

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
CIVIL COURT DEPARTMENT

THE CITY OF LAWRENCE, KANSAS,
A Municipal Corporation,

Plaintiff - Condemnor,

vs.

Case No. : 2009-CV-396

Division 1

Action Involves Title to Real Property

FILED
DOUGLAS COUNTY
DISTRICT COURT
2009 JUL 29 P 3:16

PS

THE WOODS ON NINETEENTH HOMEOWNERS
ASSOCIATION, INC. *et al*;

Defendant-Landowners.

REPORT OF APPRAISERS

We, the undersigned appraisers, appointed to view and appraise the value of certain lands and/or interests and/or rights therein, described in the Petition of The City of Lawrence, Kansas, in the above-captioned matter and to determine just compensation and damages to the interested parties resulting from the takings, after being duly sworn, now report as follows:

On July 9th, 2009, we caused notices of our hearing to be mailed to the Plaintiff and all Defendant parties named in the Petition whose addresses were known to us after diligent inquiry, and on July 14, 2009, caused such notice to be published in The Lawrence Journal World, a newspaper of general circulation in Douglas County, Kansas. On July 29, 2009, we began our appraisal and assessment of damages by actual view of the lands to be taken and of the tracts of which they are a part. On July 29, 2009, a public hearing was held in the City Commission Chamber Room of Lawrence City Hall, 1st Floor, 6 East 6th Street, Lawrence, Kansas, the time and place stated in the notices, at which time we heard oral testimony and received written and other evidence concerning our appraisal and assessment of damages from the Plaintiff and such of the Defendants as were present and desired to be heard.

After our view of the lands involved, after consideration of the testimony received at the hearing, and according to the instructions given us by the Court, we have appraised the lands and/or interests and/or rights therein sought by the Plaintiff and described in the Petition and have determined just compensation and damages to the interested parties resulting from the takings are as follows:

Tract # 29

FEE SIMPLE OWNERS:

Joshua R. and Margaret E. Mahoney, husband and wife

Address: 1848 Villo Woods Court, Lawrence, KS 66044

LIENHOLDERS AND OTHER INTERESTED PARTIES:

ABN AMRO Mortgage Group, Inc.

Address: 1201 East Lincoln, Madison Heights, MI 48071-4171

Paula Gilchrist, in her capacity of County Treasurer of Douglas County, Kansas

Address: 1100 Massachusetts, Lawrence, KS 66044

INTEREST TO BE ACQUIRED:

The **Fee Simple Interest** in the tract of land described as follows, to wit:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6 S.89°01'27"W. (BEARING BASED ON THE STATE PLANE SYSTEM) 1081.05 FEET; THENCE N.5°11'16"E. 216.16 FEET TO THE POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF LOT 7, BLOCK 1 IN THE WOODS ON 19TH A SUBDIVISION IN THE SAID CITY OF LAWRENCE, AND ON THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; THENCE ALONG THE EAST LINE OF SAID LOT 7 AND THE WEST RIGHT OF WAY LINE OF THE SAID B.N.S.F. RAILROAD N.5°11'16"E. 40.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 7 S.84°48'44"E. 50.00 FEET TO THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD AS ESTABLISHED BY THE PLAT OF SAID WOODS ON 19TH; THENCE ALONG THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD S.5°11'16"W. 40.00 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 7 EXTENDED EASTERLY; THENCE ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7 N.84°48'44"W. 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.046 ACRES.

Fair Market Value of Entire Property
Immediately Before the Taking:

172,000.00

Fair Market Value of Property Remaining
Immediately After the Taking:

170,000.00

Difference, which is Just Compensation and
The Amount of Our Award:

2,000.00


MB


JH


TM

Tract # 30

FEE SIMPLE OWNERS:

Bryan S. and Mandy Burks, husband and wife

Address: 1852 Villo Woods Court, Lawrence, KS 66044

LIENHOLDERS AND OTHER INTERESTED PARTIES:

Midwest Home Mortgage, Ltd.

Address: 13100 Northwest Freeway, Suite 200, Houston, TX 77040

Paula Gilchrist, in her capacity of County Treasurer of Douglas County, Kansas

Address: 1100 Massachusetts, Lawrence, KS 66044

INTEREST TO BE ACQUIRED:

The **Fee Simple Interest** in the tract of land described as follows, to wit:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6 S.89°01'27"W. (BEARING BASED ON THE STATE PLANE SYSTEM) 1081.05 FEET; THENCE N.5°11'16"E. 132.09 FEET TO THE POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF LOT 6, BLOCK 1 IN THE WOODS ON 19TH A SUBDIVISION IN THE SAID CITY OF LAWRENCE, AND ON THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; THENCE ALONG THE EAST LINE OF SAID LOT 6 AND THE WEST RIGHT OF WAY LINE OF THE SAID B.N.S.F. RAILROAD N.5°11'16"E. 84.07 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 6 S.84°48'44"E. 50.00 FEET TO THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD AS ESTABLISHED BY THE PLAT OF SAID WOODS ON 19TH; THENCE ALONG THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD S.5°11'16"W. 100.11 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 6 EXTENDED SOUTHEASTERLY; THENCE ALONG THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 6 N.67°01'45"W. 52.51 FEET TO THE POINT OF BEGINNING, CONTAINING 0.106 ACRES.

