

WORK ORDER

N^o 484

GEARY COUNTY
HIGHWAY DEPARTMENT

West Co. Line Road

Construction

Maintenance

Charge to: Road Section 2 # _____ Date Dec. 8, 1964

Issued to: County Crew

Location: On Dickinson - Geary Co. Line, Third mile

Description of Work: north of K-18.

Clear R/W, Set back fences, Grade road & install culverts, Surface road with crushed rock, Seed ditches & slopes.

Issued

Approved

J. A. Velthuis

Improvement Contract with Corps of Engineers

EQUIPMENT RENTAL RATES

CO. NO.	YEAR	DESCRIPTION	Rental Rates Per Mile		
			Depr.	Oper.	Total
<u>PICKUPS</u>					
27	1967	International ¾ T.	0.03	0.06	.09
30	1965	GMC ¾ T.	0.03	0.06	.09
31	1967	International ½ T.	0.025	0.045	.07
34	1963	GMC ½ T.	0.025	0.045	.07
39	1965	GMC ¾ T.	0.03	0.06	.09
41	1966	GMC ¾ T.	0.03	0.06	.09
42	1966	GMC ½ T.	0.025	0.045	.07
45	1967	International ¾ T.	0.03	0.06	.09
40	1972	GMC	0.025	0.045	.07
<u>DUMP TRUCKS</u>					
29	1972 1965	International 5 Yd.	0.05	0.09	.14
35	1964	GMC 5 Yd.	0.05	0.09	.14
37	1965	International 5 Yd. (Oil Distributor)	0.05	0.09	.14
38	1967	International 5 Yd.	0.05	0.09	.14
46	1972 1966	International 5 Yd.	0.05	0.09	.14
47	1968	GMC 10 Yd.	0.08	0.12	.20
50	1972	International 5 Yd.			
51	1964	GMC 5 Yd.	0.05	0.09	.14
<u>FLATBED TRUCKS</u>					
33	1964	GMC 24,000 GVW	0.04	0.10	.14
36	1968	GMC	0.04	0.08	.12
<u>OIL DISTRIBUTOR TRUCK</u>					
49	1970 1952	GMC Dump Trk. 5 Yd.	.05	.09	.14
		International 2 ½ T.	0.10	0.20	.30
<u>LOWBOY TRUCK & TRAILERS</u>					
44	1957	International	0.10	0.25	.35
A	1951	Transport (Lowboy Trailer)	0.03	0.17	.20
B	1957	Semi-Trailer (Homemade)	0.02	0.18	.20
C	1957	Transport Tank Trailer	0.02	0.18	.20

