

IN THE DISTRICT COURT OF FORD COUNTY, KANSAS  
CIVIL DEPARTMENT

GRAIN BELT EXPRESS LLC,	)	
	)	
Plaintiff,	)	Case No. FO-2022-CV-000064
	)	
v.	)	Pursuant to K.S.A. 26-501, <i>et seq.</i>
	)	
WILLIAM F. CLAUSSEN, TRUSTEE OF THE	)	TITLE TO REAL ESTATE
WILLIAM AND ANNETTE CLAUSSEN	)	INVOLVED
TRUST, UNDER AGREEMENT DATED JULY	)	
30, 2012, et al.,	)	
	)	
Defendants.	)	

**REPORT OF APPRAISERS**  
**(Vogel Property – KS-FO-039.000-ROW)**

We, the undersigned appraisers, appointed to view and appraise the value of certain lands and/or interests and/or rights therein, as more fully described in the Plaintiff's Verified Eminent Domain Petition, and to determine just compensation and damages to the interested parties resulting from the takings, after being duly sworn, now report as follows:

On June 22, 2023, we caused Notice of our hearing and viewing to be filed with the Court and mailed to all Defendant parties named in the Petition whose addresses were known to us after diligent inquiry, and on June 29, 2023, caused such Notice to be published in The Dodge City Daily Globe, a newspaper of general circulation in Ford County, Kansas. On July 13, 2023 at 9:00 a.m. at the First National Bank – Spearville, 401 N. Main Street, Spearville, Kansas 67876, the date, time and place stated in such Notice, we began our appraisal and assessment of damages by commencing a public hearing and hearing oral testimony and receiving written and other evidence concerning our appraisal and assessment of damages from the Plaintiff and such of the Defendants as were present and desired to be heard.

After our view of the lands involved, after consideration of the testimony received at the hearing and according to the instructions given us by the Court, we have appraised the lands and/or interests and/or rights therein sought by the Plaintiff and described in the Eminent Domain Petition and have determined just compensation and damages to the interested parties resulting from the takings are as follows:

**Real Property Interests to be Acquired:**

**The following "Property Interests":**

rights to develop, permit, construct, reconstruct, repair, improve, alter, replace, operate, use, inspect, maintain and remove a transmission line, which transmission line may include poles, towers and structures, such wires and cables as Grain Belt shall from time to time suspend therefrom, foundations, footings, attachments, anchors, ground connections, communications devices (the communication devices Plaintiff seeks to install are for internal communication purposes only and are necessary for the operation and safety of the Project); and other equipment, accessories, access roads and appurtenances, as Grain Belt may deem necessary or desirable in connection therewith and to study or inspect in preparation therefor, including survey, soil sampling, geotechnical evaluation, environmental tests, archeological assessments, and transmission and interconnection studies. The permanent right-of-way may be used for the transmission of electrical energy and for communication purposes (the communication devices Plaintiff seeks to install are for internal communication purposes only and are necessary for the operation and safety of the Project), whether existing now or in the future in order to facilitate the delivery of electrical energy. The easement rights include the non-exclusive right of ingress and egress over the Easement Property (defined in paragraphs 13 and 27 of the Verified Amended Petition for Condemnation) itself in order to obtain access to the permanent right-of-way, and over the Defendant's property adjacent to the Easement Property and lying between public or private roads. Grain Belt shall, without being liable for damages, have the right from time to time, including after the initial construction of the transmission line, to clear the Easement Property of any improvements or other structures to the extent that they interfere with Grain Belt's use of the Easement Property as described herein, except fences (provided Grain Belt shall at all times have access through any such fence by means of a gate); control, cut down, trim and remove trees and underbrush from the Easement Property; and cut down and trim any tree encroaching upon the Easement Property or the transmission line that in the reasonable opinion of Grain Belt may interfere with the safety, proper operation and/or maintenance of the transmission line. In exercising its rights of ingress and egress Grain Belt shall, whenever practicable, use existing roads or lanes, and shall repair any damage caused by its use thereof. The acceptance of this easement by Grain Belt Express LLC, shall obligate it to pay

any damages which may be caused to lands, crops or fences by reasons of the erection, maintenance, operation, removal or replacement of said transmission line and structures.

**The "Subject Property" is legally defined as:**

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF FORD, STATE OF KANSAS:

THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-SIX (26) SOUTH, RANGE TWENTY-TWO (22) WEST OF THE SIXTH P.M.

**The Easement Property and permanent right-of-way is legally defined as:**

A 9.138 ACRE TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 26 SOUTH, RANGE 22 WEST OF THE 6TH PRINCIPAL MERIDIAN, FORD COUNTY, KANSAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED RECORDED AT THE FORD COUNTY REGISTER OF DEEDS IN BOOK 202, PAGE 170 AND BOOK 202, PAGE 171, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4 INCH REBAR WITH A YELLOW CAP THAT IS THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;

THENCE SOUTH 00 DEGREES 38 MINUTES 07 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2,490.50 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 38 MINUTES 07 SECONDS WEST CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 150.00 FEET;

THENCE NORTH 89 DEGREES 08 MINUTES 56 SECONDS WEST DEPARTING SAID EAST LINE, A DISTANCE OF 2,653.78 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER;

THENCE NORTH 00 DEGREES 44 MINUTES 14 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 89 DEGREES 08 MINUTES 56 SECONDS EAST DEPARTING SAID WEST LINE, A DISTANCE OF 2,653.52 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 398,048 SQUARE FEET OR 9.138 ACRES.

BASIS OF BEARINGS: ALL BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), SOUTH ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

**Fee Simple Owners:**

Alan Joseph Vogel  
12172 Kettle Road  
Wright, Kansas 67882

**Other Lienholders of Record:**

Sullivan Land Resources, Inc.  
2625 Elmhurst Ave.  
Oklahoma City, OK 73120