Fair Market Value of Entire Property
Immediately Before the Taking:

160,000.00

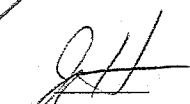
Fair Market Value of Property Remaining
Immediately After the Taking:

157,700.00

Difference, which is Just Compensation and
The Amount of Our Award:

2,300.00


MB


JH


TM

Tract # 33

FEE SIMPLE OWNERS:

Southwestern Bell Telephone Company

Address: c/o Gary E. Bohler, 1010 Pine 21-E-18, St. Louis, MO 63101

LIENHOLDERS AND OTHER INTERESTED PARTIES:

Paula Gilchrist, in her capacity of County Treasurer of Douglas County, Kansas

Address: 1100 Massachusetts, Lawrence, KS 66044

INTEREST TO BE ACQUIRED:

The **Fee Simple Interest** in the tract of land described as follows, to wit:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6 S.89°01'27"W. (BEARING BASED ON THE STATE PLANE SYSTEM) 1081.05 FEET; THENCE S.5°09'55"W. 30.17 FEET TO THE NORTHEAST CORNER OF TRACT "A" IN EVERGREEN ADDITION IN THE SAID CITY OF LAWRENCE, BEING ON THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD AND ON THE SOUTH RIGHT OF WAY LINE OF EAST NINETEENTH STREET IN THE SAID CITY OF LAWRENCE; THENCE N.89°01'27"E. 25.70 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF EAST NINETEENTH STREET TO THE POINT OF BEGINNING THENCE S.5°06'58"W. 567.33 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT "A" THENCE; ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT "A" N.89°05'25"E. 24.09 FEET TO THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD; THENCE ALONG THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD N.5°09'55"E. 567.40 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT "A" EXTENDED EAST; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT "A" N.89°01'27"W. 24.59 FEET TO THE POINT OF BEGINNING, CONTAINING 0.313 ACRES.

A **Permanent Sanitary Sewer Easement** across, upon and under the surface of the tract of land described as follows, to wit:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6 S.89°01'27"W. (BEARING BASED ON THE STATE PLANE SYSTEM) 1081.05 FEET; THENCE S.5°09'55"W. 30.17 FEET TO THE POINT OF BEGINNING BEING THE NORTHEAST CORNER OF TRACT "A" IN EVERGREEN ADDITION IN THE SAID CITY OF LAWRENCE, BEING ON THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD AND ON THE SOUTH RIGHT OF WAY LINE OF EAST NINETEENTH STREET IN THE SAID CITY OF LAWRENCE; THENCE ALONG THE EAST LINE OF SAID TRACT "A" AND THE WEST RIGHT OF WAY LINE OF THE SAID B.N.S.F. RAILROAD S.5°09'55"W. 567.36 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT "A" N.89°05'25"E. 26.19 FEET; THENCE N.5°06'58"E. 567.33 FEET TO

THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT "A"
EXTENDED EAST; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH
LINE OF SAID TRACT "A" S.89°01'27"W. 25.70 FEET TO THE POINT OF BEGINNING,
CONTAINING 0.338 ACRES.

Fair Market Value of Entire Property
Immediately Before the Taking:

Fair Market Value of Property Remaining
Immediately After the Taking:

Difference, which is Just Compensation and
The Amount of Our Award:

MB

JH

TM

Tract 33[#] withdrawn on 7/29/09

Tract # 44

FEE SIMPLE OWNERS:

Star Tyler Properties, LLC

Address: 13909 Dearborn Street, Overland Park, KS 66223

LIENHOLDERS AND OTHER INTERESTED PARTIES:

Magnagro International, Inc.

