYPASS ROADWAY  
1) ASPHALT TO BE HAUL OFF FROM BYPASS ROAD BY OTHERS.  
2) SUBGRADE UNDER BYPASS ROAD REMOVED AND USED TO FILL BORROW PIT. CONCRETE CULVERT REMOVED WEST OF 458 AND US 59 HIGHWAY INTERSECTION, CONCRETE FROM CULVERT CRUSHED IN BORROW PIT AND STOCK PILED.  
REMOVAL OF CRUSHED CONCRETE AND COMPLETE FILL OF BORROW PIT.  
FROM STOCK PILE OF TOPSOIL, REPLACE TOPSOIL TO ALL DISTURB AREAS AND RESEED.  
9. THE CONDITIONAL USE PERMIT IS APPROVED FOR CONSTRUCTION OF HIGHWAY 59 BETWEEN N 1000 ROAD AND N 1100 ROAD AND SHALL EXPIRE JANUARY 1, 2014 UNLESS A REQUEST FOR AN EXTENSION IS SUBMITTED FOR APPROVAL BY THE BOARD OF COUNTY COMMISSION PRIOR TO THAT DATE.

**Site Summary**

GROSS CUP/SITE AREA:	5,493,207.39 SF	/	126.11 AC
PUBLIC RIGHTS-OF-WAY:	0 SF	/	0.00 AC
BORROW PIT:	953,700 SF	/	21.89 AC

**Legal Description**

A TRACT OF LAND IN THE EAST HALF OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:  
PARCEL #1  
COMMENCING FROM THE SOUTHWEST CORNER OF SEC. 26, T13S, R19E; THENCE N 89 56' W ALONG THE SOUTHLINE OF SAID SECTION A DISTANCE OF 2,671.3 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE N 0 01' E ALONG THE WEST LINE OF SAID SECTION SE 1/4 A DISTANCE OF 1324.78 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SE 1/4; THENCE S 89 54' 27" E ALONG THE NORTH LINE OF SHANK HILL A DISTANCE OF 855.26 FEET; THENCE N 0 01' E A DISTANCE OF 115.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 0 01' E A DISTANCE OF 1122 FEET; THENCE S89 54' 27" E A DISTANCE OF 850 FEET; THENCE S 0 01' W A DISTANCE OF 1122 FEET; THENCE N 89 54' 27" W A DISTANCE 850 FEET TO THE POINT OF BEGINNING APPROXIMATELY 21.89 ACRES.

**Approved & Released**  
Case No. CUP-11-6-11 Date: 3/8/12  
Planner Initials: *CLD* # of Sheets: 1  
Director: *[Signature]*

A CUP Site Plan for

# BORROW PIT US - 59 HWY

Douglas County, Kansas

DATE:	11/14/11
PROJECT NO.:	20111255
DESIGNED BY:	LPE
DRAWN BY:	LPE
CHECKED BY:	CLM
ISSUE	SHEET NO.
A	C-001
OF 2 SHEETS	

Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying

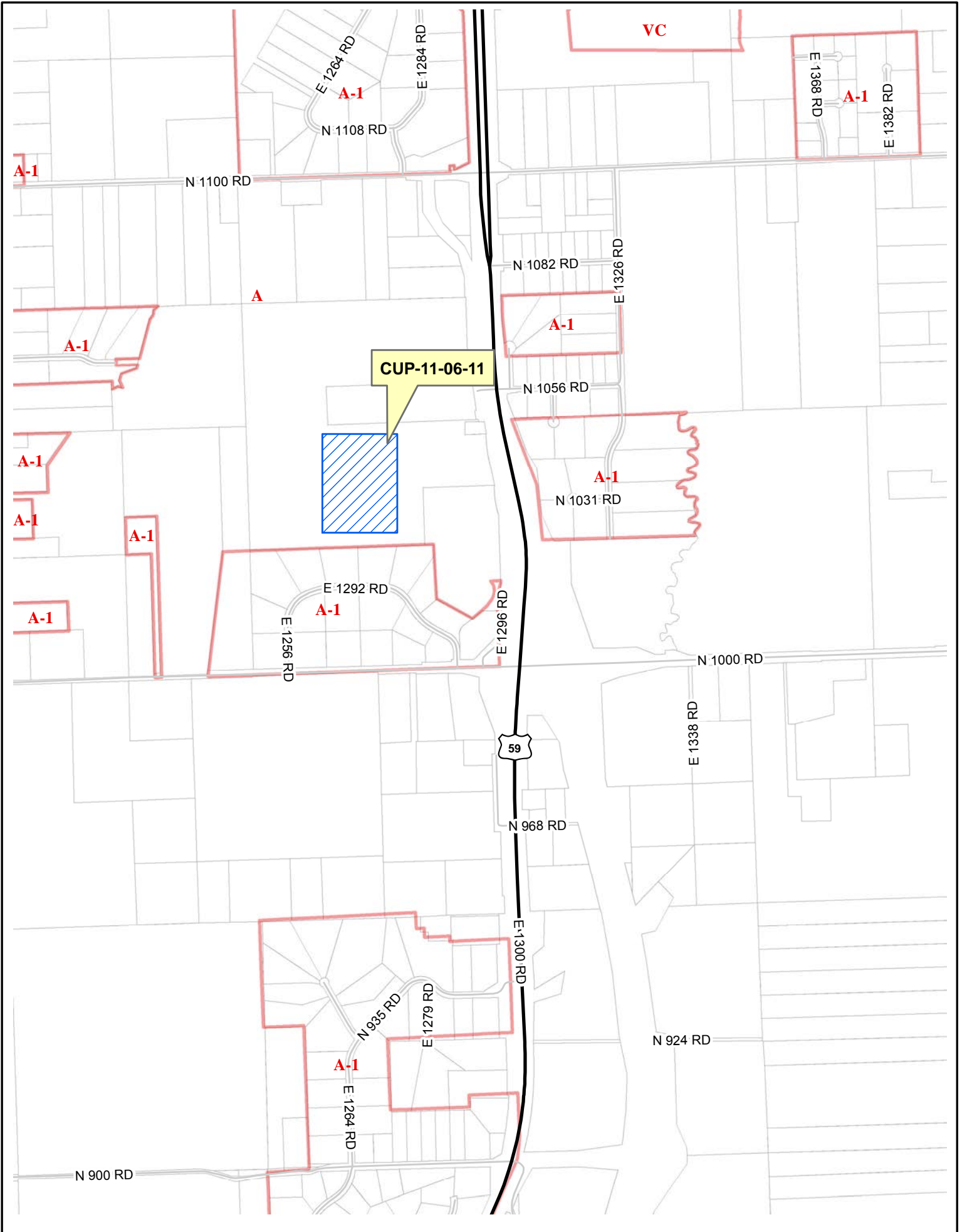
1110 Westwood Drive  
Lawrence, Kansas 66049  
Tel: (785) 843-4100  
Email: info@landplan-pa.com  
Web: www.landplan-pa.com

