

76-494. State board of regents authorized to exchange certain properties with Kansas state university foundation; procedure. (a)

As used in this section, "university real property" means:

(1) A tract of land in Government Lots 4 and 9, in Section 7, Township 10 South, Range 8 East of the 6th Principal Meridian in Riley County, Kansas described as follows: Beginning at a point on the west line of North Manhattan Avenue, said point being N. 00°57'31" W. 337.39 feet along the east line of said Government Lot 4 and S. 89°02'29" W. 60.00 feet from the Southeast Corner of said Government Lot 4, also being Corner No. 1 and marked by a 1/2 inch bar; thence S. 00°57'31" E. 137.48 feet along the west line of said North Manhattan Avenue to Corner No. 2, marked by a 1/2 inch bar; thence on a curve to the right having a radius of 2804.93 feet and an arc distance of all 311.37 feet, chord of said curve being S. 02°14'20" W. 311.21 feet along the west line of said North Manhattan Avenue to Corner No. 3, marked by a 1/2 inch bar; thence S. 05°25'17" W. 233.93 feet along the west line of said North Manhattan Avenue to Corner No. 4, marked by a 1/2 inch bar; thence S. 69°03'14" W. 378.61 feet to Corner No. 5, marked by a 1/2 inch bar; thence N. 45°41'46" W. 485.00 feet to Corner No. 6, marked by a 1/2 inch bar; thence N. 02°03'14" E. 195.00 feet to Corner No. 7, marked by a 1/2 inch bar; thence N. 42°31'16" E. 367.56 feet to Corner No. 8, marked by a 1/2 inch bar; thence N. 88°32'38" E. 477.38 feet along a line parallel to and 3 feet south of a fence line to the point of beginning, containing 10.654 acres; and

(2) a tract of land in Lot 4, of Section 7, Township 10, South Range 8, east of the 6th Principal Meridian in Riley County, Kansas, described as follows: Beginning at a point on the West line of North Manhattan Avenue and the North line of Lot 4 of said Section 7, said point beginning S. 89°18'16" W. 60.00 feet from the Northeast Corner of Lot 4 of said Section 7, being marked by a one inch steel Pin at the Southeast Corner of Flint Hills Place; thence S. 00°57'33" E. 976.14 feet along the West line of said North Manhattan Avenue to a 1/2 inch iron bar; thence S. 88°32'38" W. 477.38 feet to a 1/2 inch iron bar; thence N. 51°16'09" W. 255.83 feet to a 1/2 inch iron bar; thence N. 00°57'33" W. 820.00 feet to the North line of Lot 4 of said Section 7; thence N. 89°18'16" E. 674.23 feet along the North line of Lot 4 of said Section 7 to the point of beginning, containing 14.805 acres.

(b) As used in this section, "foundation real property" means:

(1) TRACT No. 2 (Elliott), which is: A tract of land lying in Riley County, Kansas, parts of Lots 5, 14 and 17 all in Section 31, Township 9 South, Range 8 East of the 6th P.M. and described as follows: Beginning at the Southeast corner of Lot 17 in Section 31, Township 9 South, Range 8 East; thence west 680.0 feet along South line of Lot 17; thence 2090.0 feet North; thence Northwesterly parallel to the West right-of-way line of Kansas Highway No. K-13 to a point on the North line of Lots 4 and 5; thence East along North Line of Lot 5 to the West right-of-way line of Kansas Highway No. K-13; thence Southeasterly along said highway West right-of-way line to a point 1483.3 feet North of Southeast corner of Lot 17; thence South to the point of beginning and containing 48.56 acres, more or less, except that part of Lot 14, described as follows: Beginning at a point on the East side of Lot 14, Section 31, Township 9 South, Range 8 East of the 6th P.M., said point being 1450.0 feet North of Southeast corner of Lot 17 in said Section 31; thence West 430.4 feet; thence north 640.0 feet; thence East 177.2 feet to the West right-of-way line of Kansas Highway No. K-13; thence South 22°41' East along said highway right-of-way line 657.3 feet to the East side of said Lot 14; thence South 33.3 feet to point of beginning and containing 4.56 acres, more or less. Tract No. 2 (Elliott) consists of approximately 44 acres; and