EQUIPMENT RENTAL RATES

CO. NO.	YEAR	DESCRIPTION	Rental Rates Per Hr.		
			Depr.	Oper.	Total
<u>MOTOR GRADERS</u>					
1	1959	Caterpillar 112	1.10	1.50	2.60
2	1966	Caterpillar 120	1.25	1.50	2.75
3	1964	Caterpillar 12	1.25	1.50	2.75
4	1963	Allis-Chalmers M-100	1.25	1.50	2.75
5	1960	Caterpillar 12E	1.25	1.50	2.75
6	1950 1968	Caterpillar 12 <i>allis chalmers</i>	1.00 ³⁵	1.60 ⁵⁰	2.60 2.75
7	1948	Caterpillar 212	.60	1.60	2.20
8	1950 1971	Caterpillar 120	1.00	1.60	2.60
9	1967	Caterpillar 12F	1.25	1.50	2.75
10	1967	Allis-Chalmers M-100B	1.25	1.50	2.75
<u>CRAWLER TRACTORS & SCRAPERS</u>					
11	1956	Allis-Chalmers HD-16	2.50	4.50	7.00
111	1953	LaPlant Choate C-108 Scraper	.60	.90	1.50
12	1964	Caterpillar 955 Track Loader	2.00	2.50	4.50
13	1962	Caterpillar D-7E Track Loader	2.50	4.50	7.00
113	1953	LaPlant Choate C-108 Scraper	.60	.90	1.50
14	1960	Caterpillar 944 Wheel Tractor w/Loader	2.00	2.50	4.50
19	1963	<i>Woods Rotary Mower</i>			
20	1966	International Loader Tractor w/Backhoe	.75	1.25	2.00
<u>RUBBER TIRED TRACTORS</u>					
55		<i>John Deere Utility Diesel</i>	.50	.75	1.25
56	1965	John Deere Utility Diesel	.50	1.30	1.80
	1965	John Deere Sickle Mower No. 10	.25	.75	1.00
57	1955	IHC Farmall "M"-TA Wheel Tractor	.40	1.40	1.80
58	1965	International Diesel	.50	1.30	1.80
A	1966	Woods Rotary Mower	.25	.75	1.00
B	1965	International Sickle Mower	.25	.50	.75
59	1963	John Deere Utility Diesel Wheel Tractor	.50	1.30	1.80
	1966	John Deere Industrial Sickle Mower	.25	.75	1.00
60	1966	International Diesel Tractor	.50	1.30	1.80
A	1966	Woods Rotary Mower	.25	.50	.75
B	1966	International Sickle Mower	.25	.75	1.00
61	1959	IHC Farmall 560 Wheel Tractor	.50	1.30	1.80
	1964	IHC Rotary Cutter Mower	.25	.75	1.00
62	1962	Topeka Hiway Sickle Mower	.20	.30	.50

State Highway Commission of Kansas

July 1, 1969

Mr. [unclear]
Secondary
(Geary Co.)
205

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. 63-527 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.

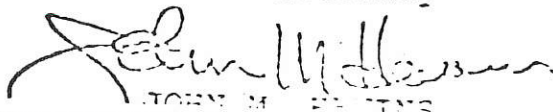
However, it is my opinion that 68-528 goes only to the cost of repair, maintenance or improvement after it is agreed by both local units involved that they are responsible for said improvement or maintenance and further decide that such is necessary.

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 H. MORSE

OFFICE OF COUNTY ATTORNEY

GEARY COUNTY COURTHOUSE
JUNCTION CITY, KANSAS 66441

PHONE 238-3812

JOHN H. TAYLOR
COUNTY ATTORNEY

ROGER D. THOMPSON
ASSISTANT COUNTY ATT'Y

September 25, 1972

Chairman
Board of County Commissioners
Geary County, Kansas

Re: Definition of "county line
road"

Dear Sir:

I have researched the statutes of Kansas for a definition of "county line road" and have found it is nowhere explicitly set forth. However, by considering the statutes governing roads lying between counties, one is able to imply the full meaning of the term.

K.S.A. 68-527 is addressed to "road(s) on county or township lines." It provides ...

"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 to be a township road, then it shall be the duty of the adjoining townships to repair, maintain and improve such road."

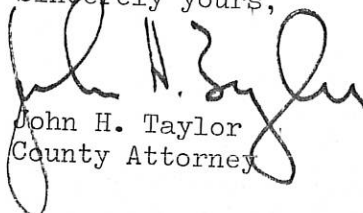
Deflections in such a road are considered in K.S.A. 68-529, which states:

"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."

One further statute governing such roads is K.S.A. 68-507 which is addressed to "any public road located upon the dividing line between counties" which "is or becomes the main traveled road between cities and the principal market centers."

From considering the above statutes a "county line road," in my opinion, is defined as a county or township road which is located as provided by law upon the dividing line between two counties and any deflection therefrom by reason of impediment does not exceed forty rods parallel distance.

