

RESOLUTION NO. 2010-014

A RESOLUTION AMMENDING THE BOUNDARY DESCRIPTION OF THE CITY OF PAOLA, KANSAS, PURSUANT TO K.S.A. 12-517.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

SECTION 1. WHEREAS, during the year 2010, no additional territory has been added to the corporate limits of the City of Paola, Kansas, AND WHEREAS, the City of Paola recently became aware of typographical errors in the legal description of the corporate limits and boundaries of said City, and as a result thereof in accordance with the provisions of K.S.A. 12-517, the Governing Body of the City of Paola is required to declare by resolution the entire boundary of said City, NOW THEREFORE, in order that the legal description of the boundaries of said City be corrected, the boundaries of said City are as hereinafter defined, designated and declared.

SECTION 2. Definitions and Meaning of Abbreviations—
For the purposes of this resolution in designating and declaring the boundaries of the City of Paola, Kansas, and in designating or describing real estate subdivision, or lot and block numbers, it shall not be necessary to spell out the subdivision or section, township, range, lot or block numbers or the directions, at length, but it shall be sufficient to use the abbreviations and the Arabic numerals customarily used:

“N ½” shall mean North-half; “S ½” shall mean South-half; “E ½” shall mean East-half; “W ½” shall mean West-half; “NW ¼” shall mean North-West Quarter; “SW ¼” shall mean South-West Quarter; “NE ¼” shall mean North-East Quarter; “SE ¼” shall mean South-East Quarter; “Sec.” shall mean Section; since all property covered by this ordinance is located East of the 6th Principal Meridian, and South of the 40th parallel, and in Miami County, Kansas, in designating the Township and Range it shall not be necessary to indicate the direction from the meridian or parallel, and it shall not be necessary to include the name of the county, and it shall be sufficient in describing real estate to state the same abbreviations, Arabic numerals and symbols, of which the following is an illustration: The expression “SE ¼ of the SE ¼ of Sec. 16-17-23” shall mean the South-East Quarter of the South-East Quarter of Section Sixteen, Township Seventeen South, Range Twenty-three East of the 6th Principal Meridian, in Miami County, Kansas; since all the “additions” named or referred to in designating the declaring the boundaries of said City are Additions to the City of Paola, Kansas, it shall be sufficient to refer to said additions by naming them, but omitting the concluding phrase designating the City.

SECTION 3. Boundaries – that the limits and entire boundary of the City of Paola, Kansas, as changed by the addition of territory to the city of Paola, are hereby declared to be as follows:

