ORDINANCE NO. 516

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WATHENA, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF KANSAS STATUTES ANNOTATED SUPP. 12-521 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

WHEREAS, the Governing Body of the City of Wathena, Kansas, on October 26, 1998, submitted the Petition of said City to the Board of County Commissioners of Doniphan County, Kansas, for the City of Wathena to annex certain tracts of real estate as authorized by K.S.A. Supp. 12-521; and,

WHEREAS, the said Board of County Commissioners held a public hearing on December 28, 1998, for the purpose of considering annexation by the City of Wathena of such tracts and which hearing was thereafter continued to January 25 and February 8 and 16, 1999; and,

WHEREAS, the said Board of County Commissioners, by Resolution No. 99-1 dated February 22, 1999, did approve annexation by the City of Wathena of the hereinafter described tracts of real estate; and,

WHEREAS, the time for appeal of the rulings of the said Board of County Commissioners has expired;

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

SECTION 1. ANNEXATION OF REAL ESTATE. The following described real estate in the County of Doniphan, State of Kansas, to wit:

TRACT NO. 1:

Commencing at a point 825 feet West of the Southeast Corner of the Northeast Quarter of Section 34, Township 3, Range 22, thence West on Quarter Section line 840.2 feet, thence N 0 degrees 41' West 1558.2 feet to the South right of way line of new U.S. Highway No. 36, thence in a Southeasterly direction on said right of way line 1060.3 feet, more or less to a point on said right of way, thence S 0 degrees 33' East 941.3 feet to the place of beginning, containing 23.85 acres, more or less, EXCEPT the following part thereof: A tract containing 3.37 acres more or less as described in that certain Warranty Deed from Ruth C. Butcher to Secretary of Transportation of the State of Kansas dated August 5, 1982, and recorded in Book 171 at Page 500 of the records in the office of Register of Deeds of Doniphan County, Kansas. (Owners of Record: Grant Butcher, Jr. Book 196, Page 404).

A tract of land in the Northwest Quarter, Section Thirty four (34) Township Three (3) South, Range Twenty two (22). East, Doniphan County, Kansas described as: Beginning at the Northeast Corner of said quarter; thence West (N 89 degrees 45' 42" W) 1345.08 feet along the north line of said quarter; thence South 129.49 feet to a point on the south right of way line of the St. Joseph and Grand Island Railroad, said point being the TRUE POINT OF BEGINNING; thence South, 383.95 feet; thence South 69 degrees 26' 38" West, 636.48 feet; thence South 89 degrees 26' 02" West, 190.37 feet; thence North 0 degrees 37' 59" West, 620.05 feet to a point on the south right of way line of said railroad; thence easterly along said south right of way line, 793.7 feet, more or less to the TRUE POINT OF BEGINNING. (Owners of Record: Midland Structural Steel, Inc. Book 171, Page 142).

TRACT NO. 3

Begin at the northeast corner of the Northwest Quarter of Section Thirty four (34), Township Three (3) South, Range Twenty-two (22), East of the 6th P.M., thence West on the quarter section line 1,190.08 feet to a pipe for the starting point of the following described tract; thence West on the quarter section line 135 feet to a pipe in place, thence South parallel with the center section line 272.0 feet, thence East 135 feet, thence North 272.0 feet to the point of beginning, containing .84 acres, more or less. LESS AND EXCEPT the right-of-way of the St. Joseph and Grand Island and C.R.I. and P. Railways. (Owner of Record: Deloris Jean Bruns. Book 145, Page 74).

TRACT NO. 4

A tract of real estate described as beginning at a point on the South line of the St. Joseph and Grand Island Railroad right of way 53 rods 4 1/2 links West and 5 1/2 rods South of the Northeast Corner of the Northwest Quarter of Section 34, Township 3 South, Range 22 East of the 6th P.M., thence South 34 rods 13 links, thence West 9 rods 6.8 links, thence North 34 rods 13 links to the South line of said railroad right of way, thence East along said railroad right of way 9 rods 6.8 links to the place of beginning, containing 2 acres more or less, less road right of way, Doniphan County, Kansas. (Owners of Record: Theodore R. Cluck and Janette C. Cluck. Book 201, Page 178).

