

RESOLUTION NO. 92-5

A RESOLUTION REQUESTING THAT CERTAIN DEFINED AREAS WITHIN THE CITY OF WATHENA, KANSAS, BE DESIGNATED AS AN ENTERPRISE ZONE AS AUTHORIZED BY THE KANSAS ENTERPRISE ZONE ACT.

WHEREAS, all of the lands hereinafter described are situate within the corporate limits of the City of Wathena, Kansas (herein City); and,

WHEREAS, the boundaries of the area hereinafter described are continuous; and,

WHEREAS, no swine confinement facility as defined in K.S.A. 17-5903 is located within the area to be designated in the enterprise zone; and,

WHEREAS, the area hereinafter described has a population which does not exceed twenty-five percent (25%) of the population of the City; and,

WHEREAS, the area hereinafter described does not exceed twenty-five percent (25%) of the total land area of the City; and,

WHEREAS, the population in the area has decreased by ten percent (10%) or more for the ten year period commencing January 1, 1982, and ending January 1, 1992, which is after 1970; and,

WHEREAS, the Governing Body of the City finds that there is substantial deterioration, abandonment or demolition of commercial or residential structures in the area; and,

WHEREAS, the Governing Body of the City has considered the eligibility requirements under Kansas law for designation of an area as an enterprise zone and the Governing Body hereby finds and certifies that the evidence submitted in support of the request of the City made in this Resolution that the area hereinafter defined be designated as an enterprise zone is correct and sufficient; and,

WHEREAS, the City Attorney has provided the City with a written opinion stating that the request of the City of designation of the area hereinafter described as an enterprise zone is in compliance with the law:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS, that the following described areas situate in Doniphan County, Kansas, to wit:

TRACT I:

Beginning at the Southeast corner of Block 20, thence North along the East lines of Blocks 20 and 11 to the intersection of such line with the South right-of-way line of U.S. Highway 36, thence Northwesterly following said South right-of-way line to the Northwest corner of Lot 10 in Block 13, thence North to the Southwest corner of Lot 3 in Block 8, thence North along the West line of said Lot 3 to the Northwest corner of said Lot 3, thence West along the North lines of Lots 4, 5 and 6 in Block 8 and across Doniphan Street to the Northeast corner of Lot 1 in Block 7, thence North to the Northeast corner of Lot 12 in Block 7, thence West along the North line of Block 7 and Outlot 24 to the Northwest corner of Lot 1 in Outlot 24, thence in a Southeasterly direction along the Northerly right of way line of U.S. Highway 36 to the Southwest corner of Lot 6 in Block 7, thence South, to the Northwest corner of Block 14, thence South, along the West line of Block 14 to the Southwest corner of Block 14, thence East along the South line of Block 14 to the Southeast corner of in Block 14, thence East to the Southwest corner of Block 13, thence South to the Northwest corner of Block 18, thence along the West line of Block 18 to the Southwest corner of Block 18, thence East along the South line of Blocks 18, 19 and 20 to the point of beginning, excepting therefrom the West 25 feet of Lot 8 and Lot 7, in Block 7, and Lot 2 in Outlot 24, all in the Original Town, now City of Wathena, containing 16.5 acres more or less

and owned by miscellaneous landowners. Tract I is composed of properties fronting or in close proximity to the City of Wathena's main business street, St. Joseph Street or U.S. Highway 36;

TRACT II:

Beginning at the Southeast corner of Block 38, thence North along the East line of Blocks 38, 31 and 21 to the Northeast corner of Block 21, thence West along the North lines of Blocks 21 and 22 to the Northwest corner of Block 22, thence South along the West lines of Blocks 22, 32 and 39 to the Southwest corner of Block 39, thence East along the South lines of Blocks 39 and 38 to the point of beginning, excepting therefrom Lots 1 and 2 in Block 22, all in Creal's Addition to Original Town, now City of Wathena, said tract containing 9.6 acres, more or less and owned by miscellaneous landowners. Tract II is in close proximity to the City of Wathena's main business street, St. Joseph Street, and U.S. Highway 36;

TRACT III:

Beginning on the South line of the Southwest Quarter of Section Twenty Seven (27), Township Three (3) Range Twenty two (22), at a point 381 feet West of the Southeast Corner of said Southwest Quarter, thence Northwesterly on an angle of 38 degrees 16 minutes to the right from said South line, a distance of 1078 feet, thence Southwesterly and at right angles to the last above described line a distance of 660.2 feet to a point 150 feet North of the South line of said Southwest Quarter, thence East 258.7 feet, thence South 150 feet to the South line of said Southwest Quarter,

thence east 996.75 feet to the place of beginning, according to the survey made April 20, 1958, by D.F. Fuhrman, and containing 9.4 acres, more or less, and owned by Edwin D. Ford and Carolyn K. Ford, husband and wife, as tenants in common;