**Landplan Engineering, P.A.**  
Lawrence, KS • Kansas City, MO • Manhattan, KS  
Blue Springs, MO • The Woodlands, TX

RECEIVED  
MAR 08 2012  
City Planning Office  
Lawrence, Kansas

**US 59 - BORROW PIT  
CONDITIONAL USE PERMIT  
SITE PLAN  
1297 N 1056 ROAD**

REV	DATE	DESCRIPTION
1	12.14.11	UPDATE PLANS
2	12.16.11	CITY COMMENTS
3	1.10.12	REVISE CONTOURS NO.
4	1.12.12	UPDATED NOTES
5	3.07.12	TIME NOTE







LAW ENFORCEMENT CENTER  
111 E. 11<sup>TH</sup> STREET  
LAWRENCE, KS 66044-2990  
PHONE: (785) 841-0007  
FAX: (785) 841-5168

KENNETH M. MCGOVERN  
SHERIFF


CORRECTIONS FACILITY  
3601 E. 25<sup>TH</sup> STREET  
LAWRENCE, KS 66046-5616  
PHONE: (785) 830-1000  
FAX: (785) 830-1085

STEVE M. HORNBERGER  
UNDERSHERIFF

JAMES J. MARTIN, JR.  
UNDERSHERIFF

## MEMORANDUM

January 8, 2014

TO: The Board of County Commissioners  
From: Kenneth M. McGovern, Sheriff   
Ref: Reporting of *State* Forfeitures per K.S.A. 60-4117(d)(2)

This memorandum is to notify the Board of County Commissioners, per K.S.A. 60-4117(d)(2) that the Lawrence-Douglas County Drug Enforcement Unit (DEU) received the following *state forfeiture funds* in the year 2013.

<i>Date Deposited:</i>	<i>Case #:</i>	<i>Amount Awarded:</i>	<i>DEU's Share after all costs:</i>
01/29/2013	DU-12-000018	\$12,582.00	\$8,581.92
04/05/2013	DU-12-000055	9,274.00	7,537.16
04/05/2013	DU-12-000009	7,402.00	5,061.51
04/30/2013	DU-11-000034	11,340.00	9,324.42
06/14/2013	DU-13-000016	9,900.00	5,310.12
06/14/2013	DU-13-000005	54,064.00	16,834.99
09/19/2013	DU-13-000002	5,929.00	4,741.13
10/21/2013	DU-11-000049	25,376.00	21,248.06 (+ \$221.47 interest)
10/31/2013	DU-13-000028	5,000.00	3,946.28

<i>Date Deposited:</i>	<i>Case #:</i>	<i>Amount Awarded:</i>	<i>DEU's Share after all costs:</i>
11/14/2013	DU-13-000012	\$13,529.00	\$11,205.07
12/13/2013	DU-13-000040	3,660.00	2,788.99
12/13/2013	DU-13-000057	12,741.00	10,490.21
	Total Awarded:	\$170,797.00	

***Total DEU Share after all costs: \$107,069.86 + \$221.47 interest***

***Grand Total: \$107,291.33***



## DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street  
Lawrence, KS 66044-3350  
(785) 832-5293 Fax (785) 841-0943  
dgcopubw@douglas-county.com  
www.douglas-county.com

**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : January 15, 2014

Re : Consent Agenda authorization to purchase precast concrete frame culvert  
Structure No. 13.00N-23.60E

The referenced culvert is southeast of Eudora on N 1300 Road approximately 1.6 miles east of Route 1061. The existing culvert is a 13-span x 7'-high x 23'-long timber structure. The culvert has a narrow roadway width and some timber deterioration.

We initially requested quotes for both a 17'-span x 7'-high x 56'-long concrete box culvert and a 17' x 6' x 56' 3-sided concrete frame culvert. We received price quotes as follows:

	<u>RCB</u>	<u>Frame</u>
• Cretex Concrete Products	\$92,720.00	\$73,680.00
• Oldcastle Precast	no bid	\$82,620.00

Following these quotes, we determined the structure should be lengthened to provide additional clear zone between the edge of road and the structure's headwall. We asked Cretex, the low bidder, for a revised price quote for a 17' x 6' x 59'-long 3-sided concrete frame culvert. Their revised price quote is **\$76,620.00**.

We recommend accepting the price quote of \$76,620.00 from Cretex Concrete Products for the 17'-span x 6'-high x 59'-long 3-sided concrete frame culvert. The CIP includes \$150,000 for replacement of this culvert. Department forces will construct the culvert replacement project with construction planned for July 2014.

Action Required: Consent Agenda authorization for the Public Works Director to approve purchase of a 17'-span x 6'-high x 59'-long precast concrete frame culvert from Cretex Construction Products at a cost of \$76,620.00 for replacement of Structure No. 13.00N-23.60E.

## MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : January 14, 2014

Re: Consent Agenda Approval to Solicit Bids for Supply of Rock Aggregates

Public Works department requests BOCC approval to solicit bids for the supply of Shot Rock, AB-3 (base rock), Surfacing Material (road rock special), Stone for Rip Rap (light 18") and Stone for Aggregate Ditch Lining D<sub>50</sub> (6") for use during the 2014 maintenance season. These materials are used for routine maintenance of county-maintained roads. The Road and Bridge budget includes \$250,000 in the Road Rock and Rip Rap line items. Park Maintenance budget has an additional \$11,700 to be used for rip rap acquisition.

We will structure the bid form similar to that used for asphalt supply bids. We are requesting bids for the following:

Shot Rock (Selectable) Quarry Run - Bid Quantity Range of 500–1,500 tons  
AB-3 (Combined Material) – Bid Quantity Ranges of 500-2,000 tons & 2,001–5,000 tons  
Surfacing Material (Road Rock Special) - Bid Quantity Ranges of 1,000–3,000 tons & 3,001–8,000 tons  
Stone for Rip Rap (Light 18") - Bid Quantity Range of 500–1,500 tons  
Stone for Aggregate Ditch Lining D<sub>50</sub> (6") – Bid Quantity Range 500-1,500 & 1,501-3,000

For each quantity range the supplier will stipulate the quarry's location and can bid different costs depending on the quarry where the aggregate is produced. The bids will be analyzed while taking into account the haul costs from each quarry that submits a bid.

We plan to open bids in February 2014. Contracts will be presented to the BOCC for approval thereafter.

Action Required: Consent Agenda approval to solicit bids for supply of crushed rock aggregates for the 2014 maintenance season.



**Kansas County Commissioners  
Association**

*An Affiliate of the Kansas Association of Counties*

300 SW 8th Avenue, Third Floor  
Topeka, KS 66603  
Phone: 785-272-2585  
Fax: 785-272-3585

To: Boards of County Commissioners in Kansas  
From: Commissioner Rob Roberts, Miami County, and President, Kansas  
County Commissioners Association  
Subject: Mortgage Registration Fee Legislation in 2014  
Date: January 2, 2014

As you undoubtedly know, the Kansas Bankers Association and the Kansas Association of Realtors are sponsoring legislation during the upcoming legislative session to abolish the mortgage registration fee. This would have an enormous negative impact on counties and the capacity of counties to finance essential public services. The mortgage registration fee has been in statute since 1925 and without it, county commissioners will be in an unenviable position of either raising property taxes or reducing services.

The Executive Committee of the Kansas County Commissioners Association (KCCA) discussed the proposal to eliminate the mortgage registration fee and determined that we should have a unified strategy to fight back against the bankers/realtors associations' proposal. Accordingly, we are sending the enclosed draft resolution with the hope that all county boards in Kansas will adopt (or modify and adopt) this or a similar resolution. The resolution will help gain attention to our reasons for retaining the fee, and by sending it to the Governor, our legislators, and media outlets in our respective areas, we can gain traction to defeat this measure. If at all possible, we urge you to take action on the resolution and send it to all parties **on or before Friday, January 24, 2014.**

The proposal to abolish the fee should be taken seriously. Please let me or other members of the KCCA Executive Committee know if you have any questions or comments. Our names and contact information are provided on the reverse side of this letter. Thank you for your consideration. Happy New Year!

On Reverse Side: 2014 Executive Committee, KCCA

Enclosures: Draft Resolution  
Talking Points to Retain the Mortgage Registration Fee

**RESOLUTION NO. 14-\_\_\_**

*A resolution of the Board of Douglas County Commissioners urging the Kansas Legislature and Governor Sam Brownback to retain the mortgage registration fee, as provided in K.S.A. 79-3102, and reject any or all legislative proposals abolishing such fee.*

**Whereas**, in 1925, the Kansas Legislature enacted a law (K.S.A. 79-3102) providing that, before any mortgage of real property is filed with the County Register of Deeds, the individual or entity filing the mortgage pay a mortgage registration fee; and

**Whereas**, the Legislature has revisited the policy of the mortgage registration fee and enacted changes thereto on various occasions since 1925;

**Whereas**, the current fee is a one-time payment of 0.26% of the principal debt securing the mortgage; and

**Whereas**, the process of recording mortgages with the Register of Deeds is an important county function to ensure free and clear transactions involving land deals, giving potential landowners assurance that a property is unencumbered by liens; and

**Whereas**, a mortgage is enforceable only upon payment of the mortgage registration fee; and

**Whereas**, the 25/26<sup>th</sup> of the mortgage registration fee is deposited in a county's general fund, where it is used to finance basic operations of county government, and 1/26<sup>th</sup> of the fee is remitted to the State Treasurer to finance the Heritage Trust Fund which helps preserve historic structures.

**Now, therefore, be it resolved, by the Board of County Commissioners (Supervisors) of Douglas County, Kansas**, that the mortgage registration fee is an important revenue source for counties, and is one of a very few revenue streams counties have to finance essential county services; and

**Be it further resolved** that, in the budget years 2010, 2011, and 2012, Douglas County received and deposited \$ 1,465,384.65; \$ 1,596,126.24; and \$ 1,836,817.96 from the mortgage registration fee in the general fund, respectively; and that absent such fees and no change in county services, county property taxpayers would have experienced increased mill levies of 1.301 mill(s); 1.400 (mill(s); and 1.604 mill(s), in 2010, 2011 and 2012, respectively; and

**Be it further resolved** that it would be profoundly unfair to counties and most of all, county property taxpayers in general, for counties to lose the revenue generated by the mortgage registration fee without the Legislature identifying and authorizing a revenue measure of equal or greater significance; and

**Be it further resolved** that in the absence of an identified, authorized substitute revenue source, that we urge the Kansas Legislature and Governor Sam Brownback to retain the current mortgage

registration fee, as provided in K.S.A. 79-3102, and reject any or all legislative proposals abolishing such fee; and

**Be it further resolved** that a copy of this resolution be sent to members of the Kansas Senate and House of Representatives representing this county; to Governor Sam Brownback; to all newspapers, radio and television stations serving this county; and to the Kansas Association of Counties.