Beginning at a stone on the south line of the St. Joseph and Grand Island Railway Company right of way, thirty (30) rods west and five and one half (5%) rods south of the Northeast corner of the Northwest quarter of Section thirty-four (34) Township three (3), Range twenty-two (22), and running south 34 rods and thirteen (13) links to a stone; Thence west parallel to the said right of way twenty-three (23) rods and four and one-half (4%) links; Thence north thirty-four (34) rods and thirteen (13) links to a stone near the said railroad right of way; thence east along said, railroad right of way twentythree (23) rods and four and one-half (4%) links to the place of beginning, containing five acres more or less. (Owners of Record: Raymond Leon Hardin and Helen Hardin. Book 155, Page 53).

TRACT NO. 6

Commencing 135 links South of the Northeast Corner of the Northwest Quarter of Section 34, Township 3 South, Range 22, thence South 106 rods 16 links, thence West 30 rods, thence North 106 rods 16 links, thence East 30 rods to the place of beginning, containing 20 acres, more or less. LESS AND EXCEPT the right-of-way of U.S. Highway 36 (Owner of Record: Excel, Inc. A Kansas Corporation.

TRACT NO. 7

Being a tract of land located in the North Half of Section 34, Township 3 South, Range 22 East, Doniphan County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 27; thence North 90. East along the south line of said Section 27 for a distance of 1210 feet more or less to the POINT OF BEGINNING; thence continue North 90. East along the south line of said Section 27 for a distance of 1170 feet more or less to a point; said point being the intersection of the centerline of U.S. Highway 36 and the south line of Section 27; thence South 50. East, along the centerline of platted U.S. Highway 36, for a distance of 82 feet more or less to a point; thence South 90° West, along a line that is 50 feet normally distant from the south line of Section 27, for a distance of 1228 feet more or less to a point; thence North 00° East for a distance of 50 feet more or less to the POINT OF BEGINNING, containing 59,750 square feet more or less. LESS AND EXCEPT the right-of-way of U.S. Highway 36. (Owner of record: Edwin Dennis Ford, Trustee of the Edwin Dennis Ford Revocable Trust dated December 21, 1992. Book 193, Page 582).

TRACT NO. 8

All of the West 60 rods of the Northeast Quarter of Section 34, Township 3, Range 22, Doniphan County, Kansas, lying Southwest of U.S. Highway 36, except a tract of 10 acres in a square form in the Southwest corner of the said Northeast Quarter. (Owners of Record: George Jones, Jr., Anita Jones, Joyce M. Jones and George Jones, III. Book 179, Page 136).

TRACT NO. 9

Mineral right interest only in the Northwest Quarter (NW 1/4) of Section 34, Township 3, Range 22E, Doniphan County, Kansas. (Owner of Record: David H. Murdock, d/b/a International Mining Company. Book 193 Page 416).

TRACT NO. 10

Commencing at the Northwest Corner of the Northeast Quarter of Section 34, Township 3, Range 22, thence East 60 rods, thence South to the North right-of-way line of U.S. Highway 36, thence Northwesterly along said North right-of-way of U.S. Highway 36 (North 51 degrees 31 minutes 30 seconds West) 1279.2 feet, more or less, to the West side of the Northeast Quarter of said Section 34, thence North to the point of beginning, less railroad and county road rights-of-way, all being situate in Doniphan County, Kansas. (Owners of Record: Robert V. Poirier and Glenda S. Poirier. Book 179 Page 516). Quarter, thence South 69 rods, thence West 1 rod, thence North 69 rods, thence East 1 rod to the point of beginning, EXCEPTING THEREFROM, HOWEVER, all of such tract which is located North of the South boundary line of the right-of-way of the Chicago, Rock Island and Pacific Railway Company and/or The St. Joseph and Grand Island Railway Company which extend East - West through such tract in the North part thereof;