TRACT IV:

A tract of land in the Southwest Quarter of Section 27, Township 3 South, Range 22 East, described as beginning at a point 770.22 feet East (S 89 degrees 41' E) of the Northwest Corner of the W.W. Carter Tract in the Southwest Quarter of said Section 27, and the TRUE POINT OF BEGINNING: thence East (S 89 degrees 41' E) 162.08 feet; thence South (0 degrees 00' 00"W) 528.13 feet to the Northeast Right-of-Way line of U.S. Highway No. 36; thence (N 50 degrees 06' 29"W) along said Right-of-Way line 458.0 feet; thence (N 38 degrees 48' 52"E) 301.86 feet to the POINT OF BEGINNING, containing 2.6 acres more or less, and being subject to all public roads, easements, reservations, restrictions and covenants, if any, now of record, and owned by Simpson's A.F. Super, Incorporated;

TRACT V:

Being a tract of land situated in the Southwest Quarter of Section 27, Township 3 South, Range 22 East, and in the Northwest Quarter of Section 34, Township 3 South, Range 22 East, more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 27; thence North 00 degrees East along the west line of Section 27, a distance of 210 feet more or less to a point of Grantor's southerly right-of-way line, as now evidenced, monument, occupied or recorded in Doniphan County, the POINT OF

BEGINNING: thence continue North 00 degrees East along the west line of Section 27, a distance of 350 feet more or less to a point on Grantor's northerly right-of-way line; thence south easterly along Grantor's north right-of-way line having a 2 degree curve to the right, a distance of 620 feet more or less to a point, said point referenced as being 535 feet more or less east of the west line of Section 27; and 250 feet more or less north of the south line Section 27; thence South 00 degrees East a distance of 290 feet more or less to a point on Grantor's southerly right-of-way line, said point being 40 feet south of the south line of Section 27; thence northwesterly along Grantor's southerly right-of-way line a distance of 195 feet to a point of intersection with the south line of Section 27; thence continue northwesterly along Grantor's southerly right-of-way line, said line being 20 feet north of and measured at right angles to the St. Joe & Grand Island Railroad track as is presently laid out and located, for a distance of 415 feet to the west line of Section 27, the POINT OF BEGINNING, containing 3.69 acres more or less, and owned by Edwin D. Ford and/or Carolyn K. Ford;

TRACT VI:

Beginning 100 rods 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 Eastern right of way line of the County Road, thence Southerly along the Eastern right of way of said County Road to the North center line of the right of way of Old U.S. Highway 36, thence East along the center line of said Old U.S. Highway 36 to a point due South of the point

of beginning, thence North to the point of beginning, containing 7.4 acres more or less and owned by Estate of Kathe D. Walters and Estate of George W. Dockhorn;

TRACT VII:

Beginning at a point in the center of the old right-of-way of Highway 36, 451.8 Feet East of the West line of the Southwest Quarter (SW1/4) of Section Twenty-seven (27), Township Three (3), Range Twenty-two (22) of the Sixth P.M., thence East 208 Feet; thence South 334.3 Feet to the North side of the new right-of-way of Highway 36, thence Northwesterly along the North side of the new right-of-way of Highway 36, 337.2 Feet; thence Northeasterly at a right angle 89.8 Feet; thence North 40 Feet to the point of beginning, being now within the corporate limits of the City of Wathena, Kansas, containing 1.3 acres more or less and owned by Estate of Kathe D. Walters and Estate of George W. Dockhorn;

TRACT VIII:

Beginning at a point on the West line of the Southwest Quarter (SW 1/4) of Section Twenty-seven (27), Township Three (3), Range Twenty-two (22) East of the Sixth P.M., 40 feet South of the center line of Old Highway 36; thence South 160 feet; thence East to new right-of-way of Highway 36; thence Northwesterly on right-of-way to a point 40 feet South of the center of the right-of-way of old Highway 36; thence West 80.5 feet to the point of beginning, being now within the corporate limits of the City of Wathena, Kansas, containing .71 acres more or less and owned by Estate of Kathe D. Walters and Estate of George W. Dockhorn;

TRACT IX: Beginning at the Southeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence West 120 rods, thence North 76.28 rods, thence East 106 rods, thence South 16 rods and 18 links, thence East 14 rods, thence South to the place of beginning, excepting those parcels numbered 1 through 6 inclusive as recorded in Book 188 at Page 261 in the Office of the Register of Deeds, Doniphan County, Kansas, on September 9, 1991, containing 20.56 acres, more or less, and owned by Breit Properties, Ltd., a Limited South Dakota Partnership;