Beginning at the SE corner of Sec. 16-17-23; thence N 35 feet; thence E 660 feet; thence North along the E line of Vallier Acres East Addition 450 feet; thence E 130 feet; thence N 175 feet; thence North $88^{\circ}53'24''$ East 604.11 feet more or less to a point on the Westerly Right of Way line of U.S. Highway 169, thence North $51^{\circ}36'31''$ East along said Right of Way line, thence along a curve to the right having a radius of 7905.23 feet and an Arc length of 882.10 feet, being subtended by a chord of North $42^{\circ}53'29''$ East for a distance of 881.64 feet, thence North $21^{\circ}02'45''$ West 461.56 feet along said Right of Way line, thence North $14^{\circ}44'58''$ West 75.65 feet along said Right of Way line, 263, thence North $30^{\circ}56'$ East 708.40 feet to a point on the South line of the NE 1/4 of Sec. 15-17-23 and the Westerly Right of Way line of U.S. Highway 169, said point being 165.23 feet East of the Southwest corner of the NE 1/4 of said Section 15, thence S $88^{\circ}44'$ E 97.07 feet along the Westerly Right of Way of said U.S. Highway 169, thence N $59^{\circ}52'$ E 472.4 feet along the Westerly Right of Way line of said U.S. Highway 169, then N $46^{\circ}57'$ E 205.9 feet along the Westerly Right of Way line of U.S. Highway 169, thence on a curve of 7,809.44 feet radius to the right along the Westerly Right of Way line of us Highway 169 to a point on the North line of the S $\frac{1}{2}$ of the NE 1/4 of said Sec. 15, thence West along the North line of the S $\frac{1}{2}$ of the NE 1/4 of said Sec. 15 to the N-S 1/4 Section line of said Sec. 15, thence N by the 1/4 Section Line 1320 feet, more or less, to the Northeast corner of the NE 1/4 of said Sec. 15, thence East 1320 feet more or less along the S line of the SE 1/4 of Sec. 10-17-23 to a point being the SE corner of the SW 1/4 of the SE 1/4 of said Sec. 10, thence N 1320 feet more or less along the E line of the SW 1/4 of the SE 1/4 of said Sec. 10 to a point being the NE corner of the SW 1/4 of the SE 1/4 of said Sec. 10, thence W 1320 feet more or less along the N line of the SW 1/4 of the SE 1/4 of said Sec. 10 to a point being the NW Corner of the SW 1/4 of the SE 1/4 of said Sec. 10, thence N along the W line of the SE 1/4 of said Sec. 10, 1020 feet, more or less, to a point 300 feet South of the center of said Sec. 10, thence East and parallel to the North line of the SE 1/4 of said Sec. 10 1320 feet more or less, thence in a Southeasterly direction 1105 feet, more or less, thence East 300 feet to a point 660 feet West and 1320 feet North of the Southeast corner of the SE 1/4 of said Sec. 10, thence South 580 feet to a point 660 feet West and 740 North of the Southeast corner of the SE 1/4 of said Sec. 10, thence in an Easterly direction 660 feet to a point between Sec. 10-17-23 and Sec. 11-17-23, thence North along the line between said Sec. 10 and Sec.11, 87 feet to a point 528 feet South of the Northwest corner of the S $\frac{1}{2}$ of the SW 1/4 of said Sec. 11, thence in a Northeasterly direction 1345 feet, more or less, thence North 462 feet, thence East 1320 feet to the Southeast corner of the NE 1/4 of the SW 1/4 of said Sec. 11, thence North along the North-South Quarter Section line 1320 feet, more or less, to the Center of said Sec. 11,

