



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

WILLIAM F. VICORY, CHIEF

September 25, 2006

Mr. Dannel E. & Nancy K. King
1202 120th Road
Peabody, Kansas 66866

Dear Mr. & Mrs. King:

Re: Investigation #I-735, KDOR Dealer #(None)
Illegal Salvage and Storage Area
District Two, Marion County

A site investigation report and photos on September 9, 2006, by a representative of the Kansas Department of Transportation, Right of Way, Beautification Section, Salvage Control, show that your property is in violation of the Kansas Junkyard and Salvage Control Act (KJSCA or *Act*), Kansas Statutes Annotated (K.S.A.) 68-2201. This property is located at 1202 120th Road (NE corner of 120th & Kanza Roads), Marion County, Kansas; the legal description is: Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 21 South, Range 2 East of the 6th P.M. in Marion County, Kansas (see attached deed for complete legal description).

The KJSCA provides that any location within 1,000 feet of any public street, township road, or state, federal, or interstate highway storing, keeping, buying more than ten (10) wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, or any type of salvage or junk stored thereon must be certified. The term "junk" shall mean old or scrap copper, brass rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel and other old or scrap ferrous or nonferrous material, junked, dismantled, or wrecked vehicles or parts thereof. The fact that an individual maintaining such a location is not actively engaged in the salvage business does not exempt that individual from these statutory requirements.

To maintain an establishment as defined by K.S.A. 68-2203(a)(b)(c) the **Section V** of the enclosed Application for Salvage Storage Certificate of Compliance (SSCC) must be completed and signed by the **local zoning** authority, if your location is in a **zoned area**. If your location is in an **unzoned** area, the *Act* requires the **City or County Clerk** sign the last statement on the Section V that there is no zoning, or no ordinance or resolution disallowing use of this site as a salvage and storage location.

BUREAU OF RIGHT OF WAY
DWIGHT D. EISENHOWER STATE OFFICE BUILDING
700 S.W. HARRISON STREET, TOPEKA, KS 66603-3754
PUBLIC ACCESS AT NORTH ENTRANCE OF BUILDING
VOICE 785-296-3501 TTY 785-296-3585 FAX 785-296-0009 <http://www.ksdot.org>
Toll Free Number 1-877-461-6817

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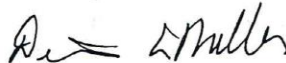
An Application for a Salvage and Storage Certificate of Compliance is enclosed and a \$50.00 fee (\$25 after July 1st) will be required with your SSCC application and then a \$50.00 annual fee to renew your certificate thereafter. Please note, should your zoned residential location be approved by your local authorities, screening will be required to screen **all** salvage vehicles and materials from the view of motorists on 120th Road and Kanza Road.

Your deadline to make application or abate will be 45-days after receipt of this letter, on or around Midnight of November 8, 2006. If your application is **not** authorized by local authority for this type of activity or you do not want to certify with the *Act*, you must then abate to nine (9) or less wrecked, dismantled, scrapped, ruined, or inoperative motor vehicles or salvage items equal to that volume; or you may move all of your salvage over 1,000 feet from the right of way of the public road and be exempt of the *Act*.

Failure to make application or abate will result in your file being sent to our Office of Chief Counsel to bring this location into compliance with the *Act* through civil action in the Marion County District Court. It should also be noted that if you are dealing in salvage vehicles or parts without a salvage dealer license you could be in violation of the statutes enforced by the Kansas Department of Revenue, Dealer Licensing Bureau. A copy of this letter will be forwarded to the KDOR investigator in your county for his review.

Should you have questions or require assistance, please phone me at my direct number (785) 296-4427 or (*toll-free*) 1-877-461-6817.

Sincerely,



Dennis L. Miller
Beautification Administrator

DLM:cd

By certified mail

Enclosures: Copy, land legal description
KJSCA (*Act*), statutes & regulations
SSCC application & self-addressed envelope

cc: Agent Brittain-FYI WA 11/06/06* (2-MN)
Ms. Peggy Stalcup, Interim Bureau Mgr, Dealer Licensing, KDOR
Ms. Bobbi Strait, Planning & Zoning, Environmental Health, Marion Co. ✓