

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 12-12-14
Re: December 18, 2014 Work Session

Please find the attached agenda and supporting documentation for the December 18, 2014 Work Session.

Items 2 & 3 – Proposed Annexation of Lots 5 and 6, Block 3, North Hays Addition (48th Street & General Hays Rd.)/Rezoning (A-L to C-2)

These items are a part of the proposed development at the property located on the northeast corner of 48th Street and General Hays Road. Please refer to the attached memorandum from Planning, Inspection and Enforcement Superintendent Jesse Rohr for more information.

Item 4 – Wastewater Treatment Plant – Design-Build Owner Representative RFQ

The Commission has previously been made aware of the need to build a new wastewater treatment facility. City staff indicated it was our intent to utilize a design-build process to construct the new facility. Staff is now ready to move forward with that process, and the first step is to send out requests for qualification for an owner representative. Please refer to the memo from Assistant City Manager Paul Briseno for more information. Paul will also be ready to answer any questions you may have on the subject at the work session.

Item 5 – 2014 Boundary Resolution

This item is self-explanatory.

Item 6 – Scheduling Conflict – Work Session/Chamber Banquet Scheduled for February 19, 2015

This is a housekeeping item. City staff is simply making the Commission aware of a scheduling conflict. It is necessary to move the February 19, 2015 Work Session to Tuesday, February 17, 2015 to accommodate the Commissioners' attendance at the Chamber Banquet on February 19th.

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CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, DECEMBER 18, 2014 – 6:30 P.M.
AGENDA

1. **ITEM FOR REVIEW: [December 4, 2014 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Proposed Annexation of Lots 5 and 6, Block 3, North Hays Addition \(48th Street & General Hays Rd.\) \(PAGE 5\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
3. **ITEM FOR REVIEW: [Rezoning of Lots 5 and 6, Block 3, North Hays Addition \(48th Street & General Hays Rd.\) – A-L to C-2 \(PAGE 11\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
4. **ITEM FOR REVIEW: [Wastewater Treatment Plant – Design Build Owner Representative RFQ \(PAGE 21\)](#)**
PERSON RESPONSIBLE: Paul Briseno, Assistant City Manager
5. **ITEM FOR REVIEW: [2014 Boundary Resolution \(PAGE 53\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
6. **ITEM FOR REVIEW: Scheduling Conflict – Work Session/Chamber Banquet Scheduled for February 19, 2015**
PERSON RESPONSIBLE: Toby Dougherty, City Manager
7. **OTHER ITEMS FOR DISCUSSION**
8. **EXECUTIVE SESSION (IF REQUIRED)**
9. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

City of Hays
City Commission
Work Session Notes
December 4, 2014 – 6:30 p.m.

Present: Henry Schwaller IV, Eber Phelps, Shaun Musil, Ron Mellick, Kent Steward, John Bird, Toby Dougherty

November 20, 2014 Work Session Notes

There were no corrections or additions to the minutes of the work session held on November 20, 2014; the minutes stand approved as presented.

Joint Meeting – City of Hays/Hays Recreation Commission

The City of Hays contracts with the Hays Recreation Commission (HRC) to manage area pools and for all scheduling needs of the various recreational areas in Hays; such as ball fields, soccer fields and the new Bickle-Schmidt Sports Complex. Each year the HRC and the City of Hays conduct a joint meeting to discuss general operations and/or any other facility needs or expectations that may need to be addressed.

Roger Bixenman, HRC Superintendent, reported that the attendance at the Hays Aquatic Park increased in 2014 with 48,528 patrons visiting the pool when compared to 46,270 in 2013. Likewise, the attendance at Wilson Pool increased from 3,740 patrons in 2013 to 3,836 in 2014.

The HRC is requesting a 50% reimbursement, as outlined in the Pool Services Agreement, for the operational losses at Wilson Pool and the Hays Aquatic Park totaling \$15,920.28. The total reimbursement request from the City of Hays is one-half of this amount or \$7,960.14. The 2013 request for half of the pool loss was \$20,451. The reduction in the 2014 request is due to increased attendance, new daily fee for those 18 and older as well as optimal operations.

Jeff Boyle, Director of Parks, stated the Bickle-Schmidt Sports Complex report from the HRC shows a total profit of \$15,940.84. The City's year-to-date

expenditures (November 13, 2014) from the Bickle-Schmidt Sports Complex total \$163,832. The current contract states that the HRC and the Hays City Commission agree to conduct a joint meeting to discuss the financial profit/loss of the facility for the year including disbursement of funds as needed or as agreed upon by both parties. The contract expires in 2018 and does not specify what happens with any surplus or shortfall. City staff does not have a recommendation at this time and would like to see one more year of operational data.

Addendum to the IAFF Local 2119 Union Contract

The City of Hays and the International Association of Firefighters (IAFF) Local 2119 have an agreement for fiscal year 2015 wages, and administration of the pay plan. The agreement states the City will provide members of the IAFF bargaining unit with a one-time 2% bonus, paid bi-weekly beginning with the first payroll in 2015 and ending with the last payroll in 2015. The City will continue the current pay ranges.

At the December 11, 2014 Commission meeting, Commissioners will be requested to authorize the Mayor, City Manager, and Fire Chief to sign the 2015 Addendum to the 2013 thru 2015 IAFF Local 2119 Union Contract.

2015 Job Classification and Pay Plan

Each year city ordinance requires the adoption of a pay plan and job classification by resolution. The 2015 budget contains these salary changes. Erin Giebler, Director of Human Resources, stated City staff recommends adoption of the 2015 pay plan and job classification which includes a one-time 2% bonus for payroll year 2015, while keeping the City's current pay ranges. Employees will be paid this bonus as they accrue it.

At the December 11, 2014 Commission meeting, Commissioners will be requested to adopt the 2015 job classification and pay plan resolution that includes a one-time 2% bonus for payroll year 2015, while keeping the City's current pay ranges.

Passenger Facilitation Charge

Under the guidance and authorization of the Federal Aviation Administration (FAA), the Passenger Facilitation Charge (PFC) Program allows the collection of PFC fees up to \$4.50 for every boarded passenger at commercial airports controlled by public agencies. Airports use these fees to fund FAA approved projects that enhance safety, security, or capacity; reduce noise; or increase air carrier competition.

ID Creech, Director of Public Works, reported in August of 2014 the Commission authorized staff to begin the application process to implement the PFC. This process involved notification to the public and carrier as well as a public hearing on the matter. These steps are complete and staff is requesting authorization to make a formal application to the FAA to begin implementation. If approved, the fee could be in place by February 1, 2015 and could generate approximately \$58,000 annually.

At the December 11, 2014 Commission meeting, Commissioners will be requested to authorize the City Manager to make a formal application to the FAA to begin implementation of the PFC per ticketed passenger flying SkyWest Airlines out of the Hays Regional Airport for the Terminal Improvement Project and the 4-22 Runway Rehabilitation/ Maintenance Project.

Request to Lift Water Watch Restrictions

Bernie Kitten, Utilities Director, introduced Johnny O'Connor, the new Assistant Director of Utilities.

The drought response section of the City's Water Conservation Plan details the triggers for moving into, and out of the various phases of the plan: Watch, Warning, and Emergency. In September 2012 the City of Hays enacted the water watch phase as conditions in the Smoky Hill River well field warranted such a move. Since 2012 the City has moved in and out of the warning phase of the drought response plan as conditions warranted.

The City of Hays is currently in the first stage of its drought response plan: water watch. Current conditions, projections, and plan triggers in the Smoky Hill and Big Creek well fields do not warrant remaining in this status. City staff suggests removing the water watch.

Bernie Kitten, Utilities Director, stated while the area is still abnormally dry, based upon water levels in the Smoky Hill River wells and the Big Creek wells, usage, and moisture predictions; it is safe to lift the water watch restrictions. He also stated with worst case conditions, we won't hit water watch triggers until September, 2015.

Commissioners will be requested to approve the resolution removing the water watch restrictions at the December 11, 2014 Commission meeting.

Other Items for Discussion

City Manager, Toby Dougherty, presented information on a non-profit group called Strong Town Organization. He stated this is a proactive response to infrastructure growth to keep the City strong. He shared a short video with the Commissioners and stated City staff will study this program as a group project.

Commissioner Steward commented there is an issue that is going before the Board of Zoning Appeals regarding a salvage operation to be located adjacent to 13th Street. He stated this is out of the Commissioners hands and this is for the Board of Zoning Appeals to decide. He requested that City staff report back to the Commissioners on these extreme zoning areas so they can look at it and consider making changes so they can be ahead of the game instead of behind it.

The work session was adjourned at 7:22 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: December 18, 2014

Subject: Proposed Annexation of Lots 5 and 6, Block 3,
North Hays Addition

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The owners of this property have submitted a signed consent to request annexation of the property under K.S.A. 12-520a. This property lies adjacent to the reverse access roads (General Hays Rd. and 48th St.) and is contiguous with incorporated territory. The owners intend to develop the property for commercial uses. Approval of the annexation will allow the property owner to receive full benefits of City services, including utilities and fire/police protection. Annexing this property and allowing for its development will increase the property tax base for the City of Hays. Staff recommends annexing this property due to its contiguous nature and plan for commercial growth in the immediate area.

Background

The property has been in its current state as agricultural land/cultivation ground since being platted approximately 10 years ago. This property lies adjacent to the reverse access roads (General Hays Rd. and 48th St.) and is contiguous with incorporated territory.

Discussion

The owners of this property have submitted a signed consent to request annexation of the property under K.S.A. 12-520a. The property is currently in the process of being rezoned as well (Agriculture to Commercial). The land is contiguous with the present City limits. The owners intend to develop the property for commercial uses. Approval of the annexation will allow the property owner to receive full benefits of City services, including utilities and fire/police protection. The water and sewer utilities are already in place along General Hays Rd.

Staff has had discussions with the owner regarding the future construction of 48th St. to the east and associated City utilities, and the owner has agreed in writing to be included in a future benefit district at the time construction of this infrastructure is warranted as development occurs to the east. At this time, since all utilities are already in place for the subject lots, construction of 48th St. and water/sewer utilities is not necessary.

The rezoning request is being considered under a separate agenda item.

Legal Consideration

Annexation requires the City to extend services to the area annexed within a reasonable time. There are no known legal obstacles to proceeding as recommended by City staff.

Financial Consideration

Annexing this property and allowing for its development will increase the property tax base for the City of Hays.

Options

The City Commission has the following options:

- Annex the property as requested
- Do not annex the property

Recommendation

Staff recommends annexing this property due to its contiguous nature and plan for commercial growth in the immediate area.

Action Requested

Approve an ordinance for the annexation of Lots 5 and 6, Block 3, North Hays Addition as legally described within the ordinance.

Supporting Documentation

Signed Consent to Annex
Map of area being annexed
Annexation Ordinance

CONSENT TO ANNEXATION

Miner Family Properties LLC is the owner of the real estate hereinafter described as follows, to-wit:

A Tract of Land in the NW Quarter (NW/4) of Section Twenty Two (22) in Township Thirteen (13) South, Range Eighteen (18) West of the 6th P.M., Ellis County, Kansas described as follows:

Lot Five (5) and Lot Six (6), Block 3 of the North Hays Addition to Ellis County, Kansas,

And hereby consents to the annexation of such land by the City of Hays, Kansas,

And agrees to participate in any future benefit districts as legally prescribed for the improvements as may be deemed necessary for the continued and orderly development of the surrounding adjacent property. The costs of any future improvements including the installation of water lines, sanitary sewer lines, and storm sewers along, and the grading, paving, curbing and guttering of 48th St. shall be assessed 100% to the lot(s) described above, following creation of a benefit district formed in accordance with K.S.A. 12-6a01et seq. This agreement is binding upon all subsequent owners of subject property.

Dated: Dec 3, 2014.

ATTEST:

Tamra Long

BY: Miner Family Properties LLC
[Signature]
(OWNER)

ACKNOWLEDGMENTS

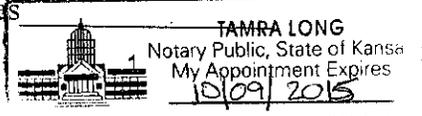
STATE OF KANSAS, COUNTY OF ELLIS, ss:

BE IT REMEMBERED, That on this 3rd day of December, 2014, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Daniel Miner, DDS, who is personally known to me to be the same person who executed the foregoing Consent to Annexation, and duly acknowledged the execution of the same.

