

Land Bank

June 04, 2019

City Commission Room, 701 N. Jefferson, Junction City KS 66441

**Pat Landes
Jeff Underhill
Phyllis Fitzgerald
Tim Brown
Nicholas Allbritton**

1. 6:45 P.M. - CALL TO ORDER:

2. NEW BUSINESS:

- [a.](#) Consideration of Land Bank Minutes for May 7, 2019. (p.2)
- [b.](#) Consider Kansas Department of Transportation offer for Right-of-Way Acquisition of US-77. (p.4)

3. ADJOURNMENT:

Item Attachment Documents:

- a. Consideration of Land Bank Minutes for May 7, 2019.

JUNCTION CITY LAND BANK BOARD OF TRUSTEES MINUTES

May 7, 2019

6:45 p.m.

CALL TO ORDER

A meeting of the Junction City Land Bank Board of Trustees was held on Tuesday, May 7, 2019 with Chairman Pat Landes presiding.

The following members of the Land Bank were present: Pat Landes, Jeff Underhill, Phyllis Fitzgerald, Tim Brown and Nicholas Allbritton. Staff present was: Allen Dinkel, Tammy Melton, Britain Stites and Lindsay Miller.

NEW BUSINESS

Land Bank Minutes for April 16, 2019 Meeting was presented for consideration. Trustee Brown moved to approve Land Bank Minutes for April 16, 2019 Meeting, seconded by Trustee Allbritton. Ayes: Landes, Underhill, Fitzgerald, Brown, and Allbritton. Nays: None. Motion Carried.

The offer from Sage Homes, LLC to purchase the Lots 18, 19, 22, Block 12, of Olivia Farms Subdivision and Lot 23, Block 12 of Olivia Farms Subdivision Unit No. 2 in the amount of \$4,000 was presented. City Manager Dinkel gave details and answered questions. Trustee Brown moved to approve the offer from Sage Homes, LLC to purchase the Lots 18, 19, 22, Block 12, of Olivia Farms Subdivision and Lot 23, Block 12 of Olivia Farms 2nd Plat in the amount of \$4,000 with updated contracts reflecting the correct legal description for Lot 23 and that closing costs be paid by the buyer, seconded by Trustee Allbritton. Ayes: Landes, Underhill, Fitzgerald, Brown, and Allbritton. Nays: None. Motion Carried.

ADJOURNMENT

Trustee Underhill moved, seconded by Trustee Fitzgerald to adjourn at 6:47 p.m. Ayes: Landes, Underhill, Fitzgerald, Brown, and Allbritton. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 4TH DAY OF JUNE AS THE OFFICIAL COPY OF THE JUNCTION CITY LAND BANK BOARD OF TRUSTEES MINUTES FOR MAY 7TH, 2019.

Tammy Melton, Secretary

Pat Landes, Chairman

Item Attachment Documents:

- b. Consider Kansas Department of Transportation offer for Right-of-Way Acquisition of US-77.

City of Junction City

Land Bank

Agenda Memo

05/31/2019

From: Allen J. Dinkel, City Manager

To: Land Bank Board

**Subject: Consider Kansas Department of Transportation
(KDOT) Offer for Right-of-Way Acquisition for US-77**

Explanation of Issue: Last week we received a letter from the Kansas Department of Transportation (KDOT) regarding an offer to the Junction City Land Bank for "just compensation" for the acquisition of additional permanent R/W for US-77 and to compensate the Land Bank for temporary occupancy during the highway construction on lots owned by the Land Bank.

There is a little history regarding the US-77 project and the need for both temporary and permanent easements. In the fall of 2015, Kansas Gas Service (KGS) needed easement to move their gas line as KDOT required to them to move a gas transmission line. KGS offered \$8,250 for the needed easements. At that time it was my recommendation to the Land Bank trustees to request that KGS put gas lines in some Land Bank areas that had not been completed. The trustees agreed and I spoke with KGS and they too agreed, however the next day they said they could not do that as it was a difference between transmission and distribution. They however made an offer of \$80,000 for the easement. Naturally the Land Bank trustees accepted that offer. I believe KDOT however reimbursed a large portion of that to KGS.

Westar was next in the spring of 2016. They too needed easement and offered \$5,450 to cut across 13 Land Bank lots. The Land Bank Trustees countered with a much higher number. They however were able to find a way to move their transmission line within existing easements.

Lastly we had KDOT in May/June of 2016. They first began with requesting temporary and permanent easements from the City. City

Attorney Logan responded that it was Land Bank property and not owned by the City and that KDOT should have to pay for easements. KDOT countered that the City-State Agreement for the project stated that the city will donate the land under its control for the project. KDOT staff determined that the land in the Land Bank is under the control of the City and therefore fall under the City-State agreement. Katie Logan and I however disagreed and found precedent that showed that a Public Building Commission (PBC), formed similar as the Land Bank, was separate from the City. Katie and I had discussion with a KDOT attorney and ultimately KDOT said they did not need any easements.