Adopted this 22nd day of January, 2014 in an open meeting of the Board of Douglas County Commissioners, on a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

Approved:

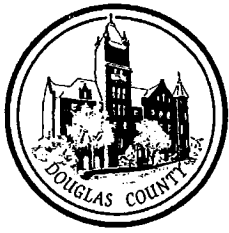
\_\_\_\_\_  
Nancy Thellman  
Chair, Board of County Commissioners

\_\_\_\_\_  
Jim Flory  
Commissioner

\_\_\_\_\_  
Mike Gaughan  
Commissioner

Attest:

\_\_\_\_\_  
Jamie Shew  
Douglas County Clerk



## DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street  
Lawrence, KS 66044-3350  
(785) 832-5293 Fax (785) 841-0943  
dgcopubw@douglas-county.com  
www.douglas-county.com

**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : January 6, 2014

Re : Consideration of Dust Palliative Program for 2014

It is desired to again make available a user-fee dust palliative program for county residents living adjacent to rock surfaced roads. In past years Douglas County has brokered this program with residents paying for the actual cost of material used plus an administrative fee to help absorb our inspection and administrative costs. Participants in the program are also charged a fee to help cover the cost of preparing the road for the dust palliative application.

Last year the material fee of \$1.00/l.f. allowed for a total application rate of 0.47 gal/square yard (initial application of 0.30 gal/square yard followed by a second application of 0.17 gal/S.Y.), which is very close to the ideal rate of 0.50 gal/square yard. It is anticipated the 2014 material cost for magnesium chloride will not significantly increase. The material fee also needs to cover the cost of applying water to the road in preparation for dust palliative treatment. Water application costs vary depending on moisture conditions and the availability of county equipment and personnel. Assuming the costs for magnesium chloride material and water application do not significantly increase, it is recommended to continue the \$1.00/l.f. material fee.

In 2012, we lowered the road preparation fee from \$0.60 per linear foot to \$0.40 per linear foot. Fees collected from properties on township-maintained roads are distributed to the appropriate township to help defer costs to prepare the road for dust palliative treatment. We recommend keeping the road preparation fee at \$0.40 per linear foot for 2013.

We also track the county's administrative costs. Administrative costs were relatively high the last two years, i.e. \$97.82 per applicant in 2013, and \$96.78 per applicant in 2012. In previous years, administrative costs were \$60.16 per applicant in 2011, \$83.86 per applicant in 2010, \$70.33 per applicant in 2009, and \$56.30 per applicant in 2008. A major factor in the increase in administrative costs per applicant is the reduced number of applicants. The number of applicants has decreased from 115 applicants in 2008 to 71 applicants in both 2013 and 2012. These costs also vary according to



BOCC – MEMORANDUM

January 6, 2014

Page 2

various factors including weather and the contractor's supply of available tanker trucks for applying the dust palliative solution. While administrative costs were high the last two years, we are not sure these higher costs will continue. We recommend keeping the administrative fee for the 2014 program at \$60.00 per applicant.

As in the past, we again propose requiring an additional fee for late applications. We typically have people submit applications following the application deadline, and we can usually accommodate them. However, there are additional county costs to accommodate late applications. We propose continuing a \$15.00 late fee for applications submitted between the submittal deadline and four days prior to the bid opening date. Beginning four days prior to the bid opening date, we will accept no additional applications.

As in previous years, we recommend soliciting alternate bids for both magnesium chloride and calcium chloride. It is anticipated that again this year magnesium chloride will be much cheaper. All the evidence indicates that, given identical conditions, magnesium chloride is just as effective as calcium chloride.

Assuming approval of this year's program by the BOCC, we intend to set a March 7 deadline for residents to turn in applications to be included in this year's dust palliative program. Bid documents would then be prepared and distributed with a tentative April 1 bid opening date. A bid recommendation would then be made to the BOCC, and the first application of the dust palliative would tentatively occur from May 6-May 16. A second application would be placed in mid-June.

The 2014 Road & Bridge Fund 201 includes funds to treat approximately 9 miles of rock roads. Rock road sections which have been previously stabilized require annual palliative treatment to minimize dust. There are also road sections requiring dust palliative due to safety concerns of limited visibility.

Action Required: Permission to continue brokerage of a dust palliative program with 2014 user fees set at \$1.40/linear foot (\$1.00/l.f. for dust palliative material and water, and an additional \$0.40/l.f. user fee to cover road preparation costs), plus an administrative fee of \$60.00 per applicant, plus a late fee of \$15.00 per application submitted after the deadline. Also, permission to advertise for bidders once the application process has been completed.



## DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street  
Lawrence, KS 66044-3350  
(785) 832-5293 Fax (785) 841-0943  
dgcopubw@douglas-county.com  
www.douglas-county.com

**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : January 15, 2014

Re : Consider participating with City of Lawrence on multi-use path project  
Transportation Alternatives grant application to KDOT  
Multi-use path from Hobb's Park to Constant Park

The City of Lawrence is interested in submitting an application to KDOT for Transportation Alternatives (TA) grant funding for construction of a multi-use path from Hobb's Park to Constant Park. They have requested Douglas County be named as a co-applicant on the TA grant application, and that Douglas County contribute a very small percentage towards the project's cost.

The multi-use path would roughly follow Delaware Street from Hobb's Park to 8<sup>th</sup> Street, parallel the BNSF railroad tracks on private property from 8<sup>th</sup> Street to 7<sup>th</sup> Street, follow 7<sup>th</sup> Street west to Rhode Island Street, thence continue north and west to City Hall. The path would cross under the Massachusetts Street & Vermont Street bridges just west of City Hall, then continue west to Constant Park. Robinson Park, situated on the south side of the river between the two Kansas River bridges, is owned by Douglas County.

