

OFFICE OF COUNTY COMMISSIONERS

GEARY COUNTY

JUNCTION CITY, KANSAS 66441

December 4, 1972

*John*  
*Mr Dierdorff*

Board of County Commissioners  
Dickinson County  
Dickinson County Court House  
Abilene, Kansas 67410  
Attention: Elmer Jones, Chairman

Dear Mr. Jones, and Commissioners:

We have at hand here your letter of November 27th, addressed to our Board of County Commissioners, and also your letter of November 27, 1972, addressed to our Board of County Commissioners and The Junction City News. We know that you meant to address the copy to The Junction City Daily Union where the article you alluded to appeared.

The two letters make it obvious that we have a controversy that is not subject to settlement by our negotiation. We seem to be too far apart in our beliefs, both on the facts of the situation, and the obligations of our respective governmental units.

We are interested in immediately establishing the responsibility for the construction and the maintenance for the two miles of road next to Geary County and your Fragrant Hill Township. We feel that the taxpayers of both counties are entitled to some immediate action about the road.

We recognize that either you, or we, could go ahead and do the work and then bring an action in court, but we have no desire to do this. It would not be good for inter-county relations, and would not be conducive to good will, and it would also be what we consider un-necessarily expensive.

We do, however, re-assert that we are willing to do what is right, and to do everything that is proper and right.

That is, of course, the seat of the controversy.

You state in your letter that the State Engineer has no legal right to make a determination. We are not stating that this is correct or incorrect, in the part of the law you are alluding to. Things have changed considerably since the opinion of 1969.

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# OFFICE OF COUNTY COMMISSIONERS

## GEARY COUNTY

JUNCTION CITY, KANSAS 66441

Page 2, December 4, 1972

However, by invoking the provisions of Chapter 5, ARBITRATION AND AWARD of the Kansas Statutes Annotated, we may arrange that he has a legal right to make such a determination. At the hearing on November 8th, the Highway Department stated that they would aid in any way that they could to bring about a settlement of this matter.

We propose that, according to KSA 5 201-213, that the matter of the costs and obligation of the construction and maintenance of our two miles of controversial road between Geary County and Dickinson County, in the Fragrant Hill Township, be submitted to an arbitrator for binding arbitration. We do not desire to make the submission a rule of any court of record in this state.

Further, we offer to accept, as arbitrator, John D. McNeal, State Engineer of Kansas, or any other person in his office that he may designate, as arbitrator to determine the obligations and duties in this matter.

We do not desire that any Bond be required by either Dickinson County or Geary County.

We further agree that the Arbitrator shall set the time and place of the Arbitration. This Arbitration may be held in either Geary, Dickinson, or Shawnee County, as the Arbitrator may designate, at the time he shall designate.

As of this date we are submitting this to the State Highway Engineer requesting his binding arbitration as outlined above. As we are determined to fulfill our responsibility and provide adequate road service to the people living along this road once the legal responsibility has been determined.

We pledge to move immediately on the construction of this mile and bill your county for its share as determined by the Arbitrator, or you can construct immediately and bill us for our share.

To further expound on your contention that Geary County received \$35,000.00 for the construction of the north mile, we submit the following information: The total cost of construction of that north mile was \$34,681.94 as verified by vouchers on file in our County Engineers office.

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# OFFICE OF COUNTY COMMISSIONERS

GEARY COUNTY

JUNCTION CITY, KANSAS 66441

Page 3, December 4, 1972

The following maintenance costs have been assessed to this north mile:

1966	Maintenance	\$361.95
1967	Maintenance	749.58
1967	Calcium Chloride	604.96
1968	Maintenance	528.69
1969	Maintenance	398.72
1970	Maintenance	258.83
1970	Resurfacing	2,587.15
1971	Maintenance	366.15
1972	Maintenance	600.26
	TOTAL	<u>\$6,456.29</u>

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From the above figures I think you can see that the Corps of Engineers has not participated in the costs of maintenance of this road since initial construction, and that actually the Geary County Taxpayer has been supporting the maintenance on this county line road for the past several years.

To mention another facet, we maintained the south mile as well during the years 1966, 1967 and 1968.

I think its well that we point out that Dickinson County, and specifically Fragrant Hill Township did receive the construction of four miles of black top road which was built completely with Corps funds which I am told by the prior Geary County Commissioners that tentative agreement has been worked out with the Corps of Engineers to build this on the County line which would have been much shorter for the Corps of Engineers and made a much greater accessibility to the housing development in that area.

In any event, we do not feel that there is any need for further legislation for this unusual situation and we feel that it may be settled quickly and inexpensively by arbitration, and the needs of our tax payers in both counties will be served.

We will build the road and bill you or you build the road and bill us, one way or the other lets get it done.