(2) Tract No. 1 (Mellinger-Wagaman) which consists of approximately 1,436.05 acres and which is more particularly described as follows: (A) (i) All of Section 29 and the North Half of the Northeast Quarter and the North Half of the Northwest Quarter of Section 32, Township 9 South, Range 7 East of the 6th P.M., in Riley County, Kansas; (ii) Five acres, more or less, in the Northeast Quarter of Section 31, Township 9 South, Range 7 East of the 6th P.M., described as follows: Beginning at the SE corner of said quarter section; thence West to center of public road known as the Winchip Road; thence in a Northeasterly direction to where said road intersects the East line of said quarter section; thence South on said East line to point of beginning; (iii) Also, five acres, more or less, in the Southeast Quarter of Section 31, Township 9 South, Range 7 East, described as follows: Beginning at the NE corner of said SE1/4; thence West to center of public road known as the Winchip Road; thence Southeasterly to where said road intersects the East line of said SE1/4; thence North on said East line of said quarter section to the point of beginning; (iv) Also, the South half of the Northeast Quarter, the South Half of the Northwest Quarter, the Southeast Quarter and the Southwest Quarter of Section 32, Township 9 South, Range 7 East, excepting from said SW1/4 of said section the following described tract: Beginning at a point 24 chains East of the SW Corner of said Section 32, thence running North 7.05 chains, thence North 51 degrees 15' East 9.85 chains, thence North 26.80 chains, thence East 8.15 chains, thence South 26.80 chains, thence South 27 degrees 20' West 14.80 chains, thence West 9 chains to place of beginning, said excepted tract containing 33.15 acres, more or less; but including a tract within said exception more particularly described as follows: From the Southwest corner of said Section 32, proceed East 1584.0 feet along the South line of said Section 32 to a 1/2" iron bar; thence North 465.3 feet to a 1/2" iron bar; thence North 51 degrees 15' East 650.1 feet; thence North 1466.45 feet to a 1/2" iron bar and the POINT OF BEGINNING; thence North 302.35 feet to a 1/2" iron bar; thence East 537.90 feet to a 1/2" iron bar; thence South 66 degrees 22'22" West 130.78 feet to a 1/2" iron bar; thence South 45 degrees 30'27" West 224.60 feet to a 1/2" iron bar; thence South 70 degrees 15'38" West 273.96 feet to the POINT OF BEGINNING, and containing 2.07 acres, more or less; and also excepting from said SW1/4 of said Section the following described tract: From the Southwest corner of said Section 32, proceed East 2178.0 feet along the south line of said Section 32 to 3/8" iron bar and the POINT OF BEGINNING; thence East 466.5 feet along the South line of said Section 32 to a 1/2" iron bar; thence North 1 degree 01'38" West 872.41 feet to a 1/2" iron bar; thence South 27 degrees 20' West (South 27 degrees 56'15" West by previous description) 981.9 feet to the POINT OF BEGINNING, and containing 4.67 acres, more or less, all in Riley County, Kansas; and

(B) That part of the North Half of Section 33, Township 9 South, Range 7 East of the 6th P.M., described as follows: Beginning at the North quarter corner of Section 33, Township 9, Range 7 East, thence West 40.10 chains, thence South 19.93 chains, thence East 45 chains, thence North 47 degrees 30' East 8.14 chains, thence North 14.5 chains, thence West 11 chains to the place of beginning, in Riley County, Kansas, containing approximately 101.80 acres; and

(C) The South half of the Southwest Quarter of Section 28, Township 9 South, Range 7 East of the 6th P.M., in Riley County, Kansas.

(c) The state board of regents, for and on behalf of Kansas state university of agriculture and applied science, is hereby authorized: (1) To exchange and convey the university real property as defined in subsection (a)(1) to the Kansas state university foundation in consideration for the conveyance of the foundation real property as defined in subsection (b)(1) to Kansas state university of agriculture and applied science and to accept such real property; and (2) to exchange and convey the university real property as defined in subsection (a)(2) to the Kansas state university foundation in consideration for the conveyance of that portion of the foundation real property as defined in subsection (b)(2), which is specified by the Kansas state university foundation for the purposes of this exchange and which has an appraised value of not less than the appraised value of the university real property as defined in subsection (a)(2), to Kansas state university of agriculture and applied science and to accept that portion of such real property. Each exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by the chairperson and executive officer, and shall be delivered upon receipt of a good and sufficient warranty deed from the Kansas state university foundation conveying the foundation real property, or portion thereof, which is specified for the particular exchange and conveyance. Before any such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the state board of regents to the Kansas state university foundation and the instruments of conveyance of the Kansas state university foundation to Kansas state university of agriculture and applied science and shall approve the title to the real property exchanged and conveyed by the Kansas state university foundation.

History: L. 1993, ch. 236, § 2; L. 1994, ch. 159, § 1; July 1.