

76-519. Lease of land at Fort Hays state university to early childhood development center, inc.; use; terms of lease; conditions, limitations and restrictions. (a) As used in this section, "center" means the Hays day care center for exceptional children incorporated, or its successor the early childhood development center, incorporated, or any successor thereof.

(b) The state of Kansas is hereby authorized to lease one or more tracts of land situated on the campus of Fort Hays state university on the Fort Hays military reservation to the center for the purpose of the erection of a day care building or facility or for such other purposes as may be specified in any lease entered into in accordance with this section, which tracts are located in Ellis county, Kansas, in what is officially known as Fort Hays state university, and which tracts are described as follows:

(1) *Tract No. 1.* Commencing at the Southeast corner of the Northeast quarter (NE 1/4) of section 5, township 14 South, range 18 West; thence North along the east line of said section 5, on an assumed bearing of N 1°24'55" E, a distance of 375.67 feet; thence on a bearing of N 71°10'10" W, a distance of 1,346.52 feet, to the point of beginning; thence on a bearing of N 44°37'27" W, a distance of 179.66 feet; thence on a bearing of N 41°14'53"E, a distance of 202.37 feet; thence on a bearing of S 48°45'07" E, a distance of 118.50 feet; thence on a curve to the right having a radius of 224 feet and a terminal tangent bearing of S 28°30'07" E, an arc distance of 79.17 feet; thence on said terminal tangent a distance of 53.94 feet; thence on a bearing of S 61°29'53" W, a distance of 194.84 feet to the point of beginning.

(2) *Tract No. 2.* Commencing at the Southeast corner of the Northeast quarter of section five (SE Cor. of NE 1/4 Sec. 5), in township 14 South, range 18 West of the Sixth prime meridian; thence North along the East line of said section five, on an assumed bearing of N 1°24'55" E, a distance of 375.67 feet; thence on a bearing of N 71°10'10"W, a distance of 1,346.52 feet; thence on a bearing of N 44°37'27" W, a distance of 179.66 feet to the point of beginning, said point being set by a previous survey dated December 8, 1977; thence continuing on a bearing of N 44°37'27" W, a distance of 77.20 feet; thence on a bearing of N 41°14'53" E, a distance of 196.81 feet; thence on a bearing of S 48°45'07"E, a distance of 77.00 feet; thence on a bearing of S 41°14'53"W, a distance of 202.37 feet to the point of beginning, said tract containing 0.353 acres more or less.

(3) *Tract No. 3.* Commencing at the Southeast corner of the Northeast quarter of section five (SE Cor. of NE 1/4 Sec. 5), in township 14 South, range 18 West of the Sixth prime meridian; thence North along the East line of said section five, on an assumed bearing of N 1°24'55" E, a distance of 375.67 feet; thence on a bearing of N 71°10'10" W, a distance of 1,346.52 feet; thence on a bearing of N 61°29'53" E, a distance of 138.99 feet to the point of beginning; thence continuing on a bearing of N 61°29'53" E, a distance of 48.00 feet; thence on a bearing of S 20°53'51" E, a distance of 32.50 feet; thence on a bearing of S 50°30'14"W, a distance of 35.00 feet; thence on a bearing of N 42°00'05"W, a distance of 40.00 feet to the point of beginning, said tract containing 0.034 acres more or less.

(4) *Tract No. 4.* A tract of land situated on a portion of the East one-half of the Northeast Quarter of Section Five (E/2 of NE/4 of Sec 5), Township Fourteen (14) South, Range Eighteen (18) West of the Sixth Principal Meridian, Ellis County, Kansas, more particularly described as follows, to wit:

Commencing at the Southeast corner of the Northeast Quarter of said Section 5; thence Northwest on a bearing of N 56°33'21" W, a distance of 1196.13 feet to the point of beginning; thence Northwest on a bearing of N 38°02'19" W, a distance of 263.76 feet, to the South line of existing property; thence Northeast, along the existing property, on a bearing of N 61°29'53" E, a distance of 20 feet; thence Southeast, along the existing property, on a bearing of S 42°00'05" E, a distance of 40 feet; thence Northeast, along the existing property, on a bearing of N 50°30'14" E, a distance of 35 feet; thence Southeast on a bearing of S 28°30'07" E, a distance of 227.90 feet; thence Southwest on a bearing of S 61°29'53" W, a distance of 20 feet to the point of beginning, said tract contains 0.22 acres more or less.

(5) *Tract No. 5.* A tract of land situated on a portion of the East one-half of the Northeast Quarter of Section Five (E/2 of NE/4 of Sec 5), Township Fourteen (14) South, Range Eighteen (18) West of the Sixth Principal Meridian, Ellis County, Kansas, more particularly described as follows, to wit:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 5; thence Northwest on a bearing of N 56°33'21" W, a distance of 1196.13 feet to the point of beginning; thence Southwest on a bearing of S 61°29'53" W, a distance of 69 feet; thence Northwest on a bearing of N 48°18'37" W, a distance of 276.47 feet to the Southwest corner of the existing property; thence Northeast, along the existing property, on a bearing of N 61°29'53" E, a distance of 118.99 feet to the Northwest corner of Tract "4"; thence Southeast, along the West line of Tract "4", on a bearing of S 38°02'19" E, a distance of 263.76 feet to the point of beginning, said tract contains 0.56 acres more or less.

(c) Each such lease shall be signed by the governor and the chairperson of the state board of regents, attested by the secretary of state and signed by the authorized representative of the center. Each lease shall be for a period of 40 years or contemporaneous with the term of any existing lease entered into under the provisions of this section and shall be entered into with such terms and conditions as the governor, the board of regents and the center shall agree to, consistent with and subject to the other provisions of this section. Each such lease shall require that the real estate so leased shall be maintained and operated by the center at no cost to the state.

(d) Each lease entered into pursuant to the provisions of this section shall be renewable at the end of the term of the lease or may be deemed canceled at the instance of either of the parties thereto. Such lease shall be deemed canceled automatically, after notice thereof to the center, if any of the provisions of subsection (e) are violated. Upon the termination of any such lease, all buildings and other improvements on the real estate under such lease shall become the property of the state of Kansas.

(e) In addition to the other provisions of this section, each lease entered into pursuant to this section shall contain the following restrictions or limitations on the use of the land so leased:

- (1) All building or facility designs shall conform to existing standards for state buildings;
- (2) final building or facility plans must be approved by the division of architectural services and the state board of regents prior to letting of contracts for construction of any such building;
- (3) the center shall be liable for any damage to any state-owned property or injury to any person;
- (4) the center shall be made available at reasonable times for students at Fort Hays state university enrolled in educational programs designated by the university to observe and work with persons enrolled or participating in programs in the center; and
- (5) the center shall reserve the right to sublease the facility under the terms and conditions prescribed by the terms of the lease and subject to approval by the state board of regents.

(f) No child who resides in this state shall be denied admission to the center solely because the child resides in a county other than Ellis county.

History: L. 1978, ch. 383, § 3; L. 1985, ch. 299, § 1; L. 1990, ch. 335, § 1; July 1.