AND ALSO,

Commencing at a point 992.5 feet East 951.2 feet South of the Northwest Corner of the Northeast Quarter of Section 34, Township 3 South, Range 22, thence South 50 feet to the North side of the right-of-way of U.S. Highway No. 36, thence South 51 degrees 31 minutes 30 seconds East, along said highway right-of-way, 385 feet, thence North 241.62 feet, thence North 80 degrees 58 minutes West 305.2 feet to the point of beginning;

AND ALSO,

A tract of land in the Northeast Quarter of Section 34, Township 3 South, Range 22, East in Doniphan County, Kansas, containing 1.637 acres, more or less, and described particularly as follows: Beginning at a onehalf inch survey pipe in place which is 825 feet West and 1138.5 feet South (South 0 degrees 33 minutes East) of the Northeast Corner of Section 34 aforesaid, thence West 528.7 feet to a survey pipe in place on the Easterly right-of-way line of the present U.S. Highway #36, thence South (South 52 degrees 44 minutes East) on the Highway right-of-way line 302.7 feet to a point, thence South (South 55 degrees 04 minutes East) on the right-of-way line 209.4 feet to a point, thence South (South 56 degrees 42 minutes East) on the right-of-way line 163.2 feet to a one-half inch survey pipe in place, thence North (North 0 degrees 33 minutes West) 393.1 feet to place of beginning and all according to a plat of survey made by Williamson Engineering and Surveying, Troy, Kansas, on May 10, 1967, and days following aø supplemented and revised by further survey work completed April 15, 1972. (Owners of Record: John Taylor and Shirley A. Taylor. Book 188, Page 227).

Beginning at a point 992.5 feet East of the Northwest corner of the Northeast Quarter of Section 34, Township 3, Range 22, on the North line of said Quarter Section, thence South 951.2 feet to a point that is 50 feet North of the North right-of-way line of U.S. Highway No. 36, thence South 80 degrees 58 minutes East 305.2 feet, thence North 70 degrees 59 minutes East 65.7 feet, thence North 52 degrees 40 minutes East 100 feet, thence North 35 degrees 15 minutes East 270 feet, thence North 33 degrees West 50 feet, thence South 72 degrees 50 minutes West 80 feet, thence North 20 degrees 50 minutes East 275 feet, thence North 4 degrees 30 minutes East 195 feet, thence North 127.8 feet to the North line of said Quarter Section, thence West 617.9 feet, more or less, to the point of beginning, except a strip 8 and 1/2 feet off the West side of said land which is used for private road, and except the right-of-way of the St. Joseph and Grand Island and C.R.I. and P. Railways. (Owners of Record: Ronald F. Butts and Carol J. Butts. Book 175, Page 579).

TRACT NO. 12

Beginning at a point that is 51 rods West and 127.8 feet South of the Northeast Corner of the Northeast Quarter of Section 34, Township 3, Range 22, South 0 degrees 34 minutes 36 seconds East 1010.7 feet, thence West 528.7 feet to a point on the Northeasterly right-of-way of U.S. Highway No. 36, thence North 241.62 feet, thence North 70 degrees 59 minutes East 65.7 feet, thence North 52 degrees 40 minutes East 100 feet, thence North 35 degrees 15 minutes East 270 feet, thence North 33 degrees West 50 feet, thence South 72 degrees 50 minutes West 80 feet, thence North 20 degrees 50 minutes East 275 feet, thence North 4 degrees 30 minutes East 195.00 feet, thence East along South line of road 212 feet to the place of beginning, containing 7.97 acres, according to survey by Williamson Engineering and Surveying dated January 15, 1965, Doniphan County, Kansas;

AND ALSO,

A tract of land in the Northeast Quarter of Section 34, Township 3, Range 22, described as follows: Beginning 50 rods West of the Northeast Corner of said Northeast

The East 50 acres of the Northeast Quarter of Section 34, Township 3 South, Range 22 East of the 6th P.M. Doniphan County, Kansas, more particularly described as commencing at the Northeast corner of the Northeast quarter of said Section 34, thence West on the North line of said Northeast Quarter, a distance of 825 feet, thence South 2,663.1 feet more or less to the South line of said Northeast Quarter, thence East 825 feet to the Southeast corner of said Northeast Quarter, thence North 2,663.1 feet more or less to the point of beginning, excepting railroad rights of way and highway rights of way. (Owners of Record: Williams Brothers Pipe Line, a Delaware Corporation. Book 153, Page 284).