Yours very truly,

*Hayes BJ Beck*  
Hayes BJ Beck, Chairman  
Board of County Commissioners

cc:

John D. McNeal, State Engineer of Kansas  
Chairman, Committee on Transportation of House of Representatives  
Lee Rich, Editor for the Junction City Union  
Ed Kessinger, Editor for the Junction City Republic  
Henry Jamison, Editor for the Abilene Reflector Chronicle  
Pat Powers, Manager KJCK

Exhibit 1

SECONDARY ROAD DEPARTMENT

June 9, 1969

GEARY & DICKINSON COUNTIES  
SECONDARY

MEMORANDUM TO: JOHN H. MORSE, STATE HIGHWAY ATTORNEY

ATTENTION: JOHN HEWINS

On May 29 I met with the Commissioners of Geary County and the Board of Fragrant Hill Township in Dickinson County at Junction City. This meeting was in response to a request from the Geary County Commissioners for aid in settling a dispute on a county line road.

The dispute between Geary County and the Fragrant Hill Township involves two miles of road on the west line of Geary County described as follows:

- Beginning at the southwest corner of Sec. 35, T11S, R4E and extending to the northwest corner of Sec. 26, a distance of 2 miles.

There has been an understanding for many years that the County would maintain the mile on the west side of Sec. 35 and the Township would maintain the mile on the west side of Sec. 26. The other portions of the road on the line between Fragrant Hill Township and Geary County to the north have been subject to agreement on maintenance but are no longer involved as two miles have been closed by flooding from the Milford Reservoir and the remaining two miles placed on the County Secondary System so that their maintenance is between Dickinson and Geary Counties.

At the time the Corps built the Milford Dam, an agreement was effected between the Corps and Geary County covering raising the grade of the road along the west side of Sec. 26. Geary County, with their own forces, built up this mile of road to a good standard for a township road. The Corps paid the cost and required that the County agree to maintain the road. As mentioned above, this mile has for many years been the responsibility of Fragrant Hill Township. The Township felt that this relieved it from further responsibility for this mile of road.

Geary County has taken the attitude that inasmuch as it has assumed the maintenance of this north mile that the Township should take over the south mile on the west side of Sec. 35. This mile is not in nearly as good shape as the road north or south of it. It needs to be regraded with three cross-road structures to be installed. There might be a 9 x 4, a 7 x 4, and a

GEARY & DICKINSON COUNTIES

Memo to John H. Morse

6-9-69

Page 2

36" pipe from south to north. At present there is some water over the road at one or two of these streams.

Fragrant Hill Township has a road budget of \$5,800 and a rock budget of \$2,000 annually and 49 miles of road to maintain. This does not leave them any money for construction such as the road on the westside of Sec. 35 needs. The Board pointed out that their township is entirely farm land and consequently its valuation is quite low and the maximum levy will only raise \$5,800 per year. For this reason they are quite reluctant to enter into any negotiations leading to their spending any money on this road for construction. The Township is naturally looking for any possible reduction in the road mileage it must maintain.

The mile on the west side of Sec. 35 serves three farmsteads, one in Geary County and two in Dickinson County. The north mile (on the west side of Sec. 25) serves a church at the north end and two farmsteads a short distance to the east of that corner.

It was suggested that the Township maintain the north mile as they have done for many years and that Geary County continue to maintain the south mile. The Township Board felt that they were not equipped to properly maintain the north mile with its high standard of construction. Geary County felt that it was obligated by agreement with the Corps to maintain this section. I pointed out that they could agree with the Township to do the actual work on the surface and satisfy the Corps. This would relieve Geary County of a part of its load.

It was suggested that the County and Township might look into the possibilities of creating a benefit district to cover the cost of improving or constructing the south mile.

Your directions as to how the Highway Commission should deal with the County's request would be appreciated. This matter has been discussed with Mr. John Hewins.

W. E. ALLISON  
Engineer of Secondary Roads

By:  
GEO. EPPS  
Asst. Engineer of Secondary Roads

GE:rs

cc: John D. McNeal

July 1, 1969

MEMORANDUM TO: MR. JOHN D. MCNEAL, P.E.  
STATE HIGHWAY ENGINEER

ATTENTION: Mr. George Epps, Assistant Engineer  
Secondary Roads

RE: Dispute between Fragrant Hill Township of Dickinson County and the County Commissioners of Geary County as to maintenance responsibility beginning at the southwest corner of Section 35, T11S, R4E and extending to the northwest corner of Section 26, a distance of 2 miles. This is a county line road; a township road in Dickinson County and Geary County is on the County Unit System.

