

# Minutes of the Treece Relocation Assistance Trust

November 8, 2012; 11:00 am - Cherokee County Courthouse

Meeting was called to order by Vice Chair Betty McBride

Roll call: Betty McBride, Eddie Hamilton, John Delmont, Jr., Gene Bicknell (via phone)

KDHE: Bob Jurgens

Legal: Bill Morin

MMSC (Hamilton/Delmont) to approve the minutes of the October 4, 2012 meeting

**Payment Status:** McBride reported bank balances of \$ 10,453.70 in American Bank; \$90,693.06 in Exchange State Bank. One invoice for Patricia Beaty (Accountant) in the amount of \$225.00.

MMSC (Delmont/Bicknell) to accept the report and pay the invoice.

**Buyout expenditure requests:** None

## **Vacation of City Plat and Adjoinment of Deeds in the City Limits:**

- Barbara Bilke, Cherokee County Register of Deeds and a representative of the Cherokee County Appraiser's Office were questioned regarding the proper procedures to vacate the city plat and adjoining the 90+ deeds within the city limits. The Trust was referred to the Division of Property Valuation within the Kansas Department of Revenue. Melissa Crane and Bill Waters (legal counsel) were previous contacts. Morin will contact Mr. Waters for guidance.
- KDHE will hold off on surveying properties until the proper procedures are confirmed.
- Street abandonment order will also wait until plat vacation protocol is identified.

## **Tax Status update:**

- Deeds not recorded: ORM-19 (Lamb); ORW-13 (Hargis); ORW-17 (Leatherman); ORW-26 (Hargis). Morin reported deeds have been prepared, with exception of ORM-19, which had an error on the deed. Morin will talk to Register of Deeds to ensure correct legal description in used.
- An inquiry was received for 430 Park, Treece (NR-3). The form was completed indicating the building has been removed and property is now vacant. McBride delivered the form to the Appraisers office on 11/8/12.

**Audit Status:** McBride signed and approved auditor's request for release of information from KDHE and the TRA Trust attorney. Jurgens sent information packet to the auditor with Expenditure requests and bylaw revisions. Morin received a request from auditor for information.

MMSC: (Delmont/Hamilton) to approve Morin to respond to the auditor's request.

### **Purchase/Closing Updates:**

- Partition Petitions will not be filed on S-12; V-17; V-18; & V-29.
- TRA Trust affirmed approval to proceed with purchasing V-17 from Wendy Bedore (Ashworth).
- The V-18 owner cannot be located.
- The S-12 and V-29 purchases have been completed for the heirs who responded to the TRA Trust's offer to purchase.
- TRA Trust properties will be sold at final auction with a Quit Claim Deed.
- Morin reported Wyle's had been sent a complete replacement offer package for V-33. No response received to date and calls are not being returned.
- Deed was prepared for the trade of 3 acres of land behind S-03, ORM19 and ORM40 for ORM04 on Groundhog Road. All land will still have a EUC.

**County Tax Sale:** No sale in December. According to Attorney Kevin Cure, he is waiting for Gene Barrett to get the paperwork completed on approximately 300 parcels in the county. Jurgens reported he had hoped to have an auction on the parcels owned by the Trust in November, but he didn't think it would be possible. He is hoping now for December.

**Street Abandonment Petition:** Morin reported he had not yet prepared the petition to be presented to the County. Clarification was made by Jurgens the, "edge streets or out-lying streets," would only be surveyed to the middle of the road, with the other half reverting back to the adjoining property owner. This will allow the county to clean up their maps & records. Jurgens also mentioned that on the Denny Johnson property swap, a description and title will need to be prepared.

