

FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	February 10 th , 2010	No.	

ITEM:

Grant of Easement for Lot Split #1002-989 (Burkdoll).

DISCUSSION:

The Planning Department recently approved a lot split application for Cody and Jainie Burkdoll dividing an approximate 103.5-acre tract into a 5.72-acre tract and a 97.78 acre tract. Pursuant to the provisions of Article 3, Section 4.01.D, a lot split may be approved when the applicant dedicates additional right-of-way for road and utility purposes as may be required by the Subdivision Regulations.

The applicant has offered a grant of easement of the West 35.00 of the South 275.97 feet of the Southwest Quarter of Section 29, Township 17 South, Range 20 East of the 6th Principal Meridian, Franklin County, Kansas.

RECOMMENDATION:

Staff recommends that the County Commissioners accept the Grant of Easement as offered.

ATTACHMENTS:

Memorandum
Grant of Easement
Survey

**FRANKLIN COUNTY
PLANNING AND BUILDING DEPARTMENT**

LARRY D. WALROD, PLANNING DIRECTOR
1428 S. MAIN, SUITE #5
OTTAWA, KANSAS 66067-3547
Office: (785) 229-3570 Fax: (785) 229-3504

BOARD OF COUNTY COMMISSIONERS

Karen S. Farrell, District 1
John E. Taylor, District 2
David J. Hood, District 3
Donald C. Hay, District 4
Donald R. Stottlemire, District 5

MEMORANDUM

TO: Franklin County Board of
County Commissioners

DATE: February 5, 2010

FROM: Larry D. Walrod *LDW*
Planning Director

DEPT: Planning & Bldg.

RE: Grant of Easement for
Lot Split #1002-989 (Burkdoll)

CC:

DISCUSSION:

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The applicant has offered a grant of easement of the West 35.00 of the South 275.97 feet of the Southwest Quarter of Section 29, Township 17 South, Range 20 East of the 6th Principal Meridian, Franklin County, Kansas.

RECOMMENDATION:

Staff recommends that the County Commissioners accept the Grant of Easement as offered.

AGREEMENT FOR GRANT OF EASEMENT

This AGREEMENT FOR GRANT OF EASEMENT made and entered into this _____ Day of _____, 20 __, by and between Chris R. Krueger and Doris Krueger, husband and wife, hereinafter called GRANTOR and FRANKLIN COUNTY, KANSAS, hereinafter called GRANTEE.

WHEREIN, it is UNDERSTOOD and AGREED between the parties, that GRANTOR hereby grants to GRANTEE a public road(s) and utility easement described as follows:

The West 35.00 feet of the South 275.97 feet of the Southwest ¼ of Section 29, Township 17 South, Range 20 East of the 6th P.M., Franklin County, Kansas.

Said easement may be used by GRANTEE for future public road improvements and maintenance, including drainage facilities, structures and channel improvements.

Further, it is UNDERSTOOD and AGREED that said easement may be used by any public utility for purposes of construction, operating, maintaining and repairing those public utilities located within, over, under, or across said easement including future facilities as deemed necessary to provide said public utilities.

It is FURTHER AGREED by the parties that the GRANTEE shall be responsible for removing and replacing any fencing and/or access improvements within the easement area existing at the time of execution of the granting of this easement, wherein the GRANTEE initiates or causes the removal or replacement of said fencing or access improvements in order to accommodate road or drainage improvements, including maintenance or repairs of the road(s) or drainage system.

THEREFORE, IT IS FURTHER AGREED by the parties that granting of the public road(s) and utility easement is intended to accommodate future road, drainage, and public utilities necessary for the public welfare and safety.

In Witness Whereof, said party of the first part has hereunto set _____ hand(s) the day and year first above written

Chris R. Krueger

Doris Krueger

STATE OF KANSAS)
COUNTY OF)ss:

On this _____ day of _____, 20____, before me, a Notary Public in and for _____ County, Kansas, personally appeared Chris R. Krueger and Doris Krueger, husband and wife, to me known to be the same person(s) named in and who executed the foregoing instrument and acknowledged that _____ executed the same as _____ voluntary act and deed.