In addition to being a co-applicant on the TA grant funding application, the City of Lawrence requests Douglas County contribute a relatively small amount of funds, e.g. \$10,000, towards the required local match amount for the project. Preliminarily, the City of Lawrence Public Works Department estimates project costs could approach \$750,000. It is anticipated the City will pledge approximately \$250,000 for a local match. The project includes approximately 5,900 linear feet of 10'-wide multi-use path, a Kansas River overlook between the Mass & Vermont Street bridges, landscaping, bridge abutment slope stabilization, engineering, easements, etc.

Transportation Alternatives grant funding applications are due to KDOT by February 14, 2014.

Action Required: Consider participating with the City of Lawrence in a Transportation Alternatives grant funding application, and consider contributing towards the required local match amount.



- KEY**
- GRANT REQUEST FUNDING
    - PROPOSED SHARED USE PATH PRIMARILY EXISTING R.O.W.
    - PROPOSED SHARED USE PATH WITH DONATED PRIVATE LAND
  - OTHER FUNDING / EXISTING
    - PROPOSED SHARED USE PATH TO BE BUILT WITH PRIVATE FUNDING
    - EXISTING SHARED USE PATH
    - EXISTING UNIMPROVED TRAIL
    - EXISTING PEDESTRIAN ENHANCEMENTS
  - POINT OF INTEREST



POWERHOUSE TRAIL - SHARED USE PATHWAY CONNECTOR PROJECT - CONCEPTUAL MAP



## DOUGLAS COUNTY ADMINISTRATIVE SERVICES

### Division of Purchasing

1100 Massachusetts Street  
Lawrence, KS 66044-3064  
(785) 832-5286 Fax (785) 838-2480  
www.douglas-county.com

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**MEMO TO:** The Board of County Commissioners  
Craig Weinaug, County Administrator

**FROM:** Sarah Plinsky, Assistant County Administrator  
Jackie Waggoner, Purchasing Director

**SUBJECT:** Consider recommendation of contract for Classification and  
Compensation Study

**DATE:** January 8, 2014

In December 2013 the Board directed staff, as part of the work plan for 2014, to look into the cost of doing a classification and compensation study. Staff solicited proposals seeking a consultant with expertise and experience in the public sector to conduct a comprehensive classification and compensation study and recommend improvements to the existing structure.

Nine proposals were received and are identified below. An evaluating committee of three (Sarah Plinsky, Kari Wempe, and Julie Jacob) reviewed the proposals and invited Gallagher Benefit Services, Evergreen Solutions, and The Austin Peters Group in to demonstrate their methodology for the study.

The Austin Peters Group	\$51,630 not-to-exceed
McGrath Consulting Group	\$61,369
Management Advisory Group	\$65,000
Springsted Inc.	\$62,500
Gallagher Benefit Services	\$65,550
Evergreen Solutions LLC	\$73,000 not-to-exceed
Allen Gibbs & Houlik	\$73,940
Waters Consulting Group	\$74,900 not-to-exceed
Hay Group, Inc.	\$106,000 not-to-exceed

Following the review and demonstration, the consensus of the evaluating committee was the approach presented by The Austin Peters Group was the best fit for Douglas County. To help you understand both the process and timeline for the study, the scope of work and schedule are attached. The awarded contractor will prepare a final written report setting forth the project results and recommendations, incorporating any changes, which will be presented to the Board of County Commissioners.

Staff will be available at the commission meeting to answer any questions you may have.

**RECOMMENDATION:** The Board of County Commissioners approves a contract in the amount of \$51,630 to conduct a classification and compensation study. We also seek change order authority to Sarah Plinsky for up to 5% of the contract.

## *Deliverables*

The Austin Peters Group will provide the County with:

1. Develop a competitive pay structure for all jobs using the point factor evaluation process. Pay structure shall be in a Microsoft Excel format.
2. Identify the methodology and point scheme used to evaluate each job, and the total points assigned to each job and placement points used within each pay grade.
3. Each pay grade shall reflect Minimum, Midpoint and Maximum Range.
4. Make recommendations for new hire rates, promotion rates, demotion rates, incentive and certification pay.
5. Make recommendations for a multi-year implementation strategy based on financial parameters provided by the County. This implementation strategy will be effective with a date determined by the County Administrator.
6. Provide the County with a simplistic and manageable system.
7. Job analysis questionnaire and procedures for future updating and new position creation.
8. Job descriptions for each position.
9. Develop and fully define in writing a systematic procedure for evaluating positions using the “point factor method.” Provide worksheets for departments to request a job evaluation for an upgrade within a position or new position for submission to the Human Resources Department. Provide worksheets for Human Resources Department personnel to perform future job evaluations or upgrades.
10. Job number field on each job description which will be cross referenced on the pay plan to ensure consistency (if desired).
11. Ensure job titles are consistently used on job descriptions and pay plan.

# Timeline Compensation and Classification Analysis and Job Description Development

Completion Date	Task	Responsible	Deliverables
	Letter of agreement	Douglas County	Returns signed copy to the Austin Peters Group and processes invoice for deposit.
<b>January 22-28</b>	Meeting with County Team/Stakeholders regarding project. Hold a minimum of three Employee Meetings for orientation and kick off of project.	Austin Peters Group/Douglas County	The consulting team meets with the County Team/Stakeholder Group to answer a set of questions that will direct the consulting team in development of recommendations. Employee orientation sessions are held.
	Market questionnaire delivered to County department head only	Austin Peters Group/Douglas County	Questionnaires are delivered electronically. Market questionnaire is filled out by the department head and returned by day 5 via fax to the Austin Peters Group (913-851-7529).
	Market questionnaire from department head	Austin Peters Group	Department heads answer questions required for market study process to start.
	Department Head meeting	Austin Peters Group	Department head meeting and team meeting
<b>January 23-Feb 3</b>	Position evaluation questionnaire distributed to County employees	Austin Peters Group/Douglas County	Questionnaires are delivered electronically. Position evaluation questionnaires are filled out by all employees and returned to their supervisors by day 10. Position evaluation questionnaires are distributed with a memo outlining the project.
<b>January 28</b>	Market survey commences	Austin Peters Group	Market analysis (respondents will have 14 days to turn survey around to APG).
<b>February 4</b>	Employee Q & A	Austin Peters Group	Employee sessions are held for questions and answers during the onsite process.