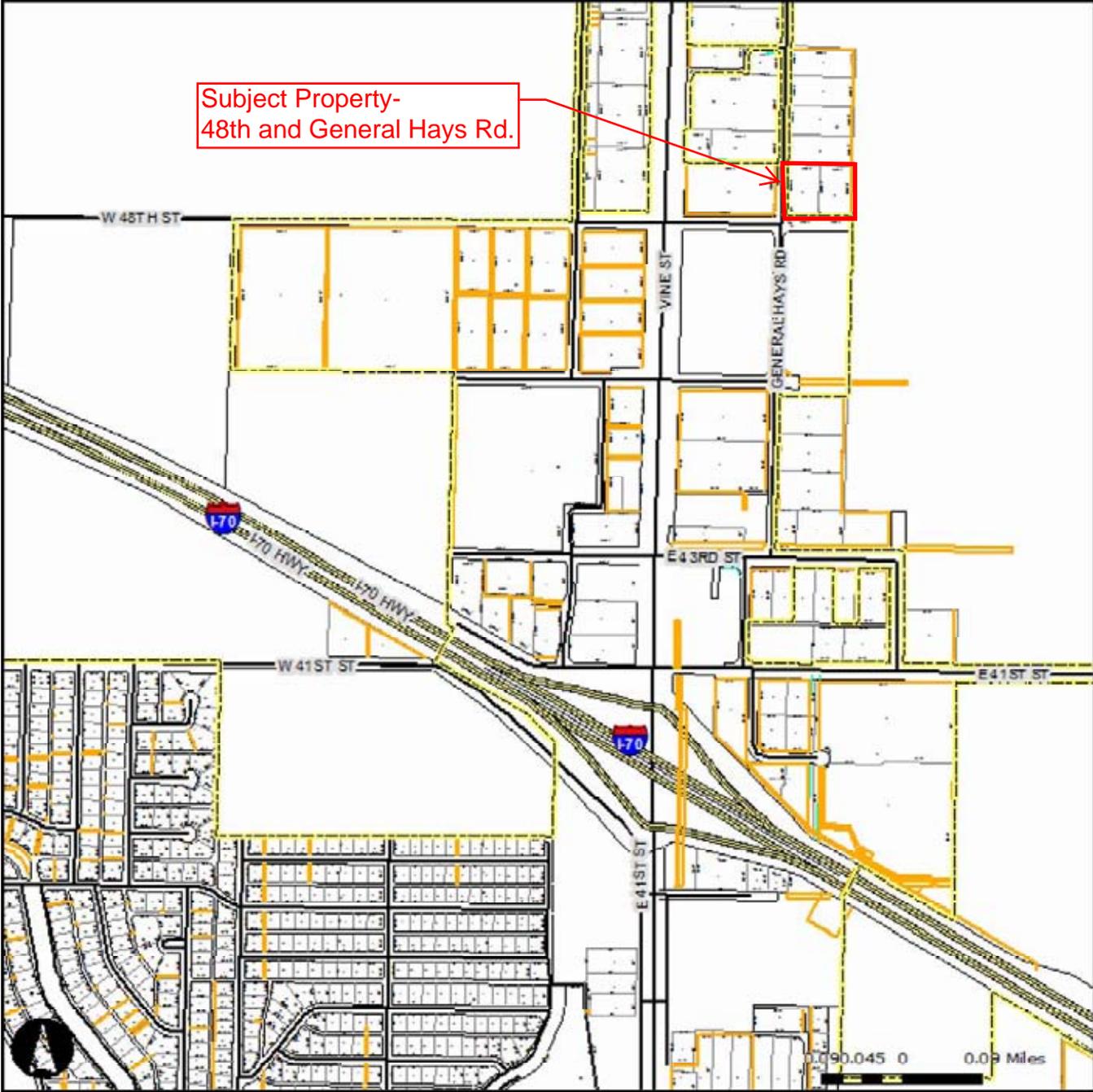
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Tamra Long
NOTARY PUBLIC

My Commission Expires



Map Title



ORDINANCE NO.

**AN ORDINANCE ANNEXING LAND TO THE CITY OF
HAYS, KANSAS.**

WHEREAS, the following described land adjoins the City of Hays, Kansas,

WHEREAS, written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Hays, Kansas, pursuant to K.S.A. 12-520; and

WHEREAS, the governing body of the City of Hays, Kansas finds it advisable to annex such land.

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

Section 1. Pursuant to K.S.A. 12-520(a)(7) the following described land is hereby annexed and made part of the City of Hays, Kansas:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF HAYS, COUNTY OF ELLIS, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:

LOT FIVE (5) AND SIX (6), BLOCK THREE (3) OF THE NORTH HAYS ADDITION TO ELLIS COUNTY, KANSAS

Section 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Hays, Kansas, this 23rd day of December, 2014.

Henry Schwaller
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(seal)

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: December 18, 2014

Subject: Rezoning of Lots 5 and 6, Block 3, North Hays Addition (A-L to C-2)

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The owner of Lots 5 and 6, Block 3, North Hays Addition has submitted a request asking that the property be rezoned from Agricultural District (A-L) to General Commercial and Service District (C-2). A public hearing was conducted on October 20, 2014 at the regular meeting of the Planning Commission and it was recommended by a vote of 5-0 that the rezoning be approved. Examples of uses allowed by right in the C-2 district are auto dealerships/repair shops, banks, retail sales of goods and services, hotels, business and medical offices, restaurants, and convenience stores. Staff, as well as the Planning Commission, recommends approving an ordinance rezoning Lots 5 and 6, Block 3, North Hays Addition from A-L (Agricultural) to C-2 (General Commercial and Service District).

Background

The property has been in its current state as agricultural land/cultivation ground since being platted approximately 10 years ago. This property lies adjacent to the reverse access roads (General Hays Rd. and 48th St.) and is contiguous with incorporated territory. It is also adjacent to other property with similar zoning as that being requested.

Discussion

The owner of Lots 5 and 6, Block 3, North Hays Addition has submitted a request asking that the property be rezoned from Agricultural District (A-L) to General Commercial and Service District (C-2). For historical documentation purposes, the City has also included Lots 7 and 8 (remnant tracts – owned by the City) within the legal description of the rezoning ordinance. This property is contiguous with other C-2 zoned property.

Uses within the C-2 district, which are primarily retail, service, and office types of uses, do “*require access from all parts of the community along streets providing medium to high levels of mobility*” (excerpt from City Ord. Sec. 71-501). The property is contiguous along the south boundary with existing C-2 zoned districts. Examples of uses allowed by right in the C-2 district are auto dealerships/repair shops, banks, retail sales of goods and services, hotels, business and medical offices, restaurants, and convenience stores. The

Comprehensive Plan identifies this area as “Commercial Mixed Use” which rates a 4 out of 5 on the compatibility matrix scale in the Comprehensive Plan, with 5 being the most compatible. Staff feels the proposed request and use of this property is the highest and best use for this property.

A public hearing was conducted on October 20, 2014 at the regular meeting of the Planning Commission. All adjacent property owners in the City within 200’ of the subject property in the City were notified of the public hearing as well as all property owners in the County within 1000’ of the subject property. The item was approved 5-0 and a recommendation was made by the Planning Commission to the City Commission to approve the rezoning.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City staff.

Financial Consideration

None identified at this time.

Options

The City Commission has the following options:

- Approve the rezoning request from A-L to C-2 as recommended by the Planning Commission and City staff
- Send the request back to the Planning Commission for further consideration with specific basis for further review
- Deny the rezoning request from A-L to C-2 (Requires a 2/3 majority vote to overturn the P.C. recommendation)

Recommendation

Staff, as well as the Planning Commission, recommends approving this rezoning request from A-L to C-2 as submitted.

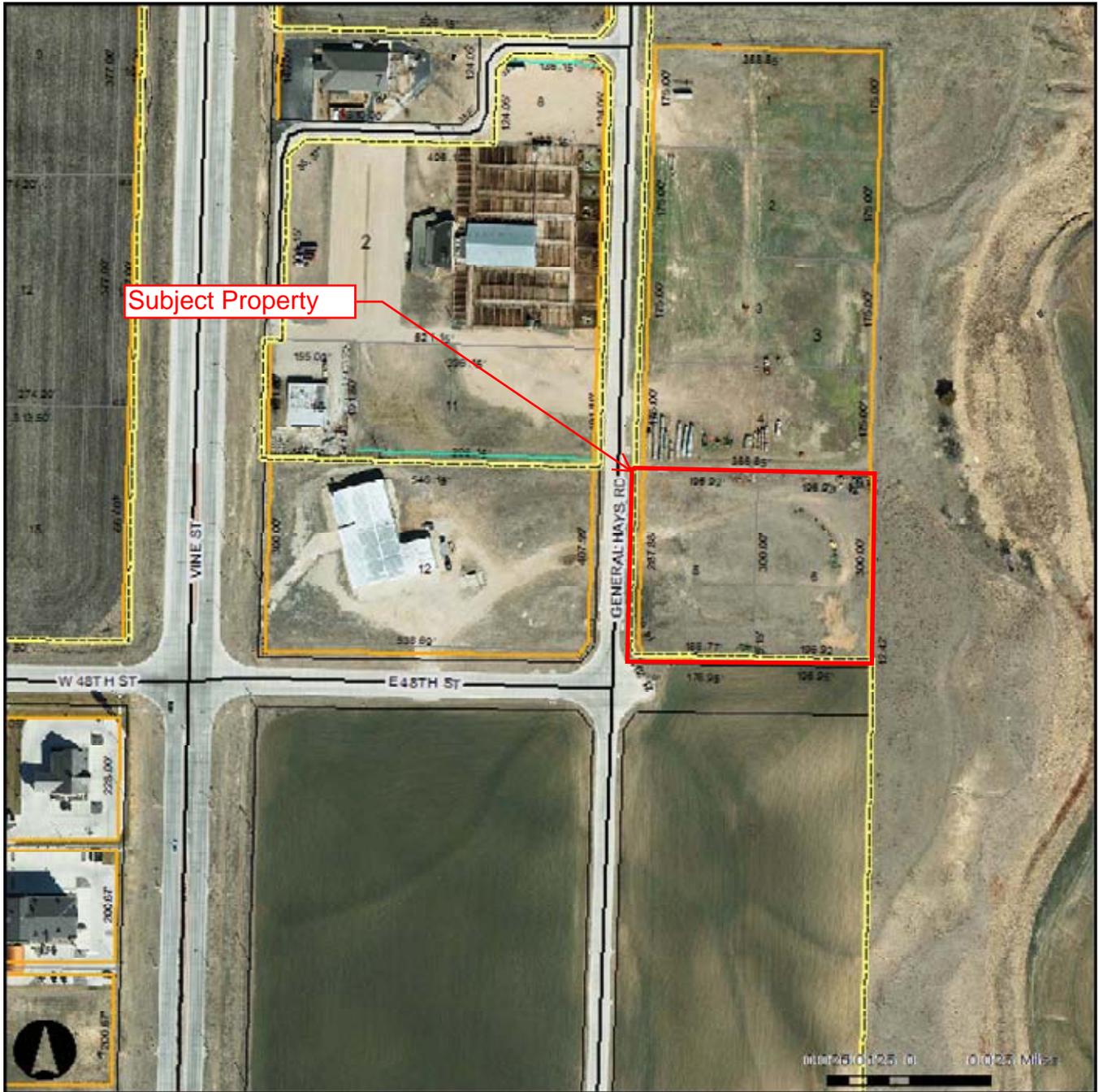
Action Requested

Approve an ordinance rezoning Lots 5, 6, 7, and 8, Block 3, North Hays Addition from A-L to C-2 as legally described within the ordinance.