Sincerely yours,


John H. Taylor
County Attorney

JHT/sn

STATE OF KANSAS



LEGISLATIVE COORDINATING COUNCIL
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PRO TEMPORE, SENATE
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JESS TAYLOR, HOUSE SPEAKER, PRO TEMPORE
MORRIS KAY, HOUSE MAJORITY LEADER
RICHARD C. (PETE) LONG,
HOUSE MINORITY LEADER

THE LEGISLATIVE RESEARCH DEPARTMENT

ROOM 551-N, STATEHOUSE
TOPEKA, KANSAS 66612

October 27, 1972

Mr. Hayes B. Beck
County Commissioner
RFD 1
Junction City, Kansas 66441

Dear Mr. Beck:

In behalf of the Special Committee on Transportation of the Kansas Legislature, I am writing to invite you to appear at a meeting of the Committee on November 8, 1972 at 10:00 a.m. in Room 522-S of the Capitol.

The Committee is studying a serious problem which has arisen in connection with the maintenance of a county line road bordering your county. While the Committee does not wish to act as a court in this matter it is very interested in seeing that some equitable settlement of the problem is arrived at. Your colleagues in the other county involved are being invited as is Mrs. Frank Gfeller, the spokesman for the effected people.

Please let me know as soon as possible if you will be able to appear.

Sincerely yours,

Richard W. Long
Richard W. Long
Research Analyst

RWL/aem

P. S. This invitation includes all of your fellow commissioners.

OFFICE OF COUNTY COMMISSIONERS

GEARY COUNTY

JUNCTION CITY, KANSAS 66441

November 1, 1972

Richard W. Long
Research Analyst
Room 551-N
Statehouse
Topeka, Kansas 66612

Dear Mr. Long:

Enclosed please find copy of the letter which we directed to the Dickinson County Commissioners dated October 24, 1972. To this date we have not received a response from this inquiry.

As pointed out in the letter to the Dickinson County Commissioners, on November 6th we will refer this to the State Highway Engineer and request a determination and will abide by his decision.

We also enclose a copy of the determination made by the Highway Engineer several years ago at which time he declined to designate responsibility because the Township Board felt this mile in dispute was in like condition to other roads in that township. We feel that this no longer be true as indicated by the Township Board at our recent meeting and that according to Statute the State Highway Engineer will be in a position to make a firm decision and direct the responsible units of government to make these necessary improvements.

We are in full agreement that the people living along this road are victims of undue hardship and for this reason we have taken the above steps, therefore, we feel it unnecessary that we should appear before your Counsel as you requested on November 8th.

Yours very truly,

Hayes B. Beck, Chairman
Board of County Commissioners

Encls.

C
O
P
Y

JOSEPH E. COLE
ATTORNEY AT LAW
215 CENTRAL NATIONAL BANK BLDG.
JUNCTION CITY, KANSAS 66441

AREA CODE 913 - 762-2615
November 4, 1972

Board of County Commissioners of Geary County, Kansas
Geary County Court House
Junction City, Kansas, 66441

Re: Repair and maintenance of South mile of the county line
road of the Fragrant Hill Township

Gentlemen:

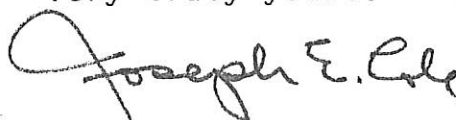
1. This is a county line road. This must be a valid assumption.
2. At this point, the State Highway engineer cannot be required to intervene.
3. The two Counties must try to reach an agreement. This was done by the letter of October 24, 1972, to The Board of County Commissioners of Dickinson County, by the Board of County Commissioners of Geary County, Kansas.
4. In the event that Dickinson County and Geary County would agree that the work should be done, but would not agree on the cost, the State engineer could bind them on that issue alone.
5. There is an obligation of both Counties to maintain this mile of Road.
6. The proper procedure would be to write a letter again to the Dickinson County Board, and ask for an agreement within so many days, and add that if it was not denied, or at least agreed that the obligation exists, then it would be considered as a refusal to acknowledge the obligation. Armed with a refusal, the State Engineer would then have to come in under KSA 68-507, and 68-528.

Statutes relied on: K.S.A., 68-507, 68-527, 68-528. Examined:
Indexes and 68-124, 68404[a].