<b>February 4-7</b>	Department/ supervisor/ employee Interviews	Austin Peters Group	Employees are interviewed for internal equity purpose and job description confirmation purposes.
<b>March 18</b>	Department head/human resource representative	Austin Peters Group	Draft of internal equity.
<b>March 31</b>	Human resources representatives/ department head	Austin Peters Group	Draft of findings with preliminary range recommendations and financial impact.
<b>April 15</b>	Assistant County Admin	Austin Peters Group	Draft of job descriptions.
<b>April 30</b>	Human resources	Austin Peters Group	Draft of findings with preliminary recommendations.
<b>May 7</b>	Meet with governing body	Austin Peters Group	Final recommendations.
<b>May 14</b>	Finalize Job Descriptions	Austin Peters Group	Convey final documents.
<b>May 21</b>	Guidebook and training	Austin Peters Group	Convey final documents provide training to key staff.



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**Keith A. Browning, P.E.**  
Director of Public Works/County Engineer

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### MEMORANDUM

TO : Douglas County Commission

FROM : Keith A. Browning, P.E., Director of Public Works/County Engineer  
Michael D. Kelly, P.S., County Surveyor

DATE : January 17, 2014

RE : N1175 Road and E1600 Road; Proposed rescinding of "minimum maintenance" designation

The City of Lawrence has renewed their request that the existing minimum maintenance designation for portions of N1175 and E1600 Roads be rescinded. The roads involved in their request are within the site of the Wastewater Treatment facility located on the south side of the Wakarusa River approximately one-half mile east of County Route 1055 (E1500 Road). Please see the attached "general location map". They originally made their request in 2007 but it was tabled due to the delay of the facility's construction. They have recently chosen to proceed with construction of the facility and, as such, wish the roads to be designated as "normal maintenance".

The Wakarusa Township Board held a public hearing in 2007 and prepared their recommendation (attached) to the Douglas County Commission indicating their approval of the request. Recent contact with the current township board indicated they still approve of the proposed "normal maintenance" designation.

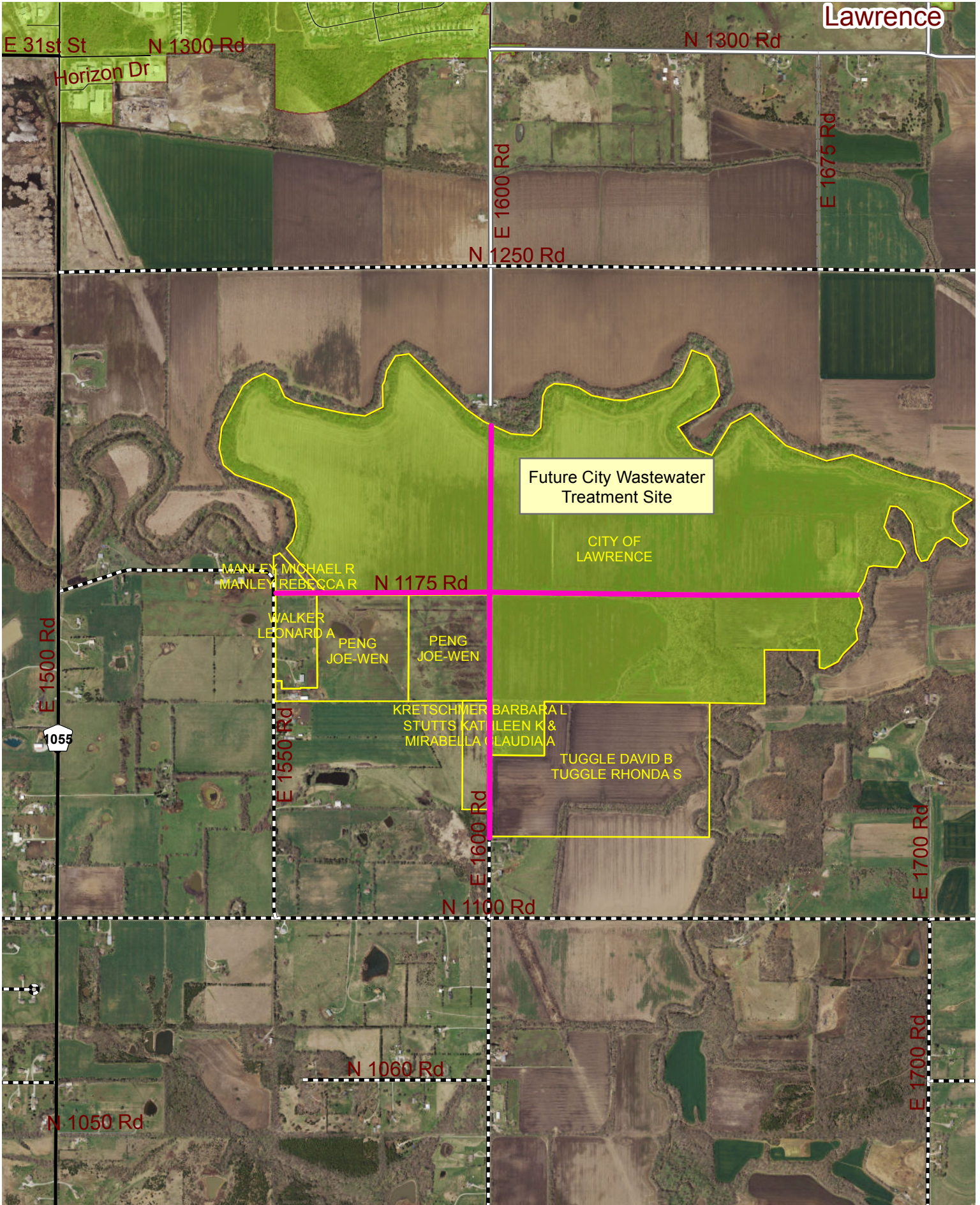
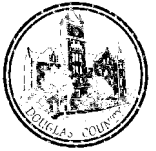
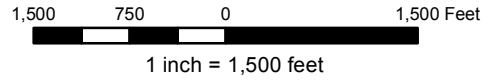
After the township board concluded their recommendation process the issue was then forwarded to the Lawrence/Douglas County Planning Commission for their recommendation. The Planning Commission conducted a public hearing to accept public comment prior to approving the request. The planning commission minutes that summarizes their action is enclosed.

