

# COMMISSIONERS RECORD 5, DOUGLAS COUNTY

571

Term, 19

day of

19

No further business, the Board adjourned to meet on Thursday, December 8, 1983.

ATTEST:

*Patty Jaimes*  
Patty Jaimes

County Clerk

*Robert Neis*  
Robert Neis

Chairman

December 8, 1983

The Board of County Commissioners of Douglas County met in regular adjourned session with all members of the Board present.

Approved the minutes of the meeting of December 7, 1983.

The Board approved Commissioners Cancellation Order No. 3206 and 3207. Orders are on file in the office of the County Clerk.

Comm. Order  
3206 & 3207

Maint.  
N/B Pickup

Fremont Hornberger, maintenance supervisor, appeared before the Board to discuss the purchase of a new pickup. After discussion it was moved by Mrs. Hiebert that publication for the pickup be made on December 13, 1983, with bid opening to be held on December 28, 1983, at 10:15 a.m., seconded by Mrs. Bradley, and carried unanimously.

Comm.  
Findings on  
fence  
Wilson &  
Woodhead

Dan Young, county counselor, presented the Board Findings of Fence Viewers and Certificate of Assignment by Fence Viewers. The County Commissioners, as fence viewers in the matter of the complaint of William L. Wilson and Cheryl Ann Wilson, having examined the partition fence between the lands of the complainants and the lands of C. Ray Woodhead and L. Jane Woodhead, find as follows:

(1) The fences run north and south and are on the east and west boundary lines of the land of William L. Wilson and Cheryl Ann Wilson described as follows:

Commencing at the S.E. Corner of the S.W. 1/4 of Section 7, T. 14S, R. 21E., of the 6th P.M., Douglas County, Kansas; thence N. 89°59'57" W. along the South line of said S.W. 1/4 a distance of 1767.07 feet to the TRUE POINT OF BEGINNING; thence N. 1°00'14" E. and parallel to the West line of said S.W. 1/4 a distance of 1989.90 feet to a point in a well established hedgerow; thence N. 89°54'28" W. along said hedgerow a distance of 440.06 feet to a point; thence S., 1°00'14" W. and parallel to the West line of said S.W. 1/4 a distance of 1990.61 feet to a point on the South line of said S.W. 1/4; thence S. 89°59'57" E. along said South line a distance of 440.07 feet to the POINT OF BEGINNING and containing 20.1035 acres more or less, in Douglas County, Kansas;

and are on the boundary lines of lands owned by C. Ray Woodhead and L. Jane Woodhead described as follows:

South 120 acres of S.W. 1/4 of Section 7, Township 14, Range 21, less tract above described, in Douglas County, Kansas.

(2) The fences are approximately 1990 feet along on each side.

(3) The parties are having a controversy over the sharing of costs to construct the fences.

(4) The parties were unable to agree on construction of the fences and the complainant proceeded to construct the fences.

(5) Mr. Wilson presented evidence of his costs showing equipment rental, labor and materials totaling \$3389.48. The fence viewers determined that six-strand fences were determined by Mr. and Mrs. Wilson to be necessary because the fences are used to confine sheep.

(6) The fence viewers take judicial notice that the County currently reimburses landowners in the amount of \$12 per rod of fence, and that a reasonable cost of a three-strand barbed wire fence in the instant case would be \$12.50 per rod. The total rods of fence in this case is 241.21.

(7) The County Commissioners, as fence viewers find that the fences constructed by the complainants, were partition fences; that the complainants should bear the cost of the three additional strands required for the confinement of sheep; that the reasonable costs for the partition fences was \$3015.12; that said costs have been paid by William L. Wilson; that William L. Wilson and Cheryl Ann Wilson are entitled to reimbursement from C. Ray Woodhead and L. Jane Woodhead in the amount of \$1507.56; and that responsibility for future maintenance of the fences should be assigned as follows:

The south half of the fence on the east boundary of the above described real estate owned by William L. Wilson and Cheryl Ann Wilson is assigned to them for future maintenance and the north half is assigned to C. Ray Woodhead and L. Jane Woodhead for future maintenance.

The north half of the fence on the west boundary of the above described real estate owned by William L. Wilson and Cheryl Ann Wilson is assigned to them for future maintenance and the south half is assigned to C. Ray Woodhead and L. Jane Woodhead for future maintenance.