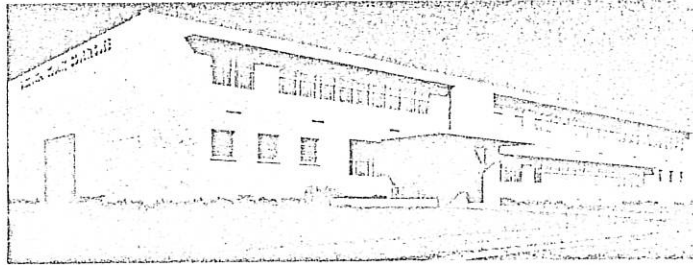
I do not believe that K.S.A. 68-124 [a] is applicable as it does not fit the facts.

Respectfully submitted.

Very truly yours.



Joseph E. Cole



DICKINSON COUNTY COURT HOUSE

ABILENE, KANSAS 67410

November 27, 1972

Board of County Commissioners of Geary County
Junction City, Kansas

Gentlemen:

This letter is in regard to the two miles of road between
Fragrant Hill Township and Geary County.

The Dickinson County Board of County Commissioners feel that
the status of the north mile has completely changed since the
Corps of Army Engineers took over and then contracted with
Geary County to assume ownership and future maintenance.
Therefore, it cannot be considered as a road for joint main-
tenance.

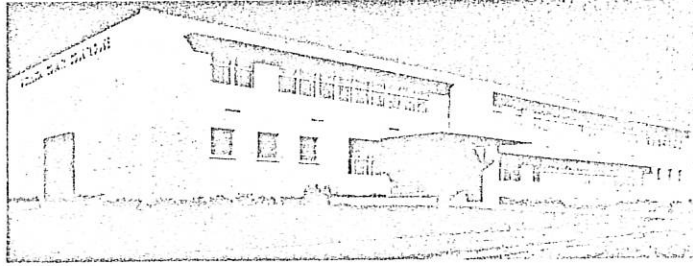
In regard to the south mile, it is a matter between Geary
County and Fragrant Hill Township of Dickinson County to
maintain it since it is a township road and completely under
the jurisdiction of the two governmental units.

Dickinson County recognizes our responsibilities so far as
bridges are concerned so we would assume our share of any
bridges that needed to be replaced.

Sincerely,

Dickinson County Board of
County Commissioners

Elmer Jones, Chairman



DICKINSON COUNTY COURT HOUSE

ABILENE, KANSAS 67410

November 27, 1972

To: Junction City News &
Geary County Commissioners
Junction City, Kansas

Gentlemen:

In the Junction City News of November 15 the story as reported by Mr. Hayes Beck omits the basic differences of opinions of Dickinson County and Geary County. Dickinson County contends there is only one mile to divide and Geary County wants to divide two.

Mr. Hayes Beck failed to point out clearly that the legal department for the State Highway Commission agreed 100 per cent with the legal opinion of Dickinson County that "The State Engineer has no legal right to decide this matter". Everyone present could plainly see that the State Engineer's office didn't want to touch the matter with a 10-foot pole. So, what did Dickinson County reject? I say nothing because no one wanted to be judge.

Dickinson County has never had any trouble sharing the costs or doing their part with any of the other five counties joining us.

Now, let us consider the total six miles between Geary and Fragrant Hill Township. The north two miles were built by the Corps as part of the road around the lake project. This was oiled and could not be classified as a township road so Dickinson County took one mile and Geary one mile. The next two miles were automatically closed by the lake. Now we come to the south two miles. Fragrant Hill Township was maintaining the north mile and had been for the past 20 years or more. Geary County had the last mile, or south mile, where there were four dwellings.

Mr. Veltman, Geary County's Engineer, called on Fragrant Hill Board and asked them to trade miles. Mr. Veltman never gave Fragrant Hill even a hint that the Corps of Engineers felt they should finance this north mile. The Township Board rejected this offer to trade. Anyone who wants to be fair knows that the Township Board had the right to make this decision. Not one word was said to the County Commissioners of Dickinson County.