When this letter arrived, I contacted and they told me it was discovered that the contractor had to work on the Land Bank property. If the Land Bank Board agrees, KDOT will prepare the needed documents. We have to be careful and not confuse Land Bank with other City issues with KDOT.

Staff Recommendation: Even though it would have been better if this had been done three years ago, it appears to be a fair offer.

Attachments: KDOT Letter

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Julie L. Lorenz, Secretary
Robert A. Stork, Chief



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Toll Free: 877-461-6817
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

May 10, 2019

Pat Landes, Chairman
Junction City Land Bank
City Commission Room
700 N. Jefferson Street
Junction City, KS 66441

Dear Chairman Landes:

Subject: Kansas Department of Transportation (KDOT) Highway Project: 77-31 KA-2367-04
Right-of-Way (R/W) Acquisition for US-77, Tracts 11 & 13

The purpose of this letter is to present an offer of "just compensation" to the Junction City Land Bank (Land Bank) for the acquisition of additional permanent R/W for US-77 and to compensate the Land Bank for temporary occupancy during the highway construction on lots owned by the Land Bank.

Additional R/W is needed for the recently completed US-77 highway project located on the west side of Junction City. The project was completed in 2018. It has come to my attention that project R/W needed from the Land Bank was not acquired prior to construction and that no compensation was provided to the Land Bank for temporary easements (TE) used during project construction.

I am including a project strip map which highlights (shaded in red) the required 7,157 sq. ft. of permanent R/W acquisition from Lots 8, 9 & 10, Block 1, in the Prairie Ridge Addition. The R/W acquisition includes Access Control adjacent to the highway on all lots abutting US-77 held by the Land Bank. Because the project has been completed, KDOT will not require TE conveyances from the Land Bank. However, this offer letter includes compensation for KDOT's and our contractors' occupancy on those easements during the project. The lots impacted by the TEs are outlined in green, and the easement boundary is shaded in green.

The following is a breakdown of KDOT's offer of just compensation:

7,157 sq. ft. R/W @ \$.50 /sq. ft.	=	\$3,578.50	
20,068 sq. ft. TE @ \$0.25/sq. ft.	=	\$5,017.00	(11 Lots in Prairie Ridge Addition)
1,748 sq. ft. TE @ 0.25/sq. ft.	=	\$500.00	(Minimum Comp. for 3 Lots in Turkey Hollow Addition)
Access Control	=	\$ 0.00	
Total Just Compensation	=	\$9,100.00R	(\$9,095.50)

Chairman Pat Landes

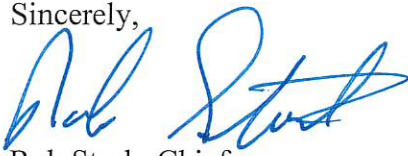
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In addition to the strip map, I have included the legal descriptions of the permanent R/W acquisition and access control. Those legal descriptions will be included on the R/W conveyance document after the Land Bank's Board of Trustees and KDOT reach a settlement agreement.

If you or the Board of Trustees have any questions or need additional information, please contact me at (785) 296-0305 or by e-mail at Robert.Stork@ks.gov. In the event I am not available, David Howard should be able to assist you. David can be reached at (785) 296-3834 or by e-mail at David.Howard@ks.gov. I look forward to visiting with you soon.

