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**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. 2019-CV-1519)

RUBY TINOCO)
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 defendant is hereby notified that on July 23, 2019 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 October 11, 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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**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.

RUBY TINOCO)
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)
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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 to the east of the intersection of 95th Street South and Broadway Avenue, in the unincorporated area of Sedgwick County.
4. Plaintiff has diligently and with good faith attempted to acquire the required property; however, the Plaintiff and the owner has been unable to agree on the price for said property.
5. Plaintiff, by Resolution duly made on July 17, 2019 (Resolution No. 162-2019), 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 owner 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: Ruby Tinoco
Mailing address: 3118 W Shelton
Wichita, KS 67204

Lienholders or Other Interested Parties to the subject property: 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 I. 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 23rd day of July, 2019.



Notary Public

My Appointment Expires:

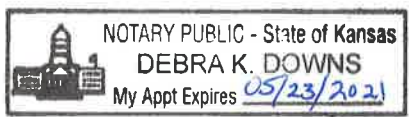


EXHIBIT A

PERMANENT RIGHT OF WAY DESCRIPTION

All that part of Southwest Quarter of Section 16, Township 29 South, Range 1 East of the 6th Principal Meridian, all in Sedgwick County, Kansas and being more particularly described as follows:

Commencing at that Southwest corner of the Southwest Quarter of said Section 16, said point being marked by a ½" metal pipe; thence North 88°56'24" East (bearing written herein are based upon the Kansas State Plane Coordinate Systems, 1983, Kansas South Zone), along the South line of said Southwest Quarter, a distance of 65.00 feet; thence North 00°12'23" West, a distance of 20.00 feet to the **Point of Beginning** of the tract of land herein described, said point being on the North right of way line of E. 95th Street S., as previously established; thence continuing North 00°12'23" West, a distance of 40.00 feet; thence North 88°56'24" East, parallel with the North right of way line of said E. 95th Street S., a distance of 85.00 feet; thence South 00°12'23" East, a distance of 40.00 feet to a point on the North right of way line of said E. 95th Street S.; thence South 88°56'24" West, along the North right of way line of said E. 95th St. S., a distance of 85.00 feet to the **Point of Beginning**.

The above described tract of land contains 3,399.71 square feet (0.08 acres) calculated, and is subject to all easements, restrictions, reservations, covenants, conditions and right of ways of record.