Supporting Documentation

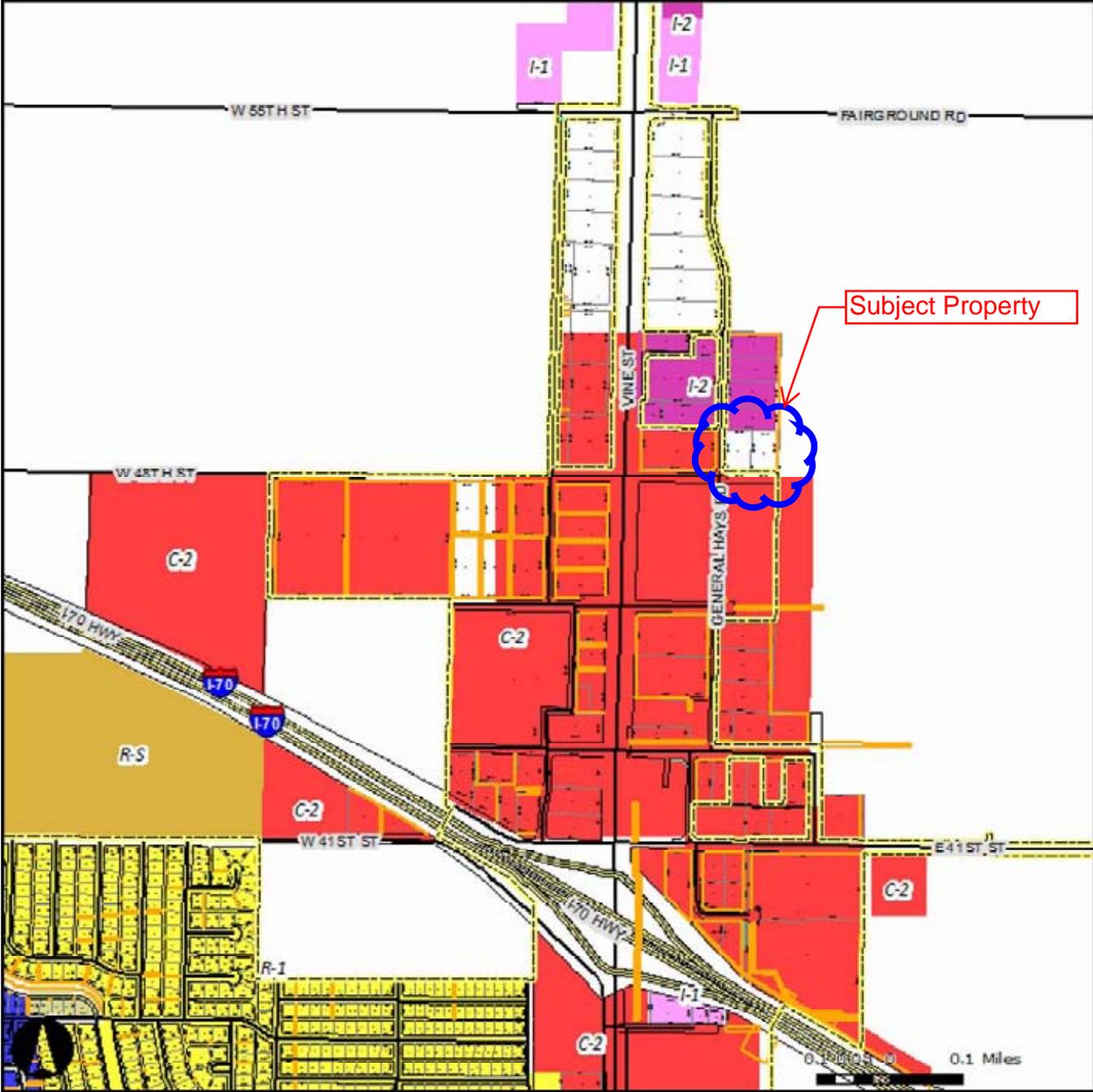
Map(s)
Planning Commission Findings of Fact
Ordinance

Map Title

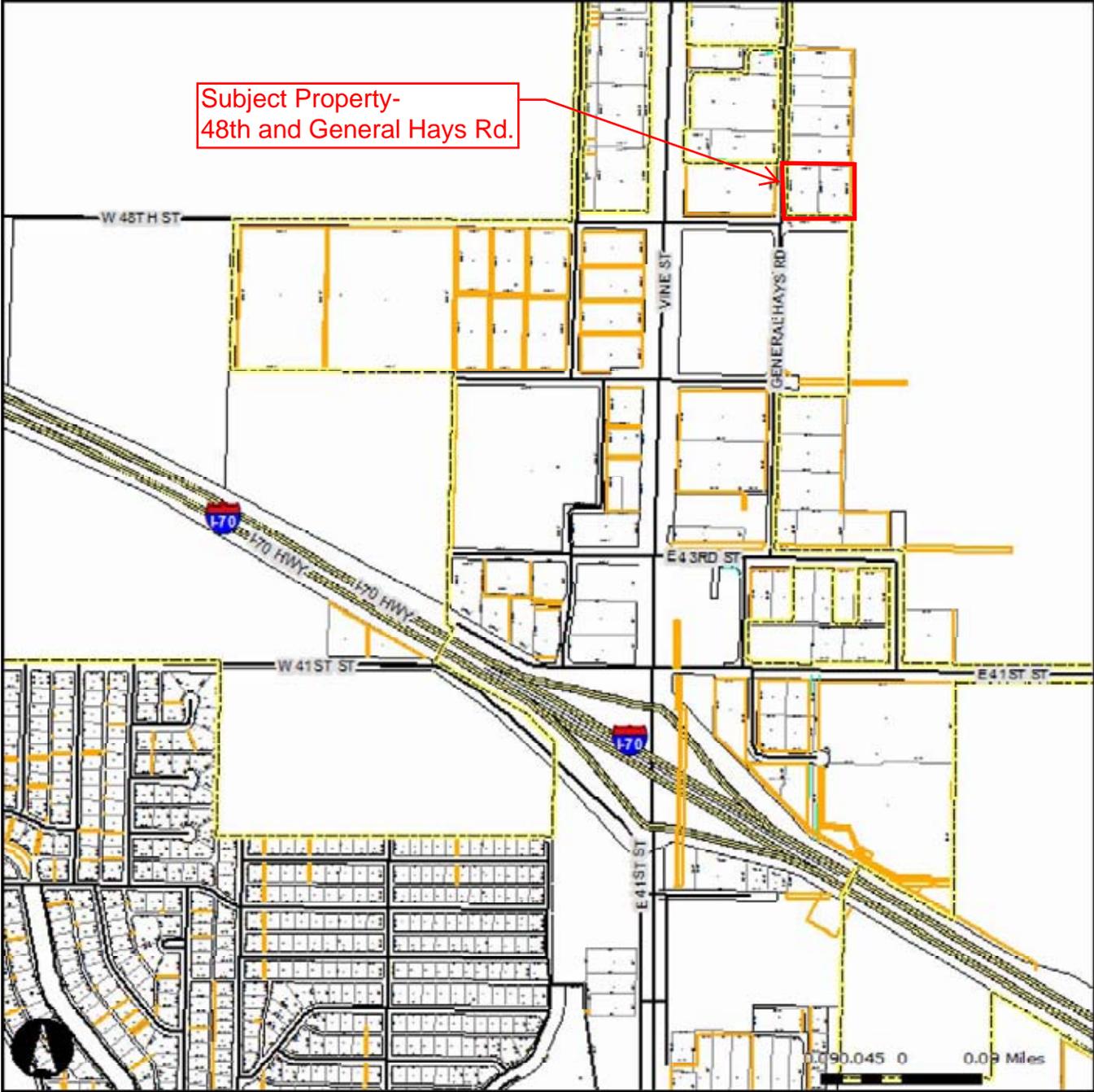


Subject property (Lots 5 and 6) is currently zoned A-L (Agriculture) but is proposed to be C-2 (General Commercial and Service). The area is contiguous with other C-2 zoned areas. The area is identified as Mixed Use/Commercial on the Comprehensive Plan. The property is not currently in the City limits, however a Consent to Annex form has been submitted asking for annexation of this property prior to development.

Map Title



Map Title



PLANNING COMMISSION FINDING OF FACT

1. CASE NO.: **14-02Z** FILING FEE PAID: **\$200.00**
 2. DATE FILED: **08-15-2014**
 3. DATE ADVERTISED FOR HEARING: **09-26-2014 and 09-28-2014**
 4. PUBLIC HEARING DATE: **10/20/2014**
 5. APPLICANT'S NAME: **Carrico Colorado LLC**
 6. LOCATION OF PROPERTY: **NE corner of 48th St & General Hays Rd**
 7. DESCRIPTION OF PROPERTY: **Lot 5 and Lot 6, Block 3, North Hays Addition, Ellis County, Kansas.**
 8. PRESENT USE OF PROPERTY: **Agriculture**
 9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"C-2"**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Vacant - Grassland**

SOUTH: **Farmland - Cultivation**

EAST: **Farmland - Cultivation**

WEST: **Commercial Use (Currently vacant)**

2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **"I-2" Heavy Industrial**

SOUTH: **"C-2" General Commercial & Service District**

EAST: **"A-L" Agriculture**

WEST: **"C-2" General Commercial & Service District**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: **The Area is identified for a mix of commercial uses on the current adopted Comprehensive Plan. It would be well suited for commercial land uses. Staff recommends approval of the rezoning request.**
 - A. DEDICATION OR RESERVATION NEEDED FOR:
 1. DRAINAGE: **Yes**
 2. STREETS: **Yes**
 3. UTILITY EASEMENTS:
 - a. ELECTRICITY: **Yes**
 - b. GAS: **Yes**
 - c. SEWERS: **Yes**
 - d. WATER: **Yes**
 4. SHOULD PLATTING BE REQUIRED: **Already Platted**
 - B. TRAFFIC CONDITIONS:
 1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Reverse Access/Local Commercial**
 2. RIGHT-OF-WAY WIDTH: **70'**
 3. SIGHT DISTANCE: **OK**
 4. TURNING MOVEMENTS: **OK**
 5. COMMENTS ON TRAFFIC: **Local/Commercial**
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **The property is within un-annexed territory; although the owner has submitted a "Consent to Annex" that will be go before the City Commission simultaneous with the rezoning recommendation. With the area being located adjacent to a collector/reverse access street, this is an area of projected/anticipated commercial growth.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Removal of the agricultural designation should not have a negative affect on nearby properties.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **With the exception of agricultural uses, the property has been in its current state since the adoption of 3-mile zoning regulations – 40 plus years.**
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER: **Neighboring property values should tend to increase as development**

takes place. The impact of the rezoning, if approved, should not be destructive to neighboring property and should actually enhance the surrounding area as development occurs.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The property in question has been identified on the adopted Comprehensive Plan as mixed commercial land use. The zoning request makes it fitting for the development. The proposed "C-2" zoning classification district is defined as being compatible with the adjacent districts.**

The request for the General Commercial Service District Zoning Classification as presented does fit the overall scheme of the adopted Comprehensive Plan and staff does recommend approval of the rezoning request.

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION TWENTY TWO (22), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8), BLOCK THREE (3) OF THE NORTH HAYS ADDITION TO ELLIS COUNTY, KANSAS

FROM "A-L" AGRICULTURAL DISTRICT TO "C-2" GENERAL COMMERCIAL AND SERVICE DISTRICT.

WHEREAS, the Hays Area Planning Commission, after due and legal notice published in the Hays Daily News, the official city newspaper, on September 26, 2014, and September 28, 2014, and after a public hearing held in conformity with such notice on October 20, 2014, did, on the last mentioned date, recommend to the Governing Body of the City of Hays, Kansas, the re-zoning of the following-described real estate:

THAT PART OF THE NORTHWEST QUARTER OF SECTION TWENTY TWO (22), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8), BLOCK THREE (3) OF THE NORTH HAYS ADDITION TO ELLIS COUNTY, KANSAS,

from "A-L" AGRICULTURAL DISTRICT to "C-2" GENERAL COMMERCIAL AND SERVICE DISTRICT;

WHEREAS, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be subserved by the following recommendation of the Hays Area Planning Commission,

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

Section 1. That the following-described real estate, to-wit:

THAT PART OF THE NORTHWEST QUARTER OF SECTION TWENTY TWO (22), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8), BLOCK THREE (3) OF THE NORTH HAYS ADDITION TO ELLIS COUNTY, KANSAS,

from "A-L" AGRICULTURAL DISTRICT to "C-2" GENERAL
COMMERCIAL AND SERVICE DISTRICT.

Section 2. This ordinance shall take effect upon its publication in the Hays
Daily News, the official city newspaper.

PASSED by the Governing Body on the _____ day of _____, 2014.

Henry Schwaller, Mayor

ATTEST:

Brenda Kitchen, City Clerk

(SEAL)

Commission Work Session Agenda

Memo

From: Paul Briseno, Assistant City Manager

Work Session: December 18, 2014

Subject: Wastewater Treatment Plant – Design Build
Owner Representative RFQ

Person(s) Responsible: Paul Briseno, Assistant City Manager
Bernie Kitten, Utilities Director

Summary

The reconstruction of a wastewater treatment plant is necessary to meet KDHE permit requirements in 2018. This is expected to cost \$26 - \$28 million. Traditional design-bid-build processes have caused issues with recent projects. To ensure an effective and efficient plant is attained, costs are controlled and protect the city's interest, staff recommends the solicitation of an Owners Representative to guide a design build process.

Background

The current City of Hays wastewater treatment facility was built in the 1950's and received some modifications and upgrades since its original construction. The plant was built to treat to specific wastewater standards. Standards have become more restrictive over the years and harder for the plant to meet due to technological limitations of the facility.

The city was put on notice by the Kansas Department of Health and Environment (KDHE) that nitrogen and phosphorous levels in the effluent stream need to be significantly reduced in the near future. Despite staff efforts and collaboration with KDHE, the facility is not able to meet these required levels without a significant rebuild. Construction will need to be completed by late 2017 to meet the next permit in July 2018.

Burns and McDonnell initial evaluation of the current facility shows an expected preliminary cost of \$26-\$28 million to reconstruct and meet KDHE requirements.

Discussion

Historically the City of Hays capital projects are constructed through a traditional design bid then construct process containing separate contracts. This creates numerous

construction and operational issues that have proven costly. To avoid this problem on such a large project, staff is recommending a design build process.

Design build is a delivery method in which owner enters into a single contract for the design, construction and commissioning of a project rather than two separate contracts. Through research staff recommends this form of delivery method as it has the greatest return through:

- Single contract/responsibility
- Less designer and construction disputes
- Innovative design
- Flexibility
- Faster delivery
- Guaranteed maximum price
- Best value rather than lowest bid

A fact sheet is attached to this memo that outlines the benefits of design build and disadvantages of traditional design bid build. Pertinent definitions are given as well.