TRACT X: All of the West 660 Feet of the Southwest Quarter (SW 1/4) South of Old Highway 36 and South and West of New Highway 36, of Section Twenty-seven (27), Township Three, Range Twenty-two (22) East of the Sixth P.M., except beginning 808.5 Feet North and 13.86 Feet East of the Southwest corner of the Southwest Quarter of said Section Twenty-seven (27); thence East 208.56 Feet; thence North 211.86 Feet; thence West 208.56 Feet; thence South 211.86 Feet to point of beginning, except that part South of County Road; and except beginning at a point on the West line of the Southwest Quarter (SW 1/4) 40 Feet South of center of Old Highway 36; thence South 160 Feet; thence East of New right-of-way of Highway 36; thence Northwesterly on right-of-way to a point 40 Feet South of center line of Old Highway 36; thence West 80.5 Feet to point of beginning, less right-of-way, being now within the corporate limits of the City of Wathena, Kansas, containing 15.8

acres, more or less and owned by Estate of Kathe D. Walters and Estate of George W. Dockhorn;

TRACT XI: A tract of real estate described in that certain Warranty Deed dated August 1, 1979 and recorded in Book 171 on Page 142 in the Office of the Register of Deeds, Doniphan County, Kansas, containing 9.7 acres more or less, and owned by Midland Structural Steel, Inc.;

TRACT XII: Beginning at a point 1381.4 feet West of the Southeast Corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence North 150 feet, thence West 258.7 feet, thence North 38 degrees 16 minutes East 660.2 feet to the right of way line of U.S. Highway No. 36, thence North 50 degrees 14 minutes West, 500.76 feet along the right of way line of U.S. Highway No. 36, thence South 38 degrees 57 minutes West 364.6 feet, thence South 520.5 feet, thence North 74 degrees 30 minutes West 135.0 feet, thence South 215.0 feet to the section line, thence East along the section line 598.6 feet to point of beginning, excepting railroad and highway rights-of-way and Excepting herefrom real estate described in a conveyance recorded in Book 153 at Page 153 in the Office of the Register of Deeds of Doniphan County, Kansas, containing 1.74 acres, more or less and owned by John Wayne Cluck and Janice Cluck, husband and wife, as joint tenants with the right of survivorship and not as tenants in common;

TRACT XIII: Beginning at a point 380.3 feet North (North 1 degree 4 minutes East) of the

Northwest Corner of the W.W. Carter tract in the Southwest Quarter of Section 27, Township 3 South, Range 22 East (the said Northwest Corner of W.W. Carter tract being 10 chains East and 19 chains and 7 links North of the Southwest Corner of the said Section 27), thence South (South 1 degree 4 minutes West) 160.7 feet to the Northeast right-of-way line of U.S. Highway No. 36, thence South 50 degrees 11 minutes East 200 feet along said Northeasterly right-of-way line, thence North 39 degrees 49 minutes East 175 feet, thence North 58 degrees 37 minutes West 305.03 feet to the point of beginning, subject to an easement in favor of grantees herein and Coursen Construction Company, Inc. in accordance with and upon the exact same terms of an easement this date granted by Norman S. Miller and Merea R. Miller to Coursen Construction Company, Inc. and the grantees herein, the easement herein granted being described as commencing at the Northwest Corner of the tract above described, such point of commencement being 380.3 feet North (North 1 degree 4 minutes East) of the Northwest Corner of the W.W. Carter tract in the Southwest Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., thence South 1 degree 04 minutes West to a point which, when measured at right angles to the northeast boundary of the above described tract, would be five (5) feet therefrom, thence South 58 degrees 37 minutes East parallel to and five (5) feet distant from the northeast boundary of the above described tract to a point of intersection with the southeast boundary of the above described tract, thence North 39 degrees 49 minutes East along the southeast boundary of the above described tract to the Northeast Corner of the above described tract, thence

North 58 degrees 37 minutes West 305.03 feet to point of beginning, the easement herein granted being five (5) feet in width and with the five (5) foot easement this date granted by the said Millers being ten (10) feet in total width, Doniphan County, Kansas, together with any and all easements whether of record or not, said tract containing .9 acres, more or less and owned by St. Joe Petroleum Co., a Missouri Corporation.