thence West along the East-West Quarter Section line 365 feet, more or less, to a point being located 2275 feet East of the Southwest corner of the NW 1/4 of said Sec. 11, thence Northwest 417 feet, more or less, thence North 1231 feet, thence West 610 feet, thence North 6 degrees East 1120 feet to the line between Sec. 2-17-23 and Sec. 11-17-23, this point also being located 1155 feet West of the Southeast corner of the SW 1/4 of said Sec. 2, thence East 1155 feet, more or less, along the line between said Sec. 2 and Sec. 11 to a point being the Southeast corner of the SW 1/4 of said Sec. 2, thence North 1980 feet, more or less, along the North-South Quarter Section line of said Sec. 2 to a point being 643 feet South of the Center of Sec. 2, thence West 66 feet, thence North parallel with the North-South Quarter Section line of said Sec. 2, 643 feet to the East-West Quarter Section line of said Sec. 2, said point being 66 feet West of the Center of said Sec. 2, thence East on the East-West Quarter Section line of said Section 2, 66 feet to the Center of said Section 2, thence North on the North-South Quarter Section line of said Section 2 to a point being the Northeast corner of the Northwest Quarter of said Section 2, thence West along the North line of said Sec. 2 to a point being the Northwest corner of the NW 1/4 of said Sec. 2, thence South along the Section line between Sec. 2-17-23, and Sec.3-17-23, 2640 feet, more or less, to a point being the Northeast corner of the SE 1/4 of said Sec. 3, thence in a Southwest direction 933.4 feet to a point located 660 feet West and 660 feet South of the Northeast corner of the SE 1/4 of said Sec. 3, thence South on a line parallel with the Section lines between said Sec. 2 and Sec 3, 1980 feet, more or less, to a point 660 feet West of the Northeast corner of the NE 1/4 of Sec. 10-17-23, thence West along the North line of said Sec. 10, 1320 feet, more or less, to a point 120 rods West of the Northeast corner of the NE 1/4 of said Sec. 10, thence South on a line parallel with the Section line between Sec. 10-17-23 and Sec. 11-17-23 to a point 333.91 feet North of the North line of the SE 1/4 of said Sec. 10, thence West 326.55 feet, thence South 333.91 feet to a point on the North line of the SE 1/4 of Sec. 10, thence West 326.14 feet along the North line of the SE 1/4 of said Sec. 10 to the Center of said Sec. 10, thence W along the N line of the SW 1/4 of Sec. 10-17-23 a distance of 2566.66 feet more or less, said point being the W Right of Way line of the Missouri-Pacific Railroad; thence N 43°30' E along the W Right of Way of the Missouri-Pacific Railroad, a distance of 1582.35 feet; thence South 46°30' E along the W Right of Way of the Missouri-Pacific Railroad a distance of 20 feet; thence N 43°30' E along the W Right of Way of the Missouri-Pacific Railroad a distance of 800 feet; thence N 46°30' W along the W Right of Way of the Missouri-Pacific Railroad, a distance of 20 feet; thence N 46°30' E along the W Right of Way of the Missouri-Pacific Railroad, a distance of 612.25 feet; thence Northeasterly along the W Right of Way of the Missouri-Pacific Railroad on an arc whose radius is 5659.65 feet, a distance of 660.15 feet to a point 50 feet W of the Northeast corner of the NW 1/4 of Sec. 10-17-23; thence W along the N line of said NW 1/4 of Sec. 10, a distance of 2617.15 feet to the NW corner of the NW 1/4 of Sec. 10; and the Southeast corner of Sec. 4, Township 17 South, Range 23 East, thence N 0°06'52" E, along the East line of the Southeast Quarter of said Sec. 4, a 1367.07 feet, thence N 89°32'50" W 955.62 feet to a point on the Easterly Right of Way line