For a complete factual breakdown of this problem see the memorandum by Mr. George Epps, Assistant Engineer of Secondary Roads, of June 9, 1969, to John H. Morse, Chief Attorney, Highway Legal Department. The only additional fact the Legal Department has ascertained is that Fragrant Hill Township feels that the two miles in question need no maintenance at this time as they are in better condition than the balance of the roads in Fragrant Hill Township.

The Geary County Commissioners have asked Mr. John D. McNeal, State Highway Engineer, for assistance in setting out maintenance responsibility in this matter.

It is the opinion of the Highway Legal Department that the Highway Commission has no power to dictate to before mentioned local units a solution to this problem.

K.S.A. 68-527 provides for the maintenance and improvement of roads on county and township lines; it provides in essence that it is the duty of the township board or board of county Commissioners between which such road is located to provide for the maintenance, repair and improving of such roads.

Memo to: John D. McNeal  
Attention: Mr. George Epps

Page 2

K.S.A. 68-527 does not vest the State Highway Engineer with the power to settle all disputes in regard to problems arising under 68-527, as does 68-507, which concerns county line roads linking cities. In my opinion this difference is consistent with K.S.A. 68-404 (a) which provides for Highway Commission supervision over construction and maintenance of all roads and culverts throughout the state, except such supervision by the State Highway Commission shall not extend to township roads, unless such township receives federal aid. Fragrant Hill Township involved here does not receive federal aid for the improvement and maintenance of its township roads.

It has been suggested that K.S.A. 68-528 empowers the State Engineer to split the responsibility of maintenance and improvement of county line roads when the adjoining counties or townships cannot agree on a division of such responsibility.

However, it is my opinion that 68-528 goes only to the cost of repair, maintenance or improvement after it is agreed by both local units involved that they are responsible for said improvement or maintenance and further decide that such is necessary.

K.S.A. 68-528 would have no application under this factual situation, as Fragrant Hill Township apparently contends that no maintenance is necessary at this time.

The only suggestion that might be made in addition to those formulated by Mr. George Epps, Assistant Engineer of Secondary Roads, would be to call to the attention of the Geary County Commissioners K.S.A. 68-124, as a possible solution to their problem; it states in essence that if the township board of highway commissioners fails to repair and keep in condition for travel a road under their jurisdiction, the board of county commissioners of that county may repair said road and charge the expense back to the township in which said road is located.

Under the above mentioned statute, if no settlement of this problem can be arrived at between Geary County and Fragrant Hill Township, then Geary County might talk to the Dickinson County Commissioners in regard to possible action by them under K.S.A. 68-124.

JOHN H. MORSE  
Chief Attorney

JOHN M. HEWINS  
Staff Attorney

JMH:jb

CASE ANNOTATIONS

1. Mandamus to compel township board to repair and maintain road denied. *Pratt v. Fall River Township Board*, 155 K. 442, 445, 125 P. 2d 357.
2. Section does not authorize bond issue to purchase road machinery. *Township Board of Ash Creek v. Robb*, 166 K. 138, 139, 140, 199 P. 2d 521.

**68-527. Maintenance, improvement and inspection of roads on county or township lines.** That where any township or county road is located as by law provided, upon the dividing line between two townships or two counties, it shall be the duty of the township boards of highway commissioners, or the boards of county commissioners of the townships or counties between which such road may be located to maintain, repair or improve said road between the two townships or counties, and it shall be the duty of the township boards or boards of county commissioners to supervise and provide for the maintenance, repair and improving of such roads: *Provided*, That in case such road or roads do not, in the judgment of the two county boards having jurisdiction, have sufficient travel to make their upkeep sufficiently necessary to the public, the county commissioners of the two counties may, when both boards concur, cause such road or roads to be vacated according to law and closed under the same conditions as provided by statute for the closing of a road within the county: *And provided further*, That in case a road is located on the dividing line of two counties and is a county road, then it shall be the duty of the adjoining counties to repair, maintain and improve said road as above provided, but if the road be a township road, then it shall be the duty of the adjoining townships to repair, maintain and improve such road. [L. 1917, ch. 264, § 34; R. S. 1923, 68-527; L. 1927, ch. 250, § 1; June 1.]

Research and Practice Aids:

Highways  $\approx$  97%.  
 Hatcher's Digest, Bridges § 15; Mandamus §§ 25, 54.  
 C. J. S. Highways § 175.

CASE ANNOTATIONS

1. Section authorizes division of roads on line between townships. *Burgess v. Center Township*, 115 K. 346, 223 P. 475.
2. Mandamus to compel township board to repair and maintain road denied. *Pratt v. Fall River Township Board*, 155 K. 442, 445, 125 P. 2d 357.