Staff recommends an Owners Representative be retained to assist in this project due to the significant cost, first time utilization of design build, and the complexity of the wastewater treatment plant. An Owner Representative guides the design and construction process from concept to completion. They assist with proper design build process and assures risks are minimized, prevent problems, ensure on-time and on-budget completion. Furthermore they provide project management and technical experience that attracts qualified respondents and enables the city to realize full benefits of Design Build. In its simplest terms the Owner Representative acts as the city's advocate protecting the city's interest.

Staff requests authority to advertise a request for qualifications (RFQ) of an Owner Representative. The RFQ details scope on pg 2 of the RFQ. Major services include:

- Determine best design/build approach
- Develop request for qualifications
- Assist in selection of DB team & agreement
- Monitor design contract including; design control, cost control and progress reporting
- Monitor construction and administration including inspection
- Proactively act to advise in the owners best interest

Should staff move forward with a request for qualifications, the results will be presented to City Commission at a future meeting.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

Owner Representative Services typically range 3% - 7% of the total construction cost, depending on the scope of services. Staff will seek a firm that provides oversight of the entire project and will protect the city's interest.

Funds for these services and construction of the facility will be paid by the Wastewater fund through rates.

Options

This issue is presented to the City Commission as advisory and no formal action is necessary. However should Commission desire more discussion the item can be moved to a future work session for further discussion.

Recommendation

Direct City staff to advertise a request for qualifications for Owners Representative Services.

Action Requested

None.

Supporting Documentation

Design Build Fact Sheet
Request for Qualifications for Owners Representative Services

DESIGN - BUILD (DB) BENEFITS

- When cost and parameters are known, process provides optimum outcome through collaboration and innovation of owner, designer, and contractor.
- Allows for innovative design meeting project objectives, within budgets and on schedule, works with staff to design a facility that is operable.
- Single Point of Responsibility – Designer and contractor one contract team from the beginning which also creates accountability and flexibility.
 - Collaboration mitigates construction issues, guides design decisions to meet budget and reduce cost overruns.
- Accountability – Design build team holds responsibility for design errors and omissions.
- Less lawsuits - Delivery model promotes collaboration versus an adversarial approach to unforeseen or in-field coordination issues. Only 1.3% of Design-Build projects over the last decade have ended in lawsuits.
- Contractor works early with designer to proactively identify and resolve potential issues prior to work.
- Early Knowledge of project costs lead to guaranteed Maximum Price.
- Shorter schedule - Construction begins before design is complete. Generally at 30% of design construction begins which grants advantage of lower costs and reduced overhead
- Faster delivery - 13% faster on average.
- Contract based on best value rather than lowest bid. Ensures a plant that is cost effective for the life cycle.
- Reduced risk - Guaranteed Maximum Price agreement guarantees no change orders. Responsibility falls on design and construction team to deliver agreed upon costs.

TRADITIONAL DESIGN / BID / BUILD (DBB) DISADVANTAGES

- No collaboration between designer and contractor.
- Less flexible – no opportunity for innovation as design complete without contractor/operator input.
- Contractor does not receive designs for performance of the plant.
- Owner predominantly liable for extra costs/overruns and deficiencies or design flaws caused by design disputes between designer and contractor.

DESIGN - BUILD (DB) BEST MANAGEMENT PRACTICES

- Upon receipt of statements of qualifications (SOQs), owner's selection panel evaluates and ranks respondents and short-lists (three recommended best practice) for further consideration.
- In order to attract the best competitive/innovative design-build teams, owners should consider a stipend to short-listed teams that do not win the project to help defray cost of their pursuit. Sections of losing proposers designs can be incorporated in the final design. Competition often spurs innovation.
- Owners should incorporate positive incentives clauses. These inducements afford the design-build team an opportunity to achieve an incentive payment for completing the project ahead of schedule or under budget. Incentive clauses stimulate superior achievements. Example: portion of negotiated savings awarded to designer/contractor. Savings in total cost of construction, extending life of facility from 20 to 20+ years, etc.
- Open book approach should be factored that gives owner transparent access to project costs.
- In order to maintain the teamwork synergy, day-to-day decisions should normally be maintained at the project manager level.

COMMON TERMS

- **Design-build (DB)** –Delivery method in which owner enters into a single contract for the design, construction and commissioning of a project.
 - Design methods can be either **Fixed Price** or **Progressive**. *This will be determined with the assistance of an Owner Representative and only noted as there are multiple options.*
 - **Design-build fixed price** – A type of DB delivery in which a stipulated dollar amount for design and construction is established by the owner when the design build contract is signed, based on a defined scope, requirements and schedule for the project.
 - **Design-build guaranteed maximum price (GMP)** – Found in progressive process where owner pays the design-builder a defined cost-reimbursable basis – subject to a maximum limit, above which **owner is not obligated to pay for services within the original scope. A GMP is often accompanied by a shared savings provision that encourages the design-builder to complete the project for less than the GMP amount.**
- **Owner Representative** – Owner advocate that guides design and construction process from concept to completion. Assist with proper design build process and assures risks are minimized, prevents problems, ensures on-time and on-budget completion. Scope ranges from design build request for qualifications and request for proposals, managing contracts, insurance and bonding, inspection and oversight of design build.
- **Design-bid-build (DBB)** – A delivery method most commonly found in public procurement in which an owner first contracts with a designer to prepare detailed plans and specifications for a project, and then enters into a separate agreement with a contractor – often on a low-bid-basis to construct the project based on the designer’s plans and specifications.

REQUEST FOR QUALIFICATIONS

FOR

**OWNER REPRESENTATIVE PROFESSIONAL
SERVICES DURING PROCUREMENT AND
CONSTRUCTION**

FOR

**UPGRADES AND EXPANSION PROJECT OF
HAYS
WASTEWATER TREATMENT PLANT**

CITY OF HAYS, KANSAS

DECEMBER 2014

Introduction

The Hays Wastewater Treatment Plant Upgrade and Expansion Project (WTPUE) will utilize a design-build project delivery method. The purpose of this document is to solicit qualifications of registered Professional Engineering consultants interested in providing Owner Representative professional services during the procurement and construction of the project. **This is not a request for technical proposals.**

Outline of Work Required

A general outline of work required is provided in this RFQ. It is not intended to be all-inclusive, as a detailed scope of work will be developed during negotiations with the selected firm. City of Hays Utilities reserves the right, at its sole discretion, to expand or limit the work based on funding availability or shifting priorities of the City.

General Scope of Project

The selected Engineer is expected to serve as the Owner's representative, assisting with the services including, but not limited to the following:

- Assist Owner with evaluation of various potential Design-build options and determining best approach for the (WTPUE) Project;
- Development and issuance of the RFQ for solicitation of Design-build teams;
- Evaluation of Statement of Qualifications submittals from Design Build teams and assisting the Owner in developing short-list of qualified Design Build teams;
- Assistance with development of an appropriate design contract package to be issued to the short-listed Design Build teams;
- Assistance in the selection of the Design Build team;
- Assistance with development of comprehensive agreement for completion of design and construction;
- Assistance in negotiation of comprehensive agreement, including guaranteed maximum price (GMP);
- Monitoring design contract including; technical design control, cost control, and progress reporting;
- Estimation of probable construction cost; and
- Construction contract monitoring and administration, including the services of a resident project representative and necessary inspections.
- Engineer will proactively act and advise in the owners best interest. Engineer has the knowledge and experience the owner lacks and is expected to act accordingly.

Proposal Milestones

Contract negotiation is expected to begin shortly after selection. The Engineer is expected to begin work promptly upon Notice to Proceed.

The following chart shows the schedule of key events pertaining to this solicitation:

<i>DATE</i>	<i>EVENT</i>
	Issuance of RFQ.
	Pre-submittal meeting
	Acknowledgement forms due this date.
	Deadline for Questions, 4:00 p.m.
	SOQ Packages are due by 12:00 p.m. on this date
Mid –Late	Select Engineer; begin contract negotiations.

Qualification Statement Preparation

If your firm would like to be considered, please submit seven (7) bound copies of your Statement of Qualifications package. Statement of Qualification packages must be bound in a 3-ring binder, and addressed to the following:

Paul Briseno
Assistant City Manager
City of Hays
1507 Main Street
Hays, KS 67601

The Statement of Qualification package should consist of the information described below. Due to demands on the time of the Selection Team members, please limit your submittal to fifteen (15) pages, single-sided, font size 12 or larger. Front and back covers, dividers, and Commercial Non-discrimination form will not count toward the 15-page limit. Statements consisting of more than fifteen pages may be rejected. Promotional literature, brochures, and the cover letter will be considered as part of the page limit.

Section One:

1. Identify the legal entity that would enter into the contract with the City and include location of company headquarters, local office location, type of business (sole proprietorship, partnership, corporation), state of incorporation or organization and Federal Employer Identification Number, and the name and title of the person authorized to enter into an agreement.
2. Provide an organizational chart identifying members of the team, including sub-consultants who would be assigned to this project. The chart should clearly delineate roles and responsibilities of the various team members.
3. For proposed sub-consultants, please provide the name of each firm, the office location, contact name and telephone number, and the services to be provided.
4. State any conflicts of interest your firm or any key individual may have with these projects.
5. Provide overall references for your team.
6. List any contracts performed in the past ten (10) years, **by your proposed team**, for projects that were similar in size or type to this project.
7. If assistance in rate analysis or revolving loan opportunities were given in previous projects, list specifics and extent services were provided.

Section Two:

1. Indicate the number of professional staff available and qualified to perform services. Particular emphasis should be placed on the project manager, his/her length of time with the firm, and their relevant experience for this project. The continuity of the selected Engineer's key personnel throughout this project is vital to the success of this project. To that end, the individual(s) proposed for this project must be able to guarantee their commitment to this project. Background information for all team members should include
 - Job classification;
 - Roles and responsibilities;

- Resumes, Professional registrations and certifications listing applicable states(s);
 - Location;
 - Role in past similar projects;
 - Project approach; and
 - Present and anticipated workload and ability to handle additional projects.
2. Experience with similar projects is the highest priority. For each project that your **project team** has completed, provide a brief project summary, identify the owner and include the name and phone number of a contract person. In addition, indicate which member(s) of your proposed project team had key roles in the projects, and what those roles were. We're particularly interested in any previous experience as a bridging engineer with Design Build projects.
 3. **The City of Hays has no prior experience with Design Build project delivery methods. As such, a significant part of the selected Owner's Representative role will be presenting potential Design Build options and assisting the City of Hays with evaluation and selection of the most appropriate project approach. The Proposer's Statement of Qualifications should address how they intend to fulfill this role of communicating with the public and electeds.**
 4. Describe the general tasks required to fulfill project requirements and your firm's approach to completing those tasks.
 5. Summarize why your firm should be selected.

Selection Team

A selection team, comprised of City Management and Utilities staff, will evaluate the Statement of Qualifications. In the event insufficient or inadequate proposals are received, additional firms may be invited to respond.

Evaluation Criteria

Statement of Qualification packages will be evaluated on the firm's ability to meet the requirements of this RFQ. Some specific evaluation criteria, among other factors, will include the following:

- The key personnel's experience in providing similar services for similar projects, i.e. demonstrated ability and history of planning, design, design-build, and construction monitoring experience for projects of similar size and nature;
- Résumés of key individuals identified in the SOQ;
- Project approach;
- Standard schedule of rates and fees to include overhead;
- Approach to addressing location of owner representative and site; and
- References.

Contact with City Staff

Maintaining the integrity of its RFQ process is of paramount importance for the City of Hays. To this end, we ask each firm's cooperation in voluntarily refraining from contacting any members of the Hays City Commission and Utilities staff associated with this project until the award of this contract is presented to Commission for approval.

Legal Notice

Potential firms should know the City's Required Contractual Provisions:

Unless specifically waived in its request for bids or request for proposals, or included as alternate provisions to be bid or proposed, the City of Hays, Kansas, shall not award

contracts nor let bids to individuals or entities unless the vendor, contractor or individual agrees to indemnify and hold the City of Hays, Kansas, harmless from any and all losses, damages or expenses of any kind arising out of any and all claims, demands, or causes of action initiated against the City of Hays, Kansas, by competing entities bidding on the project which is the subject of the contract.

Prohibited Contractual Provisions.

