

ORDINANCE NO. 459

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN LANDS IN THE CITY OF WATHENA, KANSAS; AMENDING SECTION IV OF ORDINANCE NO. 244 OF SAID CITY OF WATHENA; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY IN CONFLICT HEREWITH.

WHEREAS, The Doniphan County Regional Planning Commission, after notice duly published on September 24, 1992, and hearings held on October 14 and November 11, 1992, and January 13, 1993, has recommended the zoning changes hereinafter provided:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. ZONING CLASSIFICATION CHANGE. (a) The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Beginning 1,414.5 feet West of the Northeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence West on the North line of said Southwest Quarter to the East right of way of the existing County Road, thence South along such right of way line to the center line of Old U.S. Highway 36, thence Easterly along the center line of Old U.S. Highway 36 to a point due South of the point of beginning, thence North to the point of beginning,

be and the same is hereby changed from A-1 AGRICULTURAL DISTRICT to R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(b) The boundaries of Zoning District R-3 in said City of Wathena be and the same are hereby altered and changed to include the land described in Section 1 above and the boundary lines of Zoning District A-1 be and the same are hereby altered and changed to exclude the lands described in Section 1 above.

SECTION 2. ZONING CLARIFICATION CHANGE. (a) The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Beginning at the Northeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence West on the North line of said Quarter Section 1,414.5 feet, thence South to the center line of Old U.S. Highway 36,

thence Easterly along said center line to a point due South of the point of beginning, thence North to the point of beginning, except tract owned by Oscar Pohl and Lydia M. Pohl recorded in Book 179 at Page 493 in the records in the office of the Register of Deeds of Doniphan County Kansas,

be and the same is hereby changed from A-1 AGRICULTURAL DISTRICT to R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(b) The boundaries of Zoning District R-1 in said City of Wathena be and the same are hereby altered and changed to include the land described in Section 2 above and the boundary lines of Zoning District A-1 be and the same are hereby altered and changed to exclude the lands described in Section 2 above.

SECTION 3. ZONING CLASSIFICATION CHANGE. (a) The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Beginning at the Southwest corner of Section 27, Township 3, Range 22, thence North 1403 feet more or less to the intersection of an extension East of the center line of Court Street in the City of Wathena, thence East 660 feet, thence South 1,403 feet more or less to the South line of said Section 27, thence West 660 feet more or less to the point of beginning, all being situate in the City of Wathena, Doniphan County, Kansas, and excepting therefrom a tract of real estate owned by Edwin D. Ford and Carolyn K. Fordas described in a certain deed dated November 2, 1987, and recorded in Book 179 at Page 422 of the records in the office of the Register of Deeds of Doniphan County, Kansas,

be and the same is hereby changed from I-2 LIGHT INDUSTRIAL DISTRICT to B-2 CENTRAL BUSINESS DISTRICT.

(b) The boundaries of Zoning District B-2 in said City of Wathena be and the same are hereby altered and changed to include the land described in Section 3 above and the boundary lines of Zoning District I-2 be and the same are hereby altered and changed to exclude the lands described in Section 3 above.

SECTION 4. ZONING CLASSIFICATION CHANGE. (a) The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Beginning at the intersection of the extension East of the center line of Court Street and the East line of Section 28, Township 3, Range 22, thence West along the said center line to the West right of way line of the Union Pacific and Rhode Island Railroad, thence South and East along said right of way to the North line of Block 33 in Creal's Addition, thence West along such North line to the Northwest corner of said Block 33, thence South along the West line of said Block 33 to the Southwest corner of said block, thence East along the South line of said block to the Southeast corner of said block, thence North along the East side of said Block 33 to the Westerly right of way of the Union Pacific and Rhode Island Railroad, thence Southeasterly along said railroad right-of-way to the East line of said Section 28, thence North along Section line to the point of beginning (Said tract above described includes all of Blocks 22, 33 and 31 and Lots 10, 11, and 12 in Block 32 and Lots 11 and 12 in Block 38 in Creal's Addition) and said real estate lying and being situate in the City of Wathena, Doniphan County, Kansas, and excepting therefrom the following described tracts:

1. Lots 11 and 12 in Block 23 and all of Block 21, in said Creal's Addition;
2. Tract owned by Lori Jane Pitluck and Linda Sue Pitluck, recorded in Book 179 at Page 14 in the Office of the Register of Deeds, Doniphan County, Kansas;
3. Tract owned by Davies Oil Company, Incorporated, recorded in Book 171 at Page 220 in the Office of the Register of Deeds, Doniphan County, Kansas;
4. Tract owned by Robert Bradshaw, Sr. recorded in Book 159 at Page 270 in the Office of the Register of Deeds, Doniphan County, Kansas;