**68-528. Division of cost; estimate by state engineer; when.** That in case the two township boards or boards of county commis-

sioners cannot agree upon a cost of repairing, maintaining or improving any of the above-mentioned roads, then it shall be the duty of the state engineer to make an estimate of the cost of work to be done in repairing, maintaining or improving such roads, which shall be as binding on the townships or counties as though made by the township boards or boards of county commissioners. [L. 1917, ch. 264, § 35; R. S. 1923, 68-528; L. 1927, ch. 250, § 2; June 1.]

**68-529. Deflection of road on county, township or city line; division of cost.** That where a road is located on a county, township or city line, and by reason of any impediment, natural or otherwise, any portion of such road suffers a deflection from such line not exceeding forty rods parallel distance, then for the purpose of repairing, maintaining and improving such road it shall be treated the same as though it were actually on such county, township or city line, and all expenses either in money, material or labor necessary to repair, maintain and improve any portion of said road shall be borne jointly by the counties, townships and cities contiguous thereto as provided in other like cases. [L. 1917, ch. 264, § 36; R. S. 1923, 68-529; L. 1927, ch. 250, § 3; June 1.]

**68-530. Township road overseer; assistants; trustee as in certain counties.** That the township board, with the approval of the county engineer, shall appoint, on his merits only, a competent experienced road builder for road overseer for the entire township, who shall have charge of the construction and maintenance of all township roads, bridges, and culverts, under the supervision of the township board and the county engineer. When in the opinion of the county engineer the conditions demand it, the overseer may appoint one or more competent assistants, subject to the approval of the township board: *Provided*, In any county having a population of ten thousand or less, the township board by unanimous vote may designate the township trustee to act as road overseer or patrolman. [L. 1917, ch. 264, § 37; R. S. 1923, 68-530; L. 1943, ch. 238, § 1; June 28.]

**68-531. Township road overseer and assistants; compensation; bond; tenure.** That the compensation of the road overseer and assistants shall be fixed by the township board at such rate as may be reasonable for the time actually employed in the performance of their duties: *Provided*, In counties which have

designated the township overseer or patrolman under the General Statutes of thereof and when such day and not by contract reasonable wages as upon by the township upon his duties the unto the township, proved by the township \$1,000, conditioned upon of his duties and the turn of all property may come into his office and his assistant overseer at the pleasure [L. 1917, ch. 264, § R. S. 1923, 68-531; 1957, ch. 362, § 2; Apr

**68-532. Letting the township board, employing labor for maintenance of township same proceedings as provided for county are applicable. [L. 7; R. S. 1923, 68-532.]**

Research and Practice Aids:  
 Hatcher's Digest, Town

CASE AID

1. Township cannot machinery. *Township*, 166 K. 138, 139, 140, 19

**68-533. Timely accord with requirements.** That all road work shall be in accordance with the highway commission R. S. 1923, 68-533; June 1.]

**68-534. Dragger or patrolman; compensation; acts.** That the compensation of the township commissioners, shall roads shall be dragged all graded rural roads each year contract with son or persons to do their respective townships upon such terms as the engineer shall direct have the power to do a reasonable compensation





September 7, 1972

MEMORANDUM

TO: Special Committee on Transportation

RE: County Line Roads

Enclosed at the request of Mrs. Frank W. Gfellers you will find copies of several newspaper clippings. The clippings give you some indication of the source of Mrs. Gfeller's problem which was the impetus for the new study topic which was assigned to this Committee at the last Legislative Coordinating Council meeting. Also, enclosed you will find a copy of K.S.A. 68-527, 528 and 529. These sections describe maintenance and cost division procedures on county line roads.

# LETTERS IN THE EDITOR'S MAIL

Letter to the Editor:

The Geary County Commissioners are very lax in their care of the roads in the western part of Geary County. Won't someone living in Smoky Hill Township please run for County Commissioner so that we can have some representation from this part of the county?

One Geary-Dickinson County line road is not even being maintained at this time. They all have to go right through this road to get to north road, but they lift their blade as they go through! For many, many years Geary County has had charge of taking care of this road (almost thirty at least) they were assigned this road, and yet due to a controversy, they don't claim us anymore!

As I write this letter, I am asking for God's help that I say the right thing so that there will be a moving of the Holy Spirit in the hearts of the Geary County Commissioners to show compassion on us and do the right thing to ease their "conscience."

The road involved happens to be the most highly populated road of all the Geary-Dickinson County line roads, we have a population of 12 people on this one mile. I cannot see how in "all good conscience" they can completely ignore us, as we didn't do anything that we should have to suffer or be picked on.