The next steps in the process require conducting a hearing to accept public comment; and, if appropriate, enactment of a resolution removing the "minimum maintenance" designation.

**ACTION REQUIRED:** Conduct a public hearing to accept comments on the proposed rescinding of minimum maintenance. Approve the attached resolution, if appropriate.



# N1175 Road and E1600 Road Location and Ownership



PC Minutes 11/26/07

**ITEM NO. 7: MINIMUM MAINTENANCE; E 1600 ROAD & N 1175 ROAD (DCM)**

**MM-10-02-07:** Request to discontinue the minimum maintenance designation for E 1600 Road & N 1175 Road, within Wakarusa Township.

**STAFF PRESENTATION**

Ms. Davonna Morgan presented the item.

Commissioner Eichhorn asked if the language of "issuance of building permits" was for the water reclamation facility.

Ms. Morgan replied that was correct.

**ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Moore, to approve the request to rescind Minimum Maintenance Road status for portions of E 1600 and N 1175 Roads in Wakarusa Township and forwarding this recommendation to the Douglas County Commission.

Unanimously approved 9-0, with student Commissioner Robb voting in favor.

--ROAD NOTICE--

State of Kansas, Douglas County, ss.

TO WHOM IT MAY CONCERN:

TAKE NOTICE, That the Board of County Commissioners of Douglas County, Kansas has received a positive recommendation from the Board of Highway Commissioners of Wakarusa Township and a positive recommendation from the Lawrence-Douglas County Planning Commission concerning rescinding the current "minimum maintenance" designation for the following described roads:

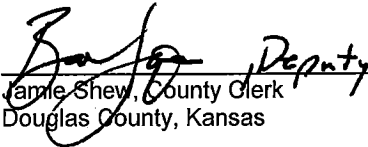
E1600 Road: from a point 992 feet north of N1100 Road thence north to the Wakarusa River;

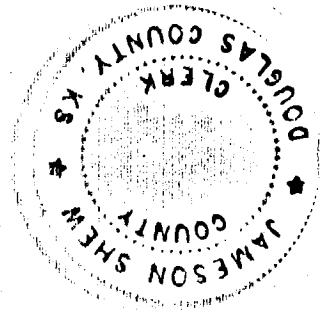
more particularly described as: Road No. 433 commencing at the corner of Sections 20, 21, 28 & 29 of Township 13 South of Range 20 East of the 6<sup>th</sup> P.M., thence North on the line between Sections 20 and 21, Variation 9° 45' East 15.03 chains to the point of beginning, thence (continuing North) 24.97 chains to ¼ section corner, thence (continuing North) 20.00 chains to intersect established road running East at the Northeast corner of the Southeast Quarter of the Northeast Quarter (S.E. 1/4, N.E. 1/4) of Section 20, Township 13 South, Range 20 East; and road No. 10-A, beginning at the North end of Road No. 433, thence North on the line between Sections 20, 21, 16 and 17, Township 13 South, Range 20 East of the 6<sup>th</sup> P.M. to the Wakarusa River.

N1175 Road: from E1550 Road thence east to Coal Creek;

more particularly described as: Road No. 26 beginning at the Southwest corner of the Northwest Quarter of the Northeast Quarter (N.W. 1/4, N.E. 1/4) of Section 20, Township 13 South, Range 20 East of the 6<sup>th</sup> P.M., Variation 10° 35' East, thence East on the Eighth Section line 40.00 chains to the Northeast corner of the Southeast Quarter of the Northeast Quarter (S.E. 1/4, N.E. 1/4) of Section 20, Township 13 South, Range 20 East; and Road No. 170, beginning at the Northwest corner of the South half of the Northwest Quarter (S. 1/2, N.W. 1/4) of Section 21 of Township 13 South of Range 20 East, thence East on the subdivision line 40.00 chains to a stone, thence East on the subdivision line 25.50 chains to a stake in the bank of Coal Creek and in the line between the North and South halves of the Northeast Quarter (N.E. 1/4) of Section 21.

A public hearing will take place to accept comments concerning whether said "minimum maintenance" designation shall be rescinded. The hearing will occur during the regularly scheduled Board of County Commissioners meeting at 6:35 p.m. on Wednesday, January 22, 2014 in the Commission meeting room at the County Courthouse, at 11<sup>th</sup> and Massachusetts Street in Lawrence, Kansas. Upon conclusion of the hearing, the Board of County Commissioners may consider a resolution rescinding the "minimum maintenance" designation of said roads.

  
\_\_\_\_\_  
Jamie Shew, County Clerk  
Douglas County, Kansas



To be published once in the Legal Section of the Journal World on January 10, 2014

Please send two "proof of publication" affidavits to:

**Michael Kelly**  
Douglas County Public Works Dept.  
1242 Massachusetts  
Lawrence, Kansas 66044-3350

PROCESS FOR REVERSING A DECLARATION OF "MINIMUM MAINTENANCE"

\* \* \* CITY OF LAWRENCE INITIATED \* \* \*

E1600 & N1175 Rd. (Wakarusa Township)

1. City requested County to rescind a minimum maintenance declaration.

2. Public Works Department researches and prepares:

- a. legal description of requested road;
- b. ownership map of adjacent properties;

*The Public Works Department prepares a map showing ownership of all properties abutting the road in question. The ownership research shall reflect the names shown on the tax roll.*

c. draft timeline; and,

*The Public Works Department performs an analysis of the process (including conformance with K.S.A. 68-5,102 and HR-94-2-1 and HR-92-10-2) as it pertains to the particular location(s) in question and prepares an estimate of the process duration.*

d. draft notice and transmittal letters to adjacent owners.

