

**CHAPTER XVI  
ZONING AND PLANNING**

Article 1. City Planning Commission/ Board of Zoning Appeals

Article 2. Zoning Regulations

**ARTICLE 1  
CITY PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

16-101 **PLANNING COMMISSION.** The Clay Center City Planning Commission shall be composed of nine members of which seven members shall be residents of the City and two members shall reside outside the City, but within the designated planning area of the City which is within at least three miles of the corporate limits of the City. (Code 1993, 24-101; Code 1999)

16-102 **MEMBERSHIP, TERMS, INTEREST AND COMPENSATION.** The members of the Planning Commission shall be appointed by the mayor with the consent of the governing body at the first regular meeting of the governing body in May of each year and take office at the next regular meeting of the commission. All members shall be appointed for staggered terms of three years each. The appointments shall be so made that the terms of office of the members residing outside of the corporate limits of the City do not expire within the same year. By the re-establishment of the commission, all current members continue to serve their present terms of office. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the commission shall be made of the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter. The governing body may adopt rules and regulations providing for removal of members of the commission. Members of the commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body. (Code 1993, 24-102; Code 1999)

16-103 **MEETINGS, OFFICERS AND RECORDS.** The members of the Planning Commission shall meet at such time and place as may be fixed in the commission's bylaws. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary shall also be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. All actions by the commission shall be taken by a majority vote of the entire membership of the commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a re-zoning amendment or a special use permit. A proper record of all the proceedings of the commission shall be kept. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission. (Code 1993, 24-103; Code 1999)

16-104 POWERS AND DUTIES. The governing body and Planning Commission shall have all the rights, powers and duties as authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this section and shall be given full force and effect as if the same had been fully set forth. The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the City and any unincorporated territory lying outside of the City but within Clay County in which the City is located, which in the opinion of the commission forms the total community of which the City is a part. The commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the commission to undertake other assignments related to planning and land use regulations. (Code 1993, 24-104; Code 1999)

16-105 BUDGET. The governing body shall approve a budget for the Planning Commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes. (Code 1994, 24-106; Code 1999)

16-106 PLANS AND PLATS; REGULATIONS The City Planning Commission hereby adopts as its governing regulations this Code Book of the City of Clay Center, Kansas, and the "Comprehensive Plan and Capital Improvement Plan for Clay Center, Kansas 1999-2010." The Planning Commission shall use these instruments as rules and regulations for all issues under consideration, in conjunction with all applicable State Statutes.

(a) All plans, plats or re-plats of lands laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use, shall be submitted to the City Planning Commission for their consideration, and their recommendation shall then be submitted to the governing body of the City for their official consideration and action.

(b) All plans, plats or re-plats of land for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or other portions of the same intended to be dedicated for public use, shall be submitted to the City Planning Commission for their consideration, and their recommendation shall then be submitted to the governing body of the City for their official consideration and action.

(c) All plans, plats or re-plats of land for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use, shall be submitted to the City Planning Commission for their consideration, and their recommendation shall then be submitted to the governing body of the City for their official consideration and action.

(d) All plans, plats or re-plats of land for the use of purchasers or owners of the land

fronting thereon or adjacent thereto which is not intended to be platted into lots or other designated tracts, and located within the City limits of the City, or any addition or plan of streets, or public ways located outside the City limits (provided, that such territory is within that area of jurisdiction), shall be submitted to the City Planning Commission for their consideration, and their recommendation shall then be submitted to the governing body of the City for their official consideration and action.

(e) No such plat or re-plat or dedication or deed of streets or public way shall be filed with the register of deeds as provided by law until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the City Planning Commission and by the City Planning Commission to the governing body of such City and by such governing body duly approved.

16-107 REQUEST FOR CHANGE IN ZONING BOUNDARIES; FEE. The sum of \$250.00 shall be paid to the City by the owner of any property who makes a request of application for a change or a revision in the zoning boundaries or regulations contained in the zoning ordinances of the City. The sum shall be paid at the time of the making of the request or application. The sum shall be used to defray the expenses incurred by the City in its compliance with notice of hearing requirements and the publication of the ordinance to enact the change or revision. Under no condition shall the sum or any part thereof be refunded for failure of the proposed change or revision to be enacted. (Code 1993, 24-107)

All Title research requirements and notification fees shall be the responsibility of the property owner.

16-108 REQUEST FOR ZONING CHANGE; PROCEDURE. All persons making requests or applications for changes or revisions in the boundaries or regulations of the zoning ordinances of the City, shall, at the time of making the request or application and in addition to the payment of the advance cost sum heretofore provided in section 16-107 of this article provide a list of all the names and addresses of owners of lands located within 200 feet, excluding streets and alleys, of the area proposed to be altered. The list shall be certified to be true and correct by an abstractor, licensed and bonded under the laws of the State of Kansas, and the cost and expense of the preparation of the list shall be borne by the person making the request or application. (Code 1993, 24-108)

16-109 RURAL HOUSING INCENTIVE DISTRICT. The Planning Commission is hereby appointed to review any application for designation of a Rural Housing District, as well as the Development plans thereof, and to present a recommendation to the Governing Body as to whether or not the City should proceed with such plan. (Code 2007)

16-110 BOARD OF ZONING APPEALS The Planning Commission is hereby designated to also serve as the City's board of zoning appeals with all the powers and duties as provided for in K.S.A. 12-759. Public records shall be kept of all official actions of the board, and the board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal. (Code 2007)

16-111 SAME; POWERS AND DUTIES. The board of zoning appeals, any aggrieved person appealing to such board including any officer of the City or any governmental agency, and the officer from whom an appeal is taken, shall have all the powers and duties set forth in K.S.A. 12-705c and 12-715 and such other powers and duties as are now or may hereafter be prescribed by law. (Code 1993, 24-205)

## **ARTICLE 2 ZONING REGULATIONS**

16-201 ZONES. The City is hereby divided into four zones to be numbered, respectively, Zone No. 1, which shall be the business zone; Zone No. 2, which shall be the three or more family residential zone; Zone No. 3, which shall be the one or two family residential zone of the City; Zone No. 4, which shall be the mobile home district, as established by section 4-715. The business zone, Zone No. 1, shall be divided into the follow classifications:

(1 A) Real estate where the use shall be restricted to office space only (and such business practice shall not qualify as an accessory use defined by section 16-216).

(1 B) Real estate where the use shall be restricted to the operation of a beauty or barber shop only (and such business practice shall not qualify as an accessory use defined by section 16-216).

(1 C) Real estate where the use shall be restricted to the repair of motor vehicles including heavy equipment.

(1 D) Real estate used for retail sales, except the sale of motor vehicles, farm or heavy equipment, gasoline, tires, fertilizer or flammable products.

(1 E) Real estate used for retail or wholesale sale of motor vehicles, farm or heavy equipment, gasoline, tires, fertilizer or flammable products or the repair of farm or heavy equipment.

(1 Ea) All real estate where the use shall be restricted to warehouses or light manufacturing.

(1 F) Real estate where the use shall be restricted to nursing homes and medical clinics.

(1 G) Real estate where the use shall be restricted to the operation of salvage and junkyards.

(1 H) Real estate where the use shall not be restricted to allow for any business pursuit.

(1 I) Real estate zones for unrestricted business use prior to May 1, 1986, as described by section 16-202 and ordinances numbered 1908, 1914 and 1916.

The classifications shall also apply to that area adjacent to, but outside the City placed under the jurisdiction of the planning commission. (Ord. 2066; Sec. 1)

16-202 ZONE NO. 1, BUSINESS ZONE. Zone No. 1 shall be the business zone of the City, and shall include the following lots, pieces and tracts of land:

**Properties Located within the City's 1<sup>st</sup> Ward**

Huntress Addition

Lots 6 and 7 in Block 2

Dean & William Roe Sub-Division

All of Block 4, except Lots 1 - 11 and 1 - 4

Industrial Park

All of Block A in Industrial Park

Including Lots 1 through 25

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

D.T. Osenbaugh Addition

Lots 1 through 4

Selts Addition

Lots 1 through 7

Shaw's 1<sup>st</sup> Addition

Lots 3 through 6 and all but the Western most part of Lot 7

Brooklyn Heights Addition

Lots 2 through 8

Lincoln Heights Addition

Lots D & E of Hammels Sub-Division

Lots 26, 27 and 28 in Block 4

Lots 24 and 25 in Block 9

John Dexter's 2<sup>nd</sup> Addition

Lots 1 through 8 in Block 2

G.M. Stratton's Sub-Division of Lot 34

All of G.M. Stratton's Sub-Division of Lot 34

Morgan's 1<sup>st</sup> Division

Hessers 3<sup>rd</sup> Sub-Division of Lot 2

Lots 12 through 17

**Un-Platted Properties Located within the City's 3<sup>rd</sup> Ward**

A tract of land in the Northeast Quarter of Section Seventeen (17), Township Eight (8) South, Range Three (3) East of the 6th P.M., Clay County, Kansas, more specifically described as follows:

Commencing at the Northeast corner of Section 17, Township 8 South, Range 3 East;

Then Westerly, 7.72 ¾ chains on a bearing of S 90°00' W along the North line of said Section 17;

Then continuing on the same bearing and line, 441.52 feet;

Then Southerly, on a bearing of S2°44'00" W, 81.70 feet to the Southerly right-of-way of the Union Pacific Railroad right-of-way for the TRUE POINT OF BEGINNING;

Then Southeasterly along the said South right-of-way of said Railroad on a bearing of S45°41'45" E, 456.4 feet, more or less;

Then Easterly on a bearing of S87°47'30" E, 100 feet, more or less;

Then Northerly, 90 feet to the South Right of Way of County Road 396, commonly known as Broughton Road, more or less;

Then in a Northwesterly direction along the said South right of Way of County Road 396, 410 feet, more or less;

Then Westerly, 135 feet to a point that is 55 feet North of northwest corner of the tract conveyed to Brian J. Rieger and Joseph R. Beck in Clay County Record Book 2 at Page 383;  
Then Southerly on a bearing of S2°44'00" W, 55 feet to the TRUE POINT OF BEGINNING.

### **Properties Located within the City's 4<sup>th</sup> Ward**

#### Eberly's 1<sup>st</sup> Addition

Lots 12 and 13 in Block 1  
Lots 9 through 14 in Block 3  
Lots 1, 2, 3 and 17 through 19 and Lot 20 in Block 4

#### Eberly's 2<sup>nd</sup> Addition

All of Blocks 1 and 2  
Tract of Land immediately South of Block 2

#### Fullington's Division

All of Fullington's Division

#### Smith's Sub-Division of 1-3-4

All of Smith's Sub-Division of 1-3-4

#### Riverview Addition

All of Block 8 (Apollo Towers)  
Lots 2 through 5 and 15 through 20 in Block 9 (Tollin Terrace)  
Lots 1, 2 & 3 and 11 through 15 in Block 13  
Lots 2, 3 and 7 in Block 14

#### Original Townsite

Betsy Marston's Addition (Block 77)  
    Lots 1 through 6 and 13 through 19 in Block 1  
    All of Block 2  
Lots 13, 14 and 15 in Block 8  
The South portion of Lots 19 and 20 in Block 9  
Lots 8, 9 and 10 in Block 19  
Lots 11 and 12 in Block 20  
Lots 11 through 13 and 19 and 20 in Block 21  
Lots 16 through 20 in Block 22  
The South portion of Lot 11, the East portion of Lot 19 and all of Lot 20 in Block 24  
All of Block 25, less the Northeast Corner  
The Northeast Corner of Lots 1, 2 and 3 in Block 26  
All of Block 27  
All of Block 28  
All of Block 29  
All of Block 30  
Lots 8 through 16 and Lot 18 in Lot 31  
All of Block 36  
All of Block 37  
All of Block 38  
All of Block 39  
All of Block 40  
Lots 1 and 2 in Block 41  
All of Block 42  
All of Block 43  
All of Block 44  
Lot 10 in Block 45  
Lots 15 and 16 in Block 46