Unless specifically waived in its request for bids or request for proposals, or included as alternate provisions to be bid or proposed, the City of Hays, Kansas, shall not award contracts nor let bids to individuals or entities which attempt to do any of the following or include any of the following in the proposed contract:

- 1) Any diminishment of the common law or statutory standard of care, limitation of liability, or other attempt to reduce responsibility for mistake, error, or negligence of any type on the part of the vendor, contractor or individual.
- 2) Attempts to limit liability for breach of contract or negligent performance to the amount of the payment to the contractor by the city.
- 3) Attempt to claim ownership of intellectual property created during the performance of the contract with the city.
- 4) Arbitration agreements.
- 5) Provision for damages for breach by owner contrary to common law or statute including, but not limited to, any attempt to provide for attorney fees as part of recoverable damages.
- 6) Attempt to designate any forum or venue for resolution of disputes other than Ellis County District Court, Kansas.
- 7) Any other attempted reallocation of risk contrary to common law or statute.
- 8) Any attempt to eliminate the city's ability to collect consequential, exemplary or punitive damages, or any other measure of damages permitted by law, in an action against the vendor, contractor or individual for breach of contract.

Prohibited Acts

Unless specifically permitted to do so by the request for bids or request for proposals, no vendor, contractor or individual submitting proposals or bids to the City of Hays, Kansas, shall attempt to insert any of the contractual provisions prohibited by Section 2-577 into any contracts or agreements proposed to the City of Hays, Kansas.

Penalty for Violation of Article

Any vendor, contractor or individual who, without the express permission of the City Manager of the City of Hays, Kansas, proposes to enter into or enters into a contract with the City of Hays, Kansas, which omits any of the contract provisions required by Section 2-576 of this article or contains any of the contract provisions barred by Section 2-577 of this article, may be found by the City Manager of the City of Hays, Kansas, to be in violation of this article and vendors, contractors or individuals found to be in violation of this article may be barred from bidding on future contracts with the City of Hays, Kansas.

Conflict Between Article and Contract

To the extent any contract entered into by or on behalf of the City of Hays, Kansas omits any of the contract provisions required by Section 2-576 of this article, the article will prevail and the required contract provisions will be read into the contract. To the extent any contract entered into by or on behalf of the City of Hays, Kansas contains any of the contract provisions barred by Section 2-577 of this article, the article will prevail and the offending provisions shall be null and void and shall be unenforceable as to the City of Hays, Kansas.

The City of Hays expects a professional job, done commensurate with the standards and practices of the profession/or business. All persons awarded and/or entering into purchase orders with the City of Hays shall be subject to and required to comply with all applicable City, State and Federal provisions. The City of Hays has an affirmative action program. Any firm will be required to include the following statement in any contract with the City of Hays:

"Contractor shall not discriminate in the employment of persons engaged in the performance of this Agreement on account of race, color, national origin, ancestry, religion, sex, marital status, physical handicap, or medical condition, in violation of any federal or state law. Contractor shall comply with all requirements of the City of Hays pertaining to affirmative action with regard to employment while this Agreement is in effect."

At any time, the City may elect to abandon the project. At that time, the consultant would be compensated for all work previously completed.

Rights to intellectual property developed, utilized, or modified in the performance of services shall remain the property of the City of Hays.

Questions

Questions may be addressed to the individual below until 4:00 pm _____. **The desired method for sending questions is through email.**

Paul Briseno, Assistant City Manager
Phone: (785) 628-7320
Email: pbriseno@haysusa.com

We look forward to receiving your qualification package. This proposal is open to all consulting firms appropriately licensed in Kansas.

Sincerely,

Paul Briseno
Assistant City Manager
City of Hays

REQUEST FOR QUALIFICATIONS ACKNOWLEDGEMENT FORM

The City of Hays is very conscious and extremely appreciative of the time and effort you expend in preparing and submitting your Qualifications Package to the City. If you do not intend to submit a Qualifications Package, please complete **Sections I and III**, and return this form **prior to submittal due date**. If you intend to submit a Qualifications Package, please complete Sections II and III, and return by _____. Failure to do so may result in your firm not receiving important notices regarding this RFQ. All responses should be mailed or faxed to the following: Paul Briseno, Assistant City Manager, City of Hays, 1507 Main Street, Hays, KS 67601 or faxed to the attention of Paul Briseno at 785-628-7323. Should you decline to submit on this RFQ, you will not be removed from our mailing list or in any way penalized for your decision.

SECTION I

We, the undersigned, have declined to submit a submittal for **Owner Representative**, Hays Wastewater Treatment Plant Upgrade and Expansion Project (WTPUE) for the following reason(s):

- _____ Scope of Work is unclear (Please explain below).
- _____ Our workload is too great at this time to submit qualifications for a project of this size.
- _____ We do not offer this service.
- _____ Unable to meet Scope of Work.
- _____ Job too large.
- _____ Job too small.
- _____ Insufficient time to respond to RFQ
- _____ Other (Please specify below).

REMARKS: _____

SECTION II

_____ Yes, we plan to submit a Qualifications Package.

SECTION III

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Name: _____ Title: _____

Business Telephone Number: _____ Fax: _____

Email Address: _____

BACKGROUND

The City of Hays currently operates a Wastewater Treatment Plant with a design flow of 2.8MGD. The historical and current actual flow is approximately 1.8MGD. The existing WWTP is antiquated with portions being built in 1953, 1967, and the last upgrade was in 1993. The last upgrade was primarily for ammonia removal and is not able to meet the 2018 requirements listed in our current 2014 NPDES permit.

By July of 2018 we are to meet Biological Nutrient Removal (BNR) requirements of Phosphorus and Nitrate reduction, and waste load allocations for nutrient compliance for Big Creek.

The City of Hays is considering the construction of a state-of-the-art plant to meet KDHE required plant construction complete by December 31, 2017 and discharge limits for Hays in July 2018. The intention is to utilizing portions of the existing plant if feasible and economical. This facility is expected to be designed for a 20 year minimum so as to be inherently compliant of future nutrient reduction limits. Consideration of technologies for direct reuse and space reserved for that possibility is to be included in the site design.

The City of Hays is also exploring a major upgrade to the solids handling process stream of the facility. Currently liquid sludge is hauled for land application and limited storage is available. The intention is to incorporate a dewatered sludge system for land application. Cost benefit of producing class A sludge compared to class B sludge will be explored.

SCOPE

History of Permit Development for Hays, Kansas

2010: TMDL

- Water quality study of Chetolah, Big Creek, and Kanopolis Lake specific to Hays discharge.

2014: Hays NPDES Permit

- Schedule of Compliance to meet nutrient removal requirements

New NPDES Discharge Criteria (2014)

- Reduced Ammonia Criteria (recent mandate)
- Protective of mussels
- Nutrient Removal
 - Nitrate and Phosphorus
 - Protective of water supply, recreational use, and aquatic life

Proposed Treatment Process

Influent Pump Station

New Headworks

New Treatment Process for Nutrient Removal

New Filters and Convert from Chlorine to UV

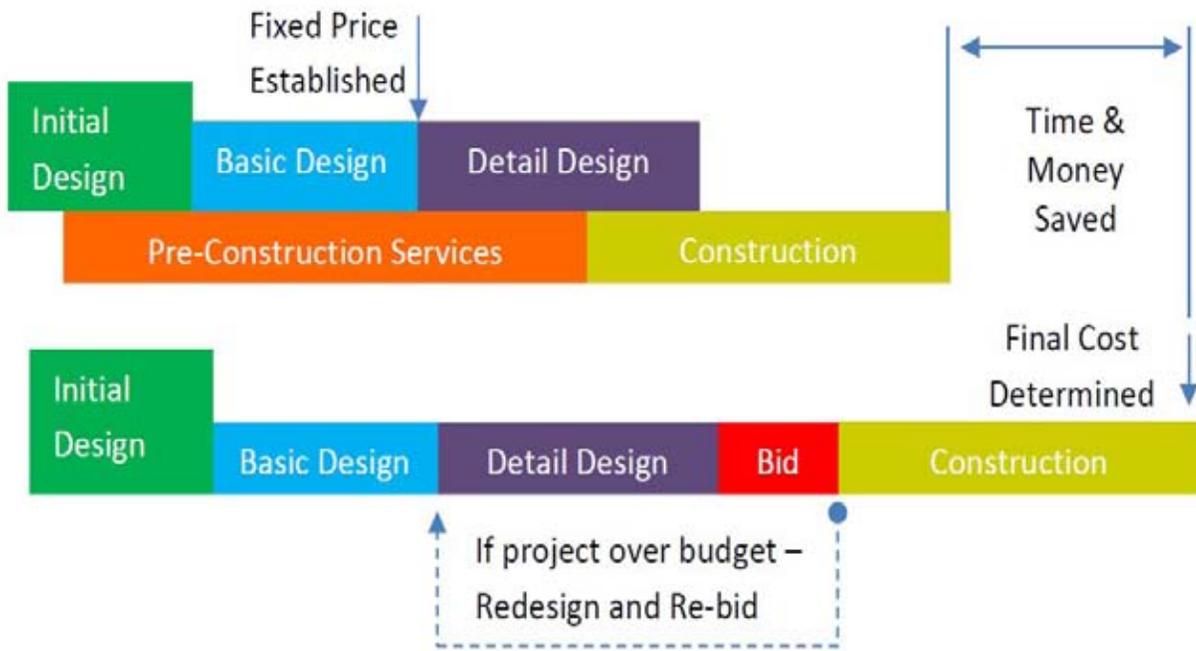
Add Dewatering Screw Press and Convert to Aerobic Sludge Holding

Other Benefits - Reliability

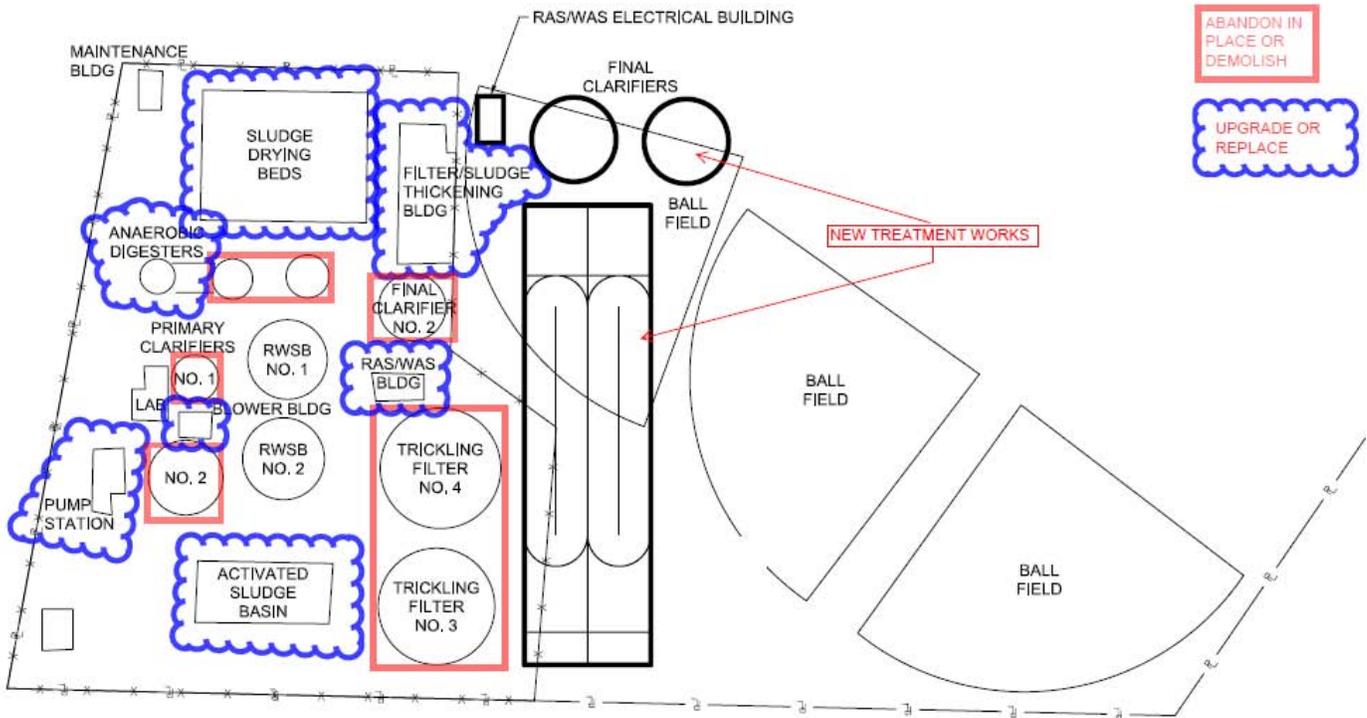
- Reduced Emergency Repairs
- Process Redundancy
- Biologically Stable
- Improve Reclaimed Water Quality
- Energy Efficiency
- Install Contemporary Technology
- Implement Gravity Flow Hydraulics (*Currently 34 Pumps!*)
- Better Automation

Compliance Timeline

- Planning 2015
- Design and Construction 2015-2017
- Start-up and Commissioning 2018



Preliminary Sketch of One Option (Burns and McDonnell)