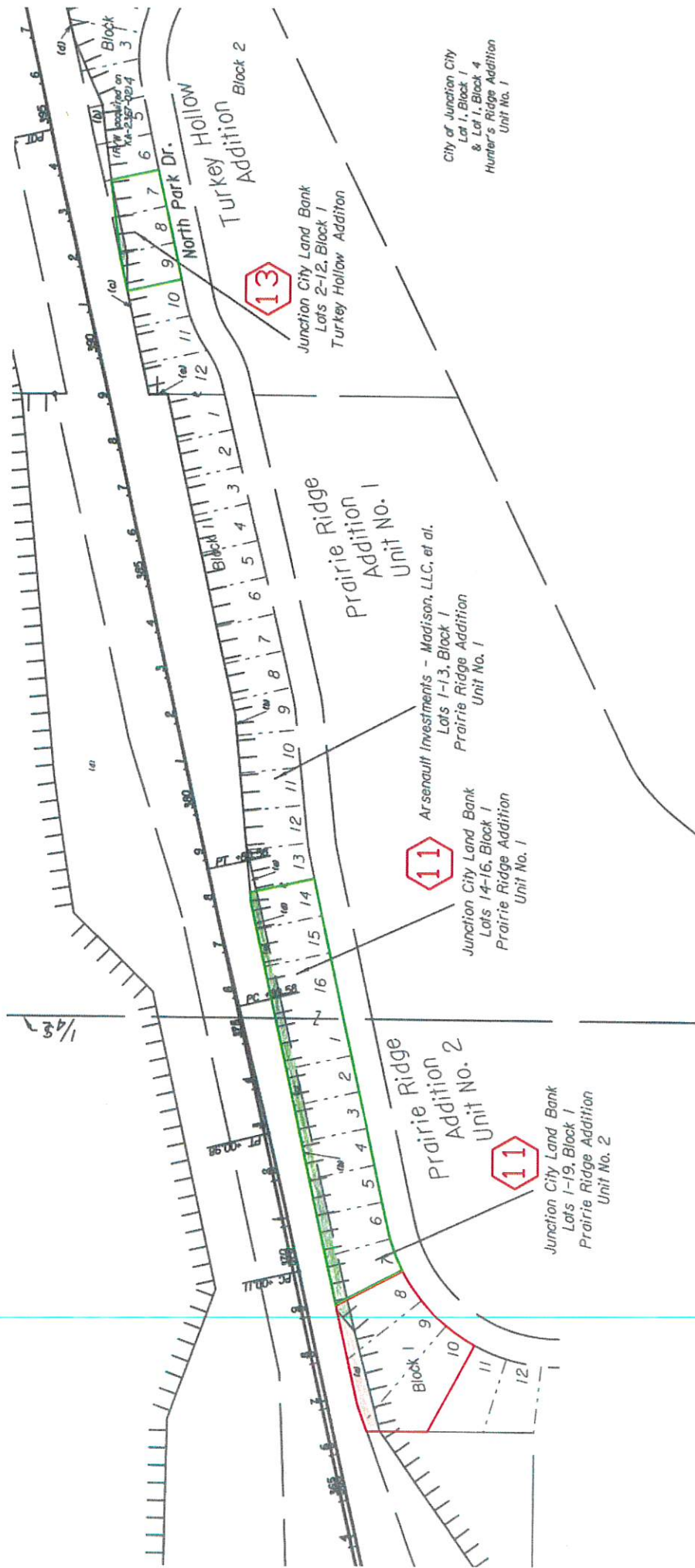
Sincerely,



Rob Stork, Chief
Bureau of Right of Way

Enclosures 2

c: David Howard, R/W Acquisition Supervisor



GEARY COUNTY
77-31 KA-2367-04

JUNE 30, 2016

(a) A tract of land in Lots 8 through 10, Block 1, Prairie Ridge Addition Unit No. 2 to Junction City, Kansas, according to the recorded plat thereof, situated in the Southwest Quarter of Section 3, Township 12 South, Range 5 East of the 6th P.M., described as follows: COMMENCING at the Northwest corner of said Block 1, said point also being on the Easterly right of way line of existing US-77 Highway; thence on an assumed bearing of South 12 degrees 23 minutes 59 seconds East, 639.32 feet along said Easterly right of way line and the Westerly line of said Block 1 to a point on the Westerly line of said Lot 8 and the POINT OF BEGINNING; FIRST COURSE, thence South 40 degrees 46 minutes 08 seconds East, 56.82 feet; SECOND COURSE, thence South 14 degrees 28 minutes 26 seconds East, 221.05 feet to the South line of said Lot 10; THIRD COURSE, thence North 89 degrees 38 minutes 08 seconds West, 27.88 feet along said South line to the Southwest corner of said Lot 10 and said Easterly right of way line; FOURTH COURSE, thence North 19 degrees 48 minutes 24 seconds West, 60.56 feet along said Easterly right of way line and the Westerly line of said lots; FIFTH COURSE, thence North 12 degrees 23 minutes 59 seconds West, 204.69 feet along said Easterly right of way line and the Westerly line of said lots to the POINT OF BEGINNING. The above described tract contains 7157 square feet, more or less. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property. The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

(b) ALL RIGHT OF ACCESS to and from the abutting public highway over and across a line in the in Lots 1 through 8, Block 1, Prairie Ridge Addition Unit No. 2 to Junction City, Kansas, according to the recorded plat thereof, situated in the Southwest Quarter of Section 3, Township 12 South, Range 5 East of the 6th P.M., described as follows: BEGINNING at the Northwest corner of said Lot 1, said point also being on the Easterly right of way line of existing US-77 Highway; FIRST COURSE, thence on an assumed bearing of South 12 degrees 23 minutes 59 seconds East, 639.32

GEARY COUNTY
77-31 KA-2367-04

JUNE 30, 2016

feet along said Easterly right of way line and the Westerly line of said lots to the point of termination.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

(d) ALL RIGHT OF ACCESS to and from the abutting public highway over and across a line in Lots 14 through 16, Block 1, Prairie Ridge Addition Unit No. 1 to Junction City, Kansas, according to the recorded plat thereof, situated in the Northwest Quarter of Section 3, Township 12 South, Range 5 East of the 6th P.M., described as follows: BEGINNING at the Southwest corner of said Lot 16, said point also being on the Easterly right of way line of existing US-77 Highway; FIRST COURSE, thence on an assumed bearing of North 12 degrees 23 minutes 59 seconds West, 252.98 feet along said Easterly right of way line and the Westerly line of said lots; SECOND COURSE, thence North 05 degrees 16 minutes 29 seconds West, 21.41 feet along said Easterly right of way line and the Westerly line of said lots to the Northwest corner of said Lot 14 and the point of termination.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.