Lots 15 and 17 in Block 47  
All of Block 49 (Dexter Park)  
All of Block 50  
All of Block 51  
Lots 1 through 13 in Block 52  
All of Block 53  
All of Block 54 (Dexter Park)  
All of Block 55  
The Eastern portion of Lot 15 and Lot 16 in Block 56  
All of Lots 11 and 12 and the Southern portion of Lots 13 and 14 in Block 58 (RR)  
All of Block 59  
All of Block 60  
Lots 9 through 16 in Block 61  
All of Block 62  
Lots 1, 2 and 3 in Block 63  
Lots 1 through 10 in Block 64  
All of Block 65  
The Southern portion of Lot 10 and the Southwest tip of Lot 11 in Block 66  
The Southeastern tip of Lot 4, all but the Northeastern tip of Lot 5 in Block 67  
All of Lots 6 through 13, in Block 67  
All but the Northeastern tip of Lot 14, the Southwestern tip of Lot 15 in Block 67  
Lots 1 through 10 and 14 through 20 in Block 68  
Lots 9 through 12 in Block 69  
Lots 1 and 2 in Block 70  
Lots 1 through 10 in Block 71  
Lot 20 in Block 73  
All of Block 74  
Lots 1 through 10 in Block 75  
The Northwestern Corner of Lot 1 and Lots 11 through 16 in Block 76  
Lot 2 in Block 81

#### **Un-platted Properties Located within the City's 4<sup>th</sup> Ward**

Beginning at the Southwest corner of the Southeast Quarter (SE/4) of Section One (1), Township Eight (8) South, Range Two (2) East of the 6<sup>th</sup> P.M., Clay County, Kansas; thence North along the one-half section line to the North right-of-way line of U.S. Highway 24, the point of beginning; thence North along said one-half section line four hundred feet (400'); thence East on a line parallel to the said U.S. Highway 24, two hundred seventy-two and one-half feet (272 ½'); thence South on a line parallel to said one-half section line four hundred feet (400') to the North right-of-way line of U.S. Highway 24; thence West along the said U.S. Highway 24 North right-of-way line to the point of beginning. Containing two and one-half (2 ½) acres, more or less.

Beginning at a point of intersection of the northerly right of way line of Highway U.S. 24 and the westerly right of way line of a line of a public road, said point of beginning being 25 feet west and 87.5 feet (as surveyed 86.28 feet) north of the Southeast corner of said section 1, said point of beginning being Corner 1, ( a concrete monument bears S. 86°11'53" E. 2.50 feet and a power pole bears south 1.91 feet); thence along the northerly right of way line of said Highway U.S. 24 on a curve to the right in a westerly direction with a radius of 5669.6 feet an arc distance of 147.03 feet (chord of said curve being: N. 86°57'35" W. 147.03 feet) to Corner 2, marked by a concrete monument; thence continuing along the northerly right of way line of said Highway U.S. 24 N. 86°13'00" W. 352.86 feet to corner 3, marked by a ½" iron bar; thence parallel to the East line of the Southeast Quarter of said Section 1, North 500.00 feet to Corner 4, marked by a ½" iron bar; thence parallel to the northerly right of way line of said Highway U.S. 24, S.

86°13'00" E. 500.00 feet to the westerly right of way line of said public road, being Corner 5, marked by a ½" iron bar; thence along the westerly right of way line of said public road and parallel to and 25.00 feet westerly of the East line of the Southeast Quarter of said Section 1, South 498.09 feet to the Point of Beginning.

A two-Acre tract of land in the East Half of the Southeast Quarter (E/2 SE/4) of Section One (1), Township Eight, (8) Range Two (2) East of the 6<sup>th</sup> P.M., described as follows:

Beginning at the point of intersection of Northerly right of way line of Highway U.S. 24 and the Westerly right of way line of a public road said point begin 25.0 feet West and 87.5 feet North of the Southeast Corner of said Section 1; thence North 498.09 feet along the Westerly right of way line of said public road and parallel to and 25 feet Westerly of the East line of said SE ¼ to the point of beginning; thence N. 86° -13'W, 230.0 feet; thence North 334.57' and parallel to the East line of said SE ¼ ; thence East 254.47 feet to the East line of said SE¼ ; thence South 351.68 feet along the East line of said SE¼; thence N. 86°-13'W, 25.06 feet to the point of beginning. Contains 2.00 acres including a strip 25 feet wide along the East side for public road right of way.

A tract of land in the Southeast Quarter (SE/4) of Section One (1), Township Eight (8) South, Range Two (2) East of the 6<sup>th</sup> P.M., Clay County, Kansas, described as follows:

Beginning at the point of intersection of the Northerly right of way line of Highway U.S. 24 and the Westerly right of way line of a public road, said point being 25.0 feet West and 87.5 feet North of the Southeast Corner of said Section 1; Then North 498.09 feet along the Westerly right of way of said public road; Then East to the East line of said SE/4; Then South along the East line of said SE/4 to the point of intersection with the Northerly right of way of said Highway U.S. 24; Then West along the Northerly right of way of said Highway U.S. 24 to the Point of Beginning; said tract of land being a public road right of way, subject to easements of record.

A tract of land located in the East Half of the Southeast Quarter of Section One (1), Township Eight (8) South, Range Two (2) East of the 6<sup>th</sup> P.M., Clay County, Kansas and being a portion of a tract of land described in Deed Book 147 at page 49, in the office of the Register of Deeds, Clay County, Kansas and described as follows:

Commencing at the Southeast corner of said section One (1); Then N 00°00'00" E, on the East line of said section one (1) and the centerline of a now existing county road, commonly known as Meadowlark Road a distance of 661.48 feet to the point of beginning of the tract to be described; Then N 89°42'00" W, a distance of 254.51 feet; Then N 00°00'00" E, on a line parallel with said east line of section one (1) a distance of 274.46 feet; Then N 90°00'00" E, a distance of 254.47 feet to a point on said East line of Section one (1) and centerline of county road; Then S 00°00'00" E, on said East line of section one (1) and said centerline a distance of 275.79 feet to the point of beginning. Contains 1.61 acres, more or less. Subject to a 25 foot County Road Right-of-way along the East line of the above described tract and also subject to easements, reservations and restrictions of record.

A tract of land in the West Half of the Northwest Quarter (W/2 NW/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas, described as follows:

Beginning at a point twenty-five (25) feet East of the Northwest corner of said Northwest Quarter (NW/4) where the south line of U.S. Highway 24 intersects with the West section line of said Northwest Quarter (NW/4) thence south on said west section line 599 feet, the same being used as a radii and thence with the beginning point as the center, circumscribing an arc with a radius of 599 feet to a point where the same intersects the south line of the former U.S. Highway 40 North (City Route), now an extension of Court Street, thence in a northwesterly direction along the south line of said former U.S.

Highway 40 north (City Route), now an extension of Court Street to the place of beginning.

That part of Lot Three (3) of subdivision of part of Lot One (1) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of 7-8-3, described as follows:

Beginning at the Northeast corner of said Lot 3;  
thence South along the East line of said Lot 3, 82 feet and 10 inches;  
thence in a Westerly direction at an angle of 95 degrees and 55 minutes with the east line, 56 feet and one-half (1/2) inch;  
thence in a Southwesterly direction at an angle of 118 degrees and 30 minutes, 93 feet, more or less, to a point on the South line of said Lot 3;  
thence in a Northwesterly direction along the South line of said Lot 3, to the Southwest corner of said Lot 3;  
thence North along the West line of said Lot 3, to the Norwest corner of said Lot 3;  
thence East along the North line of said Lot 3 to the place of beginning.

AND part of lot Two (2) of the subdivision of Lot One (1) of the West Half of the Northwest Quarter (W/2 NW/4) of 7-8-3, described as follows:

Beginning at the Northwest corner of Lot Two (2), running thence South on the West line of Lot Two (2), a distance of Eight (80) feet;  
running thence East Forty (40) feet;  
thence North parallel with the West line of said Lot Two (2), to intersect the South line of U.S. Highway No. 24;  
thence West along the South line of U.S. Highway No. 24 to the place of beginning.

A tract of land in the West Half (W/2) of the Northwest Quarter (NW/4) of 7-8-3, described as follows:

Beginning at a point Eight (80) Feet South of the Northeast Corner of Lot III, said Corner being marked by a shiner with lead and tack as shown by the Survey recorded in the Office of the Register of Deeds of Clay County, Kansas, in Book A of Irregular Surveys at Page 54, and on the East line of said Lot III, said point being Two and Eight Three Hundredths (2.83) feet North of a 1/2 inch by 30 inch Iron Rod with plastic cap and registry number, as shown by said recorded Survey;  
thence Easterly at a 90° angle Twenty Nine (29) Feet, for a point of beginning;  
thence East on said extended line, a distance of Fifty and 50/100 feet;  
thence Northerly, Eighty Seven and 55/100 feet, more or less, to the South ROW line of U.S. Hwy 24;  
thence Westerly, on the South ROW line of U.S. Hwy 24, a distance of Fifty and 87/100 feet;  
thence Southerly, to the point of beginning.

A part of Lot Two (2), and Lot Three (3) of the Subdivision of part of Lot One (1) of the West Half of the Northwest Quarter (W/2 NW/4) of Section 7-8-3 as follows:

Beginning at a point 114.50 feet west of the Northeast corner of said Lot Two (2), as measured along the North line of said Lot Two (2);  
Then S00° 00' 00" E a distance of 120.38 feet;  
Then S89° 04' 23" W a distance of 245.20 feet;  
Then N22° 36' 00" a distance of 19.98 feet;  
Then N84° 02' 41"E a distance of 55.97 feet;  
Then N00° 04' 28"W a distance of 2.85 feet;  
Then N89° 57' 11"E a distance of 79.70 feet;  
Then N00° 00' 00"E a distance of 87.55 feet to a point on the South Right-of-way line of U.S. Highway 24'  
Then East along said South Right-of-way line along a curve to the left with a chord

All that part of Lot Two (20 of a sub-division of part of Lot One (1) of the West Half (W/12) of the Northwest of the Northwest Quarter (NW1/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., described as follows:

Commencing at the Northeast corner of said Lot 2; thence South on the East line of said Lot 2, 206 feet; thence at a 90 degree angle in a westerly direction 114 feet and 6 inches; thence North on a line parallel with the East line of said Lot 2 to the South line of U.S. Highway 24; thence in a northeasterly direction along the South line of said highway 24 to the place of beginning.

A tract of land in the NW 1/4 of 7-8-3, beginning at a point on the East line of Lot 2, said point being 250.71 feet North from the Southeast corner of said Lot 2; thence North along the East line of Lot 2, 161.29 feet to the NE corner of Lot 2 and the South ROW of U.S. Highway 24; thence N 80° 34' 10" East along the said right of way line, 152.21 feet; thence South parallel to the East line of Lot 2 186.21 feet; thence West 150.0 feet to the said East line of Lot 2 and the point of beginning.

An undivided Forty-three Percent (43%) of the following;

A tract of land in the Northwest Quarter NE/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the Sixth P.M. in Clay Center, Clay County, Kansas, described as follows:

Beginning at a point on the North line of Lot One (1), said point being 14.88 feet Westerly of the Northeast (NE) corner of said Lot 1;  
then S 01 06'26" E along a fence line, 218.53 feet;  
then S 90 0'0" W, 100.12 feet;  
then N 0 0'0" E, 186.1 feet to the South Right of Way line then N 80 34'10" E along said right of way line 198.48 feet to the point of beginning

Subject to an ingress-egress easement lying over the West 40 feet of the above described tract.