The trouble all started back in 1964 when Geary County was granted \$35,000 from the Federal Government to improve the road one mile directly north of us for the "Lake" traffic. This road didn't even belong to them, it happened to belong to

the Dickinson County Township (Fragrant Hill) Board. The road is completely uninhabited except for "wild life." The road leads to a dead end on the north to the lake and another dead end to the east to the lake. There are a few houses on the east, but they always had a way out to the west and around the black top lake road. The Township Board did not want this road to go through, it was entirely unnecessary in the first place! The Government money was "burning a hole" in the Geary County Commissioners pocket and they decided strictly "on their own" to take the road for themselves and improve it! This was all done under the "protest" of the Dickinson Co. (Fragrant Hill) Township Board! The Board told them at the time they took it (Geary Co.) under the Board's protest that they would not assume responsibility for any other road, so Geary Co. was warned before they did it! The Township Board says that Geary Co. spent Government Funds on it and they happen to know they didn't have to spend the entire \$35,000 on it. It was more like \$32,000 so they had money left over, and it didn't cost Geary County a cent! Let me point out again, no one even dives on that fancy road, they wanted to put it in for Mr. Soderstrom as he had property he wanted to develop directly to the north of the road. No one now living in this neighborhood was in favor of the road going through, but when we saw that they were going to put it in "regardless" of how the rest of us felt. (we own property up there) we gave them the "right-of-way" to go

on through. The only reason we did this was on account of Mr. Devenney, who was just new on the Commission and he was an old school chum of ours, and we thought he was a friend! Well, what happened, as soon as they got possession they pulled the service off our road to the south, the only reason given was that our road happened to be the one "closest" to the controversy. Is this fair? Is this what a man of God would do when he knew 12 people are dependent on getting in and out of that road besides all the "Lake traffic" we get? Why not take their maintenance away from all the Geary-Dickinson Co. line roads, instead of ours? Why are we the only ones to have to suffer for it? (It is just like "stabbing us in the back", we did them a favor by letting them through and they turned around and did this to us.

In the meantime, Geary County Commissioners accepted responsibility for two more miles from 2 1/2 miles on south of us a couple of years ago, before they ever got this one mile straightened out, again the Township Board didn't ask them

to take the 2 miles over, they did that on their own. We have been their (Geary County's) road for so many, many years, then they take on these other miles and completely drop us, without any authority from anybody, just on their own, they did this to us!

There are laws in this state to protect us from such things happening, and yet they go against the laws and did it anyway. Both State Representatives, Mrs. Josephine Younkin and Mr. Calvin Strowig have tried to help us out, but to no avail. At last report, they both advised a law suit. A road cannot be abandoned unless it is unused. With twelve people depending on getting in and out as they all live here, plus a big amount of traffic, both farmer and lake, you can hardly consider the road unused. It keeps us busy pulling

people out during the rainy spells. Several accidents have about occurred due to people pulling their boats and campers through this road on the way to the lake, who unknowingly come up over the hill and hit the ruts, and their vehicles go all over the road trying to regain control of them. And what about next winter, when we all get snowed in?

At last check, the Dickinson County Township Board of Fragrant Hill had offered to furnish one-half of the material to resurface this road even though they aren't and never have been responsible for it, as it is still under the Geary County unit systems jurisdiction, whether they care to admit it or not. Being as how the Township is on a very limited budget, we felt this was a very generous offer on their part, to try to help get this settled, Mr. Beck was agreeable to it, but Mr. Devenney (again, it's always Mr. Devenney) would have no part of it! Mr. Beck told us several years ago that it isn't that Geary County is lacking in funds, it's just that they refuse to fix it.

What gets us most is that Geary County does receive some of our tax money from this one mile, as we own property across the road in Smoky Hill Township, and still they won't help us out, but they do not receive a cent of our tax money to help with the north road, as all we own up there is on Dickinson County side, and yet they keep the north road looking like a boulevard when no one even lives on it. The whole thing doesn't even make any sense! I think it is about time they grew up and started behaving like adults instead of fighting like children.

We have tried to be patient ever since 1964, but it is now 1972 and we are no longer living in the horse and buggy days and should have a decent road out here. There was a time in 1963 or 1964 when the former Geary County Engineer had thought of making a general

improvement on this road to be a cut-off road to the lake. Well, people use it for a cut-off road but sometimes they sure get into trouble! It's too bad he didn't carry it on out. Nothing has ever been mentioned since a different County Engineer came. We all take our business into Junction City, and it would sure be a shame if we would have to quit. We hate to start a law suit, but what else is there left to do?

Mrs. Frank W. Gfeller  
R.F.D. No. 3  
Junction City, Kansas 66441  
For the other eleven on the "Forgotten mile."  
238-7672

P.S. I suggested to Reps. Strowig and Younkin that a bill should be passed that the County who maintains and resurfaces our roads should be able to collect all the tax money given in for road maintenance, but they never did even make a comment on it. I don't think they would be so negligent in their responsibilities or so anxious to give these County line roads away if they did have a law like that.

