

CHAPTER 108
HOUSE BILL No. 2539

AN ACT relating to the conveyance of certain real property of state agencies; authorizing the state board of regents to sell and convey or exchange certain real estate of Emporia state university and Kansas state university; authorizing the state fair board to convey certain real property in Reno county to the city of Hutchinson; authorizing the department of social and rehabilitation services to convey certain real property in Miami county to the city of Osawatomie; amending K.S.A. 2006 Supp. 75-3369a and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The state board of regents is hereby authorized, for and on behalf of Emporia state university, to sell and convey all of the rights, title and interest in the following tract of real estate, and any improvements thereon, located in the city of Emporia in Lyon county, Kansas, and described as follows: SEC 9 TWP 19 RNG 11E; Lot 26, Block No. B, C of E (Center of Emporia) subdivision, commonly known as 1220 C of E Drive, Emporia, Kansas 66801.

(b) Conveyance of such rights, title and interest in such tract of real estate, and any improvements thereon, shall be executed in the name of the state board of regents by its chairperson and chief executive officer. The proceeds from sale of such tract of real estate, and any improvements thereon, shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of Emporia state university.

(c) In the event that the state board of regents determines that the legal description of such tract of real estate described by this section is incorrect, the state board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(d) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2006 Supp. 75-6609 or 75-6610, and amendments thereto.

New Sec. 2. (a) The state board of regents is hereby authorized, for and on behalf of Kansas state university, to sell and convey, or exchange with the Kansas state university foundation for property of equal or greater value, all of the rights, title and interest in the following parcels of real estate in Riley county, Kansas:

A tract of land located in Government Lot 19 in Section 6, Township 10 South, Range 8 East of the Sixth Principal Meridian, Riley County, Kansas, described as follows:

Beginning at the Southeast Corner of said Government Lot 19; thence South 89°15'33" West (assumed bearing), 819.81 feet along the South line of said Government Lot 19; thence North 2°17'22" West, 863.05 feet; thence North 88°41'45" East, 829.71 feet to the East line of said Government Lot 19; thence South 1°37'37" East, 871.00 feet along the East line of said Government Lot 19 to the POINT AND PLACE OF BEGINNING, less Denison Avenue and Kimball Avenue Right-of-Ways. Said Tract contains 14.14 acres, more or less. Subject to all public roads, easement, reservations, restrictions, covenants and conditions, if any, now of record.

(b) Conveyance of such rights title and interest in such parcels of real estate shall be executed in the name of the state board of regents by its chairperson and chief executive officer. If a sale is made, not an exchange, the proceeds from such sale shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of Kansas state university.

(c) In the event that the state board of regents determines that the legal description of any parcel of real estate described by this section is incorrect, the state board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(d) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2006 Supp. 75-6609 or 75-6610, and amendments thereto.

New Sec. 3. (a) The state fair board is hereby authorized to convey, without consideration, to the city of Hutchinson, Kansas, the following described state property located in Reno county, Kansas, containing 1.148 acres more or less: Commencing at a point 30 feet south of the northeast

corner of the Southwest Quarter of Section 6, Township 23 South, Range 5 West of the 6th P.M.; thence west parallel with the north line of said Southwest Quarter a distance of 330.20 feet to the *Point of Beginning*; thence with a deflection angle 91°04'10" left — south parallel with the east line of said Southwest Quarter 416.86 feet; thence with a deflection angle 90°51'02" right — west 120.0 feet; thence with a deflection angle 89°08'58" right — north parallel with the east line of said Southwest Quarter to a point that is 30.00 feet south of the north line of said Southwest Quarter; thence with a deflection angle 88°55'50" right — east parallel with the north line of said Southwest Quarter 120.0 feet to the *Point of Beginning*. (Containing 1.148 acres more or less)

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the general manager of the state fair. The deed shall provide that in the event the land described in subsection (a) ceases to be used for water treatment purposes for the city of Hutchinson or similar public utility purposes as described in the deed, then all right, title and interest in the land shall revert to the state fair board.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2006 Supp. 75-6609, and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 75-3369a is hereby amended to read as follows: 75-3369a. (a) The secretary of social and rehabilitation services shall convey, without consideration, to the city of Osawatomie, Kansas, the following described tracts of real estate located in Miami county, Kansas:

~~Tract I: A portion of the South Half of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:~~

~~All that part of the South Half of said Section 1, lying East of U.S. Highway 169 and North of W. 343rd Street and it's Westerly extension, except the North 660 feet and except that part in road way. Containing 127 acres more or less.~~

~~Tract II: A portion of the Northwest Quarter of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:~~