A part of Lot 2 of a subdivision of Lot 1 of the West half of the Northwest Quarter (W/2 NW/4) 7-8-3

Beginning at a point 215 feet West of the Northeast corner measured along the North line of said Lot 2 and 100 feet South of the North line of said Lot 2;  
thence South on a line parallel with the East line of said Lot 2 to the South line of said Lot 2;  
thence in a southeasterly direction along the South line of said Lot 2 to the Southeast corner of said Lot 2;  
thence North along the East line of said Lot 2 to a point 206 feet South of the Northeast corner of said Lot 2;  
thence West at a right angles to the East line of said Lot 2, 114 feet and 6 inches;  
thence North parallel with the East line of said Lot 2 to a point 107.9 feet south of the North line of said lot;  
thence West to the point of beginning.

All of Lot three (3) of a subdivision of Lot One (1) of the West Half of the Northwest Quarter (W/2 NW/4) of 7-8-3, excepting the following described tract of land in said Lot Three (3):

Beginning at the Northeast corner of Lot Three (3);  
thence South along the East line of said lot, 82 feet and 10 inches;  
thence in a Westerly direction at an angle of 95° and 55' with the East line, 56 feet and ½ inch;  
thence in a Southwesterly direction at an angle of 118° and 30', 93 feet more or less to a point on the South line of Lot Three (3);  
thence in a Northwesterly direction along the South line of Lot Three (3) to the

Southwest corner of Lot Three (3);  
thence North along the West line of the lot, to the Northwest corner of the lot;  
thence East along the North line of the lot to the place of beginning.

A part of Lot Two (2) of the Sub-division of part of Lot One (1) of the West Half of the Northwest Quarter (W/2 NW/4) of 7-8-3, described as follows:

Beginning at a point 114 feet and 6 inches west of the Northeast corner of said Lot Two (2);  
running thence south 107.9 feet;  
thence West 103 feet to a point 100 feet south of the North line of said Lot Two (2);  
thence North 100 feet to the North line of said Lot Two (2);  
thence East along the North line of said Lot Two (2), 103 feet to the place of beginning.

A part of lot Two (2) of the Sub-division of Lot One (1) of the West Half (W/2) of the Northwest Quarter (NW/4) of 7-8-3

Beginning at a point 21 feet west of the northeast corner measured along the north line of said Lot 2 and 100 feet south of the north line of said Lot 2;  
thence South on a line parallel with the east line of said Lot 2 to the south line of said Lot 2;  
thence in a northwesterly direction along the south line of said Lot 2 to the southwest corner of said Lot 2;  
thence North along the west line of said Lot 2 to a point 80 feet south of the northwest corner of said Lot 2;  
thence East at right angles 79 feet and 6 inches;  
thence South to a point 100 feet south of the north line of said Lot 2;  
thence East 2 feet and 6 inches to the point of beginning.

A tract of land in the Northwest Quarter of Section 7, Township 8 South, Range 3 East of the 6<sup>th</sup> P.M. in the City of Clay Center, Clay County, Kansas, described as follows:

Beginning at a point on the west line of the Northwest Quarter of Section 7, that is S00° 00'00" E 651.94 feet from the northwest corner of the said Northwest Quarter of Section 7, being Corner 1, marked by a ½" iron bar, thence N90° 00'00" E 25.00 feet to the east right of way of a County Road and Corner 2, marked by a ½" iron bar; thence on a curve to the left having a radius of 599.00 feet, on arc distance of 401.53 feet, the chord of said curve being N70° 47'46" E 39.06 feet to Corner 3, marked by a ½" iron bar; thence S 02° 46'40"W 626.39 feet to the north right of way of the Chicago, Rock Island and Pacific Railroad and Corner 4, marked by a ½" iron bar; thence S84° 39'52" W 368.37 feet along the north right of way of the said Chicago, Rock Island and Pacific Railroad to the aforementioned West line of the Northwest Quarter of Section 7 and Corner 5, marked by a ½" iron bar, thence N 00° 00'00" E 530.30 feet to the point of beginning, containing 4.8 acres.

Beginning at the northwest corner of the said northwest Quarter of Section 7; thence S 00° 00'00" E 1182.24 feet along the west line of the said Northwest Quarter of Section 7 to the north right-of-way of the Chicago, Rock Island and Pacific Railroad; thence N 84° 30'28" E 368.51 feet along the said north right-of-way of the Chicago, Rock Island and Pacific Railroad to the True Point of Beginning, being Corner 4, marked by a ½" iron bar; thence N 02° 46'40" E 625.38 feet to Corner 3, marked by a ½" iron bar; thence on a curve to the left having a radius of 599.00 feet, an arc distance of 248.76 feet, the chord of said curve being N 30° 41'43" E 246.98 feet to the southerly right-of-way of Court Street and Corner 6, marked by a ½" iron bar; thence S 62° 00'58" E 184.68 feet along the said southerly right-of-way of Court Street to Corner 7,

marked by a ½" iron bar; thence

S 01°45'26" E 518.72 feet to Corner 8, marked by a ½" iron bar: thence

N 85°34'14" E 200.00 feet to corner 9, marked by a ½" iron bar; thence

N 01°46'17" W 395.31 feet to the aforementioned southerly right-of-way of Court Street and Corner 10, marked by a ½" iron bar; thence

along the said southerly right-of-way of Court Street the following 2 courses:

Course 1: S 62°00'58" E 15.08 feet to Corner 11, marked by a ½" iron bar;

Course 2: On a curve to the left having a radius of 1279.03 feet, an arc distance of 249.55 feet, the chord of said curve being S 67°26'41"E 249.16 feet to Corner 12, marked by a ½" iron bar; thence

S 01°44'09"E 293.48 feet to Corner 13, marked by a ½" iron bar; thence

S 85°30'02" W 240.42 feet to Corner 14, marked by a ½" iron bar; thence

S 01°49'49" E 150.37 feet to the aforementioned north right-of-way of the Chicago, Rock Island and Pacific Railroad and Corner 15, marked by a ½" iron bar; thence

S 84°30'28" W 574 feet to the True Point of Beginning, containing 8.41 acres.

Lots Four (4), Five (5) and Six (6) in Block Twelve (12) of Riverview Addition to Clay Center, Kansas;

ALSO, a tract of land in the East Half of the Northwest Quarter (E/2 NW/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6th P.M. and adjacent to the West line of Lot Four (4) in Block Twelve (12) of Riverview Addition to Clay Center, Kansas, described as follows, to-wit:

Beginning at a point on the west line of Block 12 of said Riverview Addition 150 feet South of the South line of Court Street;

then West 82.5 feet, be it more or less, to the East line of the West Half of said Northwest Quarter (W/2 NW/4);

then South on the said East line of the West Half of said Northwest Quarter to a point where the North line of the right-of-way of the Leavenworth, Kansas and Western Railway intersects the said East line of the West Half of the said Northwest Quarter,

then East 76 feet and 5 inches to the extended West line of Block 12 of Riverview Addition;

then North along the said extended West line of said Block 12 and the West line of Block 12 to the place of beginning, also known as part of Block Eleven (11) of said Riverview Addition.

ALSO, the following described portion of Lincoln Avenue in Riverview Addition to Clay Center, Kansas, described as follows:

Beginning at the Southeast Comer of Lot Six (6) in Block Twelve (12) of Riverview Addition,

then West on the South line of said Lot Six (6) and on the South line of Lots Four and Five (4 & 5), in said Block Twelve a distance of 160 feet to the West line of Lincoln Avenue, as now platted,

then South on the West line of Lincoln Avenue a distance of 80 feet to the North right-of-way line of the Leavenworth, Kansas and Western Railroad right-of-way,

then East on said North line of said railroad right-of-way, a distance of 160 feet,

then North a distance of 80 feet to the point of beginning

AND A tract of land in the East Half of the Northwest Quarter (E/2 NW/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6th P.M., described as follows:

Beginning at a point on the East line of the West Half of said Northwest Quarter (W/2 NW/4) that is N 86°52'07"W 130.35 and S 00°00'00"W 103.68 from the Northwest comer of Lot 4, Block 12 of Riverview Addition to the City of Clay Center, Clay County, Kansas and the TRUE POINT OF BEGINNING marked by a 1/2" iron rebar,

then N 89°34'15"E 48.96 feet to a 1/2" iron rebar,  
then S 00°25'44"E 127.27 feet to the said North line of the Union Pacific Railroad  
right-of-way;  
then S 87°04'48"W 49.98 feet along the said North line of the Union Pacific Railroad  
right-of-way to a 1/2" iron rebar;  
then N 00°00'00"E 129.44 feet to the TRUE POINT OF BEGINNING, containing  
0.146 acres.

TOGETHER WITH A TRAVEL EASEMENT DESCRIBED AS FOLLOWS:  
TRAVEL EASEMENT:

A tract of land in the East Half of the Northwest Quarter (E/2 NW/4) of Section  
Seven (7), Township Eight (8) South, Range Three (3) East of the 6th P.M.,  
described as follows:

Beginning at a point on the East line of the West Half of said Northwest  
Quarter (W/2 NW/4) that is N 86°52'07"W 130.35 feet and N 00°00'00"E 209.95  
feet from the Northwest corner of Lot 4, Block 12 of Riverview Addition to the  
City of Clay Center, Clay County, Kansas and the TRUE POINT OF  
BEGINNING, marked by a 1/2" iron rebar;

then S 35°17'54"E 86.53 feet;

then S 00°48'34"W 132.26 feet to a 1/2" iron rebar;

then S 00°25'44"E 110.40 feet to a 1/2" iron rebar;

then S 89°34'15"W 48.96 feet to a 1/2" iron rebar;

then N 00°00'00"E 313.63 feet to the TRUE POINT OF BEGINNING,  
containing 0.313 acres.

All of the South Half of the abandoned railroad right-of-way of the Leavenworth, Kansas  
and Western Railroad, located in the East Half of the Northwest Quarter of Section Seven  
(7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County,  
Kansas, more particularly described as follows:

Beginning at the point where the extended West line of Block Eleven (11) of  
Riverview Addition to the City of Clay Center intersects the South line of the railroad  
right-of-way;

Then East along the South line of said right-of-way, to where the extended East  
line of Lot Six (6), in Block Twelve (12) of Riverview Addition to the City of Clay  
Center intersects with the said South line of said right-of-way;

Then North, along the extended East line of said Lot 6 in Block 12 of Riverview  
Addition to the center line of said railroad right-of-way;

Then West along said center line, to the point of intersection with the extended  
West line of Block 11, Riverview Addition;

Then South along said extended West line of Block 11 to the Point of Beginning.

