**AFFIDAVIT**

STATE OF KANSAS )

)SS

COUNTY OF LYON )

Warren Chip Woods, of lawful age, being first duly sworn on oath alleges and states:

That a Petition was filed by Philp E. Winter, Lyon County Counselor, on the 9th day of May, 2000, in the District Court of Lyon County, Kansas, pursuant to K.S.A. 26-503, being District Court Case Number 00C62 with the caption IN THE MATTER OF CONDEMNATION OF LAND FOR COUNTY ROAD AND BRIDGE PURPOSES, the Board of County Commissioners of Lyon County, Kansas, Plaintiff vs. Jimmy H. Davis

and Janice A. Davis, husband and wife, John P. Welch, Jr. and Cindy S. Welch, husband and wife, and GMAC Mortgage Corporation, Defendants, for the purpose of condemning for County road and bridge purposes the following tract:

A tract of land located in the northeast quarter of Section 17, Township 19 South, Range 12 East of the 6th P.M. in Lyon County, Kansas, more particularly described as follows:

Beginning at a point on the north line of the northeast quarter of said Section 17, said point being 628.16 feet west of the northeast corner of said Section 17; thence south 35.79 feet to a point 628.16 feet west and 35.79 feet south of the northeast corner of said Section 17; thence South 45°24’52” East, 111.59 feet to a point 548.69 feet west and 114.12 feet south of the northeast corner of said Section 17; thence South 73°09’20” East, 87.52 feet to a point 464.92 feet west and 139.48 feet south of the northeast corner of said Section 17; thence North 33°15’22” East, 20.00 feet to a point on the centerline of an existing public road, said point being 453.95 feet west and 122.76 feet south of the northeast corner of said Section 17; thence along the centerline of said existing public road on a curve to the right with a radius of 383.32 feet an arc distance of 163.54 feet to the north line of said Section 17; thence along the north line of said Section 17, west 68.05 feet to the point of beginning, containing 0.25 acres, including 0.11 acres of existing public road right-of-way and **0.14** acres of additional right-of-way.

The above bearings are based on the north line of the northeast quarter of said Section 17 having an assumed bearing of west (South 90°00’00” West).

**AND**, a tract of land located in the northeast quarter of Section 17, Township 19 South, Range 12 East of the 6th P.M. in Lyon County, Kansas, more particularly described as follows:

Beginning at a point on the north line of the northeast quarter of said Section 17, said point being 779.03 feet west of the northeast corner of said Section17; thence along the north line of said Section 17 west 206.85 feet to a point 985.87 feet west of the northeast corner of said Section 17; thence south 44.69 feet to a point 985.87 feet west and 44.69

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feet south of the northeast corner of said Section 17; thence S. 86°57’15” E. 69.10 feet to a point 916.87 feet west and 48.36 feet south of the northeast corner of said Section 17; thence N. 88°22’27” E. 137.90 feet to a point 779.03 feet west and 44.45 feet south of the northeast corner of said Section 17; thence north 44.45 feet to the point of beginning, containing 0.22 acres, including 0.21 acres of existing public road right-of-way and **0.01** acres of additional right-of-way.

The above bearings are based on the north line of the northeast quarter of said Section 17 having an assumed bearing of west (S. 90°00’00” W.)

Subsequently said land was condemned and title was vested in the Board of County Commissioners of Lyon County, Kansas, for Lyon County Project 96-80 and K.D.O.T. Project 56-C-3534-01. The Affiant acted as County Engineer for the Plaintiffs during certain proceedings in the case and has personal knowledge thereof.

FURTHER AFFIANT SAYETH NAUGHT.

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Warren Chip Woods, P.E. & P.S.

Lyon County Engineer

STATE OF KANSAS )

) SS

COUNTY OF LYON )

This instrument was acknowledged before me this 2nd day of October, 2002, by

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Notary Public

(SEAL) Peggy J. Humphrey

Printed Name of Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_