

# COMMISSIONERS RECORD S, DOUGLAS COUNTY

431

Term, 19

day of

19

Lockwood Co., Inc. Reorder No. 185428-1278

(1) By mutual consent both parties agree to rescind a contract dated March 8, 1967. This will be effective September 1, 1982.

(2) Mr. Swank will have the pump, which is the property of Douglas County, repaired and returned to service.

(3) Mr. Swank will ream out the existing well in behalf of Douglas County at an agreed lump sum price not to exceed \$100.

(4) Douglas County will operate the well and provide electric service to run the pump from September 1, 1982.

It was noted that Mr. Swank has signed this Agreement. After discussion it was moved by Mr. Cragan that the Board approve this Agreement, seconded by Mr. Neis, and carried unanimously.

Res. 82-27  
Replace Co. line  
bridge 24-40

Mr. Dooley then presented the Board Resolution No. 82-27, whereas, the Board of Commissioners and citizens of Douglas and Leavenworth Counties have a mutual interest in replacing a bridge located near the county line northeast of the Junction of U.S. 24-40 and K-32. A Memorandum of Agreement outlining the obligations of each county in connection with this project is attached to this resolution. After discussion it was moved by Mr. Neis that Resolution 82-27 and the Memorandum of Agreement be approved, seconded by Mr. Cragan, and carried unanimously.

Res. 82-28  
Replace Co. line  
bridge Euclora

Mr. Dooley then presented the Board Resolution No. 82-28, whereas, the Boards of Commissioners and citizens of Douglas and Leavenworth Counties have a mutual interest in repairing a bridge located on the county line across the Kansas River north of Euclora. A Memorandum of Agreement outlining the obligations of each county in connection with this project is attached to this resolution. After discussion it was moved by Mr. Cragan that Resolution No. 82-28 and the Memorandum of Agreement be approved, seconded by Mr. Neis, and carried unanimously.

Rural Water  
Release land from  
#1 to #3

At the hour of 9:30 a.m. public hearing was held on the matter of a Petition to Release Lands from Douglas County Rural Water District No. 1, Douglas County, Kansas, and Petition for Attachment of Adjoining Lands to Douglas County Rural Water District No. 3, Douglas County, Kansas. The Petitioners appear by their attorneys Stumbo, Stumbo, Buening & Viola of Topeka, Shawnee County, Kansas. There are no other appearances, either in person or by counsel. Regarding the Petition to Release Lands from Douglas County Rural Water District No. 1, the Board makes the following findings:

(1) That the allegations of said Petition are true; that the lands, as described in said Petition, are currently included in Douglas County Rural Water District No. 1, Douglas County, Kansas, and cannot be economically or adequately served by the facilities of the District.

(2) That it would be in the best interests of the petitioning landowners and Douglas County Rural Water District No. 1, Douglas County, Kansas, if said lands involved and described in said Petition are released and separated from the District.

Therefore in accordance with the terms of K.S.A. 82a-630, it is hereby ordered by the Board of County Commissioners of Douglas County, Kansas, that said Petition be granted and the lands described are hereby released and separated from Douglas County Rural Water District No. 1, Douglas County, Kansas, and it is further ordered by this Board that a Certificate of Release in accordance with the terms of the statute be forthwith issued by this Board and delivered to the Secretary of the Water District who shall, within thirty days, cause the records of the Water District to exclude the lands described therein. After review of this order it was moved by Mr. Neis that it be adopted, seconded by Mr. Cragan, and carried unanimously.

In accordance with the terms of the Order now, on this first day of September, 1982, comes regularly on for hearing before the Board of County Commissioners, Douglas County, Kansas, the Petition heretofore filed with the County Clerk of Douglas County, Kansas, by Paul L. Garber and Neva M. Garber, husband and wife, petitioning to have certain lands released and separated from Douglas County Rural Water District No. 1, Douglas County, Kansas. The Petitioners appear by their attorneys, Stumbo, Stumbo, Buening & Viola of Topeka, Kansas. There are no other appearances, either in person or by counsel. After being duly advised in the premises, the Board of County Commissioners finds:

(1) That the Board of Directors of Douglas County Rural Water District No. 1, Douglas County, Kansas, has duly executed its Endorsement and Consent that the Board of County Commissioners of Douglas County, Kansas, issue a Certificate stating that the lands involved are released and separated from Douglas County Rural Water District No. 1, Douglas County, Kansas, all as required by Statute.

(2) That the statements contained in the Petition are true; that it would be in the best interests of the Petitioners if said Petition were granted and the Certificate of Release issued by this Board.

Therefore it is ordered by the Board of County Commissioners, Douglas County, Kansas, that the following lands be separated and released from Douglas County Rural Water District No. 1, Douglas County, Kansas:

A tract of land in the Northeast 1/4 of Section 35, Township 12, Range 18, Douglas County, Kansas, described as follows: Beginning at the Northwest corner of said Northeast 1/4; thence East 660 feet; thence South 395 feet; thence West 660 feet to the West line of said Northeast 1/4; thence North 395 feet to the point of beginning, containing 5.945 acres, more or less.