A tract of land in the Southwest Quarter of Section Six (6), Township Eight (8) South, Range  
Three (3) East of the 6th P.M., in Clay County, Kansas, described as follow:

Beginning at the northwest corner of the Southwest Quarter (SW/4) of said Section 6,  
being Corner No. 1 and marked by a 1/2" iron bar;

Then N87°05'40"E 855.94 feet along the north line of the Southwest Quarter (SW/4)  
of said Section 6 to the southwesterly line of a railroad (formerly Chicago Rock Island  
and Pacific Railroad) and Corner No. 2, marked by a 1/2" iron bar;

Then S42°27'31"E 2,351.50 feet along the southwesterly line of said railroad to the  
east line of the Southwest Quarter (SW/4) of said Section 6 and Corner No. 3, marked by  
a 1/2" iron bar;

Then S00°16'26"W 209.60 feet along the east line of the Southwest Quarter (SW/4) of  
said Section 6 to the north line of U.S. Highway 24 and Corner No. 4 marked by a 1/2"

iron bar;

Then N51°07'15"W 738.36 feet along the north line of said U.S. Highway 24 to Corner No. 5 marked by a ½" iron bar;

Then S81°07'29"W 252.92 feet along the north line of said U.S. Highway 24 to the center of Huntress Creek and Corner No. 6, not marked;

Then along the north line of said U.S. Highway 24 and the center of Huntress Creek the following four courses;

- 1) S39°02'31"E 292.30 feet to Corner No. 7, not marked;
- 2) S53°30'40"E 214.30 feet to Corner No. 8, not marked;
- 3) S71°42'07"E 144.16 feet to Corner No. 9, not marked;
- 4) S41°43'56"E 157.17 feet to Corner No. 10 marked by a ½" iron bar;

Then S00°58'57"W 296.30 feet along the north line of said U.S. Highway 24 and the center of the old channel of said Huntress Creek to Corner No. 11, marked by a ½" iron bar;

Then continuing along the north line of said U.S. Highway 24 the following six courses:

- 1) S81°07'29"W 171.34 feet to Corner No. 12, marked by a ½" iron bar;
- 2) S00°16'26"W 45.58 feet to Corner No. 13, marked by a ½" iron bar;
- 3) S81°07'29"W 853.09 feet to Corner No. 14, marked by a ½" iron bar;
- 4) N00°16'26"E 20.26 feet to Corner No. 15, marked by a ½" iron bar;
- 5) S81°07'29"W 120.08 feet to Corner No. 16, marked by a ½" iron bar;
- 6) On a curve to the right with a radius of 5,669.58 feet an arc distance of 211.23 feet, chord of said curve being S82°11'33"W 211.22 feet to Corner No. 17, marked by a ½" iron bar;

Then N00°16'26"E 210.43 feet to Corner No. 18, marked by a ½" iron bar;

Then on a curve to the right with a radius of 5,460.78 feet an arc distance of 415.86 feet, chord of said curve being S85°17'23"W 415.76 feet to Corner No. 19, marked by a ½" iron bar;

Then N00°00'01"W 516.21 feet to Corner No. 20, marked by a ½" iron bar;

Then on a curve to the right with a radius of 4,944.32 feet an arc distance of 456.01 feet, chord of said curve being S89°43'09"W 455.85 feet to the west line of the Southwest Quarter (SW/4) of said Section 6 and Corner No. 21, marked by a ½" iron bar;

Then North 1,830.23 feet along the west line of the Southwest Quarter (SW/4) of said Section 6 to the point of beginning, containing 92.910 Acres, LESS THE FOLLOWING DESCRIBED TRACT:

A tract of land in the Southwest Quarter of Section 6, Township 8 South, Range 3 East of the Sixth Principal Meridian in Clay County, Kansas, described as follows:

Beginning at the Southwest corner of said Southwest Quarter of Section 6;

Then N 00°00'00" E 673.49 feet along the West line of said Southwest Quarter of Section 6;

Then N 90°00'00" E 924.62 feet to the true point of beginning;

Then N 88°16'44" E 670.00 feet;

Then S 01°35'22" E 220.00 feet;

Then S 88°16'44" W 29.00 feet;

Then S 01°44'10" E 120.00 feet;

Then S 88°11'59" W 645.00 feet;

Then N 00°57'16" W 341.00 feet to the true point of beginning, containing 5.173 acres.

A tract in the Southwest Quarter (SW/4) of Section Six (6), Township Eight (8) South, Range Three (3) East of the Sixth Principal Meridian in Clay County, Kansas, described as follows:

Beginning at the Southwest corner of said Southwest Quarter (SW/4) of Section 6;

Then N 00°00'00" E 673.49 feet along the West line of said Southwest Quarter of Section 6;

Then N 90°00'00" E 924.62 feet to the true point of beginning;

Then N 88°16'44" E 670.00 feet;

Then S 01°35'22" E 220.00 feet;

Then S 88°16'44" W 29.00 feet;

Then S 01°44'10" E 120.00 feet;

Then S 88°11'59" W 645.00 feet;

Then N 00°57'16" W 341.00 feet to the true point of beginning, containing 5.173 acres.

A tract of land lying in the Northwest Quarter of the Northeast Quarter of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6th P.M., Clay County, Kansas and in the Southeast Quarter of the Southeast Quarter of Section Six (6), Township Eight (8) South, Range Three (3) East of the 6th P.M., Clay County, Kansas, and in Block Twenty-five (25) of the Original Townsite of the City of Clay Center, Clay County, Kansas, and also in Block One (1) of Mrs. C.M. Anthony's First Addition to the City of Clay Center, Clay County, Kansas, described as follows:

Beginning at the Southeast corner of Lot Eight (8), Block Twenty-five (25) of the Original Townsite of the City of Clay Center, Clay County, Kansas;

Then North along the east line of Lot Eight (8) to the Northeast corner of Lot One (1) of said Block Twenty-five (25);

Then West along the North line of Block Twenty-five (25), extended, to intersect with the West line of the alley running north and south along the West side of Block Ten (10) of the Original Townsite of Clay Center and Block One (1) of Lots Three, Four and Five (3, 4 & 5) of Sterlings Sub-Division of Lots Eighteen (18) and Nineteen (19) of Holzgang's Division;

Then North on said West line to the South Right of Way of US Highway 24;

Then in a southwesterly direction along the South Right of Way of US Highway 24 to the point of intersection with centerline of the abandoned Union Pacific Railroad Company;

Then in a southeasterly direction along the centerline of said abandoned railroad to the point of intersection with the South line of said Block Twenty-five (25);

Then East along the south line of said Block Twenty-five (25) to the point of beginning,

LESS the underlying mineral interests as shown by Mineral Quit Claim Deed recorded on April 5, 1985 at 10:45 a.m. in Deed Book 134 at Page 117+ from Chicago Pacific Corporation and the Rock Island Improvement Company, Grantor, to International Mining Corporation, Grantee, and further a Mineral Quit Claim Deed from International Mining Corporation, Grantor, to David H. Murdock dba International Mining Company, Grantee as recorded on May 6, 1986 at 2:20 p.m. in Deed Book 135 at Page 427+.

Lot 2 of Fullington's Division situated in the Southeast Quarter of the Southwest Quarter of Section 8, Township 8 South, Range 3 East of the 6<sup>th</sup> P.M. Lots 1 to 15 inclusive, in Smith's Sub-Division of Lots 1, 3 and 4 of Fullington's Division situated in the Southeast Quarter of the Southwest Quarter of Section 8, Township 8 South, Range 3 East of the 6<sup>th</sup> P.M. All of Blocks 1 and 2 of Eberly's Second Addition to the City of Clay Center, Kansas, together with all right, title and interest in and to that part of Estey Street in said City lying South of said Block 2; and all that part of Lot 4 of the South Half of the Southwest Quarter of Section 8, Township 8 South, Range 3 East of the 6<sup>th</sup> P.M., lying East of Kansas Highway No. 15. Excepting One (1) acre described as follows: Commencing at the intersection of the South line of said Lot 4 and the East right of way line of Kansas Highway No. 15; thence East on the South line of said Lot 4, 208 feet, 8 1/2"; thence North 208 feet, 8 1/2"; thence West 208 feet, 8 1/2" thence South 208 feet, 8 1/2"

to the point of beginning.

A tract of real estate located in Lot 4 of the South ½ of the Southwest ¼ of Section 8, Township 8, Range 3 East of the 6<sup>th</sup> P.M., Clay County, KS, as follows:

Commencing at the intersection of the South line of said Lot 4 and the East right-of-way line of Kansas Highway 15; thence East on the South line of said Lot 4, 208 feet, 8.5 inches; thence North 208 feet, 8.5 inches; thence West 208 feet, 8.5 inches; thence South 208 feet, 8.5 inches to the point of beginning, Clay County, Kansas.

All of that portion of Lot Five (5) in the Southwest Quarter (SW¼) of Section Eight (8), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., lying East of Highway 15, subject to highway rights-of-way and easements of record.

A tract of land situated in the Northeast Quarter (NE¼) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., specifically described and located as follows:

Beginning at the intersection of the West line of Third Street (in the City of Clay Center, Kansas) with the South line of erstwhile Union Pacific Railroad Company's main line track right of way, said intersection marked by a ½" x 30" iron rod driven 28"; Thence N 80°16'36" W, along an ancient deficient fence delineating the South right of way line of the said U.P.R.R. Co. main line track, 379.52 feet; Thence S 46°12'03" W, 4.02 feet; Thence S 0°00'01" E, 648.75 feet to an intersection with the thalweg of Huntress Creek former alignment; Thence N 78°07'14" E, along said thalweg 45.76 feet; Thence N 68°30'29" E, 252.81 feet; Thence N 78°02'28" E, 99.10 feet to an intersection with the West line of Third Street; Thence N 0°00'01" W, along the West line of Third Street 464.85 feet to the point of beginning and

The South one-half (S/2) of the abandoned right-of-way adjacent to the North line of the above described tract.

AND A tract of land in the Northeast Quarter (NE¼) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas, specifically described and located as follows:

From the intersection of the West line of Third Street with the South line of erstwhile Union Pacific Railroad Company's main line tract right of way, said intersection marked by a ½" x 30" iron rod driven 28"; Thence N 80°16'36" W, 379.52 feet; Thence S 46°12'03" W, .02 feet to the point marked by a ½" x 18' iron rod, driven to refusal; Thence S 46°12'03" W, 219.10+ feet; Thence S 33°54'37" W, 102.53 feet; Thence N 87°21'55" W 130.74 feet to a stone; Thence S 14°09'19" W, 106.11 feet; Thence S 26°56'50" W, 148.86 feet to the North end of a levee; Thence S 15°48'43" W, along the inside shoulder of said levee, 67.23 feet; Thence S 6°37'55"E, 47.28 feet; Thence S 42°06'36" E, 41.23 feet; Thence S 50°15'59"E, 86.75 feet to an intersection with the thalweg of Huntress Creek former alignment; Thence S 85°16'53" E, along said thalweg, 179.43 Feet; Thence N 78°07'14" E, 166.31 Feet; Thence N 0°0'01" W, 648.75 Feet to the point of beginning, embracing 4.8072 acres.

AND A tract beginning at a point South, Var. 11° East 29.48½ chains and 5.93 chains West of the Northeast corner of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M.;

Thence East on the South boundary line of the right of way track of the Kansas Central Railroad 46 feet, Thence South, Var. 11° East to the North bank of Huntress Creek; thence Southwesterly along the North bank of said creek to a point 2.70 chains South, Var. 11° East of the place of beginning; Thence North, Var. 11° East 2.70 chains to the place of beginning, said tract being otherwise described as Lot 10 of the Northeast Quarter (NE¼) of Section Seven (7),

Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., as appears in Plat Book A of irregular descriptions at Page 126 thereof in the office of the Register of Deeds, Clay County, Kansas.

AND All that portion of Lot Five (5) of Section Seven (7) Township Eight (8), South, Range Three (3) East of the 6<sup>th</sup> P.M., in Clay County, Kansas:

Bounded on the Northwest, North, Northeast and East by the outer line of Huntress Creek as the same existed on March 23, 1922, and bounded on the South by a line parallel with and thirty (30) feet northerly of the South line of Block Fifty-two (52) of the original townsite of Clay Center, extended West.

Excepting and reserving unto the Limited Power and Light Corporation of Kansas, its successors and assigns, the right to maintain the power dam across the Republican River as it is now located in Section Seven (7) in Township Eight (8) South of Range Three (3) East of the 6<sup>th</sup> P.M., in Clay County, Kansas.

AND A tract of land situated in Clay County, Kansas, described as follows:

Commencing at a point in the West line of Fourth Street in the City of Clay Center, where said line is intersected by a westerly extension of the South line of Block Sixty-one (61) in said City, extending thence West along said Westerly extension of the South line of said Block Sixty-one (61), to the center of Huntress Creek; Thence northwardly and northeastwardly along said center line of Huntress Creek to a point in the South line of the Clay Center municipal water and light plant property; Thence East along said South property line of said Clay Center municipal water and light plant property to the West line of Fourth Street aforesaid; Thence South along the West line of Fourth Street to the place of beginning.