~~All that part of the West Half of the Northwest Quarter of said Section 1, lying North of County Road 279, except the West 450 feet more or less of the South Half of, said West Half, and the East 270 feet more or less of the South 280 feet more or less, of the West Half of the Northwest Quarter of said Section 1, and except that part in Osawatomie Road and W. 335th Street. Containing 65 acres more or less.~~

~~Tract III: A portion of the Southwest Quarter of Section 36, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:~~

~~All that part of the Southwest Quarter of the Southwest Quarter and the East Half of the Northwest Quarter of the Southwest Quarter of said Section 36, except that part in Osawatomie Road and W. 335th Street. Containing 59 acres more or less.~~

~~Tract IV: A portion of the Southeast Quarter of Section 35, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:~~

~~The South Half of the Southeast Quarter of said Section 35, except that part in Osawatomie Road and W. 335th Street. Containing 76 acres more or less.~~

TRACT 1

That portion of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying East of US 169 Highway and South of 343rd Street, being more particularly described as follows:

Commencing at the Northeast corner of the East Half (E 1/2) of said Southwest Quarter (SW 1/4); Thence South 02 Degrees 18 Minutes 25 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the East line of said East Half (E 1/2) a distance of 1074.10 feet to the intersection with the Northerly right-of-way of K 279 Highway, said intersection being the point of beginning; Thence continuing South 02 Degrees 18 Minutes 25 Seconds West along said East line a distance of 1582.50 feet to the Southeast corner of said East Half (E 1/2); Thence South 89 Degrees 29 Minutes 17 Seconds West along the South line of said East Half (E 1/2) a distance of 1012.35 feet to a point on the Easterly right-of-way of US Highway 169, said point being 315.60 feet East of the Southwest corner of said East Half (E 1/2); Thence North 17 Degrees 40 Minutes 40 Seconds East along said Easterly right-of-way a

distance of 576.70 feet to the beginning of a curve to the right having a radius of 4183.22 feet; Thence Northeasterly along said right-of-way along said curve an arc distance of 473.35, chord to said curve being 473.10 feet on a bearing of North 20 Degrees 55 Minutes 40 Seconds West; Thence North 32 Degrees 08 Minutes 40 Seconds East along said right-of-way a distance of 249.54 feet; Thence North 46 Degrees 00 Minutes 27 Seconds East along said right-of-way a distance of 596.07 feet to the Southerly right-of-way of K 279 Highway; Thence South 58 Degrees 23 Minutes 59 Seconds East along said right-of-way a distance of 50.36 feet to the point of beginning.

AND

That portion of the South Half ($S \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) and that part of the South Half ($S \frac{1}{2}$) of the North Half ($N \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying South and West of K 279 Highway, being more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence South 02 Degrees 18 Minutes 25 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the East line of said East Half ($E \frac{1}{2}$) a distance of 1074.10 feet to the intersection with the Southerly right-of-way of K 279 Highway, said intersection being the point of beginning; Thence South 58 Degrees 17 Minutes 25 Seconds East along said right-of-way a distance of 180.20 feet to the beginning of a curve to the right having a radius of 1050.91 feet; Thence Southeasterly along said right-of-way along said curve an arc length of 747.14 feet, chord to said curve being 731.50 feet on a bearing of South 32 Degrees 04 Minutes 25 Seconds East; Thence South 11 Degrees 42 Minutes 25 Seconds East along said right-of-way a distance of 204.70 feet to the beginning of a curve to the left having a radius of 913.51; Thence Southeasterly along said right-of-way along said curve an arc distance of 732.25 feet, chord to said curve being 712.80 feet on a bearing of South 34 Degrees 40 Minutes 25 Seconds East; Thence South 20 Degrees 14 Minutes 25 Seconds East along said right-of-way a distance of 36.00 feet; Thence South 02 Degrees 12 Minutes 42 Seconds West a distance of 23.55 feet to a point on the South line being 936.90 feet East of the Southwest corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence South 88 Degrees 36 Minutes 43 Seconds West along the South line of said Southeast Quarter ($SE \frac{1}{4}$) a distance of 936.90 feet to the Southwest corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence North 02 Degrees 18 Minutes 25 Seconds West along the West line of said Southwest Quarter ($SW \frac{1}{4}$) a distance of 1582.50 feet to the point of beginning.