of Old U.S. 169 Highway, thence S 20°47'51" W along said Right of Way line 1178.46 feet, thence N 69°12'09" W along said Right of Way line 15.00 feet, thence S 20°47'51" W along said Right of Way line 98.21 feet, thence W 425.55 feet; thence S 21° W parallel to the W Right of Way line of Old U.S. Highway 169, 649.95 feet; thence N 89°15' W, 580.10 feet; thence N 345.4 feet; thence W 125 feet; thence N 434.6 feet; thence W 975.15 feet to the E Right of Way line of the St. Louis-San Francisco Railroad; thence S along the E Right of Way line of said Railroad 800 feet to the N Right of Way line of Waterworks Road; thence W, 552.1 feet to the W bank of Bull Creek; thence S 238.3 feet; thence S 15° W, 345.2 feet; thence S 70° W 48.5 feet; thence S 32° W, 82.5 feet; thence S 24° W, 138.6 feet; thence East across Bull Creek 301.6 feet; thence N 9° E, 301.2 feet; thence E across the St. Louis-San Francisco Railroad Right of Way line 949 feet to the SE corner of the Paola Waterworks Reservoir tract; thence N 255.9 feet; thence 89°15' E parallel to Waterworks Road 1238.6 feet to the W Right of Way line of Old U.S. Highway 169; thence S 21° W along the W Right of Way line of said Highway 1835 feet; thence N 76°22' W, 400 feet; thence S 21° W, 200 feet; thence N 76°22' W, 140 feet; thence S 21° W, 655 feet; thence N 76° W, 683.99 feet; thence following the E Right of Way line of the M .K. & T. Railroad Spur in a Southerly direction 1040 feet more or less; thence in a Northwesterly direction 200 feet more or less, across the Missouri-Pacific Railroad to the W Right of Way line of the St. Louis-San Francisco Railroad; thence in a SW direction, following the W Right of Way line of the St. Louis-San Francisco Railroad, 3820 feet, more or less, to a point where said W Right of Way line intersects the S side of Peoria Street; thence W along the S line of Peoria Street, 530.9 feet, to the NW corner of Block 23, Snyder's Addition; thence in a NW direction along the South side of the road Right of Way 494.7 feet, more or less, to the NW corner of Block 27, Snyder's Addition; thence S along the W side of said Block 27 to the SW corner of Block 27; thence in a Southerly direction following the E bank of Bull Creek, along the W. side of Blocks 28 & 29 and Outlots 5 & 6 in Snyder's Addition to the far Westerly corner of said Outlot 6, where said point is located 341.9 feet NW of the far Southerly corner of said Outlot 6; thence SE 341.9 feet to the far Southerly corner of said Outlot 6; thence in an Easterly direction following the N bank of Bull Creek, 456.7 feet more or less, to the far Southeasterly corner of Outlot 7, Snyder's Addition; thence NE 250 feet, more or less, along the E side of the S portion of said Outlot 7; thence E along the S side of the E portion of said Outlot 7, 171 feet, more or less, to the W Right of Way line of the St. Louis-San Francisco Railroad; thence in a SE direction, along the W Right of Way line of said railroad, 2912 feet, more or less, to a point due W of the NW corner of Block K in Angiers Addition; thence E to the NW corner of Block K, Angiers Addition; thence in a SE and Easterly direction with variations and meanderings of Bull Creek along the N bank of said creek and on the S side of Angiers Addition, 1640 feet, more or less, to the SE corner of Block F, Angiers Addition, this point also being located on the W side of Wallace Park; thence S across Bull Creek, 130 feet, more or less, to the SW corner of Wallace Park, said point being 83 rods W of the E line of the NW 1/4 of Sec. 21-17-23; thence E 550 feet, more or less, to the SE corner of Wallace Park;

thence N across Bull Creek, on a Variation of N 10°30' E, 2000 feet, to the SE corner of Block 8, City of Paola; thence S 79°30' E, along the S line of Blocks 110, 111, 130 and 131, City of Paola, 1339 feet and 3 inches to the SE corner of Block 131; thence continuing S 79°30' E, a distance of 148 feet; thence S, 505.3 feet to a point being on the North line of the Northeast Quarter of Section 21, Township 17 South, Range 23 East, thence East along the North line of the Northeast Quarter of Section 21 to a point being the Northwest corner of the East Half of the East Half of the Northeast Quarter of Section 21, thence South 0°48'44" East 534.00 feet along the West line of the East Half of the East Half of the Northeast Quarter of Section 21, thence South 89°43'06" East 330.00 feet along a line parallel to the North line of the Northeast Quarter of Section 21, thence South 0°52'34" East 359.52 feet along a line parallel to the East line of the Northeast Quarter of Section 21 to a point on the Northwesterly right of way line of U.S. 169 Highway, thence on a curve to the right, said curve having an initial tangent bearing of North 45°05'03" East, a radius of 11619.16 feet and an arc length of 447.29 feet along said right of way line to a point on the East line of the Northeast Quarter of Section 21, thence North 0°52'34" West 582.24 feet along the East line of the Northeast Quarter of Section 21 to the point of beginning; said description enclosing the City of Paola as of this date, and being located in a part of Sec. 2, 3, 4, 8, 9, 10, 15, 16, 17, 20, 21, & 28, Township 17S, Range 23E, Miami County, Kansas.

In addition to the above described area the following separate tracts are included in said municipal boundary:

TRACT 1

The Southeast Quarter of Sec. 21, Township 17S, Range 23E, Miami County, Kansas, excepting therefrom the public road Right of Way lying on the East side thereof, and excepting therefrom the Right of Way of the St. Louis and San Francisco Railway Company, and also excepting therefrom the public road lying South of the St. Louis and San Francisco Railway Company Right of Way.

