

Letting Cont.
US 273-a-D

April 23, 1928

In accordance with publication notice to road and bridge contractors, first published in the Lawrence Daily Journal* World, March 22, 1928, the Board of County Commissioners met in session, with the County Engineer and members of the State Highway Commission present for the purpose of opening the bids submitted for Federal Aid Road work and bridge work on U. S. 73W, Sections A and D as specified in said published notices. About 150 interested persons were present. The hour of 11 o'clock A. M. having arrived, the chairman of the Board, G. E. Kretsinger, called the meeting to order, and the County Clerk opened the bids submitted, the same being tabulated by members of the State Highway Commission, the result being as follows:

| Engineer's Estimate | Section A | Section D | Bridge No. 1 | Bridge No. 2 |
|---------------------|-------------|-------------|--------------|--------------|
| Dobson & Robison | \$146686.75 | \$160707.89 | \$3661.80 | \$6700.48 |
| Lincoln, Neb | 112176.73 | 129489.09 | 3817.70 | 6724.80 |
| Roberts Const. Co | | | | |
| Hutchison, Kans | 116160.73 | 136222.60 | | |
| Penny & Baldwin | | | | |
| Lawrence, Kans | 125765.27 | 138349.83 | 3114.05 | 5830.70 |
| Luttjohnn Co. | | | | |
| Topeka, Kans, | 128472.62 | 152802.32 | | |
| C. H. Atkinson | | | | |
| Wattertown, S. D. | 127068.28 | 149532.30 | 3788.60 | 6861.40 |
| Reed & Wheelock | | | | |
| Clay Center | 132647.16 | 153112.00 | 3528.02 | 6656.08 |
| Cook & Stucker | | | | |
| Ottawa, Kans. | 110488.68 | 126955.50 | 3302.53 | 5950.12 |
| Koss Constr. Co | | | | |
| DeMoines, Iowa | 125895.32 | 145913.44 | | |

Bridge Alternate Bids

| | | |
|---------------------|-----------|------------|
| Engineer's Estimate | 210143.53 | 224194.60) |
| (Cook & Stucker | 184924.98 | 207380.05) |
| S | | |

| | | |
|------------------------------------|---------|---------|
| Simmons Const. Co., Baldwin, Knas | 2915.92 | 5520.20 |
| George Reintjes, Kansas City, | 3444.63 | 6396.55 |
| Bert Metzker, Oswakie, Kans. | 3040.05 | 5386.10 |
| Monarch Engr. Co. Falls City, Neb | 3516.25 | 6205.83 |
| Clarence Beadesley, | 3246.37 | 6066.00 |
| Fairbury Constr. Co. Fairbury, Neb | 2810.60 | 5175.65 |
| Brune Bros. | 3544.84 | 6663.40 |

The bid of Dobson & Robison on the two sections of paving and the two bridges being the lowest, they were on motion properly made and unanimously carried awarded the contracts for all of the work at the following: Paving: Section A, \$112176.73 Section D, \$129489.09; Bridge No. 1 \$3817.70; Bridge No. 2, \$6724.80. Total contract price, \$ 252208.32.

May 2, 1928

The Board of County Commissioners met in pursuance of their resolution of April 4, 1928, levying a special assessment on the real property contained within the boundaries of the road benefit district on Federal Aid Project, No. 229, section D, which resolution set May 2, 1928, for hearing protests from property owners against said assessments. The following protest was filed with the Board of County Commissioners:

Hearing on
Assessments
US 73W-229D

To the Board of County Commissioners of Douglas County, Kansas
Complaint of Union Pacific Railroad Company as to proportion Assessed it if
Cost of Improvement of Highway Designated as Project 229-B
Now comes Union Pacific Railroad Company and alleges and shows to the Board of County Commissioners of Douglas County, Kansas, that it complains of the apportionment of the cost of the improvement of the above described highway assessed against it for the following reasons: 1. Said assessment is unequal, arbitrary, unreasonable, and in violation of the due process and equal protection clauses of the fourteenth amendment to the constitution of the United States. 2. No substantial appreciation in value of this company's railroad property within the district will result from the improvement of said highway, and said assessment made against said railroad property is based upon fanciful views of future earning and distributed values, while while all other property is farming land which will be appreciated in value by said improvement and is assessed upon a basis of substantial increase in value. 3. Said assessment against the property of this company in said benefit district results in a burden on said property upon a basis wholly different from that used for ascertaining the apportionment assessed against individual owners as to produce manifest inequality, and, therefor, denies to this company the equal protection of the laws guaranteed by the constitution of the United States and the amendments thereto. 4. The valuation of this company's property within said benefit district used for the purpose of making said assessment is the valuation of said property fixed by the Public Service Commission of the State of Kansas and unlawfully adopted as the basis of this assessment for the reason that said valuation includes items such as franchises, rolling stock, material on hand, supplies and tools, moneys and credits, and other items which are not real property and improvements thereon. 5. The improvement of said highway will result in a great and serious loss to the passenger and freight business of this company within said benefit district and elsewhere on the line of railroad, in that that said improved highway will provide a means of passage for busses and trucks operated for the carriage of passengers for freight for hire in competition with this company, so that the improvement of said highway results in no benefit whatever to the property within said district, and said assessment is therefore void under the statutes of the State of Kansas as well as under the constitution of the State of Kansas and the constitution of the United States and amendments thereto. 6. The land immediately adjacent to and on each side of Union Pacific Railroad Company right of way within the district is of like kind and character as the land occupied by the railroad company's right of way. The total acreage of the lands in the benefit district aside from the right of way of the railroad company is 4,121.06 acres, and the tax assessed against said acreage \$4,310.30. The total acreage included within the Union Pacific Railroad property is 70.05 acres, against which is assessed a tax \$4,293.32. The rate per acre assessed against the Union Pacific Railroad Company property \$61.28, while the rate per acre assessed against the other property in the district averages only \$1.05. The taxes