AND Beginning at a point thirty (30) feet North and 105 Feet West of the Southwest corner of Block 52 of the original townsite of the City of Clay Center, Kansas, Thence West on a line parallel with the Westwardly extended South line of said Block 52 a distance of 582 Feet; Thence South on a line at right angle to the said extended south line of said Block 52 a distance of 326 Feet, Thence in a Southeasterly direction on angle of 110°58', 522 Feet to the center of Huntress Creek, Thence continuing Southeasterly in a straight line 43 Feet to a point on the East line and 89.7 Feet Southwesterly from the Northeast corner of a tract described as follows:

Commencing on the East line of said Section Seven (7), 31 chains and 40 links North of the Southeast corner of said Section (7), Thence North 80°45' West a distance of 254.4 Feet to the point of beginning, Thence North 30°58'E, 471.7 Feet to a corner on the East bank of Huntress Creek, Thence West 9°30'S, to the West bank of Huntress Creek, Thence in a Southwesterly direction along the West bank of Huntress Creek to a point North 80°45'W of point of beginning, Thence South 80°45'E, to a point of beginning. Thence N 30° 58'E, 89.7 Feet, Thence West 9°30'S, to the center of Huntress Creek, Thence Northerly along center of Huntress Creek to place of beginning.

A tract of land in the Southeast Quarter (SE/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the Sixth P.M., specifically described as follows:

Beginning at a point on the West line of Fourth Street, in the City of Clay Center, Kansas, said point being North 88°57'19" West, 75 feet from a stone marking the Southwest Corner of Block 71 of the original Townsite of Clay Center, Kansas; Thence North 00°13'53" West along the West line of Fourth Street, 300.57 feet to an intersection with the North line of said Block 71 (extended North 88°57'19" West); Thence North 88°57'19" West, 296.33 feet to the thalweg of Huntress Creek; Thence South 36°18'37" West along said thalweg, 15.33 feet; Thence South 06°50'02" West along said thalweg, 113.79 feet; Thence following said thalweg, S 30°43'32" West 201.17 feet to a point on the left bank of the erstwhile Republican River at the confluence with said Huntress

Creek; Thence South 88°57'19" East, 422.95 feet to the West line of Fourth Street, the point of beginning, embracing 2.3879 acres, subject to highway rights of way, easements, restrictions and reservations of record.

AND A tract of land in the Southeast Quarter of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas specifically described and located as follows:

Beginning at a point on the East line of the Southeast Quarter (SE/4) of Section 7, said point marking the Northwest corner of the Dexter Mill Block, said point being marked by a ½" x 30" iron rod, driven 29", Two (2) feet North of a rock retaining wall which forms a part of the embankment of a public road; Thence South 0°42'31" East along the East line of the Southeast Quarter (SE/4) of said Section 7, 300.63 feet to the South line of the Dexter Mill Block; Thence North 88°57'19" West 56.77 feet; Thence South 00°13'53" East along the West line of Fourth Street, 75.02 feet to the South line of McBrathney Street (extended) thence North 88°57'19" West along the South line of McBrathney Street (extended), 296.33 feet to a point on the thalweg of Huntress Creek; Thence North 36°18'37" East on the long axis of the pond formed by the tailrace backwater, 405.21 feet to a point on the embankment of the South slope of aforementioned public road; Thence North 68°38'03" East 117.08 feet to the point of beginning, embracing 1.7173 acres, and all of the Dexter Mill Block in the Original Townsite of the City of Clay Center, Kansas, subject to a railroad rights-of-way, dedicated roads, easements, restrictions and reservations of record.

AND A tract of land located in the Southeast Quarter (SE/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Plat of Clay Center, Clay County, Kansas, being more particularly described as follows:

Commencing at a point on the East line of said Section 7, said point also being the Northwest corner of Mill Block; thence S 68°38'03" W along the westerly line of a tract of land recorded in Deed book 143, page 213, at the Clay County Register of Deeds Office a distance of 117.54 feet to the point of beginning of the tract being described; Thence S 36°18'37" W along said westerly line a distance of 404.69 feet to the Southwest corner of said tract, said point also being the Northwest corner of a tract of land recorded in Deed Book 143, page 297, at the Clay County Register of Deeds Office; Thence S 36°18'37" W along the westerly line of said tract recorded in Deed Book 143, page 297, a distance of 15.47 feet; Thence S 06°50'02" W continuing along said westerly line a distance of 32.78 feet; thence N 62°20'45" W a distance of 182.69 feet; Thence N 31 degrees 21'32" E a distance of 449.35 feet to a point on the northerly line of a tract of land recorded in Deed Book 156, page 237, at the Clay County Register of Deeds Office; Thence S 67°48'28" E along said northerly line a distance of 209.60 feet; thence S 36°18'37" W a distance of 22.59 feet to the point of beginning, containing 1.97 acres, more or less, subject to easements reservations and restrictions now of record.

16-203 ZONE No. 1 A, Business Zone. Zone number 1A shall be the business zone of the City, as defined by section 16-201, wherein the use of real estate shall be restricted to the use of office space only (and such business practice shall not qualify as an accessory use defined by section 2-216) and shall include the following described real estate:

Reserved

16-204 ZONE NO. 1 B, BUSINESS ZONE. Zone number 1 B shall be the business zone of the City, as defined by section 16-201, wherein the use of real estate shall be restricted to the operation of a beauty or barber shop only, and shall include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

none

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

none

**Properties Located within the City's 4<sup>th</sup> Ward**

Original Townsite

All of Lot 13 in Block 13  
the North part of Lots 19 and 20 in Block 14  
Lots 1 through 3 in Block 77

16-205 ZONE NO. 1C, BUSINESS ZONE. Zone number 1 C shall be the business zone of the City, as defined by section 16-201, wherein the use of real estate shall be restricted to the repair of motor vehicles, including heavy equipment, and shall include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

none

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

none

**Properties Located within the City's 4<sup>th</sup> Ward**

none

**Un-platted Properties Located within the City's 4<sup>th</sup> Ward**

A tract of land in the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section One (1) Township Eight (8) South, Range Two (2) East of the 6<sup>th</sup> P.M. described as follows:

Beginning on the North line of the said Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>), a distance of 1945 feet and 5 inches East of the Center of said Section;

Thence South on a straight line which would intersect the South line of said Section One (1), 1959 feet East of the Southwest corner of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of said Section to a point 500 feet North of the North right-of-way line of U.S. Highway 24 (the point of beginning);

Thence continuing South on said straight line to the North line of said Highway U.S. 24;

Thence East on the said North right-of-way line to the West line of the property conveyed to Clay Center Plaza, Inc., by deed recorded in Deed Book 124, Page 265;

Thence North on the West line of said Clay Center Plaza, Inc. property 500 feet to the Northwest corner of said Clay Center Plaza, Inc. property;

Thence West on the extended North line of said Clay Center Plaza, Inc., property, to the place of the beginning.

16-206 ZONE NO. 1D, BUSINESS ZONE. Zone number 1D shall be the business zone of the City, as defined by section 16-201, wherein the use of real estate shall include and allow retail sales, except for the sales of motor vehicles, farm or heavy equipment, gasoline, tires, fertilizer or flammable products, and further allow those uses allowed in classifications 1 A through 1 C, and shall include the following real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

none

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

none

**Properties Located within the City's 4<sup>th</sup> Ward**

Riverview Addition

All of Lots 1 through 3 in Block 12

All of Lots 9 & 10 and 16 through 20 in Block 13

Original Townsite

All of Lots 6 through 10 in Block 15

16-207 ZONE NO. 1 E. BUSINESS ZONE. Zone number 1 E shall be the business zone of the City, as defined by section 16-201, wherein the use of all real estate includes and allows warehouses, light manufacturing, the retail or wholesale sale of motor vehicles, farm equipment, heavy equipment, gasoline, tires, fertilizer or flammable products and/or the repair of farm or heavy equipment, or any other uses allowed in classifications 1 A through 1 D, and shall consist of the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

none

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

none

**Properties Located within the City's 4<sup>th</sup> Ward**

Eberly's 1<sup>st</sup> Addition

All of Lots 3 and 4 in Block 2

All of Lots 4, 5 & 6 in Block 4

Original Townsite

Betsy Martson's Addition (Block 77)

All of Lots 7 and 8 in Block 1

All of Lot 13 and part of Lot 14 in Block 45

All of Lot 11 and part of Lot 12 in Block 64

All of Lots 1 through 4 in Block 73

**Un-platted Properties Located within the City's 4<sup>th</sup> Ward**

A tract of land in the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section One (1) Township Eight (8) South,

Range Two (2) East of the 6<sup>th</sup> P.M. described as follows:

Beginning on the North line of the said Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>), a distance of 1945 feet and 5 inches East of the Center of said Section;

Thence South on a straight line which would intersect the South line of said Section One (1), 1959 feet East of the Southwest corner of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of said Section to a point 500 feet North of the North right-of-way line of U.S. Highway 24 (the point of beginning);

Thence continuing South on said straight line to the North line of said Highway U.S. 24;

Thence East on the said North right-of-way line to the West line of the property conveyed to Clay Center Plaza, Inc., by deed recorded in Deed Book 124, Page 265;

Thence North on the West line of said Clay Center Plaza, Inc. property 500 feet to the Northwest corner of said Clay Center Plaza, Inc. property;

Thence West on the extended North line of said Clay Center Plaza, Inc., property, to the place of the beginning.

16-208 ZONE NO. 1 Ea. BUSINESS ZONE. Zone No. 1 Ea shall be the business zone of the City as defined by section 16-201, wherein the use of real estate shall be restricted to warehouses or light manufacturing or any other uses allowed in classifications 1 A-1 D, and shall include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

none

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

none

**Properties Located within the City's 4<sup>th</sup> Ward**

none

**Un-platted Properties Located within the City's 4<sup>th</sup> Ward**

A tract of land in the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>) of Section 12-8-2 described as follows:

Beginning at the Northwest corner of the Pamida property described in Deed Book 153 at Page 143 and in Deed Book 153 at Page 145;

thence South 636.98 feet to the Southwest corner of said Pamida tract;

thence West on a line parallel with the South ROW line of KS US Hwy 24 to a point that is directly South of the Southeast corner of the tract deeded to Elmo F. Bloom and Maxine L. Bloom in Deed Book 114 at Page 833;

thence North to the Southeast corner of said Bloom tract;

thence North along the East line of said Bloom tract to the Northeast corner of said Bloom tract on the South ROW line of Kansas US Hwy 24;

thence East along said ROW to the point of beginning.

Beginning at the Northwest Corner of the State Highway Commission Tract described in Deed Record No. 94 at Page 573 at the Clay County Register of Deeds, said Corner being N. 84° 59' 48" W. (Assumed bearing) 635.11 feet along the North line of the Northeast Quarter of said Section 12 and S. 00° 00' 12" E. 41.90 feet from the Northeast Corner of the Northeast Quarter of said Section 12, being marked by a concrete right of way monument;

thence S. 00° 00' 12": E. 550.00 feet along the West line of the said State Highway commission tract to a ½ inch iron bar;  
thence N. 85° 34' 59" W. 350.00 feet, parallel to the South right of way line of U.S. Highway No, 24, to a ½ inch iron bar;  
thence N. 00° 00' 12": W. 550.00 feet, parallel to the West line of the said State Highway Commission Tract, to the said South right of way line of U.S. Highway No. 24 and a ½ inch iron bar;  
thence S. 85° 34' 59" E. 350.00 feet along said South right of way line of U.S. Highway No. 24 to the point of beginning, containing 4.406 acres.