TRACT NO. 14

All right, title and interest in and to the right-of-way, trackage and appurtenances of the St. Joseph Branch of the St. Joseph Grand Island Railway Company in the North half of Section 34, Township 3, Range 22 E of the 6th P.M., Doniphan County, Kansas. (Owners of Record: Union Pacific Railroad Company, a Utah Corporation. Book 183, Page 591 and Mid Michigan Railroad Company, Inc. Book 183, Page 597).

TRACT NO. 15

Commence at a point on the East line of the Northeast Quarter of Section 34, Township 3 South, Range 22 East, which point is at the intersection of the North right-ofway of the St. Joseph and Grand Island Railway Company with the said East line of the Northeast Quarter and which point is 24.1 feet South (South 0 degrees 25' East) of the Northeast Corner of the Northeast Quarter, Thence North (North 0 degrees 25' West) along the Section line 24.1 feet to the corner common to Section 26, 27, 34 and 35, Township 3 South, Range 22 East, thence continuing North (North 0 degrees 25' West) on the East line of the Southeast Quarter Section 27, Township 3 South, Range 22 East, 1,225.9 feet, Thence West (South 89 degrees 31' West) on a line parallel with the North line of the right-of-way of the St. Joseph and Grand Island Railway Company located in the Northeast Quarter of said Section 34, a distance of 745 feet, thence South (South 0 degrees). 11' East) 1,218.5 feet to the South line of the Southeast Quarter of the said Section 27, Thence Continuing South (South 0 degrees 11' East) 31.5 feet to the North rightof-way line of the St. Joseph and Grand Island Railway Company in the Northeast Quarter of the said Section 34, Thence East (North 89 degrees 31 minutes East) along the North right-of-way line of the St. Joseph and Grand Island Railway Company 749.8 feet to the point of beginning, Doniphan County, Kansas. (Owner of record: BMS Management, Inc. Book 183, Page 405).

TRACT NO. 16

Begin at the Southeast Corner of the Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., Doniphan County, Kansas, thence North (North 0 degrees 25 minutes West) on East line of said section 1845.4 feet to center line of Old U.S. Highway 36, thence following center line of Old U.S. Highway 36, North 43 degrees 40 minutes West 200 feet, North 50 degrees 45 minutes West 100 feet, North 61 degrees 03 minutes West 100 feet, North 74 degrees 16 minutes West 100 feet, North 85 degrees 41 minutes, West 100 feet, South 85 degrees 34 minutes West 2159.7 feet to West line of Southeast Quarter of Section 27, Township 3, Range 22, thence South on West line of said Southeast Quarter 1961.7 feet to Southwest Corner of Southeast Quarter of Section 27, Township 3 South, Range 22, East of the 6th P.M., thence South (South 0 degrees 27 minutes East) a distance of 50.6 feet to North right of way line of St. Joseph & Grand Island Railway Company, thence East (North 89 degrees 36 minutes East) along North right of way line of St. Joseph & Grand Island Railway Company 600 feet to a point of angle, thence continuing East (North 89 degrees 31 minutes East) along North right of way line of St. Joseph & Grand Island Railway Company 2063.3 feet to East line of Section 34, Township 3 South, Range 22 East of the 6th P.M. thence North (North 0 degrees 25 minutes West) along East line of Section 34, Township 3 South, Range 22 East of the 6th P.M., a distance of 24.1 feet to the point of beginning, LESS AND EXCEPT that tract described in a Special Warranty Deed dated November 20, 1989, from M C Wathena Co., in favor of BMS Management, Inc., recorded in Book 183 at Page 405 and LESS AND EXCEPT that tract described in a Warranty Deed dated May

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7, 1998, from BMS Management, Inc. in favor of MK Minerals, Inc., recorded in Book 206 at Page 203, all in the records in the office of the Register of Deeds of Doniphan County, Kansas. (Owner of record: W.M. Grace. Book 159, Page 82).