5. Tract owned by Michael F. Shalz, recorded in Book 188 at Page 44 in the Office of the Register of Deeds, Doniphan County, Kansas;
6. Tract owned by Brycen L. Rice, recorded in Book 183 at Page 271 in the Office of the Register of Deeds, Doniphan County, Kansas; and
7. Tract owned by Edwin Dennis Ford and Carolyn Kay Ford, recorded in Book 171 at Page 210 in the Office of the Register of Deeds, Doniphan County, Kansas,

be and the same is hereby changed from I-2 LIGHT INDUSTRIAL DISTRICT to R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(b) The boundaries of Zoning District R-1 in said City of Wathena be and the same are hereby altered and changed to include the land described in Section 4 above and the boundary lines of Zoning District I-2 be and the same are hereby altered and changed to exclude the lands described in Section 4 above.

SECTION 5. ZONING CLASSIFICATION CHANGE. (a) The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Beginning at the Southeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence West to a point 660 feet East of the Southwest corner of said Quarter, thence North to the center line of Old U.S. Highway 36, thence East along the center line of Old U.S. Highway 36 to the East line of the Southwest Quarter of said Section 27, thence South to the point of beginning, and excepting therefrom the following described tracts:

1. Tract owned by miscellaneous owners known as Schuster's Pine Cone Villa as described in Book 156 at page 534 in the Office of the Register of Deeds, Doniphan County, Kansas;
2. Tract owned by Robert A. Wisler and Norma Wisler, recorded in Book 149 at Page 375 in the Office of the Register of Deeds;

3. Tract owned by Robert W. McVey and Rena M. McVey, recorded in Book 159 at Page 264 in the Office of the Register of Deeds;
4. Tract owned by Kenneth Simpson and Vicki Simpson and recorded in Book 159 at Page 56 in the Office of the Register of Deeds;
5. Tract owned by Charles A. Newcomb, Sr. and Lillian M. Newcomb, recorded in Book 175 at Page 176 in the Office of the Register of Deeds;
6. Tract owned by Clarence H. Davis and Melba J. Davis recorded in Book 171 at Page 175 in the Office of the Register of Deeds;
7. Tract owned by Thomas J. Alstrom and Robi D. Alstrom recorded in Book 188 at Page 227 in the Office of the Register of Deeds;
8. Tract owned by Franklin L. Cochran and Shirley J. Cochran, recorded in Book 155 at Page 436 in the Office of the Register of Deeds;
9. Tract owned by James Edward Grimes and Linda Kay Grimes, recorded in Book 166 at Page 109 in the Office of the Register of Deeds;
10. Tract owned by James J. Chambers and Evelyn M. Chambers, recorded in Book 166 at Page 508 in the Office of the Register of Deeds;
11. Tract owned by Jerrold R. Downey, recorded in Book 175 at Page 376 in the Office of the Register of Deeds;
12. Tract owned by Allen Lee Maddox and Marie Elaine Maddox, recorded in Book 183 at Page 40 in the Office of the Register of Deeds;
13. Tract owned by Ray R. Manthe and Stella G. Manthe, recorded in Book 155 at Page 297 in the Office of the Register of Deeds;

14. Tract owned by Gordon C. Kimsey and Shirley J. Kimsey, recorded in Book 166 at Page 307 in the Office of the Register of Deeds;
15. Tract owned by Howard C. Gummig and Judy J. Gummig Family Trust, recorded in Book 183 at Page 538 in the Office of the Register of Deeds;
16. Tract owned by Ida Schultz, recorded in Book 166 at Page 615 in the Office of the Register of Deeds;
17. Tract owned by Edwin D. Ford and Carolyn K. Ford, recorded in Book 171 at Page 40 in the Office of the Register of Deeds;
18. Two tracts owned by Edwin D. Ford and Carolyn K. Ford, recorded in Book 183 at Page 383 in the Office of the Register of Deeds,
19. Tract owned by John L. Fetter, recorded in Book 179 at Page 75 in the Office of the Register of Deeds,

all lands being located in the City of Wathena, Doniphan County, Kansas,

be and the same is hereby changed from I-1 PLANNED INDUSTRIAL PARK to B-2 CENTRAL BUSINESS DISTRICT.

(b) The boundaries of Zoning District B-2 in said City of Wathena be and the same are hereby altered and changed to include the land described in Section 5 above and the boundary lines of Zoning District I-1 be and the same are hereby altered and changed to exclude the lands described in Section 5 above.