*The Public Works Department reviews the location of the roadway, researches the ownership of adjacent property for mailing addresses and landlocking issues. The information is then forwarded to the pertinent township.*

3. The Township:

- a. publishes notice of a public hearing in the Journal World; **11/2/07** (10/30/07)
- b. sends notice by first class mail to adjacent landowners; **10/30/07**
- c. holds public hearing; **11/13/07**
- d. negotiates terms of reversal; and
- e. makes recommendation to the County Commission. **11/16/07**

*The township must publish and mail notice to the landowners "no less than ten (10) days prior to the public hearing". During the hearing the township and person(s) requesting the reversal negotiate the improvements needed to allow the township to assume normal maintenance of the road. After the hearing, if the township chooses to pursue the reversal of declaration of minimum maintenance process a recommendation is then forwarded to the County Commission.*

#### 4. The County Commission

- a. signs "request for recommendation" resolution; **9/26/07**

*The County Commission enacts "request for recommendation" resolution as submitted, or directs Public Works Department to revise resolution.*

- b. directs Public Works to transmit resolution to Planning. **9/26/07**

*Public Works Department sends "request for recommendation" resolution with supporting documentation to Planning Commission. **10/9/07***

#### 7. Planning Commission:

- a. reviews City's request based on K.S.A. 68-5,102 and HR-92-10-2;

*The Planning Commission reviews location(s) and prepares a recommendation for the County Commission.*

- b. takes recommendation to County Commission;

*The Planning Commission staff brings recommendation to County Commission on typical governing body meeting date for planning related items.. **12/19/07***

#### 8. Public Works:

- a. coordinates setting hearing date;

*The Public Works Department establishes hearing date with enough time to allow for publication in the official county newspaper and mailing notice.*

- b. publishes notice in county newspaper; **1/10/14** (1/6/14)

*The Public Works Department prepares notice, attaches to "request for recommendation" resolution and transmits to Journal World.*

- c. notifies adjoining landowners by mail; **1/8/14** (1/6/14)

*The Public Works Department informs pertinent landowners of impending hearing via first class mail >10 days before the hearing.*

9. County Commission:

- a. reviews Township recommendation;
- b. reviews Planning Commission's recommendation;
- c. holds hearing; **1/22/14**

*The County Commission accepts the Planning Commission's recommendation and receives public comment.*

- c. at the County Commission's discretion, views the road(s) under consideration;
- d. directs Public Works to prepare final Resolution.

*The County Commission determines final configuration and directs Public Works Department to reflect such in preparation of the final Resolution.*

10. Public Works prepares

- a. final Resolution. **1/16/14**

*Public Works Department makes any required changes to legal description(s), prints final resolution, and transmits same to County Administrator.*

11. County Commission

- a. signs final Resolution. **1/22/14**

*The County Commission takes action based on previous process.*

12. City of Lawrence removes existing sign(s), after roadways have been improved to the standard needed to assume normal maintenance.

BOARD OF HIGHWAY COMMISSIONERS OF WAKARUSA TOWNSHIP  
CERTIFICATE OF OPINION

We, the undersigned Board of Highway Commissioners, having held a public hearing, and taken comment(s) on that portion of Road I.D. E1600: from a point 992 feet north of N1100 road thence north to the Wakarusa river;

More particularly described as: Road No. 433 commencing at the corner of Sections 20, 21, 28 & 29 of Township 13 South of Range 20 East of the 6<sup>th</sup> P.M., thence North on the line between Sections 20 and 21, Variation 9° 45' East 15.03 chains to the point of beginning, thence (continuing North) 24.97 chains to ¼ section corner, thence (continuing North) 20.00 chains to intersect established road running East at the Northeast corner of the Southeast Quarter of the Northeast Quarter (S.E. 1/4, N.E. 1/4) of Section 20, Township 13 South, Range 20 East; and road No. 10-A, beginning at the North end of Road No. 433, thence North on the line between Sections 20, 21, 16 and 17, Township 13 South, Range 20 East of the 6<sup>th</sup> P.M. to the Wakarusa River.

Road I.D. N1175: from Road I.D. E1550 to Coal Creek;

More particularly described as: Road No. 26 beginning at the Southwest corner of the Northwest Quarter of the Northeast Quarter (N.W. 1/4, N.E. 1/4) of Section 20, Township 13 South, Range 20 East of the 6<sup>th</sup> P.M., Variation 10° 35' East, thence East on the Eighth Section line 40.00 chains to the Northeast corner of the Southeast Quarter of the Northeast Quarter (S.E. 1/4, N.E. 1/4) of Section 20, Township 13 South, Range 20 East; and Road No. 170, beginning at the Northwest corner of the South half of the Northwest Quarter (S. 1/2, N.W.1/4) of Section 21 of Township 13 South of Range 20 East, thence East on the subdivision line 40.00 chains to a stone, thence East on the subdivision line 25.50 chains to a stake in the bank of Coal Creek and in the line between the North and South halves of the Northeast Quarter (N.E. 1/4) of Section 21.

and are of the opinion the "minimum maintenance" designation for said road portion should:

(check box)

not be rescinded.

be rescinded as described.

have only a portion rescinded described as follows:


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BOARD OF HIGHWAY COMMISSIONERS  
OF WAKARUSA TOWNSHIP

  
Ernest Butell, Trustee

  
Norman Leary, Treasurer

  
Gerald Dwyer, Clerk

11/13/07  
Date