Submitted by:  
Mrs. F. W. Gfeller

Thurs. June 15, 1972

LETTERS IN THE

EDITOR'S MAIL

As a Geary County Commissioner, I believe the facts should be heard from Geary County's side, in regard to the article in Wednesday's Junction City Daily Union, which stated that Geary County was not meeting its responsibilities in respect to maintenance of county line roads between Fragrant Hill township (Dickinson County) and Geary.

There are two miles involved in this dispute. Geary County is maintaining and keeping adequate surfacing on one mile.

We have met with the parties involved on numerous occasions.

The board of County Commissioners of Geary County did not feel that it was fair to burden the taxpayers of Grandview Plaza, Milford, Junction City and Geary County just because we have a county unit system with maintenance responsibility of Fragrant Hill township's county line road.

The law states that county line roads (roads that border a county) shall be equally divided. Geary County is maintaining 50 per cent of the roads between Fragrant Hill township and Geary County.

As long as I am a representative of Geary County, that's all I will do, and I might add that as compared with any other counties surrounding Geary County, that we are fortunate to have one of the best road systems, which of course is a county unit system. Geary County can be proud of the unit system.

I might also add that I was not a commissioner when the Corps of Engineers made the contract with Geary County for the one mile which Geary County does maintain.

It does, under said contract, say that Geary County has to keep it up to a safe standard. The monies left over from contract price was put into the Road and Bridge budget.

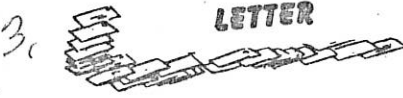
State Highway Department representatives met at a public meeting at Geary County Court House, several years ago. It was the opinion of those present that there is no law in the State

of Kansas that says that any county, has to take the responsibility of 100 percent maintenance of roads that are designated bordering county line roads. I sincerely hope this is never the case. Once you commit the county to 100 percent maintenance, in one adjoining township, you could well envision that all would be the responsibility of Geary County.

Respectfully yours,  
Keith F. Devenney  
Geary County Commissioner  
3rd District

was stamping the date for the publisher.  
Junction City Republic, Thursday, July 20, 1972,

SHORT.



Sir:

The subject we wish to clarify is the two miles of road between Geary County and Fragrant Hill Township in Dickinson County. We will refer to one mile as the mile in front of the Frank Gfeller residence or the south mile, and the other mile as the north mile and the mile the Township always maintained previous to the contract in which Geary County calls itself the owner and sells to the Corps of Engineers. Nowhere in this contract is Fragrant Hill mentioned as even a joint owner.

Neither the township nor Dickinson County ever received any of the money, and they never consented to trade miles so Geary could make this sale to the Corps.

If this contract and business transaction between the Corps and Geary County is legal, then only one conclusion can be drawn--this

north mile can no longer be counted when the miles are added to divide equally with the two government bodies, Geary County and Fragrant Hill Township.

What is left then to share? The one mile in front of the Gfeller home.

We, the Dickinson County Commissioners, were consulted for an opinion in 1971 and after getting a copy of the contract from the Corps, we advised Fragrant Hill Township that 50 percent of what was left was one-half mile. The Township Board agreed to accept one-half mile of the south mile, and Dickinson County agreed to share the cost of any major bridges. Fragrant Hill agreed to take or draw for either half.

I, Elmer Jones, transferred the message to Hayes Beck via telephone. Later in November, 1971, at the Kansas Officials' Convention in Wichita I asked, with all three Geary County members present, if they would go along on this proposal. I also mentioned that Geary County couldn't give the north mile back to

Fragrant Hill Township because of the contract with the Corps. Mr. D. agreed.

If Geary County isn't free to divide by a drawing, it can only mean one thing--this north miles has to be classified as a Geary County road now, so there is only one mile to divide.

We in Dickinson County could close the road if Geary County could, without our consent, contract with the Corps for \$35,000 and keep all the money. We can find no record where we do not have title to the middle of the road.

We ask Geary County to get in gear or prove these statements are wrong.

As a matter of public record, in any future projects Dickinson County people would like to share assets as well as liabilities.

Yours very truly,  
Elmer Jones, County Commissioner, Dickinson County

Wayne Baer, Trustee  
Fragrant Hill Township

Submitted by: Mrs. F. W. Gfeller

LETTERS IN THE

EDITOR'S MAIL

Letter to the Editor:

The Geary County Commissioners are very lax in their care of the roads in the western part of Geary County. Won't someone living in Smoky Hill Township please run for County Commissioner so that we can have some representation from this part of the county?

One Geary-Dickinson County line road is not even being maintained at this time. They all have to go right through this road to get to north road, but they lift their blade as they go through! For many, many years Geary County has had charge of taking care of this road, (almost thirty at least) they were assigned this road, and yet due to a controversy, they don't claim us anymore!