SECTION 6. ZONING CLASSIFICATION CHANGE. (a) The zoning classification for the following described real estate situate within the corporate limits of the City of Wathena, Doniphan County, Kansas, to wit:

Beginning at a point on the North line of the Northwest Quarter of Section 28, Township 3, Range 22, which point is 1,170 feet more or less West of the Northwest corner of said Northwest Quarter such point also being the

intersection of such line with the Westerly right-of-way line of U.S. Highway 36, thence Northwesterly along the Westerly right-of-way line of said highway to a point which is 100 rods North of the South line of the Southwest Quarter of Section 21, Township 3, Range 22, thence East on a straight line to a point on the East line of the Southeast Quarter of Section 21 which is 100 rods North of the Southeast corner of the Southeast Quarter of Section 21, thence South on the East line of the Southeast Quarter of Section 21 to the Southeast corner of the Southeast Quarter of Section 21, thence East on the North line of the Northwest Quarter of Section 27, Township 3, Range 22, 524 feet East, thence South 560 feet more or less to the extension East of the North right of way line of Sherman Street, thence West along the North right of way line of Sherman Street to the East right of way line of Belmont Road, thence South along the East right of way line of Belmont Road to the West right-of-way of U.S. Highway 36, thence Northwesterly along the Westerly right-of-way of U.S. Highway 36 to the point of beginning, excepting the following described tracts:

1. Tract owned by Beverly Enterprises-Kansas, Inc., by deed dated April 15, 1991, and recorded in Book 188 at Page 145 in the Office of the Register of Deeds of Doniphan County, Kansas; and,
2. Tract owned by The Board of Trustees of Christ Lutheran Church of Doniphan County, Kansas, by deed dated July 10, 1970, and recorded in Book 155 at Page 240 in the Office of the Register of Deeds of Doniphan County, Kansas;
3. Tract owned by Lawrence J. Theis and Joyce Theis, recorded in Book 163 at Page 327 in the Office of the Register of Deeds;
4. Tract owned by Todd H. Miller, recorded in Book 183 at Page 235 in the Office of the Register of Deeds;
5. Tract owned by Dennis R. Lester and P. Joann Lester, recorded in Book 188 at Page 4 in the Office of the Register of Deeds;

6. Tract owned by Larry D. Redmond and Almeda H. Redmond and Harry F. Redmond and Myrtle H. Redmond, recorded in Book 166 at Page 25 in the Office of the Register of Deeds;
7. Tract owned by William E. Orcutt and Marcelleene S. Orcutt recorded in Book 183 at Page 356 in the Office of the Register of Deeds;
8. Tracts owned by Edwin D. Ford and Carolyn K. Ford recorded in Book 149 at Page 24 and Book 166 at Page 338 in the office of the Register of Deeds;

All lands being located in the City of Wathena, Doniphan County, Kansas,

be and the same is hereby changed from A-1 AGRICULTURAL DISTRICT to R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(b) The boundaries of Zoning District R-1 in said City of Wathena be and the same are hereby altered and changed to include the land described in Section 6 above and the boundary lines of Zoning District A-1 be and the same are hereby altered and changed to exclude the lands described in Section 6 above.

SECTION 7. ORDINANCE NO. 244 AMENDED. (a) Section IV C.2. is hereby amended to include all uses permitted in any B-1 NEIGHBORHOOD BUSINESS DISTRICT.

(b) Subsection C.2.b.(1) of Section IV of Ordinance No. 244 is hereby amended to include the following sentence:

"All uses permitted in any B-1 NEIGHBORHOOD BUSINESS DISTRICT."

SECTION 8. DIRECTIVE TO CITY CLERK. The City Clerk of the City of Wathena, Kansas, be and she is hereby ordered and directed to make the necessary changes on the official Zoning Map of the City of Wathena to reflect the Zoning Amendments and changes provided for herein and to make the necessary changes in the official city copy of Ordinance No. 244 to reflect the amendment provided for herein.

Ordinance No. 459

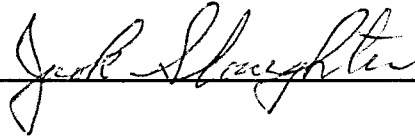
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SECTION 9. REPEALER. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

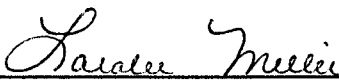
SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the WATHENA TIMES, Official City Newspaper.

PASSED by the Council and APPROVED by the Mayor this 4th day of May, 1993.

Mayor



ATTEST:



Laralee Miller, City Clerk