TRACT NO. 17

Beginning at the Northeast corner of the Southeast Quarter of Section 27, Township 3, Range 22 of the 6th P.M. thence West along the North line of the Quarter 1324 ft. to the Northwest corner of the east half of said guarter thence South on the subdivision line 590 feet to the center of pavement on Highway 36, thence easterly along center of said highway to the section line, thence north 811 ft. to the point of beginning containing 17.86 acres more or less, all in the Northeast quarter of the southeast guarter of said section 27, It is the intention of the parties hereto to include in this measure of said tract of land herein purchased by second party from first party one half of U.S. Highway 36, and all other roads going through said tract of land north of said highway at this time. EXCEPT that tract described in Warranty Deed dated June 26, 1991 from Titus Propheter and Cora G. Propheter, his wife to Larry F. Schultz and Yvonne K. Schultz, husband and wife and recorded in Book 188 at Page 213 of the records in the office of the Register of Deeds of Doniphan County, Kansas. (Owners of Record: Titus Propheter and Cora G. Propheter. Book 145, Page 308).

TRACT NO. 18

Beginning at the Northeast Corner of the Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., Doniphan County, Kansas; thence North 89 degrees 28 minutes 51 seconds West (Assumed bearing) along the North line of said Southeast Quarter 1323.57 feet to the Northwest Corner of the East Half of said Southeast Quarter; thence South 0 degrees 11 minutes 03 seconds West along the West line of said East half of said Southeast Quarter, 590.42 feet to intersect the center-line of old U.S. Highway 36 pavement; thence North 85 degrees 54 minutes 15 seconds East, along said centerline, 808.02 feet; thence continuing North 85 degrees 54 minutes 15 seconds East, along a line of said center-line extended, 520.78 feet to intersect the East line of said Southeast Quarter; thence North 0 degrees 00 minutes 00 seconds East along the East line of said Southeast Quarter, 483.52 feet to the POINT AND PLACE OF BEGINNING, said tract contains 16.33 acres, more or less. (Owners of Record: Larry F. Schultz and Yvonne K. Schultz. Book 188, Page 213).

TRACT NO. 19

All that part of the West half of the Southeast Quarter of Section 27, Township 3, Range 22, lying North of the right of way of old U.S. Highway No. 36 as the same existed prior to the construction of the New Highway U.S. No. 36. Except that tract described in a Warranty Deed dated November 3, 1993, from Mary Lou Geissert, Robert L. Geissert, Vicki Marie Stanley and Brian Stanley to Melvin L. Miller and Shirley M. Miller, recorded in Book 193 at Page 401 of the records in the office of the Register of Deeds of Doniphan County, Kansas. (Owners of Record: Mary Lou Geissert, Robert L. Geissert and Vicki Marie Stanley. Book 142, Page 248, Case No. 86 P 13).

TRACT NO. 20

Commencing at the Northeast Corner of the Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., Doniphan County, Kansas; thence North 89 degrees 28 minutes 51 seconds West (assumed bearing) along the North line of said Southeast Quarter, 1323.57 feet to the Northeast Corner of the West Half of said Southeast Quarter; thence South 0 degrees 11 minutes 03 seconds West along the East line of said West Half of said Southeast Quarter, 590.42 feet; thence South 85 degrees, 54 minutes 15 seconds West 120.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 85 degrees 54 minutes 15 seconds West, 293.81 feet; thence North 1 degree 42 minutes 21 seconds West, 149.19 feet; thence North 2 degrees 41 minutes 00 seconds East, 177.47 feet; thence North 84 degrees 46 minutes 41 seconds East 75.42 feet; thence North 64 degrees 54 minutes 28 seconds East, 72.05 feet; thence South 89 degrees 40 minutes 09 seconds East, 129.14 feet; thence South 3 degrees 17 minutes 41 seconds East, 342.65 feet to the POINT AND PLACE OF BEGINNING; said tract contains 2.22 acres, more Melvin L. Miller and (Owners of Record: or less. Shirley M. Miller. Book 193, Page 401).