Anticipated Project Cost

Preliminary based on similar facilities constructed in the region: \$24M – \$28M

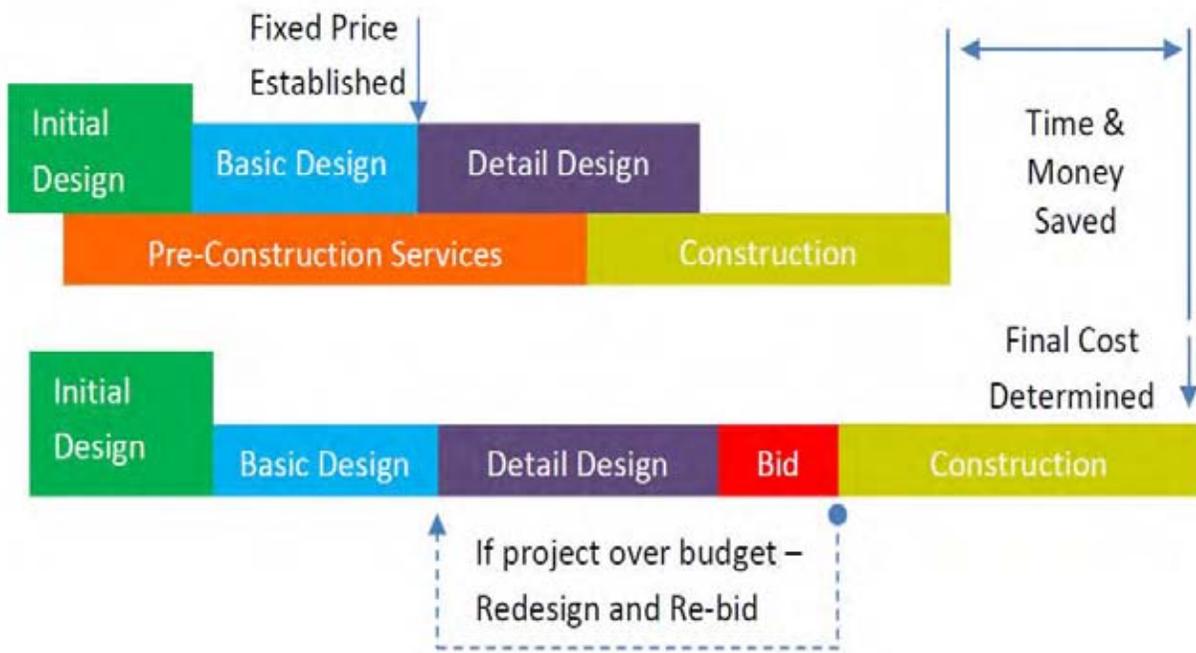
Future Water Quality Impacts

- 2024/2025: Assessment of Big Creek water quality by KDHE to verify impact of Hays’ improvements
- Design improvements for flexibility to achieve new criteria in anticipation of 2024/2025 findings

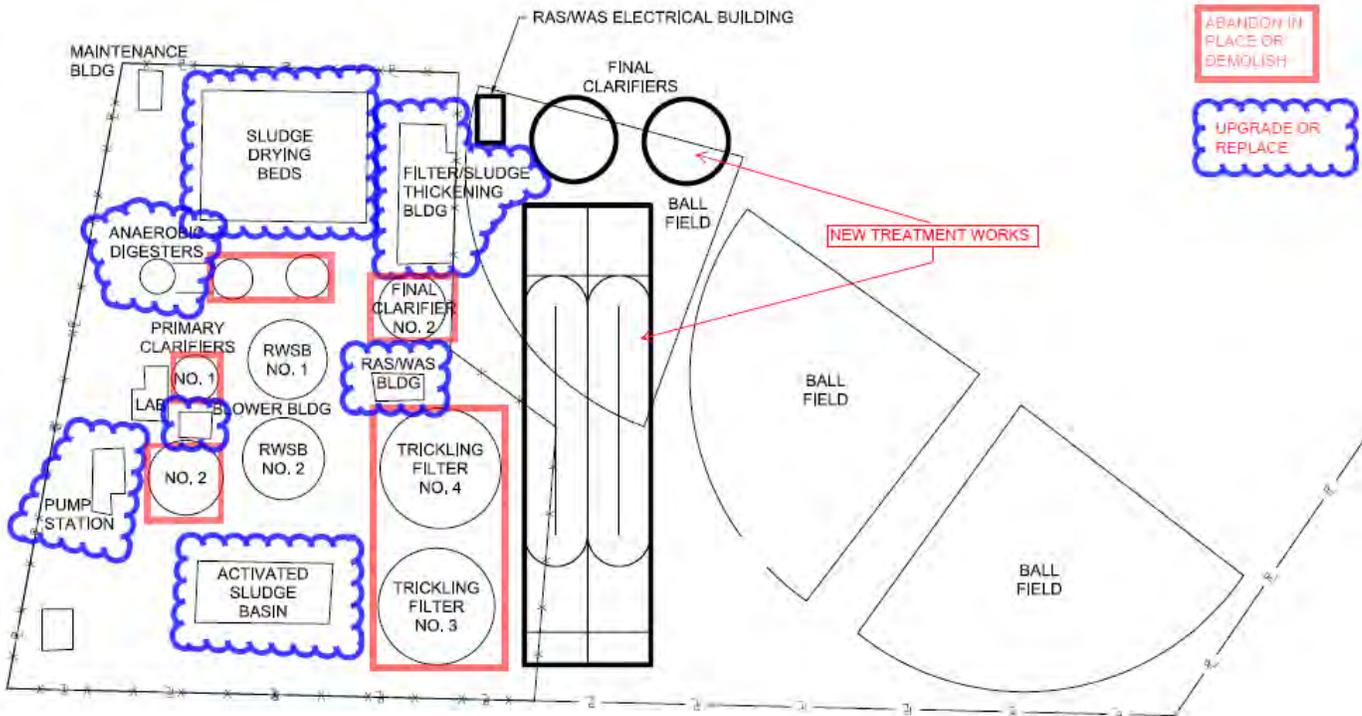
- “Linear” improvements to achieve better water quality...may augment with future water supply



Current 2014 City of Hays Sewer Treatment Plant



Preliminary Sketch of One Option (Burns and McDonnell)



Anticipated Project Cost

Preliminary based on similar facilities constructed in the region: \$24M – \$28M

Future Water Quality Impacts

- 2024/2025: Assessment of Big Creek water quality by KDHE to verify impact of Hays’ improvements
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- “Linear” improvements to achieve better water quality...may augment with future water supply



Current 2014 City of Hays Sewer Treatment Plant

Technical Services Section
Bureau of Water
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367



Phone: 785-296-5513
Fax: 785-296-0086
edillingham@kdheks.gov
www.kdheks.gov

Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 29, 2014



City of Hays
Mr. Roger Moerke
PO Box 490
Hays, KS 67601

RE: Kansas Water Pollution Control
Permit No. M-SH16-0002

Dear Permittee:

You have fulfilled all the filing requirements for a Kansas Water Pollution Control Permit and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES). We are pleased to forward your new permit. While it is permissible to make as many copies as needed for monitoring and reporting purposes, you need to retain the original permit for your files.

We suggest you carefully read the terms and conditions of your permit and understand these terms and conditions are enforceable under both State and Federal law.

Please notice the reporting paragraph on page 2 of your permit, where all reports are due by the 28th day of the schedule noted. Please submit reports to the Kansas Department of Health and Environment, Bureau of Water-TSS, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

Also, please note that if the permit requires routine monitoring and reporting, the table under section A will contain a new term called "EDMR code". This term stands for Electronic Discharge Monitoring Report and is an addition to the permits to allow all permittees, in the future, to report the discharge monitoring report data electronically instead of on paper.

If you have any questions concerning this permit, contact Ed Dillingham at (785)296-5513.

Sincerely,

Michael B. Tate, P.E.
Director, Bureau of Water

pc: NW - District
RG- Permit File

Dear Permittee:

There have been some minor changes to the issued permit since it went on public notice. The changes are:

The TMDL nutrient parameters, Total Phosphorus and the Nitrate + Nitrite in lbs/day as annual averages, need to have their own outfall indicator separate from all other parameters. The new "outfall" indicator is 001T1. The requirements were not changed - only the outfall under which the data are entered.

Monitoring for total residual chlorine for the treated wastewater going to the West Reclaimed Water Basin has been reduced to daily when in use and the TRC minimum allowable limit removed in favor of the daily average limit.

The monitoring and reporting paragraph under the table for the Sports Complex Site has clarified sampling, testing and reporting requirements for situations in which all the wastewater is reclaimed and none is discharged through the 001A1 Effluent outfall.

If you have questions concerning these changes, please call me at 785.296.2856 or via e-mail at SShoresM@kdheks.gov.

SSM

Shelly Shores-Miller

KANSAS WATER POLLUTION CONTROL PERMIT AND
 AUTHORIZATION TO DISCHARGE UNDER
 THE NATIONAL POLLUTANT DISCHARGE
 ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq; the "Act"),

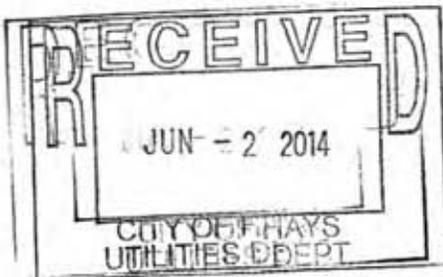
Owner: Hays, City of
 Owner's Address: P.O. Box 490
 Hays, Kansas 67601
 Facility Name: Hays Wastewater Treatment Facility
 Facility Location: 1498 E. Highway 40 Bypass
 Hays, Kansas 67601
 NE¼, SE¼, SW¼, Section 3, Township 14S, Range 18W
 Ellis County, Kansas
 PLANT Latitude: 38.85967, Longitude: -99.31059
 OUTFALL Latitude: 38.85920, Longitude: -99.30892
 Receiving Stream Basin: Big Creek via Chetolah Creek
 Smoky Hill River Basin

is authorized to discharge from the wastewater treatment facility described herein, in accordance with effluent limits and monitoring requirements as set forth herein.

This permit is effective June 1, 2014, supersedes the previously issued Kansas Water Pollution Control permit M-SH16-0002, and expires May 31, 2019.

FACILITY DESCRIPTION:

1. Raw Wastewater Screening
2. Aerated Grit Chamber
3. Primary Sedimentation
4. Trickling Filters - Not in use
5. Activated Sludge Basin
6. Final Sedimentation
7. Tertiary Treatment (granular media effluent filters)
8. Dissolved Air Flotation Sludge Thickener - Not in use
9. Anaerobic Sludge Digestion
10. Sand Drying Beds
11. Disinfection of Effluent via Chlorination
12. Effluent Dechlorination Facilities (Sulfur Dioxide)
13. Effluent Storage Basin
14. Irrigation of Golf Course and Ball Fields
15. Golf Course Holding Pond with Reclaimed Effluent Pump Station
 (Old Highway 40 & Golf Course Road)
16. Reaeration of Effluent
17. Design Flow = 2.8 MGD



Robert Roseman
 Secretary, Kansas Department of Health and Environment

May 28, 2014
 Date

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in this permit. The effluent limits shall become effective on the dates specified herein. Such discharges shall be controlled, limited, and monitored by the permittee as specified. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Monitoring reports shall be submitted on or before the 28th day of the following month. In the event no discharge occurs, written notification is still required.

EFFECTIVE DATE	Upon	See SCHEDULE	Measurement Frequency	Sample Type
	Issuance	of COMPLIANCE		
Parameter	Interim Limits	Final Limits		
<u>Monitoring Location 001AG (EDMR code: INF001AG) - Influent to Treatment Plant</u>				
Biochemical Oxygen Demand(5-Day)-mg/l	Monitor	Monitor	Twice Monthly	24 Hour Composite
Total Suspended Solids - mg/l	Monitor	Monitor	Twice Monthly	24 Hour Composite
Total Phosphorus (as P)-mg/l	Monitor	Monitor	Twice Monthly	24 Hour Composite
Total Kjeldahl Nitrogen (as N) - mg/l	Monitor	Monitor	Twice Monthly	24 Hour Composite
<u>Outfall 001A1 (EDMR code: EFF001A1) - Effluent to Chetolah Creek</u> (Monitoring location is the effluent sampling manhole unless noted otherwise)				
Biochemical Oxygen Demand (5-Day) - mg/l*			Twice Monthly	24 Hour Composite
Jan. - Feb. and Nov. - Dec.				
Weekly Average	40	40		
Monthly Average	25	25		
March through October				
Weekly Average	30	30		
Monthly Average	20	20		
Total Suspended Solids - mg/l*			Twice Monthly	24 Hour Composite
Weekly Average	45	45		
Monthly Average	30	30		
pH - Standard Units (May monitor at the Palmer-Bolus effluent flume)	6.0-9.0	6.0-9.0	Twice Monthly	Grab
Ammonia (as N) - mg/l			Twice Monthly	24 Hour Composite
January & February Monthly Average	12.7	12.7		
March & April Monthly Average	7.2	7.2		

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS (continued)

May				
Monthly Average	5.2	5.2		
June & July				
Monthly Average	4.5	4.5		
August				
Monthly Average	4.2	4.2		
September				
Monthly Average	6.1	6.1		
October				
Monthly Average	7.7	7.7		
November & December				
Monthly Average	13.1	13.1		
E.coli - colonies/100 ml			Twice Monthly	Grab
April through October				
Weekly Geometric Average	4348	4348		
Monthly Geometric Average	262	262		
November through March				
Monthly Geometric Average	2358	2358		
Total Phosphorus (as P)-mg/l***	Monitor	Monitor	Twice Monthly	24 Hour Composite
Total Phosphorus (as P)-lbs/day	Calculate	Calculate	Twice Monthly	Calculate
Nitrate(NO ₃) + Nitrite(NO ₂)-(as N)***			Twice Monthly	24 Hour Composite
Monthly Average - mg/l	Monitor	10		
Nitrate + Nitrite (as N)-lbs/day (NO ₃ + NO ₂)	Calculate	Calculate	Twice Monthly	Calculate
Total Kjeldahl Nitrogen (as N)-mg/l*** (TKN)	Monitor	Monitor	Twice Monthly	24 Hour Composite
Total Nitrogen (as N)-mg/l*** (TKN + NO ₃ + NO ₂)	Calculate	Calculate	Twice Monthly	Calculate
Total Nitrogen (as N)-lbs/day (TKN + NO ₃ + NO ₂)	Calculate	Calculate	Twice Monthly	Calculate
Sulfates-mg/l	Monitor	Monitor	Once Monthly	24 Hour Composite
Total Residual Chlorine - µg/l** (May monitor at the Palmer-Bolus effluent flume)	14	14	Daily	Grab
Dissolved Oxygen - mg/l (May monitor at the Palmer-Bolus effluent flume)	Monitor	Monitor	Twice Monthly	Grab

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS (continued)

Whole Effluent Toxicity - See Supplemental Conditions F.1.