As I write this letter, I am asking for God's help that I say the right thing so that there will be a moving of the Holy Spirit in the hearts of the Geary County Commissioners to show compassion on us and do the right thing to ease their "conscience."

The road involved happens to be the most highly populated road of all the Geary-Dickinson County line roads, we have a population of 12 people on this one mile. I cannot see how in "all good conscience" they can completely ignore us, as we didn't do anything that we should have to suffer or be picked on.

The trouble all started back in 1964 when Geary County was granted \$35,000 from the Federal Government to improve the road one mile directly north of us for the "Lake" traffic. This road didn't even belong to them, it happened to belong to

the Dickinson County Township (Fragrant Hill) Board. The road is completely uninhabited except for "wild life." The road leads to a dead end on the north to the lake and another dead end to the east to the lake. There are a few houses on the east, but they always had a way out to the west and around the black top lake road. The Township Board did not want this road to go through, it was entirely unnecessary in the first place! The Government money was "burning a hole" in the Geary County Commissioners pocket and they decided strictly "on their own" to take the road for themselves and improve it! This was all done under the "protest" of the Dickinson Co. (Fragrant Hill) Township Board! The Board told them at the time they took it (Geary Co.) under the Board's protest that they would not assume responsibility for any other road, so Geary Co. was warned before they did it! The Township Board says that Geary Co. spent Government Funds on it and they happen to know they didn't have to spend the entire \$35,000 on it. It was more like \$32,000 so they had money left over, and it didn't cost Geary County a cent! Let me point out again, no one even lives on that fancy road, they wanted to put it in for Mr. Soderstrom as he had property he wanted to develop directly to the north of the road. No one now living in this neighborhood was in favor of the road going through, but when we saw that they were going to put it in "regardless" of how the rest of us felt, (we own property up there) we gave them the "right-of-way" to go

on through. The only reason we did this was on account of Mr. Devenney, who was just new on the Commission and he was an old school chum of ours, and we thought he was a friend! Well, what happened, as soon as they got possession they pulled the service off our road to the south, the only reason given was that our road happened to be the one "closest" to the controversy. Is this fair? Is this what a man of God would do when he knew 12 people are dependent on getting in and out of that road besides all the "Lake traffic" we get? Why not take their maintenance away from all the Geary-Dickinson Co. line roads, instead of ours? Why are we the only ones to have to suffer for it? (It is just like "stabbing us in the back" we did them a favor by letting them through and they turned around and did this to us.

In the meantime, Geary County Commissioners accepted responsibility for two more miles from 2 1/2 miles south of us a couple of years ago, before they ever got this one mile straightened out, again the Township Board didn't ask them

to take the 2 miles over, they did that on their own. We have been their (Geary County's) road for so many, many years, then they take on these other miles and completely drop us, without any authority from anybody, just on their own, they did this to us!

There are laws in this state to protect us from such things happening, and yet they go against the laws and did it anyway. Both State Representatives, Mrs. Josephine Younkin and Mr. Calvin Strowig have tried to help us out, but to no avail. At last report, they both advised a law suit. A road cannot be abandoned unless it is unused. With twelve people depending on getting in and out as they all live here, plus a big amount of traffic, both farmer and lake, you can hardly consider the road unused. It keeps us busy pulling

people out during the rainy spells. Several accidents have about occurred due to people pulling their boats and campers through this road on the way to the lake, who unknowingly come up over the hill and hit the ruts, and their vehicles go all over the road trying to regain control of them. And what about next winter, when we all get snowed in?

At last check, the Dickinson County Township Board of Fragrant Hill had offered to furnish one-half of the material to resurface this road, even though they aren't and never have been responsible for it, as it is still under the Geary County unit systems jurisdiction, whether they care to admit it or not. Being as how the Township is on a very limited budget, we felt this was a very generous offer on their part, to try to help get this settled, Mr. Beck was agreeable to it, but Mr. Devenney (again, it's always Mr. Devenney) would have no part of it! Mr. Beck told us several years ago that it isn't that Geary County is lacking in funds, it's just that they refuse to fix it.

What gets us most is that Geary County does receive some of our tax money from this one mile, as we own property across the road in Smoky Hill Township, and still they won't help us out, but they do not receive a cent of our tax money to help with the north road, as all we own up there is on Dickinson County side, and yet they keep the north road looking like a boulevard when no one even lives on it. The whole thing doesn't even make any sense! I think it is about time they grew up and started behaving like adults instead of fighting like children.

We have tried to be patient ever since 1964, but it is now 1972 and we are no longer living in the horse and buggy days and should have a decent road out here. There was a time in 1963 or 1964 when the former Geary County Engineer had thought of making a general

improvement on this road to be a cut-off road to the lake. Well, people use it for a cut-off road but sometimes they sure get into trouble! It's too bad he didn't carry it on out. Nothing has ever been mentioned since a different County Engineer came. We all take our business into Junction City, and it would sure be a shame if we would have to quit. We hate to start a law suit, but what else is there left to do?