The following described real estate situate in Doniphan County, Kansas, to wit:

The Northwest Quarter of the Northwest Quarter of Section 35, Township 3, Range 22, SUBJECT to railroad right-ofway and right-of-way for public road. (Owner of record: Skyjack Equipment, Inc. Book 205, Page 812 and City of Wathena Book 206, Page 233).

TRACT 22

Public roads lying in the Southeast Quarter of Section 27, Southwest Quarter of Section 26, Northeast Quarter of Section 34, Northwest Quarter of Section 34 and Northwest Quarter of Section 35, Doniphan County, Kansas, to wit: Midland Lane, also known as Midland Steel Road, also known as Boeh Lane, also known as F.A.S. 2164; Vernon Road, also known as T737; St. Joe Truss Company Road, also known as 169th Street, also known as T347; Valencia Road, also known as Frontage Roads; and Old Highway 36, also known as T36, also known as 175th Street, also known as 170th Street, lying West of above mentioned Vernon Road and lying East of the existing City limits of Wathena, Doniphan County, Kansas. (Owner of record: Doniphan County, Kansas).

TRACT 23

Public roads lying in the Northeast Quarter of Section Thirty-four (34) and Northwest Quarter of Section Thirtyfour (34), Doniphan County, Kansas, and commonly known as U.S. Highway 36. (Owner of record: Secretary of Transportation of the State of Kansas).

TRACT 24

The Southwest Quarter of the Southwest Quarter of the Northeast Quarter of Section Thirty-four (34), Township 3, Range Twenty-two (22). (Owner of record: Lawrence Vertin. Case No. 4395).

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Tract 25

Commence at a point which is 1,225.9 feet North (North 0 degrees 25' West) and 745 feet West (South 89 degrees 31' West) of the Southeast Corner of Section 27, Township 3 South, Range 22 East of the 6th P.M., thence South 0 degrees 11' East 1,218.5 feet to South line of said Section 27, thence South 0 degrees 11' East 31.5 feet to the North right-of-way line of the ST. Joseph and Grand Island Railway Company in the Northeast Quarter of Section 34, Township 3 South, Range 22 East, thence West (South 89 degrees 31' West) 75.2 feet, thence North 0 degrees 25' West 32.6 feet to the South line of the Southeast Quarter of the said Section 27, thence West (North 89 degrees 54' West) 419.8 feet, thence North 0 degrees 11' West 1,213.6 feet, thence East (North 89 degrees 31' East) 495 feet to the point of beginning, Doniphan County, Kansas subject to all roads, easements, reservations, restrictions, covenants and conditions of record. (Owners of record: MK Minerals, Inc. Book 206 Page 203 and City of Wathena. Book 206, Page 266).

<u>Tract</u> 26

A tract of land in the West one-half of Section 34, Township 3, South, Range 22 East of the 6th P.M., described as follows: Beginning at a point 150.00 feet West and 2274.00 feet South of the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section; thence North 60 degrees 30' West 1097.25 feet; thence South 07 degrees 00' West to the existing North right of way line of the Missouri River levee; thence Easterly along said right of way line to a point 285.00 feet West and 2924.00 feet South of the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section thence North 28 degrees 00' East 190.00 feet; thence North 07 degrees 00' East to the point of beginning. Containing 16.8 acres more or less (Owner of record: City of Wathena. Book 155, Page 20).

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are hereby annexed to and made a part of the City of Wathena, Doniphan County, Kansas, and all of said lands shall hereafter be included within the corporate limits of the City of Wathena, Doniphan County, Kansas.

SECTION 2. DIRECTIVE TO CLERK. Immediately after this Ordinance shall become effective, the City Clerk of the City of Wathena, Kansas, shall file a certified copy thereof with the County Clerk and with the Register of Deeds of Doniphan County, Kansas.

SECTION 3. REPEALER. All ordinances and parts of ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

SECTION 4. 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 on the 6th day of April, 1999.

Scott Hoffman, Mayor

ATTEST: (CITY SEAL)

Karen Gilland, City Clerk