AND

That portion of the South Half ($S \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) and that part of the South Half ($S \frac{1}{2}$) of the North Half ($N \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying North and East of K 279 Highway and East of US Highway 169, being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 2; Thence South 88 Degrees 36 Minutes 43 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the South line of said Southeast Quarter ($SE \frac{1}{4}$) a distance of 763.57 feet to the point of beginning; Thence North 01 Degree 24 Minutes 25 Seconds West perpendicular to said South line a distance of 25.00 feet; Thence North 88 Degrees 36 Minutes 43 Seconds East parallel with said South line a distance of 718.25 feet to a point being 45.00 feet West of the East line of said Southeast Quarter ($SE \frac{1}{4}$); Thence North 01 Degree 47 Minutes 48 Seconds West parallel with said East line a distance of 84.68 feet; Thence North 88 Degrees 12 Minutes 12 Seconds East perpendicular to the East line of said Southeast Quarter ($SE \frac{1}{4}$) a distance of 45.00 feet to a point on said East line being 130.00 feet North of the Southeast corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence North 01 Degree 47 Minutes 48 Seconds West along said East line a distance of 1842.98 feet to the Northeast corner of the South Half ($S \frac{1}{2}$) of the North Half ($N \frac{1}{2}$) of said Southeast Quarter ($SE \frac{1}{4}$); Thence South 89 Degrees 01 Minute 29 Seconds West along the North line of the South Half ($S \frac{1}{2}$) of the North Half ($N \frac{1}{2}$) of said Southeast Quarter ($SE \frac{1}{4}$) a distance of 2406.39 feet to the intersection with the Easterly right-of-way of US Highway 69; Thence South 36 Degrees 15 Minutes 01 Second West along said

right-of-way a distance of 278.07 feet to the Northerly right-of-way of K 279 Highway; Thence South 47 Degrees 21 Minutes 25 Seconds East along said K 279 right-of-way a distance of 225.50 feet to the beginning of a curve to the right having a radius of 1215.91 feet; Thence Southeasterly along said right-of-way along said curve an arc distance of 610.49 feet, chord to said curve being 604.10 feet on a bearing of South 38 Degrees 03 Minutes 25 Seconds East; Thence South 24 Degrees 34 Minutes 25 Seconds East along said right-of-way a distance of 320.80 feet; Thence South 00 Degrees 46 Minutes 35 Seconds West along said right-of-way a distance of 199.90 feet to the beginning of a curve to the left having a radius of 748.51 feet; Thence Southeasterly along said right-of-way along said curve an arc distance of 989.75 feet, chord to said curve being 919.20 feet on a bearing of South 53 Degrees 31 Minutes 25 Seconds East; Thence South 79 Degrees 43 Minutes 25 Seconds East along said right-of-way a distance of 222.30 feet; Thence South 01 Degree 24 Minutes 25 Seconds East a distance of 25.00 feet to a point on the South line being 1650.60 feet East of the Southwest corner of said Southeast Quarter (SE ¼); Thence North 88 Degrees 36 Minutes 43 Seconds East along said South line a distance of 241.60 feet to the point of beginning.

TRACT 2

That part of the West Half of the Northwest Quarter of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas described as follows:

Beginning at the Northwest Corner of said Northwest Quarter; thence along the north line of said Northwest Quarter on an assumed bearing of N88°30'16"E, 1323.45 feet to the northeast corner of said West Half; thence along the east line of said West Half S01°58'38"E, 2319.05 feet to a point being a perpendicular distance of 275.00 feet north of the south line of said Northwest Quarter; thence parallel with said south line S89°09'21"W, 801.13 feet; thence N21°23'10"W, 109.33 feet to a point being a perpendicular distance of 485.00 feet east of the west line of said Northwest Quarter; thence parallel with said west line N02°00'20"W, 892.81 feet to a point being a perpendicular distance of 1270.00 feet north of the south line of said Northwest Quarter; thence parallel with said south line S89°09'21"W, 485.10 feet to west line of said Northwest Quarter; thence along said west line N02°00'20"W, 1308.83 feet to the point of beginning.

TRACT 3

The Southwest Quarter (¼) of the Southwest Quarter, also the East half (½) of the Northwest Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), in Township Seventeen (17) South, Range Twenty-two (22) East, Miami County, Kansas.

TRACT 4

The South one half (½) of the Southeast Quarter (¼) of Section Thirty-five (35), Township Seventeen (17) South, Range Twenty-two (22) East, Miami County, Kansas.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services. The deed for the conveyance shall provide that on July 1, 2026, that in the event that any portion of the above-described real estate has not been used for economic development, then all right, title and interest in such portion of such real estate shall revert to the state of Kansas. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the attorney general in consultation with the secretary of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2006 Supp. 75-6609 or 75-6610, and amendments thereto.

Sec. 5. K.S.A. 2006 Supp. 75-3369a is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register

Approved April 10, 2007.

Published in the *Kansas Register* April 19, 2007.