Mrs. Frank W. Gfeller  
R.F.D. No. 3  
Junction City, Kansas 66441  
For the other eleven on the "Forgotten mile."  
238-7672

P.S. I suggested to Reps. Strowig and Younkin that a bill should be passed that the County who maintains and resurfaces our roads should be able to collect all the tax money given in for road maintenance, but they never did even make a comment on it. I don't think they would be so negligent in their responsibilities or so anxious to give these County line roads away if they did have have a law like that.

Submitted by:  
Mrs. F. W. Gfeller

Thurs. Jun 15  
1972

LETTERS IN THE

EDITOR'S MAIL

As a Geary County Commissioner, I believe the facts should be heard from Geary County's side, in regard to the article in Wednesday's Junction City Daily Union, which stated that Geary County was not meeting its responsibilities in respect to maintenance of county line roads between Fragrant Hill township (Dickinson County) and Geary.

There are two miles involved in this dispute. Geary County is maintaining and keeping adequate surfacing on one mile. We have met with the parties involved on numerous occasions.

The board of County Commissioners of Geary County did not feel that it was fair to tax the taxpayers of Junction City and Geary County just because we have a county unit system with maintenance responsibility of Fragrant Hill township's county line road.

The law states that county line roads (roads that border a county) shall be equally divided. Geary County is maintaining 50 per cent of the roads between Fragrant Hill township and Geary County.

As long as I am a representative of Geary County, that's all I will do, and I might add that as compared with any other counties surrounding Geary County, that we are fortunate to have one of the best road systems, which of course is a county unit system. Geary County can be proud of the unit system.

I might also add that I was not a commissioner when the Corps of Engineers made the contract with Geary County for the one mile which Geary County does maintain.

It does, under said contract, say that Geary County has to keep it up to a safe standard. The monies left over from contract price was put into the Road and Bridge budget.

State Highway Department representatives met at a public meeting at Geary County Court House, several years ago. It was the opinion of those present that there is no law in the State

of Kansas that says that any county, has to take the responsibility of 100 percent maintenance of roads that are designated bordering county line roads. I sincerely hope this is never the case. Once you commit the county to 100 percent maintenance, in one adjoining township, you could well envision that all would be the responsibility of Geary County.

Respectfully yours,  
Keith F. Devenney  
Geary County Commissioner  
3rd District

was published by the Junction City Republic, Thursday, July 20, 1972, publisher.

SHORT.



Sir:  
The subject we wish to clarify is the two miles of road between Geary County and Fragrant Hill Township in Dickinson County. We will refer to one mile as the mile in front of the Frank Gfeller residence or the south mile, and the other mile as the north mile and the mile the Township always maintained previous to the contract in which Geary County calls itself the owner and sells to the Corps of Engineers. Nowhere in this contract is Fragrant Hill mentioned as even a joint owner.

Neither the township nor Dickinson County ever received any of the money, and they never consented to trade miles so Geary could make this sale to the Corps.

If this contract and business transaction between the Corps and Geary County is legal, then only one conclusion can be drawn--this

north mile can no longer be counted when the miles are added to divide equally with the two government bodies, Geary County and Fragrant Hill Township.

What is left then to share? The one mile in front of the Gfeller home.

We, the Dickinson County Commissioners, were consulted for an opinion in 1971 and after getting a copy of the contract from the Corps, we advised Fragrant Hill Township that 50 percent of what was left was one-half mile. The Township Board agreed to accept one-half mile of the south mile, and Dickinson County agreed to share the cost of any major bridges. Fragrant Hill agreed to take or draw for either half.

I, Elmer Jones, transferred the message to Hayes Beck via telephone. Later in November, 1971, at the Kansas Officials' Convention in Wichita I asked, with all three Geary County members present, if they would go along on this proposal. I also mentioned that Geary County couldn't give the north mile back to

Fragrant Hill Township because of the contract with the Corps. Mr. D. agreed.

If Geary County isn't free to divide by a drawing, it can only mean one thing--this north miles has to be classified as a Geary County road now, so there is only one mile to divide.

We in Dickinson County could close the road if Geary County could, without our consent, contract with the Corps for \$35,000 and keep all the money. We can find no record where we do not have title to the middle of the road.

We ask Geary County to get in gear or prove these statements are wrong.

As a matter of public record, in any future projects Dickinson County people would like to share assets as well as liabilities.

Yours very truly,  
Elmer Jones, County Commissioner, Dickinson County

Wayne Baer, Trustee  
Fragrant Hill Township

Submitted by: Mrs. F. W. Gfeller