Geary County and the Corps of Engineers moves in and makes this big fill in the south half of the north mile, which is corps land on both sides. Due to the type of road they made of this mile, it could no longer be classified as a

township road; and as Dickinson County was not consulted in any way, we in Dickinson County assumed that this was a Geary County-Corps project. When we found later that the Corps had put in \$35,000 in this project, we in Dickinson County thought Geary County could have built a rest-stop also, and now would be wanting Dickinson County to help keep that up also.

In this contract between Geary County and the Corps (of which we now have a copy), Geary County assumed ownership of this north mile and also future maintenance. Dickinson County Commissioners voted unanimously to let it remain that way.

If Dickinson County steps in now and starts helping keep up this overdeveloped road, for the taxpayers of our county it could logically be called taxation without representation. Most everyone close to this project knows now that this north mile was not built for the benefit of residents already there, but for a dreaming developer whose dreams never materialized.

As Dickinson County Commissioners had no part in any of these decisions to keep the north mile open or how to improve it, we consider it a Geary County-Corps project just the same as if this road was in the center of Geary County, or part of the lake.

This contract also proves the one important fact that the Corps has its own money to build roads, and Dickinson County has no legal obligation on this mile because we would be matching local tax money with Corps money, not Geary County local taxes.

This also brings up the subject of how much Geary County has spent, and their saying that Dickinson County isn't doing their share. Geary hasn't spent anything except Corps money on either mile for eight years. Dickinson County feels that Geary County was darn reckless with the Corps' money if they spent over \$5,000 total on this dead end road, with no inhabitants, and a road that nobody in either county really needed. About every meeting with Geary County two of the commissioners give us a different figure on what they did spend. The Junction City News of November 15 says Geary County received \$30,000 from the Corps. We know this is wrong.

Now let us get to the south mile where there are people and not a dead end road. Geary County dragged this south mile rather faithfully for a couple of years after the other mile was rebuilt. From about 1967 on, Geary County kept trying to give the whole south mile to Fragrant Hill Township. Fragrant Hill Township contended that Geary County had no right to desert the south mile just because the Corps of Engineers paid them \$35,000 to rebuild the north mile.

In 1971 the Dickinson County Commissioners recommended to Fragrant Hill Township that there was one mile of joint ownership between Geary County and them, and Fragrant Hill should share the upkeep and maintenance. The Township Board accepted this thinking and would stand 50 percent of the cost on the whole mile. We in Dickinson County never got Geary County to even listen to this proposal because Geary County wanted to count the Corps-financed mile also.

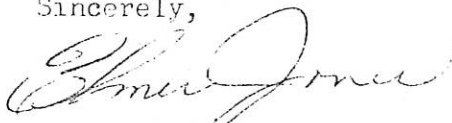
The Junction City News of November 15, 1972 quotes Mr. Beck--"We are ready to pay our share if Dickinson County will pay its share". I don't know why Mr. Beck forgot to report that Fragrant Hill Township had moved in on the south mile and started to improve one-half of it about one month prior to November 15. I know Mr. Beck knew of this action because he asked me, Elmer Jones, in Junction City on October 18, 1972 what we were doing on the Gfeller mile. I, Elmer Jones, answered, "Nothing", (meaning Dickinson County). Hayes Beck said, quote: "It must be the township then that is grading part of the mile".

We in Dickinson County asked Mr. Beck, "When is Geary County going to stop the soft talk and do their share?" Fragrant Hill Township's action is a lot more important to these people than conversation.

Dickinson County's recommendation to the legislative committee was that if legislation was needed, the legislation would be to prevent any county from assuming control of any county-line road without consent from adjoining county. This would prevent any county from building unnecessary roads or improvements which would require excessive expenditure and be extremely costly to maintain.

This does not mean that Dickinson County will not share costs with the township and with Geary County as long as we comply with the regular county policies. The governing bodies on this Gfeller mile is still Fragrant Hill Township Board and Geary County Commissioners.