TRACT 2

All that part of the Northeast Quarter of Section 28, Township 17S, Range 23E, lying North of the Right of Way of the St. Louis-and San Francisco Railway Company and containing 14.56 Acres, more or less, in Miami County, Kansas, excepting therefrom the public road Right of Way lying on the east side thereof.

TRACT 3

COMMENCING at a point approximately 28.73 rods East and approximately 77.85 rods South of the Northeast Corner of the Northwest Quarter (NW 1/4) of Section Twenty-one

(21), Township Seventeen (17), South, Range Twenty-Three (23) East, thence running West 226 feet; thence South 250 feet to the left high bank of Bull Creek; thence South 45° East along the left high bank of Bull Creek 319.61 feet; thence North 500 feet to the point of beginning, being in all 1.95 acres, more or less, in Miami County, Kansas, on which is located the MAIN SEWER PUMP STATION of said City.

TRACT 4

BEGINNING at a point 1604.17 feet West and 570.24 feet North 21°00'00" East of the Southeast (SE) Corner of the Southeast Quarter (SE 1/4) of Section 4, Township 17 South, Range 23 East, Miami County, Kansas, said point being on the West Right of Way line of Old U.S. Highway 169; thence North 67°35'46" West a distance of 587.07 feet; thence North 09°31'36" East a distance of 517.25 feet; thence S 69°01'49" East a distance of 325.94 feet; thence North 65°21'54" East a distance of 202.62 feet; thence North 77°30'02" East a distance of 252.09 feet to a point on the West Right of Way line of said Old U.S. Highway 169; thence South 21°00'00" West a distance of 807.42 feet and along said right-or-way line to the point of beginning, containing 8.92 acres, more or less, on which is located the PUBLIC WORKS FACILITY of said City.

TRACT 5

All of Lots 1, 2, and 3 of Hospital Addition Final Plat, a subdivision located in the SE 1/4 of Section 15, Township 17 South, Range 23 East, Miami County, Kansas.

TRACT 6

All of a tract of land described in a Joint Tenancy Warranty Deed recorded in Book 420 at Pages 473 through 476 and being more particularly described as follows: Beginning at a point N 89°07'42" W 307.08 feet (measured) 306.95 feet (Deed) and 143.79 feet (measured) 142.98 feet (Deed) N 10°00'00" E of the Southeast corner of the Southwest 1/4 of Section 16, Township 17 South, Range 23 East of the 6th P.M., Miami County, Kansas, said point being the Northwest corner of a tract of land Deeded to Jack & Elizabeth Rowlett and also being on the East line of the Miami County Fair Association described as an Exception in a Deed filed in Book 246 at Page 607, thence along said East line N 14°00'00" E 579.12 feet to the Southerly line of the City of Paola, thence along said Southerly line S 79°28'02" E 623.52 feet to the West line of a road shown as an exception on a survey by Stevens & Assoc. dated September 4th, 1964 and recorded in Book "B" at page 178, thence S 0°11'49" W along said West line, 532.76 feet; thence N 83°33'31" W 756.06 feet to the Point of Beginning. Containing 8.73 acres more or less and subject to all easements and restrictions of record if any.

TRACT 7

The East ½ of the following described tract number seven (7) BEGINNING at a point 1265.94 feet North of the SW corner of the NE 1/4 of Section 10, Township 17 South, Range 23 East, Miami County, Kansas, said point being on the West line of said Quarter Section, thence East 655.71 feet; thence North 199.20 feet; thence West 656.35 feet to a point on the West line of said Quarter Section, thence South 199.20 feet and along the West line of said Quarter Section to the point of beginning,

TRACT 8

Beginning 800.3 feet North & 295.2 feet East of the Southwest corner of the Northeast Quarter of Section 10, Township 17 South, Range 23 East, thence North 199.6 feet; thence East 327.0 feet; thence South 199.6 feet; thence West 327.0 feet to the point of beginning.