16-209 ZONE NO. 1F, BUSINESS ZONE. Zone number 1F shall be the business zone of the City, as defined by section 16-201, wherein the use of real estate shall be restricted to nursing homes and medical clinics, and shall include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

C.M. Anthony's 2<sup>nd</sup> Addition

Block 7

**Properties Located within the City's 2<sup>nd</sup> Ward**

C.M. Anthony's 2<sup>nd</sup> Addition

Block 8 and the North one-half of Block 9 (Hospital)

Burman-Krause 1<sup>st</sup> Addition

All of Block 2 (Medicalodge)

Burman's 1<sup>st</sup> Addition

All of Lot 3 (Health Department)

**Properties Located within the City's 3<sup>rd</sup> Ward**

none

**Properties Located within the City's 4<sup>th</sup> Ward**

none

16-210 ZONE NO. 1G, BUSINESS ZONE. Zone number 1G shall be the business zone of the City, as defined by section 160201, wherein the use of real estate shall be restricted to the operation of salvage and junk yards, and shall include the following described real estate:

Reserved

1 H) Real estate where the use shall not be restricted to allow for any business pursuit.

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of Block 21; Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Block 22; All of Blocks 23, 24, 25, 26, 27, 35 and 36; Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Block 28; Lots 2, 3, 4 and 5 of Block 34; Lot 11 of Block 20; the North 220 feet of Lot 5 of Block 33; and the North 220 feet of Lot 1 of Block 34, all of the said Lots and Blocks being in Riverview Addition to Clay Center.

Also a part of the East Half (E/2) of the Northwest Quarter (NW/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East described as follows, to wit:

Beginning at the Northwest corner of Lot 3 in Block 23 of Riverview Addition,

Then North to the right of way of the Kansas Central Railroad (now Leavenworth Kansas and Western Railroad);

Then West on said right of way to the West line of said East Half (E/2) of the Northwest Quarter (NW/4) of Section Seven (7), Township Eight (8) South, Range Three (3) East;

Then South on said West line to the Northwest corner of Block Thirty-six (36) in Riverview Addition;

Then East on North line of said Block Thirty-six (36), fifty six feet and five inches;

Then North to the place of beginning, being the tract formerly platted as Block Twenty-four (24) of Riverview Addition to Clay Center, Clay County, Kansas.

16-211 ZONE NO. 2; THREE OR MORE FAMILY RESIDENTIAL ZONE. Zone No. 2 shall be designated for three or more family residential zone and shall include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

C.M. Anthony's 2<sup>nd</sup> Addition

Block 4 and Block 5

**Properties Located within the City's 2<sup>nd</sup> Ward**

C.M. Anthony's 2<sup>nd</sup> Addition

Beatty's Sub-Division

Lots 16, 17, 18, 19 & 20

Burman's 1<sup>st</sup> Addition

Block 3

Goodin's 2<sup>nd</sup> Addition

Lots 2 through 9

**Properties Located within the City's 3<sup>rd</sup> Ward**

Original Townsite

All of the South ½ of Block 17

All of the North ½ of Block 18

**Properties Located within the City's 4<sup>th</sup> Ward**

Riverview Addition

Lots 11 and 12 in Block 14

Original Townsite

Lots 4 and 5 in Block 15

Lots 1 and 2 in Block 80

16-212 ZONE NO. 3; ONE OR TWO FAMILY RESIDENTIAL ZONE. Zone No. 3 shall be designated for one or two family residential zone, including single family structures, and duplex structures, and shall include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

All of Greenwood Cemetery and Additions

Ryan's 1<sup>st</sup> Addition

All of Snodgrass' Addition

C.M. Anthony's 2<sup>nd</sup> Addition

Block 2

All of Kasper's Sub-Division (Blocks 3 & 6)

All of Coleman's Sub-Division (Block 10)

All of Welch's Sub-Division (Block 11)

C.M. Anthony's 1<sup>st</sup> Addition

Hammel's Sub-Division (Blocks 1, 2 & 3)

Blocks 4, 5, 8 & 9

Grass Sward Acres Addition

All of Grass Sward Acres Addition

Alexander Smiths Addition

All of Alexander Smiths Addition (Block 5)

Berglund Sub-Division

All of Berglund Sub-Division

Wayne and Gloria Reed Addition

All of Wayne and Gloria Reed Addition

Wayne and Gloria Reed Park Sub-Division

Lincoln Park Addition

Blocks 3 through 14 of Lincoln Park Addition

Gilmore Addition (Blocks 1 & 2)

Merten's 1<sup>st</sup> Addition

All of Dudley's Sub-Division (Block 2)

All of Starkweather Sub-Division (Block 3)

Block 1 and Block 4 through 8

Holfgang's Division

Lots 1 through 6

Lots 10, 11 and 12

Lots 13, 14 and 15

All of Sterling's Sub-Division

Griswald's Sub-Division - Lots 1 through 8 and 10 through 18

Original Townsite

All of Blocks 2, 3, 4, and 5

**Un-platted Properties located within the City's 1<sup>st</sup> Ward**

All that part of Lot four (4) of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Six (6), Township Eight (8) South, Range Three (3) East of the Sixth P.M., lying West of the center line of Third Street projected of the City of Clay Center, Excepting therefrom the South Twenty Feet (S 20") thereof, subject to easements and restrictions of record, Clay County, Kansas.

All that part of Lots 4 and 5 of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Six (6), Township Eight (8) South, Range Three (3) East of the 6th P.M., Clay County, Kansas, lying West of the center line of Third Street projected of the City of Clay Center; All of Blocks 1 and 2 of Alexander Smith's First Addition to the City of Clay Center; All that part of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of said Section 6 lying between the North line of said Blocks 1 and 2 of Alexander Smith's First Addition to Clay Center and the South line of said Lot 4 of said Southeast Quarter (SE/4)

of the Northeast Quarter (NE/4) and all streets and avenues abutting upon said Blocks 1 and 2 of said Alexander Smith's First Addition to the City of Clay Center, if vacated and no longer legally streets and avenues, EXCEPT the following described real estate conveyed to Glen George Leiszler, Jr. and Carol M. Leiszler, husband and wife, to-wit:

All that part of Lot 4 of the Southeast Quarter of the Northeast Quarter (SE/4 NE/4) of Section Six (6), Township Eight (8) South, Range Three (3) East of the 6th P.M., Clay County, Kansas, lying West of the center line of Third Street projected of the City of Clay Center, but excepting therefrom the South 20 feet thereof.

**Properties Located within the City's 2<sup>nd</sup> Ward**

All of Ryan's 2<sup>nd</sup> and 3<sup>rd</sup> Additions

C.M. Anthony's 2<sup>nd</sup> Addition

All of Dockings Sub-Division (Block 1)  
Hill's Sub-Division  
South ½ of Block 9 and all of Block 13  
Fullington's Sub-Division (Block 14)  
Beatty's Sub-Division Lots 1 through 15 (Block 15)

C.M. Anthony's 1<sup>st</sup> Addition

Block 6  
All of Cook's Sub-Division (Block 7)

Burman-Krause 1<sup>st</sup> Addition

Blocks 1, 3, 4, & 5

Burman's 1<sup>st</sup> Addition

Lots 1, 2 & 3

Mr. & Mrs. Miller's Addition

Blocks 1 through 4 of Mr. & Mrs. Miller's Addition

Brooks 1<sup>st</sup> Addition

Blocks 1 through 6  
All of Miller's Sub-Division (Block 7 of Brooks 1<sup>st</sup> Addition)  
Brooks 2<sup>nd</sup> Addition (Block 8 of Brooks 1<sup>st</sup> Addition)

Underwood's 1<sup>st</sup> Addition

Blocks 1 through 8

Parrotts Addition

All of Parrotts Addition

Huntress Addition

Blocks 1, 3, 4, 5, 6, 8 and 9  
Lots 1 through 5 and Lot 8 in Block 2

Dean & William Roe Sub-Division

Blocks 1, 2 and 3  
Lots 1 through 4 and 1 through 11 in Block 4

Goodin's 1<sup>st</sup> Addition

All of Goodin's 1<sup>st</sup> Addition

Bender-Beck Addition

All of Bender-Beck Addition

Goodin's 2<sup>nd</sup> Addition

All of Blocks A, F and G in Goodin's 2<sup>nd</sup> Addition  
Lots 1 through 5 and 10 through 14 in Block B of Goodin's Addition

Lots 1, and 6 through 8 in Block E of Goodin's Addition  
Original Townsite  
All of Blocks 1, 6 and 7

### **Unplatted Properties Located within the City's 2<sup>nd</sup> Ward**

A tract of land in the East Half of the Southwest Quarter of Section 32, Township 7 South, Range 3 East of the Sixth P.M., in Clay County Kansas, described as follows:

Beginning at the Southeast corner of the said East Half of the Southwest Quarter of Section 32; thence N90°00'00" W 950.94 feet along the South line of the said East Half of the Southwest Quarter of Section 32; thence N00°00'00" W 26.18 feet to the North right-of-way of Franklin Street and the East line of a 10 foot strip of land as shown on the plat of Ryan's Second Addition, Clay County, Kansas, being Corner 1, marked by a 5/8" iron bar and the True Point of Beginning; thence N00°02'56" E 276.75 feet along the said East line of a 10 foot strip of land to the Southwest corner of the said Ryan's Second Addition and Corner 2, marked by a 1/2" iron bar; thence N90°00'00" E 123.12 feet along the South line of the said Ryan's Second Addition to Corner 3, marked by a 1/2" iron bar; thence S00°23'59" E 111.68 feet to Corner 4, marked by a 1/2" iron bar; thence S10°51'03" W 168.07 feet to the aforementioned North right-of-way of Franklin Street and Corner 5, marked by a 1/2" iron bar; thence N90°00'00" W 94.02 feet to the True Point of Beginning, containing 0.73 acres.

A tract of land located in the Northwest Quarter (NW1/4) of Section Five (5), Township Eight (8) South, Range Three (3) East of the Sixth P.M. Clay County Kansas, more particularly described as follows:

Lots One (1), Two (2) and the Final Plat of Health Department Subdivision Replat to the City of Clay Center, Kansas.

The West Half of the Northeast Quarter (W/2 NE/4) of Section Five (5), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas, EXCEPT the following described tract of land deeded to the Board of Education of the City of Clay Center, Kansas, described as follows, to-wit:

Beginning at the Southwest corner of the West Half of the Northeast Quarter (W/2 NE/4) of said Section Five (5), Township and Range as aforesaid;  
Then East on the South line of said quarter section, 726 feet;  
Then North, parallel with the west line of said quarter section, 1200 feet;  
Then West parallel with the south line of said quarter section, 726 feet to the west line of said quarter section;  
Then South on the west line of said quarter section, 1200 feet to the place of beginning.

A part of Lot Three (3) of the Southeast Quarter (SE1/4) of Section Five (5), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., described as follows:

Beginning at the northwest corner of said Lot 3; thence East along the north line 220 feet; thence South parallel with the west line thereof, 151 feet; thence West 220 feet to the west line of said Lot 3; thence North along the west line to the point of beginning; containing 0.762 acres.

Lot Three (3) of the Southeast Quarter (SE/4) of Section Five (5) in Township Eight (8), Range Three (3) East of the 6<sup>th</sup> P.M. beginning three and 99/100 chains South of the Northeast corner of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4); thence West var. 13°01' E. 20.19 chains to a line stone; thence South var. 8°15' E. 8 chains; thence East var. 13°03' E. 20.27

chains; thence North var.  $8^{\circ} 35'$  East 7.98 chains being in Section Five (5) aforesaid, containing 16.14 acres Less the following tract:

Beginning at the Northwest corner of said Lot 3; thence East along the north line 220 feet; thence South parallel with the west line thereof, 151 feet; thence West. 220 feet to the west line of said Lot 3; thence north along the West line to the point of beginning, containing 0.762 acres.