Priority Pollutant Scan - See Supplemental Conditions F.2.

Flow to Receiving Stream - MGD	Monitor	Monitor	Daily	Meter
<u>TMDL Calculation 001T1 (EDMR code: TMDL001T1) - TMDL Calculations at Effluent</u>				
Total Phosphorus (as P) - Annual Avg.****			Monthly	Calculate
TMDL Annual Daily Mass - lbs/day	Calculate	35.1		
Nitrate(NO3)+ Nitrite(NO2) as N - Annual Avg.****			Monthly	Calculate
TMDL Annual Daily Mass - lbs/day	Calculate	187		

* Minimum removal of 85% required for Biochemical Oxygen Demand (5-Day) and Total Suspended Solids.

** Permittee shall conduct testing for total chlorine residual according to the methods prescribed in 40 CFR Part 136. The current acceptable quantification level for total residual chlorine in wastewater is 100 micrograms/l. Test results in excess of the quantification level are violations of the permit limits.

*** Permittee shall sample for these tests on the same day and calculate the total nitrogen only when both test values are available. The Minimum Reportable Limit (MRL) for TKN is 1 mg/l and for nitrate + nitrite is 0.1 mg/l. Values less than the MRL shall be reported using the less than sign (<) with the MRL value but for purposes of calculating and reporting the total nitrogen result, individual less than values shall be defaulted to zero and the less than sign dropped from the reported values.

**** Rolling 12-month annual average calculated monthly.

B. SUPPLEMENTAL CONDITIONS FOR GOLF COURSE, PARK, BALLFIELD AND SPORT COMPLEX IRRIGATION†

Permittee shall provide written notice to KDHE prior to the extension of the irrigation system to irrigate another park or ball field in addition to the ones listed in the following paragraph. Written authorization from KDHE will be required to irrigate additional sites. The supplemental conditions for irrigation within this permit may need to be revised depending on the proposed new irrigation area.

The following management and monitoring requirements apply for treated wastewater from the Hays Wastewater Treatment Facility utilized for irrigation purposes at the Stramel Ball Fields, Dusty Glassman Baseball Complex, Pratt-Optimist Soccer Field, Larks Park, Fort Hays Municipal Golf Course and the Bickle-Schmidt Sports Complex:

1. Monitoring and testing of the treated wastewater must be conducted for any calendar month during which irrigation is utilized. If the wastewater irrigation system for the public use areas is not used, no testing of the wastewater reclaimed water basin at the wastewater treatment plant is required.

Parameter	Final Limits	Measurement Frequency	Sample Type
<u>Monitoring location 003A1 (EDMR code: WRB003A1) - Treated Wastewater into the West Reclaimed Water Basin</u>			
Total Residual Chlorine - mg/l†		Daily	Grab
Daily Average (minimum)		2.5	

†Total Residual Chlorine shall be determined using the DPD-colorimetric method.

B. SUPPLEMENTAL CONDITIONS FOR GOLF COURSE, PARK AND BALLFIELD IRRIGATION (continued)

2. If the Sports Complex irrigation site is not irrigated with reclaimed wastewater effluent in a calendar month there is no requirement to sample and test in that month for E. coli at the Sports Complex. The discharge monitoring report must indicate ND (for No Discharge) on the last day of the month for any month which the site is not irrigated with reclaimed wastewater effluent.

SPORTS COMPLEX SITE

Parameter	Final Limits	Measurement Frequency	Sample Type
<u>Monitoring Location 001C1 (EDMR code: SCS001C1) - Sprinkler Head or sampling tap at end of irrigation distribution system</u>			
E. coli-Colonies/100 ml	Monitor	Twice Monthly	Grab
Effluent Irrigation Flow (YES or ND)!! !! Leave blank for yes or enter ND for no discharge.	Monitor	Monthly	Observe

- † In the event that all treated effluent is routed to irrigation or other reclamation uses and there is no discharge at the 001A1 to the receiving stream, the permittee shall continue to operate the plant pursuant to the requirements of paragraph 6 of the Standard Conditions and shall monitor the discharge from the facility at the frequency and include all the parameters as listed under the outfall 001A1. However, the test results shall not be reported under outfall 001A1 but the permittee shall retain the test results and make them available to the permitting authorities upon request.
3. Management practices required for reuse of treated wastewater for irrigation at the golf course, parks, ball fields, and sport complex:
- A. Irrigation of crops produced for direct human consumption is prohibited.
 - B. Irrigation shall be limited in such a manner as to avoid runoff of effluent, from sprinklers or hoses, to adjacent landowners.
 - C. Irrigation of effluent shall be conducted in such a manner as to prevent ponding of wastewater on the ground surface.
 - D. Irrigation spray shall not be allowed to fall or drift on areas used for picnicking, public drinking fountains, potable water hose bibbs, private residences or any other areas where food or drink is routinely prepared or served.
 - E. Signs bearing the following notice must be posted around any treated wastewater holding pond: RECLAIMED WASTEWATER DO NOT DRINK OR SWIM.
 - F. Signs bearing the following notice must be posted at any hose bibb which can discharge treated wastewater: RECLAIMED WASTEWATER DO NOT DRINK.
 - G. Cross-connections between treated wastewater lines and potable water supply lines are prohibited.
 - H. A notice shall be placed on the golf course score cards indicating the irrigation system contains treated wastewater.
 - I. All monitoring of the treated wastewater shall be conducted using EPA approved methods and KDHE certified laboratories.
 - J. The results of the analyses shall be reported quarterly to the address shown on the standard Discharge Monitoring Report.

K. Maintenance/repairs to the system may be tested at any time provided the system operator (or maintenance personnel) is present at the irrigated site during the entire test.

L. Effluent shall not be discharged to the holding pond at the golf course when the pond is overflowing to Big Creek.

C. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated August 1, 2010.

D. SLUDGE DISPOSAL

Sludge disposal shall be in accordance with the 40 CFR Part 503 Sludge Regulations.

E. SUPPLEMENTAL CONDITIONS

Although improvements to this wastewater treatment facility will be designed and constructed to increase nutrient removal and final limits for nitrate and phosphorus are provided herein, additional reductions may be necessary in the future to accommodate growth in the area. The permittee is pursuing a construction project to upgrade the biological process to improve nitrification and provide denitrification, to provide phosphorus removal, and to upgrade the biosolids system. The upgraded facility may be able to change operations to maximize the level of nutrient removal with the intent of achieving either of the following goals as annual average target effluent levels:

	Goal 1	Goal 2
1. Total Nitrogen	10.0	8.0
2. Total Phosphorus	1.0	1.5

These target values are not to be considered as effluent limits for this permit. KDHE reserves the right to reopen this permit to impose limits for nutrients pursuant to Kansas law when such criteria are adopted in the Kansas surface Water quality Standards.

F. SCHEDULE OF COMPLIANCE

1. Complete construction of upgrades to the facility by December 31, 2017 and achieve compliance with the final limits by July 31, 2018.
2. By March 1, 2015, and annually thereafter until the project is complete, the permittee shall provide to KDHE an annual report discussing the status of the project and delays which could cause the permittee to miss the complete construction date and any prudent activities necessary to bring the project back on schedule.

G. BIOMONITORING AND PRIORITY POLLUTANTS

1. Whole Effluent Toxicity:

- a. Chronic Whole Effluent Toxicity (WET) testing on a 24-hr composite sample of the effluent shall be conducted once in calendar year 2014 and annually thereafter. The 25% Inhibition Concentration, IC25, shall be equal to or greater than 81% effluent. Test results less than 81% are violations of this permit. The test procedures shall use the seven day static renewal test method in accordance with the EPA document, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, fourth edition, October 2002 (EPA-821-R-02-013) using test organisms *Pimephales promelas* (fathead minnow) and *Ceriodaphnia dubia* (water flea) within a dilution series containing 0%, 50%, 70%, 81%, 90%, and 100% effluent. KDHE reserves the right to increase or decrease testing frequency based upon compliance history and toxicity testing results.
- b. If the WET test results indicate the IC25 is equal to or greater than 81% effluent, the effluent has passed the toxicity test. The test results shall be recorded on the Discharge Monitoring Report and an electronic copy of the test report shall be provided to KDHE within 10 days of receipt of the information.
- c. If the WET test results indicate the IC50 is less than 81% effluent, the effluent has failed the toxicity test and the permittee shall immediately notify KDHE by telephone at (785) 296-5517 and submit to KDHE an electronic copy of the test report within five days of receipt of the information. KDHE reserves the right to require the permittee to take such actions as are reasonable to identify and remedy any identified or predicted toxic conditions in the receiving stream outside of the mixing zone which is caused by the permittee's effluent.
- d. Permittee shall also test a portion of the same effluent sample used for the WET test for the following substances (required minimum reportable levels are in parenthesis):

Antimony (10 µg/L)*	Nickel (10 µg/L)*
Arsenic (10 µg/L)*	Selenium (5 µg/L)*
Beryllium (5 µg/L)*	Silver (2 µg/L)*
Cadmium (2 µg/L)*	Thallium (10 µg/L)*
Chromium (10 µg/L)*	Zinc (20 µg/L)*
Copper (10 µg/L)*	Ammonia as "N" (0.2 mg/l)
Lead (5 µg/L)*	Total Hardness as CaCO3 mg/l
Mercury (0.2 µg/L-Cold Vapor Method)	pH

* Parameter shall be tested and reported as "total recoverable" metals.

- e. Permittee shall coordinate sampling for this test with other monitoring requirements of this permit and may use the test results to satisfy this and other corresponding testing requirements. The permittee shall use a laboratory approved by KDHE for Whole Effluent Toxicity testing.

2. Priority Pollutant Scan

Permittee shall conduct a Priority Pollutant Scan on the effluent for the parameters listed in Table I, Priority Pollutant Scan, on the following pages. The Priority Pollutant Scan shall be conducted within 18 months of the expiration date of this permit and the results reported to KDHE prior to 6 months of the expiration date of this permit. Samples results shall be reported with the next Discharge Monitoring Report following receipt of the results.

Sample type shall be 24-hour composite except for Volatiles which shall be a grab sample. See Supplemental Condition G.1.d. for minimum reportable limits for certain metals in the Priority Pollutant Scan.

