

76-183. Exchange, lease and exchange of property and property rights under agreement between secretary of corrections and Cargill Incorporated; approval of state finance council. (a) The secretary of corrections, for and on behalf of the state of Kansas, is hereby authorized to exchange and grant easements and to lease mineral rights in and on the boundaries of certain real property described in subsection (b) to Cargill Incorporated in consideration for which Cargill Incorporated is hereby authorized to exchange and convey (while retaining certain mineral rights and the rights to use brine wells for brine disposal) certain real property and improvements thereon described in subsection (c) to the state of Kansas. The parties to such exchanges, conveyances, leases and grants may negotiate and grant or convey easements, mineral leases or other rights in real property as provided under this section. The exchange and conveyance of easements, mineral and other rights in real property and improvements thereon by the secretary of corrections under this section shall be executed in the name of the state of Kansas and shall be delivered upon receipt of a good and sufficient warranty deed with certain rights retained from Cargill Incorporated to the real property described in subsection (c). Before lease, exchange and conveyance of such property and property rights is entered into under this section, an agreement shall be reached by the parties concerning the following: The time that possession is to be given to the other party, the extent, nature and locations of easements to be granted or retained as a part of the agreement, whether mineral rights or other rights are to be retained by either party, the terms of any mineral lease to be granted and conveyed and other special conditions or particular matters, if any. Such agreements shall be made in writing. The exchange and conveyance of real property and improvements thereon and the granting and conveying of easements, mineral leases and the retention of mineral rights and any other agreements authorized under this section shall be made only upon approval of the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. Upon approval of the state finance council and before such real property and improvements thereon, easements, leases and mineral rights retained and other rights affected are exchanged and conveyed, the attorney general shall approve the contractual instruments and other instruments of agreement and conveyance of the secretary of corrections, to Cargill Incorporated, and the instruments of conveyance and retention of rights of Cargill Incorporated to the secretary of corrections and shall approve the title to the real property and improvements thereon exchanged and conveyed by Cargill Incorporated. Such contractual instruments and other instruments of agreement shall include a provision whereby Cargill Incorporated agrees to defend and save harmless the secretary of corrections and the state of Kansas from any and all liability which may at any time arise from damage to property or the environment arising from any accident or other cause whatsoever in relation to the properties described in subsection (b) or (c), and the provisions described in this sentence shall likewise be subject to approval of the attorney general.

(b) In accordance with the provisions of this section, the secretary of corrections is hereby authorized to exchange and grant easements for two brine lines and one gas line along boundaries of and upon state-owned property located west of K-61 highway, east of Severance, south of avenue "G" and north of Blanchard; and to grant and convey the mineral rights and easements to drill and operate equipment on the following described property together with the right to drill a hole from state-owned property to property owned by Cargill Incorporated. The following is the state-owned property subject to such granting and conveying of mineral rights, easements and other rights: A tract beginning at the northeast corner of the northwest quarter of section 19, township 23 south, range 5 west of 6th P.M., in Reno county, Kansas; thence west 500 feet along the north line of said quarter; thence south parallel to the east line of said quarter 1,000 feet; thence east parallel with the north line of said quarter 500 feet to the east line of said quarter; thence north along the east line to the point of beginning, containing 9 acres, more or less.

(c) In accordance with the provisions of this section, the secretary of corrections is hereby authorized to accept title on behalf of the state of Kansas to the following described real property conveyed (with mineral rights and other rights being retained) at the time agreed upon to the state of Kansas by Cargill Incorporated: A tract of land located in the southwest quarter of section 19, township 23 south, range 5 west of the 6th P.M., in Reno county, Kansas, more particularly described as follows: Commencing at the center quarter corner of said section 19; thence along the east line of the southwest quarter of said section 19 S. 0°16'48" E. 265.00 feet to the point of beginning; thence S. 89°43'12" W. 700.00 feet; thence S. 41°31'49" W. 75.00 feet; thence parallel to and 750.00 feet perpendicular from the east line of the southwest quarter of said section 19 S. 0°16'48" E. 1433.20 feet; thence S. 42°05'24" E. 75.00 feet; thence N. 89°43'12" E. 700.00 feet to a point on the east line of the southwest quarter of said section 19, said point being 818.96 feet N. 0°16'48" W. of the south quarter corner of said section 19; thence along the east line of the southwest quarter of said section 19 N. 0°16'48" W. 1545.00 feet to the point of beginning, containing 26.54 acres (1.77 acres existing road right-of-way).

(d) The exchange, lease and conveyance of real property and improvements thereon, the easements and mineral rights authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

History: L. 1990, ch. 333, § 3; May 31.