

MICHAEL L. FESSINGER, S.C. #26629
Assistant County Counselor
Sedgwick County Courthouse
525 N. Main, Suite 359
Wichita, KS 67203-3731
Telephone: (316) 660-9340
Fax: (316) 383-7007
Email: michael.fessinger@sedgwick.gov

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT**

BOARD OF COUNTY COMMISSIONERS OF)
SEDGWICK COUNTY, KANSAS)
a municipal corporation,)
Plaintiff,)

vs.)

) Case No. 2018 CV 2670

THE JAMES H. MOLITOR AND LUCINDA A. MOLITOR)
REVOCABLE LIVING TRUST,)
23811 W 53rd St. N)
Andale, Kansas 67001)

the unknown heirs, executors, administrators, devisees,)
legatees, trustees, creditors, and assigns of such of the above-)
named defendants as may be deceased; the unknown spouses)
of the above named defendants; the unknown officers,)
successors, trustees, creditors, and assigns of such of the)
above-named defendants as are existing, dissolved, or)
dormant corporations; the unknown executors, administrators)
devisees, trustees, creditors, successors, and assigns of such)
of the above-named defendants as are or were partners or in)
any partnership; and the unknown guardians, conservators,)
and trustees of such of the above-named defendants as are)
minors or in anywise under legal disability,)
Defendants.)

PURSUANT TO CHAPTER 26
KANSAS STATUTES ANNOTATED

NOTICE OF PROCEEDING TO CONDEMN LAND

The named defendants are hereby notified that on December 6, 2018 the Board of County Commissioners of Sedgwick County, Kansas filed a Petition for Condemnation in the District Court of Sedgwick County, Kansas, seeking the condemnation of certain lands and/or interests and/or rights therein described in the Petition for Condemnation, attached hereto.

Pursuant to K.S.A. 26-504, the Court has scheduled a hearing to consider said condemnation on January 10, 2019 at 9:00 a.m., at the Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas before the Honorable William Woolley, Division 23, Room 7-1.

Respectfully submitted:



OFFICE OF THE COUNTY COUNSELOR
Michael L. Fessinger, S.C. #26629
Assistant County Counselor
Attorney for the Board of County Commissioners of
Sedgwick County, Kansas

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DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT**

BOARD OF COUNTY COMMISSIONERS OF)
SEDGWICK COUNTY, KANSAS)
a municipal corporation,)
Plaintiff,)
)
vs.)
) Case No.
THE JAMES H. MOLITOR AND LUCINDA A. MOLITOR)
REVOCABLE LIVING TRUST,)
23811 W 53rd St. N)
Andale, Kansas 67001)
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legatees, trustees, creditors, and assigns of such of the above-)
named defendants as may be deceased; the unknown spouses)
of the above named defendants; the unknown officers,)
successors, trustees, creditors, and assigns of such of the)
above-named defendants as are existing, dissolved, or)
dormant corporations; the unknown executors, administrators)
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of the above-named defendants as are or were partners or in)
any partnership; and the unknown guardians, conservators,)
and trustees of such of the above-named defendants as are)
minors or in anywise under legal disability,)
Defendants.)
)

PURSUANT TO CHAPTER 26
KANSAS STATUTES ANNOTATED

PETITION FOR CONDEMNATION

Plaintiff alleges and states as follows:

1. Plaintiff is the duly elected, organized, and constituted governing body having charge of and authority over the general affairs of the County of Sedgwick, a duly organized and existing political subdivision, under the laws of the State of Kansas.
2. Plaintiff seeks to exercise the power of eminent domain granted it by the laws of the State of Kansas, pursuant to K.S.A. § 19-212, and K.S.A. § 68-114 and § 68-116, and in accordance with the provisions of the Eminent Domain Procedure Act of 1963, K.S.A. § 26-501, *et seq.*
3. Pursuant to K.S.A. § 68-114 and K.S.A. § 68-116, Plaintiff has ordered the constructions, reconstruction, widening, improving, draining, and maintenance of road right-of-way located generally along the south side of 53rd Street North, west of 231st Street West and about one-half mile south and one-half mile east of Andale.
4. Plaintiff has diligently and with good faith attempted to acquire the required property; however, the Plaintiff and the owners have been unable to agree on the price for said property.
5. Plaintiff, by Resolution duly made on September 19, 2018 (Resolution No. 130-2018), approved the exercise of its power of eminent domain as set forth herein to acquire the property described on Exhibit A attached hereto (the “subject property”).
6. In order for Plaintiff to carry out its lawful powers and duties stated herein it is necessary for it to acquire, by exercise of the right of eminent domain under K.S.A. § 26-501, *et seq.*, permanent easements for road right-of-way purposes and temporary easements for construction purposes in, over, across, and upon the tract of land described in Exhibit A. This is a taking of real property interest only and does not include personal property of any kind including removal by leasing

tenant. The owners of the subject property will be provided continuing access to the property.

7. The taking of private property for the public use is necessary for the purpose of acquiring real property for the construction, reconstruction, and improvement of public roads including drainage and maintenance.
8. The names and mailing address (known or ascertainable with reasonable diligence) of each owner and lien holder of record and of any occupant or party in possession of the tract of land necessary for said public purposes and uses and sought to be acquired in this eminent domain proceeding are identified as follows:

Subject Property

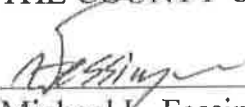
Owner: The James H. Molitor and Lucinda A. Molitor Revocable Living Trust
 23811 W 53rd St. N
 Andale, Kansas 67001

Lienholders or Other Interested Parties: None

9. Plaintiff has no actual or constructive knowledge of the existence of any party in possession of the subject property, except as stated in paragraph 8 above.

WHEREFORE, Plaintiff prays for an order setting a time and place for hearing on this petitions, for an order decreeing that Plaintiff has the power of eminent domain and that the taking set out herein is necessary for the lawful purposes of Plaintiff, for an order appointing three disinterested residents of Sedgwick County, Kansas to view and appraise the value of the permanent and temporary easements described herein and to determine the just compensation due to the parties named herein.

Respectfully submitted:
SEDGWICK COUNTY OFFICE OF
THE COUNTY COUNSELOR



Michael L. Fessinger, S.C. #26629
Assistant County Counselor
Attorney for the Plaintiff

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

I, Michael L. Fessinger, being first duly sworn upon oath, depose and say:


That I am one of the attorneys for the Plaintiff, The Board of County Commissioners of Sedgwick County, Kansas; that I have read the above and foregoing Petition for Condemnation and understand the contents thereof; and that the statements, allegation and averments contained therein are true.

Sedgwick County, Kansas



Michael L. Fessinger

SUBSCRIBED AND SWORN to before me, a Notary Public, this 6th day of Dec., 2018.



Notary Public

My Appointment Expires:



EXHIBIT A

A tract of land located in a portion of the West Half of the West Half of the Northeast Quarter of Section 23, Township 26 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the West Half of the West Half of the Northeast Quarter of Section 23; thence S 00°29'31" E, along the West line of the Northeast Quarter, a distance of 30.00 feet to the current South right-of-way line of 53rd St. North for the Point of Beginning; thence N 89°46'30" E, along said North right-of-way line, a distance of 661.78 feet to the East line of the West Half of the West Half of the Northeast Quarter; thence S 00°30'46" E, along said East line, a distance of 30.00 feet; thence S 89°46'30" W, parallel to and 60 feet South of the North line of the Northeast Quarter, a distance of 661.79 feet to the West line of the Northeast Quarter; thence N 00°29'31" W, along said West line, a distance of 30.00 feet to the Point of Beginning. Containing 19854 sq. ft., or 0.456 acres.