TRACT 9

All of U.S. Highway 169 Right of Way, as presently established, lying in Section 35 and the South Half of Section 26, in Township 16 South, Range 23 East, of the Sixth Principal Meridian, Miami County, Kansas.

TRACT 10

All of U.S. Highway 169 Right of Way, as presently established, lying in Sections 2, 11, 14, 15, 21, 22, and 28 and all that part lying North of the South Half of the South Half in Section 29 all in Township 17 South, Range 23 East, of the Sixth Principal Meridian, Miami County, Kansas.

TRACT 11

A part of the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4, Township 17 South, Range 23 East, Miami County, Kansas, described as Follows: BEGINNING at steel pin 21.3 feet S 21° W of the intersection of the North line of the South Half of said Sec. 4 with the West Right of Way of Old U.S. Highway 169; thence S 21° W 1120.7 feet along said W Highway Right of Way, thence W 2803.1 feet to the E Right of Way line of the St. Louis-San Francisco Railroad; thence in a Northerly direction along the said E railroad Right of Way 1072.7 feet to the North line of the South Half of said Sec. 4; thence E 2540.4 feet; thence S 20 feet; thence E 662.9 feet to the place of beginning, enclosing 74 acres, more or less;

TRACT 12

Lot 2, Stewart Subdivision, a subdivision located in the Southeast Quarter of Section 21 and the Northeast Quarter of Section 28, Township 17 South, Range 23 East, Miami County, Kansas.

TRACT 13

A tract of land in the Southeast Quarter of Section 15, Township 17 South, Range 23 East of the Sixth Principal Meridian, in Miami County, Kansas as describes in Deed Book 858, Page 521 and being more particularly described as follows:

Commencing at a ½” rebar at the Southwest corner of the Southeast Quarter of Section 15, Township 17 South, Range 23 East of the Sixth Principal Meridian, in Miami County, Kansas; thence North 02 degrees 19 minutes 57 seconds West for a distance of 832.00 feet; thence North 87 degrees 59 minutes 32 seconds East for a distance of 40.82 feet to a ½” rebar at the Point of Beginning on the East right of way of Hedge Lane; thence North 87 degrees 59 minutes 32 seconds East for a distance of 377.18 feet to a ½” rebar; thence North 01 degrees 53 minutes 49 seconds West for a distance of 266.77 feet to a ½” rebar; thence South 87 degrees 38 minutes 54 seconds West for a distance of 381.89 feet to a ½” rebar on the East right of way of Hedge Lane, said rebar being 38.11 feet East of the West line of said Southeast Quarter; thence South 02 degrees 54 minutes 53 seconds East for a distance of 264.51 feet to the Point of Beginning, in Miami County, Kansas.

TRACT 14

Commencing at the Southwest corner of the Southeast Quarter of Section 15, Township 17 South, Range 23 East; thence North 90°00’00” East 1292.29 feet along the South line of said Quarter Section, thence North 0°00’00” East 35.00 feet to a point on the North right of way of way line of Centennial Road, said point being the true point of beginning; thence continuing North 0°00’00” East 417.42 feet; thence North 90°00’00” East 417.42 feet along a line parallel to the South line of said Quarter Section; thence South 00°00’00” West 417.42 feet to a point on the North line of said right of way; thence South 90°00’00” West 417.42 feet along said right of way line and parallel to the South line of said Quarter Section to the point of beginning, all in Miami County, Kansas.

SECTION 4. That the City Clerk of the City of Paola is hereby directed to file a certified copy of the Resolution with the County Clerk and Register of Deeds of Miami County, Kansas, and with the State Transportation Engineer of the State of Kansas, all in accordance with the provisions of K.S.A. 12-518.

Approved by the City Council this 14th day of December, 2010.

Approved by the Mayor this 14th day of December, 2010.

Artie Stuteville, Mayor

Attest: [Seal]

Daniel G. Droste, City Clerk