A tract of land in the West Half of Section Four (4), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas as shown in Deed 149 at Page 195, described as follows:

Beginning at the northwest corner of the Southwest Quarter of Section 4, being Corner 1, marked by a  $\frac{1}{2}$ " iron bar;  
Then N  $85^{\circ} 25'38''$  E 600.00 feet along an extended fence line from the east, to corner 2, marked by a  $\frac{1}{2}$ " iron bar;  
Then S  $00^{\circ} 02'29''$  W 1321.03 feet to the corner 3, marked by a  $\frac{1}{2}$ " iron bar;  
Then S  $85^{\circ} 46'23''$  W 600.00 feet to the west line of the aforementioned Southwest Quarter of Section 4 and Corner 4, marked by a  $\frac{1}{2}$ " iron bar;  
Then N  $00^{\circ} 93'13''$  E 1317.42 feet to the point of beginning,

Less a tract conveyed to Daniel M. Marshall and Marla J. Marshall and recorded in Deed Book 156 at Page 339

And Further less the following described tract: A tract of land in the West Half of Section 4, Township 8 South Range 3 East of the 6<sup>th</sup> P.M., Clay County, Kansas, described as follows:

Beginning at the northwest corner of the southwest Quarter of Section 4;  
Then N  $85^{\circ} 25'38''$  E 600 feet along an extended fence line from the east;  
Then S  $00^{\circ} 02'29''$  W 728.27 feet;  
Then S  $85^{\circ} 25'38''$  W 600.16 feet to the west line of the aforementioned Southwest Quarter of Section 4;  
Then N  $00^{\circ} 03'13''$  E 728.26 feet to the point of beginning containing 10.00 acres, subject to easements, restrictions and reservations of record.

A tract of land in the Southwest Quarter of Section Four (4), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas, described as follows:

Beginning at the Southwest corner of the said Southwest Quarter of Section 4;  
Then N  $00^{\circ} 22'42''$  E 808.61 feet along the West line of the said Southwest Quarter of Section 4 to the Southwest corner of the Evangelical Covenant Church of Clay Center tract as described in deeds recorded in Deed Book 140 at Page 51 and Deed 141 at Page 75;  
Then S  $89^{\circ} 38'38''$  E 291.06 feet to the Southeast corner of said Evangelical Covenant Church of Clay Center tract as described in Deed Book 140 at Page 51 and Deed Book 141 at Page 75, marked by a  $\frac{1}{2}$ " iron bar, also being the True Point of Beginning;  
Then N  $00^{\circ} 21'22''$  E 23.29 feet to the Southwest corner of the tract conveyed in Deed Book 491 at Page 225'  
Then N  $85^{\circ} 46'23''$  E 50.00 feet to a corner marked by a  $\frac{1}{2}$ " iron bar, the Southeast corner of the property as described in Deed Book 151 at Page 165;  
Then N  $00^{\circ} 20'13''$  E 508.81 feet to a corner marked by an iron bar which is the Northeast corner of the deed recorded in Deed Book 151 at Page 165;  
Then N  $85^{\circ} 46'23''$  E 394.51 feet to a corner marked by a  $\frac{1}{2}$ " iron bar;  
Then S  $00^{\circ} 20'12''$  W 567.95 feet to a corner marked by a  $\frac{1}{2}$ " iron bar;  
Then N  $89^{\circ} 37'05''$  W 443.10 feet to the True Point of Beginning, all in Clay County,

Kansas.

A tract of land in the Southwest Quarter of Section Four (4), Township Eight (8) South, Range Three (3) East of the 6<sup>th</sup> P.M., Clay County, Kansas, described as follows:

Commencing at the Southwest corner of said section;

Then North on and along the west line of said Section 4-8-3 a distance of 80' to the point of beginning;

Then S 86° 12'41" E along the North right-of-way of Highway 24 a distance of 880.19';

Then N 84° 47'32" E along the North right-of-way of Highway 24 a distance of 303.00' (being described in Deed Book 145 at Page 223 as North 89 degrees 50 minutes East, 303.0 feet);

Then S 81° 58'40" E along the North right-of-way of Highway 24 a distance of 112.80' (being described in Deed Book 145 at Page 223 South 85 degrees 25 minutes East, 112.8 feet to a point 93.7 feet North of the place of beginning), to a point which is 33 feet West of the East line of the Southwest Quarter of the Southwest Quarter;

Then North 04° 31;20" W a distance of 714.63', on and along a line, which is parallel to and a 33 feet West of the East line of the Southwest Quarter of the Southwest Quarter;

Then S 89° 49'35" W a distance of 555.61', being the south boundary line of a tract of land conveyed in Deed Book 152 at Page 525;

Then N 85° 10'57" W a distance of 722.93', being the south boundary line of tracts of land conveyed in Deed Book 149 at Page 225 and Deed Book 152 at Page 383;

Then S 04° 48'45" W a distance of 728.53' on and along the West line of the Southwest Quarter of Section 4, Township 8 South, Range 3 East to the point of beginning, Clay County, Kansas.

Together with the right of ingress and egress to said tract as filed in Miscellaneous Book 58 at Page 143, Clay County, Kansas.

### **Properties Located within the City's 3<sup>rd</sup> Ward**

#### Holzgang's Division

All of Schuetz's Sub-Division

#### D.T. Osenbaugh Addition

Lots 2, 5 and 6 in Osenbaugh Addition

#### Selts Addition

Part of lot 7 and all of Lots 8 through 14 in Selts Addition

#### Shaw's 1<sup>st</sup> Addition

Part of Lot 7 and all of Lots 8, 9 and 10 in Shaw's 1<sup>st</sup> Addition

#### Ristene's Addition

All of Ristene's Addition

#### Grand View Addition

All of Grand View Addition

#### Wolcotts 1<sup>st</sup> Addition

All of Wolcotts 1<sup>st</sup> Addition

#### Keystone Addition

All of Keystone Addition

#### Dieters Addition

All of Dieters Addition

#### John Burns Addition

All of John Burns Addition

#### B.A. Kurtzes 1<sup>st</sup> Addition

All of B.A. Kurtzes 1<sup>st</sup> Addition

Brants Addition

All of Brants Addition

Peter Johnson's Addition

All of Peter Johnson's Addition

F.W. Oetinger Addition

All of F.W. Oetinger Addition

Lincoln Addition

Blocks 2 and 3

Hammel's Sub-Division Lots A, B, C, F, G H and I

Lincoln Heights Addition

Blocks 1, 2, 3, 5, 6, 7 and 8

Lots 1 through 17, 18 through 25 and 29 through 34 in Block 4

Lots 1 through 17, 18 through 24 and 26 through 34 in Block 9

John Dexter's 3<sup>rd</sup> Addition

All of John Dexter's 3<sup>rd</sup> Addition

John Dexter's 2<sup>nd</sup> Addition

Blocks 1, 3 and 4

John Dexter's Division

Lots 6 & 7 and Lots 18 & 19

Morgan's 2<sup>nd</sup> Division

Lots 1 through 4, 9 through 22 and 24 through 30

Lot 23, Part of Lot 31, all of Lot 32 and part of Lot 33

Randall's Sub-Division of Lot 7

SJ Randall's Sub-Division of Lot 10

Jacob Keelers Sub-Division of Lot 6

Morgan's 3<sup>rd</sup> Division

Lots 15, 16, 17, 18, 19, 20, and 25 through 28

All of R.D. McCords Sub-Division of Block 23

All of Ft. Lees Sub-Division of Block 24

Morgan Hanneys Addition

All of Morgan Hanneys Addition

Morgan's 1<sup>st</sup> Division

Hessers 1<sup>st</sup> Sub-Division of Lot 2

Hessers 3<sup>rd</sup> Sub-Division of Lot 2 - Blocks 1 through 11 and 18 through 22

J. Keelers Sub-Division of Lot 4

Loops Sub-Division of Lot 3

Hessers 2<sup>nd</sup> Sub-Division of Lot 2

Original Townsite

All of Blocks 33 and 34

**Properties Located within the City's 4<sup>th</sup> Ward**

Eberly's 2<sup>nd</sup> Addition

Lots 1 through 20 of Block 3

Eberly's 1<sup>st</sup> Addition

Lots 1 through 11 and 14 through 20 in Block 1

Lots 1 and 2 and 5 through 20 in Block 2

Lots 1 through 8 and 15 through 20 in Block 3

Lots 7 through 10 and Lots 17 through 19 in Block 4

Mrs. C.M. Anthony's Addition

All of Blocks 1 and 2

### Riverview Addition

Blocks 3, 4, 6, 7, 10, 11, 15, 16, 17, 19, 20, 21, 22 and 23

Block 5 - Huntress Park

Lots 1 and 6 through 14 in Block 9

Lots 4, 5 and 6 in Block 12

Lots 4 through 8 in Block 13

Lots 1, 4 through 6, 8 through 10 and 13 through 19 in Block 14

### Original Townsite

Lots 1 through 10 and Lots 11 & 12 and Lots 16 through 20 in Block 8

Lots 1 through 18 in Block 9 and the North ½ of Lots 19 and 20 in Block 9

All of Blocks 10, 11 and 12

Lots 1 through 12 and Lots 14 through 20 in Block 13

Lots 1 through 18 in Block 14 and the South ½ of Lots 19 and 20 in Block 14

Lots 1, 2, 3 & 6 and 11 through 20 in Block 15

All of Block 16

All of the North ½ of Block 17

All of the South ½ of Block 18

Lots 1 through 7 and 11 through 20 in Block 19

Lots 1 through 10 and Lots 13 through 20 in Block 20

Lots 1 through 10, and Lots 14 through 18 in Block 21

Lots 1 through 15 in Block 22

All of Block 23

Lots 1 through 10, the North ½ of Lot 11, Lots 12 through 18, and the West ½ of Lot 19 in Block 24

The North East 1/4 of Block 25

All of Block 26 except for a triangular area of the North East Corner, excluding a portion of Lots 1, 2 & 3

Lots 1 through 7, Lot 17, 19 and 20 in Block 31

All of Blocks 32 and 35

Lots 3 through 8 in Block 41

Lots 1 through 9, Lots 11 & 12 the East ½ of Lot 14, and Lots 15 through 20 in Block 45

Lots 1 through 14 in Block 46

Lots 1 through 14 in Block 47

All of Block 48

Lots 12 through 16 in Block 52

All of Block 55

Lots 1 through 14 in Block 56 and the West part of Lot 15 in Block 56

All of Block 57

Lots 1 through 10, the Northern tip of Lot 13, the North ½ of Lot 14, all but the Southern tip of Lot 15, and Lots 16 through 20 in Block 58

Lots 1 through 8 in Block 61

Lots 4 through 20 in Block 63

The East ½ of Lot 12 and Lots 13 through 20 in Block 64

Lots 1 through 8, the North ½ of Lot 9, Lot 10 except the Southern most tip, and Lots 11 through 16 in Block 66

Lots 1, 2 & 3, the Northern portion of Lot 4 and 15, and Lot 16 in Block 67

Lots 11, 12 & 13 in Block 68

Lots 3 through 20 in Block 70

All of Block 71

Lots 11 through 20 in Block 72

Lots 5 through 19 in Block 73

Lots 11 through 20 in Block 75  
The Southern Portion of Lot 1, and Lots 2 through 10 in Block 76  
Lots 4 through 9 in Block 77  
Betsy Marston's Addition to Block 77  
    Lots 9-12 of Block 77  
Betsy Marston's 1<sup>st</sup> Addition to Block 78  
    All of Betsy Marston's 1<sup>st</sup> Addition to Block 78  
Betsy Marston's 2<sup>nd</sup> Addition to Block 78  
    All of Betsy Marston's 2<sup>nd</sup> Addition to Block 78  
Lots 1 through 19 in Block 78  
Lots 1 through 4 in Block 79  
The West ½ of Lot 3, and Lots 4 through 10 in Block 80  
Lots 1 and Lots 3 through 8 in Block 81

16-213 ZONE NO. 4; MOBILE HOME DISTRICT. Zone No. 4, the mobile home district, shall be that district as established by section 4-815, shall be subject to the regulations and provisions of chapter 13 and shall consist of and include the following described real estate:

**Properties Located within the City's 1<sup>st</sup> Ward**

none

**Properties Located within the City's 2<sup>nd</sup> Ward**

none

**Properties Located within the City's 3<sup>rd</sup> Ward**

John Dexter's Second Addition

Lots 9 through 16 in Block 2

Morgan's 3<sup>rd</sup> Division

Lots 3 through 14 and Lots 21 & 22

**Properties Located within the City's 4<sup>th</sup> Ward**

none

16-214 SETBACKS, LOT AREAS, PARKING AND BUILDING HEIGHTS. In Zones 2 and 3 the minimum distance of setbacks and minimum lot areas excluding public highways, streets, roads or alleys, parking requirements and maximum building heights, shall be as follows:

(a) Front Line Setback:

(1) No building or structure in Zones 2 or 3 shall be erected or altered or moved nearer to the front line than 25'; provided, that when 30 percent or more of the frontage abutting on one side of the street between two intersecting streets is built up with buildings having more or less front line setback than 25', then no building or structure hereafter erected, altered or moved shall project beyond the average front line setback so established. The front line setback shall be measured from the front lot line to the nearest building line, exclusive of porches, porticos, bay windows, steps and cornices. Buildings and structures located upon corner lots shall comply with the front line setback for both streets.