Sincerely,



Elmer Jones, Chairman
Board of County Commissioners
Dickinson County

EJ:mi

OFFICE OF COUNTY COMMISSIONERS

GEARY COUNTY

KEITH F. DEVENNEY, CHAIRMAN
HAYES B. BECK
JACK MILLER

JUNCTION CITY, KANSAS 66441

December 4, 1972

BOARD MEETS
9:00 A. M. EACH MONDAY
TELEPHONE 238-4300

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. We do not have a Junction City News.

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.

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

OFFICE OF COUNTY COMMISSIONERS

GEARY COUNTY

JUNCTION CITY, KANSAS 66441

Page 2, December 4, 1972

BOARD MEETS
9:00 A. M. EACH MONDAY
TELEPHONE 238-4300

KEITH F. DEVENNEY, CHAIRMAN
HAYES B. BECK
JACK MILLER

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.

we are submitting this
If you are willing to submit this matter to binding arbitration as outlined above, please advise us, and we will prepare a submission for our signatures. If you have any other ideas, we would be pleased to hear about them.

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 taxpayers in both counties will be served. *we will hold*

of bill you
Thank you.

Very truly yours.

Board of County Commissioners of Geary County, Kansas

HBB/jec

Hayes B. Beck, Chairman

cc:

John D. McNeal, State Engineer of Kansas
Chairman, Committee on Transportation of House of Representatives
Lee Rich, Editor for The Junction City Union

Rep. Garrison - Editor for Abilene Reflector Chronicle
at P.O. - Mgr. KSCK

2 Counties Will Settle Road Tiff

By The State Staff

JUNCTION CITY, Kan. — The state highway engineer has been called as arbitrator in a dispute between Geary and Dickinson counties over which will maintain a road on the county line.

Dickinson County chairman Elmer Jones and Hayes Beck, chairman of the Geary County commission, said they would abide by the highway engineer's decision.

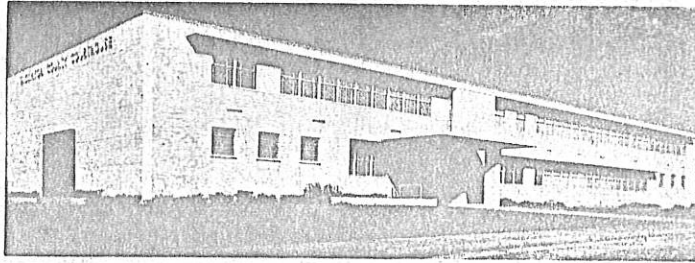
Mrs. Frank Gfeller started a petition about the road, located about 10 miles west of Junction City in the Milford Lake area. Three other families along the road and more than 100 persons in the area signed the petition.

PART OF the confusion over the road stems from the way roads are maintained in the two counties. In Geary County, road maintenance is the responsibility of the county. In Dickinson County, townships are responsible for maintaining roads.

In 1964, the U. S. Corps of Engineers provided \$35,000 for rebuilding of a county line road leading to Milford Reservoir. Geary County got the money, even though upkeep of the road had belonged to Fragrant Hill Township in Dickinson County.

BECK SAID the trouble started because Dickinson County commissioners think Geary County made a lot of money from the Corps project.

"That's completely false and I've got the figures to prove it," Beck said. He said rebuilding of the road used up all but \$400 of the \$35,000 provided by the Corps and maintenance of the road has cost Geary County over \$6,000.



DICKINSON COUNTY COURT HOUSE

ABILENE, KANSAS 67410

December 18, 1972

Mr. Wayne Baer, Trustee
Fragrant Hill Township
Route 2
Chapman, Kansas 67431

Dear Wayne:

As you can see by the enclosed letter from Geary County by Hayes Beck, they wish to negotiate with Dickinson County Commissioners when the governing bodies are your township board and Geary County. Geary County Commissioners do not seem to understand that we in Dickinson County do not have a county unit road system as in Geary County.