Notary Public

Accepted this _____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS

BY _____
Chairman

ATTEST:

County Clerk

#2828

N.W. cor. Sec. 29-17-20
Fd. Record 1/2" bar (Orig.
Unknown). See Sur. #695.

FILING RECORD:
State of Kansas
County of Franklin

This is to certify that this instrument was filed for record in
the office of Franklin County Register of Deeds on this
day of _____, 2010, at
Instrument No. _____
Sue A. McCoy - Register of Deeds

CERTIFICATE OF LOT SPLIT APPROVAL:
State of Kansas
City of Ottawa

I hereby certify that this lot split has been examined and found
to comply with the Subdivision Regulations of Franklin County, Kansas,
and is therefore approved for recording.

Signed this _____ day of _____
Larry D. Weirad - Planning Administrator

TRACT-2'
(Remainder Tract)
94.3 Ac's +/-
PARENT TRACT:
6k-283; Pg. 140
The S. 1/2 of the S.W. 1/4 and the N. 1/2
of the S.W. 1/4 of the S.E. 1/4 of Sec. 29,
T-17-S, R-20-E.

DESCRIPTION: TRACT-1
A tract of land in the South Half of the Southwest 1/4 of Section
29, Township 17 South, Range 20 East of the 6th P.M., Franklin
County, Kansas and being more particularly described as follows:
Beginning at the Southwest corner of the Southwest 1/4 of said
Section 29; thence North 0°49'54" East (Geodetic Bearing) along the
West line of said Southwest 1/4, 275.97 feet; thence North 89°39'44"
East, parallel with the South line of said Section 29, 903.00 feet;
thence South 0°49'54" West parallel with the West line of said
Southwest 1/4, 275.97 feet to the South line of said Section 29;
thence South 89°39'44" West 903.00 feet to the point of beginning.
Containing 5.72 acres and subject to the West 35.00 feet and the
South 25.00 feet being used for County Road right-of-way and
subject to all other easements and encumbrances of record, if any.

DESCRIPTION: TRACT-2 (Remainder Tract)
The South half of the Southwest quarter and the North half of the
Southwest quarter of the Southwest 1/4 of Section 29, Township 17
South, Range 20 East of the 6th P.M., Franklin County, Kansas,
LESS and EXCEPT the following described tract:
Beginning at the Southwest corner of the Southwest 1/4 of said
Section 29; thence North 0°49'54" East (Geodetic Bearing) along the
West line of said Southwest 1/4, 275.97 feet; thence North 89°39'44"
East, parallel with the South line of said Section 29, 903.00 feet;
thence South 0°49'54" West parallel with the West line of said
Southwest 1/4, 275.97 feet to the South line of said Section 29;
thence South 89°39'44" West 903.00 feet to the point of beginning.
Containing 94 acres (+/-) and subject to the West 35.00 feet and
the South 25.00 feet being used for County Road right-of-way and
subject to all other easements and encumbrances of record, if any.

LEGEND:
● - Denotes 1/2"x24" bar & LS-cap set.
○ - Denotes Survey Corner Found as Described.
▲ - Denotes Section Corner as Described.
(M) - Denotes Measured Distance or Bearing.
(C) - Denotes Calculated Distance or Bearing.
(S/695) - Denotes Franklin County Survey No.

SURVEY NOTES:
1. No gaps or overlaps were found unless noted.
2. No easements, setbacks or encumbrances are
shown by agreement with client.
3. All distances are measured unless noted otherwise.
4. Bearings used for this survey are based on Geodetic North.
5. The corners of this survey are monumented with 1/2" iron
bars and LS-727 survey caps as shown hereon.
6. This survey does not certify ownership.

This survey has been reviewed and approved for filing pursuant
to KSA 58-2005 for content only and is in compliance with this
Act. No other warranties are extended or implied.

Timothy D. Reeves, Ks. LS-1133
Date: _____

CERTIFICATION:
I, James D. Schmitz, hereby certify that I made or had made the
hereon described survey on the ground, under my supervision (the
27th day of September, 2010) and that said survey meets or
exceeds the minimum Standards adopted by the Kansas
State Board of Licensure and Regulation of Professions.