(b) Side Line Setback:

(1) No residence in Zones 2 and 3 hereinafter erected, altered or moved, including attached or semi-attached garages, and porches, closed or unenclosed, nor other buildings or structures appurtenant thereto, shall be located closer than 5'to either side of the lot, tract, or parcel of land upon which the residence,

building, or structure is located. A minimum of 10' shall be provided and maintained between each such residence, structure or building, and the residence, structure, nor building located upon the adjacent premises. (Ord. 2003, Sec. 1)

(c) Rear Yard:

(1) In Zones 2 and 3 there shall be no less than 25' of rear yard for each dwelling or residence, measured to the rear lot line from the rear building line of the dwelling or residence, excluding porches.

(d) Lot Area Per Family:

(1) Every residence hereafter erected, moved or structurally altered, shall have provided therefor a lot area of not less than 6,000 sq.ft. per family in the case of a single family dwelling.

(2) In the case of two family dwellings there shall be provided at least 8,500 sq.ft. of lot area.

(3) In the case of multiple family dwellings there shall be provided at least 8,500 sq.ft. of lot area for the first two families in addition thereto, 500 sq.ft. of lot area for each family over two.

(4) No lot area shall be so diminished or reduced that the yard area or open spaces shall be less than permitted herein.

(e) Off-Street Parking Area:

(1) Off-street car parking space of not less than 250 sq.ft. shall be provided in the proportion of one such parking space for each family unit located on any tract in Zone 2 or Zone 3

(f) Building Height Restriction:

(1) No residence, building or structure shall be erected or altered in or moved into Zone 2 or 3 which shall contain more than three stories, nor shall the same exceed 45' in height. (R.O. 1970, 24-306)

16-215 POLICIES REGARDING TRAILERS AND MOBILE HOMES. The following policies regarding mobile homes or trailers are hereby adopted in the City of Clay Center:

(a) No trailer or mobile home, defined for the purposes of this article as a movable, detached, single-family dwelling unit, designed for long-term occupancy, constructed or fabricated within the past ten (10) years prior to the date of its move into the City, containing modern plumbing and electrical accommodations, designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels or detachable wheels shall be located, moved into, erected, established, maintained, used, altered or replaced with other structures in zone two, the same being the three or more family residential zone, nor in zone three, the same being the one or two family residential zone of said City; provided, that nothing in this article shall prohibit the structures from being placed in the zones in an area bounded on the north by the alley between Clay and Sherman Streets and to the south by the south City limit, providing the structures conform to the plumbing and electrical standards heretofore established by the ordinances of the City for all structures in the City, are placed on a permanent enclosed foundation with skirting and contain a minimum of seven hundred (700) square feet of floor area, and further conform with all other zoning requirements established by this article.

(b) Trailers or mobile homes currently located within the City that do not meet the definition above due only to the age of the mobile home, may continue to be used at the existing location unless they are found to be dangerous, unfit for human habitation or a nuisance, but these mobile homes or trailers may not be moved to another location within the City.

(c) A trailer or mobile home which is no longer fit for human habitation may not be

utilized for storage or other purposes within the City, but must be removed from the City limits or demolished.

(d) Nothing in this article shall prohibit trailer or mobile homes from being located, established and maintained in trailer courts or mobile home parks, theretofore established in zone one, the same being the business zone of the City or trailer courts or mobile home parks heretofore established in a mobile home district as defined by Section 4-815.

(e) Nothing in this article shall prohibit one trailer house or mobile home owned and occupied by the contractor, or by his, her or its superintendent, foreman or night watchman, alone with his or her family from being located, established and maintained on the site of a school, church or hospital during and only during the construction, major alternation or major repair of such school, church or hospital in the residential zone if such trailer house or mobile home is connected to the sewer on such school, church or hospital site. (Ord. #2106; May 2001)

**16-216 BUSINESS ACTIVITIES ALLOWED IN RESIDENTIAL ZONE; ACCESSORY USES.** That certain business practices and customary home occupations such as an office for a physician, dentist, surgeon, dressmaker, attorney, musician, artist, beauty parlor or operator, insurance salesman, real estate salesman or construction contractor, shall be known as an accessory use to those uses already allowed by the ordinances of the City to be carried on within Zone No. 3, and the accessory uses shall be permitted within Zone No. 3 without the necessity of those persons conducting such accessory uses to have the real estate involved zoned for business purposes. (Ord. No. 1572, Sec. 1)

**16-217 SAME: ACCESSORY USES; EMPLOYEES.** That the accessory uses of real estate in Zone No. 3, such as those set out in section 16-216, shall have no more than one person other than the resident of the property employed in the conduct of the accessory use and the location of such accessory use shall be in the same building that is used by the person conducting the accessory use as his or her private residence. (Ord. 1572, Sec. 2)

**16-218 SAME; ACCESSORY USES; SIGNS.** That no more than two signs or window displays, illuminated or plain, no greater than four square feet, are to be used to advertise the accessory use which is to be conducted within Zone No. 3, and the signs or window displays shall be attached to the building that is used by the person conducting the accessory use and using the building as his or her private residence. (Ord. #2125, 04-02)

**16-219 LAND USE DEVELOPMENT WITHIN THREE MILES OF City; JURISDICTION OF PLANNING COMMISSION.** That the following described real estate be placed under the exclusive jurisdiction and control of the City planning commission, the same as if the real estate was located within the corporate limits of the City, and subject to those regulations as contained in this article as the same relates to the zone given with the real estate as listed:

Group I: All in Township 7 South, Range 2 East of the 6th P.M.

All East of the Republican River in

Section 33 - in Business Zone, Zone No. 1

Section 34 - in Business Zone, Zone No. 1

Section 35 - in Business Zone, Zone No.1

Section 36 - West and South of Railroad Right-of-Way in Business Zone, and East and North of Railroad Right-of-Way in Residential Zone, Zone No. 3

Group II: All in Township 7 South, Range 3 East of the 6th P.M.

Section 31 - all in Residential Zone, Zone No. 3

Section 32 - all in Residential Zone, Zone No. 3  
Section 33 - all in Residential Zone, Zone No. 3  
Section 34 - all in Residential Zone, Zone No. 3  
The W 1/2 of Section 35 - all in Residential Zone, Zone No. 3

Group III: All in Township 8 South, Range 2 East of the 6th P.M.

Section 1- all in Business Zone, Zone No. 1  
Section 12 - all in Business Zone, Zone No. 1  
All of Sections 2, 3, 11, 13, and 14 North and East of Republican River - all in Business Zone, Zone No. 1

Group IV: All in Township 8 South, Range 3 East of the 6th P.M.

SW 1/4 of Section 2 - in Business Zone, Zone No. 1  
NW 1/4 of Section 2 - in Residential Zone, Zone No. 3  
The S1/2 Section 3 - in Business Zone, Zone No. 1  
The N1/2 of Section 3 - in Residential Zone, Zone No. 3  
The S1/2 of Section 4 - in Business Zone, Zone No. 1  
The N1/2 of Section 4 - in Residential Zone, Zone No. 3  
The S1/2 of Section 5 not in Clay Center City - in Business Zone, Zone No. 1  
The N1/2 of Section 5 not in Clay Center City - in Residential Zone, Zone No. 3  
Section 6 - South of Railroad Right-of-Way in Business Zone, Zone No. 1  
Section 6 - North of Railroad Right-of-Way in Residential Zone, Zone No. 3  
Section 7 - all not in Clay Center City, in Business Zone, Zone No. 1  
Section 8 - that part not in Clay Center City Zoned for Fairgrounds N ½ of Section 9 - in Business Zone, Zone No. 1  
S ½ of Section 9 - in Residential Zone, Zone No. 3  
N ½ of Section 10 - in Business Zone, Zone No. 1  
S ½ of Section 10 in Residential Zone, Zone No. 3  
N 1/4 of Section 11 - in Business Zone, Zone No. 1  
S 1/4 of Section 11 - in Residential Zone, Zone No. 3  
The W 1/2 of Section 14 - in Residential Zone, Zone No. 3  
The E1/2 in the E 1/2 of the W1/2 of Section 15 in Residential Zone, Zone No. 3  
The W 1/2 of the W ½ of Section 15 - in Business Zone, Zone No. 1  
Section 16 - all in Business Zone, Zone No. 1  
That part of Section 17, 18, 21 and 27, North and East of the Republican River - in Business Zone, Zone No. 1  
The W1/2 of the W ½ of Section 23 - in Business Zone, Zone No. 1  
The E 1/2 of the W ½ of Section 23 - in Residential Zone, Zone No. 3  
(Ord. 1593, Sec. 1)

16-220 SAME; NO JURISDICTION OVER AGRICULTURAL PURSUITS. That the provisions of this section shall in no way affect any of the real estate listed therein which is presently used or to be used at any time in the future for agricultural purposes.(Ord. 1593, Sec. 2)

16-221 ENFORCEMENT. It shall be the duty of the building committee and building inspector to prevent the moving, constructing, erecting, altering or remodeling of any building or structure within the City in violation of this article, and they are hereby authorized and empowered to revoke any building permit so issued when a departure therefrom is made in such a way as to violate any of the provisions of this article. The governing body, the building committee or the building inspector, of the City, may proceed by injunction, mandamus, or other appropriate

remedy to prevent the violation of any of the provisions of this article. (R.O. 1970, 24-315)

16-222 **BUSINESSES PROHIBITED.** Hereafter, no wholesale or retail business or merchandise establishment, filling station, tank station, curb pumps, funeral home, mortuary or undertaking establishment, factory, hatchery, planing mill, public garage, machine shop, cleaning establishment, blacksmith shop, fender or body shop, or other establishment, shop or building, except churches, private residences, apartments, and non-commercial buildings used in connection therewith, shall be erected, established, maintained or carried on within or upon any part or portion of the territory within Zones 2 and 3 of the City, as hereinabove specified except that a residential type doctor's office may be erected, established and maintained within the Zone 2; provided, that the use of all buildings, which were completed and occupied prior to the effective date of the original zoning ordinance of the City and which shall have complied with the ordinances then in effect, shall be unaffected by the provisions of this article, but that no such building shall be altered to provide for its use for a purpose, or in a manner different from the use to which it was put before the alteration, unless it is within the business zone. (R.O. 1970, 24-316)

16-223 **OBJECTS AND MATERIALS PROHIBITED.** Hereafter it shall be unlawful for any person, persons, firm or corporation to allow, permit or suffer any machinery, automobiles, agricultural implements, engines, threshing machines, separators, combines, tractors or any other farming equipment or machinery of any kind or description, or junk or debris to be or remain upon any vacant lot, parking, parcel or tract of ground or other premises within the City, exposed to public view in Zones 2 and 3, as herein designated and created. (R.O. 1970, 24-317)

16-224 **PENALTY.** Any person, persons, firm or corporation who shall violate any of the provisions of this article shall be deemed guilty of a Class C misdemeanor, and upon conviction thereof shall be subject to confinement and/or the imposition of a fine as provided for by Chapter 11, Uniform Public Offense Ordinance, incorporated by section 11-101, and each day any person, firm or corporation shall violate any of the provisions of this article shall be and constitute a separate and distinct offense. (R.O. 1970, 24-318)