After considering their remarks, I will quote to you the thoughts that enter my mind.

Geary County now says they spent \$34,681 of the \$35,000 in constructing the north corps mile, and they can prove this by invoices. We all know Geary County did the work themselves. So, who made up these invoices?

If they did spend this much where there are no people and practically no traffic, I, myself, sure wouldn't want to advertise this amount because it was an excessive, wasteful, unwarranted expenditure in an isolated place.

If it was warranted in any way, is it Fragrant Hill's fault that Geary County made a poor deal with the Corps and didn't receive enough money for maintenance? The contract shows that Geary County and the Corps were the only parties involved in this project.

Wayne, I might suggest that your Board consider closing the north mile officially. This would legally prove that Dickinson County is not interested in getting involved in Geary-Corps projects after all the money is spent. You might then get Geary's attention and cooperation in fixing the south mile where there are people and a problem exists. Technically, we could probably only close the north one-half mile because the rest of the mile is all Corps property purchased in the Milford Lake project.

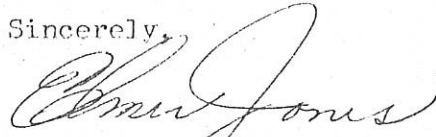
Wayne Baer

2.

December 18, 1972

We would be happy to discuss this in detail at your convenience if we can be of any help in this matter.

Sincerely,



Elmer Jones, Chairman
County Commissioner, 3rd District

cc:

Geary County Commissioners

John D. McNeal, State Engineer of Kansas

Lee Rich, Editor for the Junction City Union

Ed Kessinger, Editor for the Junction City Republic

Henry Jameson, Editor for the Abilene Reflector Chronicle

OFFICE OF COUNTY COMMISSIONERS

GEARY COUNTY

JUNCTION CITY, KANSAS 66441

December 26, 1972

Wayne Baer
Route 2
Chapman, Kansas

Dear Mr. Baer:

This is to acknowledge your receipt of the December 18, 1972, letter by Elmer Jones, addressed to you.

Please be assured that we had no intention of circumventing Fragrant Hill Township. I think we have a sympathetic attitude toward the financial condition of your Township.

We are certain that you will be interested to learn that the Geary County Commissioners requested Mr. John D. McNeal, State Engineer of Kansas, to serve as an Arbitrator in this disputed matter and was assured by telephone on December 20, 1972, by Mr. McNeal, that he would serve as an Arbitrator in this matter if all parties involved agreed to abide by his findings.

We hope that you and your Township Board will meet soon to approve the services of Mr. McNeal and agree to abide by his findings as we have agreed to abide, and will so inform the County Commission as well as the other parties involved.

I feel that we are fortunate in receiving the services of Mr. McNeal and is the simplest and most economic solution to a problem that has vexed all of us for too long.

Sincerely yours,
Board of County Commissioners

Hayes B. Beck, Chairman

cc:
John McNeal
Henry Jamison, Abilene Reflector
Ed Messinger, J.C. Republic
Lee Rich, J.C. Union
KJCK

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P
Y

January 9, 1973

Geary County Commissioners,
Geary County Courthouse,
Junction City, Kansas

Dear Gentelman;

In answer to your letter dated Dec, 26, 1972. We the Fragrant Hill Township board in meeting January 9, 1973 have come to the following agreement.

Where as you received \$35,000 from the Corp of Engineers for Construction of the north mile without any prior agreement of our board. We feel there is only one mile to divide. This leaves only the south mile in question of which we have maintained and surfaced the north $\frac{1}{2}$ of this mile since October 27, 1972.

If you feel we are still obilagated to the entire south mile, then we feel we are entitled to $\frac{1}{2}$ of the payment you received from the Corp of Engineers or approximately \$17,500. If this settlement isn't of agreement with you then you will find the south $\frac{1}{2}$ of the south mile at your dispossal in any matter of which you chose to do.

John Henitz
John Henitz

Wayne Baer
Wayne Baer

Henry Zumbrunn
Henry Zumbrunn