### **Easements:**

- **Water Main Easements:** Morin reported he is working with Cherokee County RWD #3 to transfer existing water main easements from the City of Treece to the RWD. Lyon Township will sign the easement transfer. A separate water main easement will be prepared for the water line under Kansas Avenue from Grove Road to the remaining resident, Della & Timothy Busby at 239 Kansas. Per a previous agreement with RWD #3, Morin will help prepare paperwork to expand the RWD boundaries to include the residents previously on city water, but remaining after the buyout.
- **Ingress/Egress Easement:** An ingress/egress easement will be prepared to allow Della & Timothy Busby access to their property off of Grove Road using the Kansas Avenue. The easement will reflect the Busby's are responsible for maintenance of the driveway once the road is officially vacated.

### **Survey/Environmental Use Controls:**

- **Property Survey:** Jurgens reported the survey task has not been started due to waiting for guidance on deed adjoinment. Jurgens intended to use existing KDHE contracts for surveying services, but will consider a separate TRA Trust-lead RFP to allow regional survey companies the opportunity to bid on the work.
- **EUC:** Environmental Use Control applications for all Trust-purchased property were completed and McBride signed all applications. Jurgens will submit all applications to KDHE's EUC Program.

**ORM03 Property:** A lien on the new Blunk property in Columbus has complicated the mortgage holder's lien release on the Treece Property, delaying the closing. Vanderbilt Mortgage has requested to be the primary lien holder on the new Columbus property before releasing the Treece lien. Morin recommended proceeding with the deed transfer on the Treece property with the previously agreed-upon promissory note for the past due taxes. Jurgens will inform First American Title to proceed with the deed transfer.

**Complete Title Issue:** Morin reported Brett Loethen, formerly Sterling Title agreed on 11/8/12 to send the TRA Trust the remaining funds in the escrow account (\$2,000+) and then discuss payment of the remaining amount. Trustees recommend accepting the escrow funds and then send Brett Loethen an invoice for the remainder (\$3,264.00 – escrow payment amount), payable in 30 days.

**EPA Testing in Treece:** Jurgens reported EPA completed additional soil testing for lead, cadmium and zinc. Contamination above action levels was widespread. EPA is proposing they remove contaminated soil, pending funding availability. KDHE will work with EPA to keep the scope of work minimal. Contaminated soil will be placed in the old city sewage lagoons and on nearby property owned by Robert Whisner. In exchange for allowing the waste disposal, Whisner will receive the lagoon property. AT&T phone lines may be problematic as they are scattered throughout Treece. Jurgens is discussing possible phone main relocation to minimize the cost impact to the soil removal. The TRA Trust may be willing to help offset phone line relocation costs depending on the cost estimate. Contaminated soil removal will help the TRA Trust at the property auction (cleaner land) and by enhancing reestablishment of vegetation on the barren areas. EPA hopes to be done with the soil removal by the end of 2012 with vegetation being reestablished in February/March 2013, weather permitting. Jurgens to meet with EPA project manager on 11/8/12.

**Historical Sign:** Hamilton provided a newspaper photo of a sign in Miami, Oklahoma similar to those used by the Kansas Historical Society throughout Kansas. One approach is to have the sign shaped to reflect a mine shaft. Jurgens will cost out a standard shaped sign and custom shape for TRA Trust consideration. Jurgens will contact property owners at Hwy 69 and state Line to discuss possible placement on the Jim Woods Marketing property, near the "Welcome to Kansas" sign, or by the Whisner property at Grove Road and Hwy 69.

**Project Timeline:** McBride requested an update on the proposed timeline to wrap up this project. Jurgens indicated an EPA soil cleanup, city plat vacation and deed adjoinment are the driving factors in setting a final land auction date. A goal of February/March 2013 is to get vegetation reestablished and off the Stormwater Pollution Prevention Permit. Morin cautioned against dissolving the Trust too soon in case issues arise needing Trust action.

**Next Meeting:** December 20<sup>th</sup>, 11:00 am, Cherokee County Court House.

*Minutes Prepared by Bob Jurgens, KDHE*

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Betty McBride, Vice Chairperson

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Approval Date