TRACT XIV:

Commencing at the Northwest Corner of the W.W. Carter's 43.64 acre tract of land, said point is 10 chains East and 19 chains and 7 links North of the Southwest Corner of Section 27, Township 3 South, Range 22 East of the 6th P.M., Doniphan County, Kansas; thence North 1 degree 27 minutes 10 seconds West (assumed bearing), 380.30 feet to the TRUE POINT OF BEGINNING; thence continuing North 1 degree 27 minutes 10 seconds West, 140.94 feet to intersect the south right-of-way line of Old U.S. Highway 36; thence North 86 degrees 13 minutes 06 seconds East, 233.65 feet along said right-of-way line; thence South 1 degree 32 minutes 46 seconds East, 141.92 feet; thence North 84 degrees 31 minutes 47 seconds East, 159.99 feet; thence South 1 degree 42 minutes 05 seconds East, 281.31 feet; thence North 51 degrees 42 minutes 59 seconds West, 167.76 feet; thence North 61 degrees 16 minutes 53 seconds West 307.09 feet, to the POINT AND PLACE OF BEGINNING, said tract containing 2.01 acres, more or less and owned by Lester Dinning, Jr. and David L. Dinning and Daniel L. Dinning, as joint tenants with the right of survivorship and not as tenants in common.

TRACT XV: That part of Lots 3 to 7 inclusive, in Block 6 in Morris Addition to the Original Town, now City of Wathena, Doniphan County, Kansas, which is described as follows: Beginning at a point on the West line of Lot 7, Block 6 which is 82.27 feet North of the Southwest Corner of said Lot 7 (such point being on the North right-of-way line of U.S. 36), thence East (N 86 degrees, 24 minutes E) 41.76 feet, on said right-of-way line, thence South on such right-of-way line 27 feet to a one half inch survey rebar, thence East (N 86 degrees 24 minutes E) on such right of way line 118.02 feet to a survey rebar, thence South on such right-of-way line 8 feet to a survey rebar, thence East (N 86 degrees 24 minutes E) on such right-of-way line 11 feet to the West right-of-way line of the Wathena-Gladden Road, thence Northeasterly on a straight line along the West right-of-way line of the Wathena-Gladden Road to a one half inch survey rebar on the North line of Lot 3, Block 6, Morris Addition aforesaid, such survey rebar being 2.55 feet West of the Northeast Corner of Lot 3, Block 6 aforesaid, thence West on the North line of Block 6, aforesaid 57.45 feet to a point, thence Southwesterly on a straight line to the point of beginning, all according to a plat of survey of such described tract completed by Williamson Engineering and Surveying, St. Joseph, Missouri, on May 20 and 21, 1974, said tract containing .2 acres, more or less and owned by Charles R. Nimtz and Joan M. Nimtz, husband and wife, as joint tenants with the right of survivorship and not as tenants in common.

TRACT XVI: Beginning at a point 770.22 feet East (South 89 degrees 41 minutes East) of the

Northwest corner of the W.W. Carter tract in the Southwest Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., thence East (South 89 degrees 41 minutes East) 162.08 feet, thence South 554.18 feet to the Northeast right of way line of U.S. Highway No. 36, thence North 50 degrees 11 minutes West 1,014.86 feet along said Northeast right of way line, thence North 39 degrees 49 minutes East 175 feet, thence South 50 degrees 11 minutes East 167.71 feet, thence South 4.62 feet, thence East (South 89 degrees 41 minutes East) 375.58 feet, thence South 116 feet to the point of beginning except 19,599 square feet, more or less as described in the permanent easement for controlled access highway right of way and two temporary easements thereto all as described in Exhibit "D", attached hereto and made a part hereof and excepting a certain tract of real estate, said easements and tract are described in the Warranty Deed dated July 24, 1991, and recorded in Book 188 at Page 313 in the Office of the Register of Deeds, Doniphan County, Kansas, said tract containing 2.9 acres, more or less and owned by Kenneth L. Simpson and Vicki V. Simpson, husband and wife, as joint tenants with the right of survivorship and not as tenants in common;

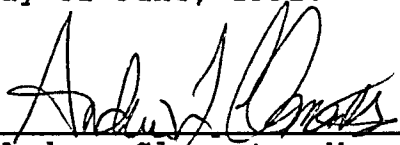
meets the requirements for designation as an enterprise zone under the Kansas Enterprise Zone Act.

BE IT FURTHER RESOLVED that the Secretary of the Department of Commerce is hereby requested to approve the above described area as an authorized enterprise zone consistent with the Kansas Enterprise Zone Act, K.S.A. 12-17,107 et seq., as amended.

APPROVED and ADOPTED by the Governing Body of the City of

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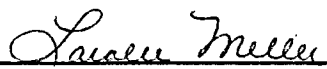
Wathena, Kansas, on the 25th day of June, 1992.



Andrew Clements, Mayor

ATTEST:

(City Seal)



Laralee Miller, City Clerk