Address: PO BOX 261, Lawrence, KS 66044

Paula Gilchrist, in her capacity of County Treasurer of Douglas County, Kansas

Address: 1100 Massachusetts, Lawrence, KS 66044

INTEREST TO BE ACQUIRED:

The **Fee Simple Interest** in the tract of land described as follows, to wit:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6 S.89°01'27"W. (BEARING BASED ON THE STATE PLANE SYSTEM) 1081.05 FEET; THENCE S.5°09'55"W. 1826.11 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 5779.65 FEET AN ARC LENGTH OF 505.50 FEET (CHORD OF SAID CURVE BEARS: S.2°39'35"W. 505.34 FEET) TO THE POINT OF BEGINNING, BEING THE NORTHEAST CORNER OF LOT 7, BLOCK 1 IN INDIA ADDITION IN THE SAID CITY OF LAWRENCE, BEING ON THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE SAID LOT 7 N.89°01'02"E. 29.06 FEET TO THE POINT OF BEGINNING, THENCE S.01°43'06"W. 201.36 FEET TO THE NORTHLINE OF A TRACT RECORDED IN DISTRICT COURT CONDEMNATION CASE NO. 25634; THENCE ALONG THE NORTH LINE OF THE SAID DISTRICT COURT CASE TRACT EXTENDED EAST N.88°20'55"E. 29.90 FEET TO A POINT ON THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD, SAID POINT BEING 1302.62 FEET S.89°01'20"W. AND 130.83 FEET N.1°39'05"W. OF THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE ALONG THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD N.1°39'05"W. 19.29 FEET; THENCE ALONG THE CENTERLINE OF THE SAID B.N.S.F. RAILROAD ON A CURVE TO THE RIGHT WITH A RADIUS OF 5729.65 FEET AN ARC LENGTH OF 181.54 FEET (CHORD OF SAID CURVE BEARS: N.0°44'37"W. 181.53 FEET) TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 7 EXTENDED EAST; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE SAID LOT 7 S.89°01'02"W. 20.95 FEET TO THE POINT OF BEGINNING, CONTAINING 0.117 ACRES.

A Permanent Sanitary Sewer Easement across, upon and under the surface of the tract of land described as follows, to wit:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6 S.89°01'27"W. (BEARING BASED ON THE STATE PLANE SYSTEM) 1081.05 FEET;

THENCE S.5°09'55"W. 1826.11 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 5779.65 FEET AN ARC LENGTH OF 505.50 FEET (CHORD OF SAID CURVE BEARS: S.2°39'35"W. 505.34 FEET) TO THE POINT OF BEGINNING, BEING THE NORTHEAST CORNER OF LOT 7, BLOCK 1 IN INDIA ADDITION IN THE SAID CITY OF LAWRENCE, BEING ON THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; THENCE ALONG THE EAST LINE OF SAID INDIA ADDITION AND THE WEST RIGHT OF WAY LINE OF THE SAID B.N.S.F. RAILROAD ON A CURVE TO THE LEFT WITH A RADIUS OF 5779.65 FEET AN ARC LENGTH OF 182.12 FEET (CHORD OF SAID CURVE BEARS: S.0°44'55"E. 182.12 FEET); THENCE ALONG THE EAST LINE OF SAID INDIA ADDITION AND THE WEST LINE OF THE SAID B.N.S.F. RAILROAD S.1°39'05"E. 19.29 FEET TO THE NORTHEAST CORNER OF A TRACT RECORDED IN DISTRICT COURT CONDEMNATION CASE NO. 25634; THENCE ALONG THE NORTH LINE OF THE SAID DISTRICT COURT CASE TRACT EXTENDED EAST N.88°20'55"E. 20.10 FEET THENCE N.1°43'06"E. 201.39 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 7 EXTENDED EAST; THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE SAID LOT 7 S.89°01'02"W. 29.06 FEET TO THE POINT OF BEGINNING, CONTAINING 0.114 ACRES.

Fair Market Value of Entire Property
Immediately Before the Taking:

300,700.00

Fair Market Value of Property Remaining
Immediately After the Taking:

287,500.00

Difference, which is Just Compensation and
The Amount of Our Award:

13,200.00

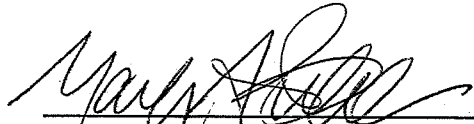

MB

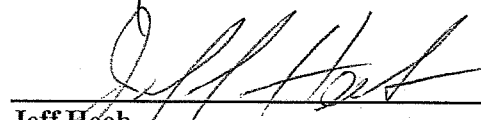

JH

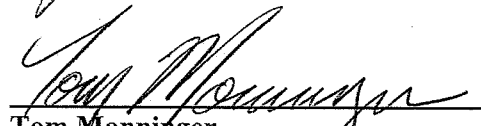

TM

The foregoing Report of our appraisal is well and truthfully made and in witness whereof,
we have hereunto affixed our signatures this 29th day of July, 2009.

COURT APPOINTED APPRAISERS


Mark Buhler


Jeff Heeb


Tom Monninger

Subscribed and sworn to before me this 29 day of July, 2009.


CLERK OF THE DISTRICT COURT