Table I - Priority Pollutant Scan*

<u>Metals (µg/l)</u>	<u>Base/Neutral (µg/l)</u>	<u>Acid Compounds (µg/l)</u>
Total Antimony	Acenaphthene	2-chlorophenol
Total Beryllium	Acenaphthylene	2,4-dichlorophenol
Total Cadmium	Anthracene	2,4-dimethylphenol
Total Chromium	Benzidine	2,4-dinitrophenol
Total Copper	Benzo(a) anthracene	2-nitrophenol
Total Lead	Benzo(a)pyrene	4-nitrophenol
Total Mercury	Benzo(k)fluoranthene	Parachlorometa cresol
Total Nickel	Benzo (ghi) perylene	Pentachlorophenol
Total Selenium	Benzo (b) fluoranthene	Phenol
Total Silver	Bis(2-chloroethoxy)methane	4,6-dinitro-o-cresol
Total Thallium	Bis(2-chloroethyl)ether	2,4,6-trichlorophenol
Total Zinc	Bis(2-ethylhexyl)phthalate	
	Bis(2-chloroisopropyl) ether	<u>Volatiles (µg/l)</u>
<u>Pesticides (µg/l)</u>	1,2-diphenylhydrazine	Acrolein
Aldrin	Fluoranthene	Acrylonitrile
Alpha-BHC**	Fluorene	Benzene
Beta-BHC**	Nitrobenzene	Bromoform
Gamma-BHC**	N-nitrosodimethylamine	Carbon Tetrachloride
Delta-BHC**	N-nitrosodi-n-propylamine	Chlorobenzene
Chlordane	N-nitrosodiphenylamine	Chlorodibromomethane
4,4-DDT	Phenanthrene	Chloroethane
4,4-DDD	Pyrene	2-chloroethylvinyl ether
4,4-DDE	1,2,4-trichlorobenzene	Chloroform
Dieldrin	4-bromophenyl phenyl ether	Dichlorobromomethane
Alpha-endosulfan	Butyl benzyl phthalate	1,1-dichloroethane
Beta-endosulfan	2-chloronaphthalene	1,2-dichloroethane
Endosulfan sulfate	4-chlorophenyl phenyl ether	1,1-dichloroethylene
Endrin	Chrysene	1,2-dichloropropane
Endrin aldehyde	Dibenzo(a,h) anthracene	1,3-dichloropropylene
Heptachlor	1,2-dichlorobenzene	Ethylbenzene
Heptachlor epoxide	1,3-dichlorobenzene	Methyl bromide
Toxaphene	1,4-dichlorobenzene	Methyl chloride
	3,3-dichlorobenzidine	Methylene chloride
<u>Polychlorinated Biphenyls (µg/l)</u>	Dimethyl phthalate	1,1,2,2-tetrachloroethane
PCB-1242	Diethyl phthalate	Tetrachloroethylene
PCB-1254	Di-n-butyl phthalate	Toluene
PCB-1221	2,4-dinitrotoluene	1,2 trans-dichloroethylene
PCB-1232	2,6-dinitrotoluene	1,1,1-trichloroethane
PCB-1248	Di-n-octyl phthalate	1,1,2-trichloroethane
PCB-1260	Hexachlorobenzene	Trichloroethylene
PCB-1016	Hexachlorobutadiene	Vinyl chloride
	Hexachlorocyclopentadiene	
	Hexachloroethane	<u>Miscellaneous</u>
	Indeno (1,2,3-cd) pyrene	Total Cyanide (mg/l)***
	Naphthalene	Asbestos (cnt/l)
	Isophorone	2,3,7,8-TCDD (Dioxin) (µg/l)

* Testing not required for pollutants with a strike-through.

** Scientific name is hexachlorocyclohexane

*** The total cyanide analysis must include preliminary treatment of the sample to avoid NO₂⁻ interference. See Standard Methods for the Examination of Water and Wastewater, 22nd Edition, 4500-CN⁻ B. Preliminary Treatment of Samples.

STANDARD CONDITIONS FOR
KANSAS WATER POLLUTION CONTROL AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

1. Representative Sampling and Discharge Monitoring Report Submittals:
- A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.
- B. Monitoring results shall be recorded and reported on forms acceptable to the Division and postmarked no later than the 28th day of the month following the completed reporting period. Signed and certified copies of these, prepared in accordance with KAR 28-16-59, and all other reports required herein, may be FAXed to 785.296.0086, e-mailed as scanned attachments to dmr4kdhe@kdheks.gov, or sent by U.S. mail to:

Kansas Department of Health & Environment
Bureau of Water-Technical Services Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367

2. Definitions:

- A. Unless otherwise specifically defined in this permit, the following definitions apply:
1. The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.
 2. The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.
 3. The "Monthly Average", other than for E. coli bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for E. coli bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the E. coli test results together and then taking the nth root of the product where n is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.
- B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
- C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
- D. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.
- E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

3. **Schedule of Compliance:** No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via mail, e-mail or fax per paragraph 1.B above, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.
4. **Test Procedures:** All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.
5. **Change in Discharge:** All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.
6. **Facilities Operation:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.
7. **Incidents:**

"Collection System Diversion" means the diversion of wastewater from any portion of the collection system.

"In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.

"In-Plant Flow Through" means an incident in which the wastewater continues to be routed though the equipment even though full treatment is not being accomplished because of equipment failure for any reason.

"Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(n).

8. **Diversions not Exceeding Limits:** The permittee may allow any diversion to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.
9. **Prohibition of an In-Plant Diversion:** Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

10. **Incident Reporting:** The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. An Incident Report form is available at www.kdheks.gov/water/tech.html.

For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.
11. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.
12. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.
13. **Right of Entry:** The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
14. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
15. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years, or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.
16. **Availability of Records:** Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
17. **Permit Modifications and Terminations:** As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

18. Toxic Pollutants: Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
19. Administrative, Civil and Criminal Liability: The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 *et seq.*, and 33 USC Section 1319.
20. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 *et seq.* A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.
21. Industrial Users: A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.
22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.
23. Operator Certification: The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 *et seq.*
24. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
25. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
26. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.

Commission Work Session Agenda

Memo

From: Brenda Kitchen, City Clerk
Work Session: December 18, 2014
Subject: 2014 Boundary Resolution
Person(s) Responsible: Kim Rupp, Finance Director

Summary

One piece of property was annexed into the City during 2014. The City Commission is asked to approve a Resolution re-defining the boundaries or corporate limits of the City of Hays, Kansas.

Background

Kansas statutes require cities to pass a resolution re-defining the entire boundary line of the city whenever property is annexed into the city limits during a calendar year. A certified copy of the resolution is filed with the county clerk, the register of deeds, and the state transportation engineer.

Discussion

The following ordinance annexed property into the city limits in 2014:
Ordinance No. 3879 – Geist Addition (22nd Street from Canterbury to Wheatland)

City Attorney John Bird will prepare a new resolution re-defining the city limits and it will be presented to the Commission for approval at the December 23, 2014 Commission meeting.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

There are no known financial considerations for this issue.

Options

The City Commission has the following options:

- Option 1. Approve the resolution re-defining the boundaries or corporate limits of the City of Hays, Kansas.
- Option 2. Not approve the resolution re-defining the boundaries or corporate limits of the City of Hays, Kansas.

Recommendation

Staff recommends approval of a Resolution which re-defines the boundaries or corporate limits of the City of Hays, Kansas.

Action Requested

Approve a Resolution which re-defines the boundaries or corporate limits of the City of Hays, Kansas.

Supporting Documentation

Resolution
Ordinance No 3879
City map showing annexed areas

RESOLUTION No. 2014-_____

A RESOLUTION RE-DEFINING THE BOUNDARIES OR CORPORATE LIMITS OF THE CITY OF HAYS, KANSAS, AS REQUIRED BY SECTION 12-517 OF KANSAS STATUTES ANNOTATED.

WHEREAS, the City of Hays, Kansas has added territory to said City; and

WHEREAS, K.S.A. 12-517 requires the City of Hays, Kansas, to declare by resolution the entire boundary of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

The boundary of the city is hereby fixed and defined as follows:

Beginning at a point 1,090.73 feet East and 235.00 feet North of the Southwest Corner of the Northwest Quarter (NW 1/4) of Section 27, Township 13 South, Range 18 West of the Sixth Principal Meridian, said point being on the East line of the Mart City First Addition to the City of Hays and 235.00 feet North of the Southeast Corner of said Mart City First Addition;

THENCE Northerly along the East line of said Mart City First Addition extended to the Southerly right of way line of Interstate 70, a distance of 1,078.05 feet; THENCE with an angle of 66 degrees 33 minutes 55 seconds to the left, along the South right of way line of Interstate 70, a distance of 28.75 feet; THENCE with an angle of 90 degrees 00 minutes 00 seconds to the right a distance of 240.00 feet to a point on the Northerly right of way line of Interstate 70; THENCE with an angle of 90 degrees 00 minutes 00 seconds to the right along the North right of way line of Interstate 70 a distance of 648.35 feet; THENCE with an angle of 119 degrees 44 minutes 30 seconds to the left, along a line perpendicular to the north line of the Northwest Quarter of Section 27, Township 13 South, Range 18 West, a distance of 1,417.67 feet to a point that is 50.00 feet south of the north line of Section 27; thence on an assumed bearing of South 89 degrees 10 minutes 14 seconds East, along a line parallel with and 50.00 feet south of the north line of the Northwest Quarter of Section 27, a distance of 926.15 feet to a point on the east line of said Northwest Quarter; thence South 89 degrees 09 minutes 58 seconds East, along a line that is parallel with and 50.00 feet south of the north line of the

Northeast Quarter of Section 27, a distance of 2,575.37 feet; thence South 43 degrees 50 minutes 00 seconds East a distance of 28.12 feet; thence South 01 degrees 29 minutes 58 seconds West, parallel with and 50.00 feet west of the east line of said Section 27, a distance of 13.00 feet; thence South 89 degrees 09 minutes 58 seconds East a distance of 50.00 feet to a point on the east line of said Section 27, said point being 83.00 feet south of the northeast corner of Section 27; thence South 89 degrees 00 minutes 19 seconds East a distance of 50.00 feet; thence North 01 degrees 29 minutes 58 seconds East, parallel with and 50.00 feet east of the west line of the Northwest Quarter of Section 26, Township 13 South Range 18 West, a distance of 13.00 feet; thence North 46 degrees 14 minutes 49 seconds East a distance of 28.41 feet; thence South 89 degrees 00 minutes 19 seconds East, parallel with and 50.00 feet south of the north line of said Section 26, a distance of 71.00 feet; thence North 01 degrees 29 minutes 58 seconds East a distance of 50.00 feet to a point on the north line of said Section 26, said point being 141.01 feet east of the northwest corner of said Section 26; thence North 01 degrees 31 minutes 11 seconds East a distance of 50.00 feet; thence North 89 degrees 00 minutes 19 seconds West, parallel with and 50.00 feet north of the south line of the Southwest Quarter of Section 23, Township 13 South Range 18 West, a distance of 70.00 feet; thence North 43 degrees 44 minutes 34 seconds West a distance of 28.15 feet; thence North 01 degrees 31 minutes 11 seconds East, parallel with and 50.00 feet east of the west line of said Section 23, a distance of 6.50 feet; thence North 89 degrees 00 minutes 19 seconds West a distance of 50.00 feet to a point on the west line of said Section 23, said point being 76.50 feet north of the southwest corner of said Section 23; thence North 89 degrees 09 minutes 58 seconds West a distance of 50.00 feet; thence South 01 degrees 31 minutes 11 seconds West, parallel with and 50.00 feet west of the east line of the Southeast Quarter of Section 22, Township 13 South, Range 18 West, a distance of 6.50 feet; thence South 46 degrees 10 minutes 36 seconds West a distance of 28.45 feet; thence North 89 degrees 09 minutes 58 seconds West, parallel with and 50.00 feet north of the south line of said Southeast Quarter, a distance of 2550.15 feet; thence North 43 degrees 46 minutes 09 seconds West a distance of 35.11 feet to a point on the west line of said Southeast Quarter, said point being 75.00 feet north of the southwest corner of said Southeast Quarter; thence North 01 degrees 38 minutes 27 seconds East, along the east line of the Southwest Quarter of said Section 22, a distance of 29.01 feet; thence North 89 degrees 10 minutes 14 seconds West a distance of 35.00 feet; thence South 01 degrees 38 minutes 27 seconds West, parallel with and 35.00 feet west of the east line of said Southwest Quarter, a distance of 29.01 feet; thence South 46 degrees

14 minutes 07 seconds West a distance of 35.60 feet; thence North 89 degrees 10 minutes 14 seconds West, parallel with and 50.00 feet north of the south line of said Southwest Quarter, a distance of 867.55 feet to the southeast corner of Block 1 of Vernie's Addition to Ellis County; THENCE South 89 degrees 12 minutes 15 seconds West, along the South line of said Block 1 of Vernie's Addition, a distance of 315.50 feet to a point on the East right of way line of Sherman Avenue; THENCE North 00 degrees 47 minutes 45 seconds West, along said East right of way line, a distance of 664.93 feet to the intersection of said East right of way line with the North right of way line of 43rd Street; THENCE South 89 degrees 12 minutes 15 seconds West, along the North right of way line of 43rd Street, a distance of 571.18 feet to a point on the south line and 71.00 feet east of the southwest corner of Lot 2, in Block 2 of the Marvin F. Braun Addition to Hays-Ellis County, Kansas; THENCE on a bearing of North, parallel with the west line of said Lot 2, a distance of 240.00 feet to a point on the south line of Lot 4, in Block 2 of said Addition; THENCE South 89 degrees 12 minutes 15 seconds West, along the south line of said Lot 4, a distance of 200.15 feet to a point on the East right of way line of General Hays Road; THENCE on a bearing of North, along said East right of way line, a distance of 674.60 feet to the Northwest corner of Lot 6 in Block 2 of the Marvin F. Braun Addition to Hays-Ellis County, Kansas; THENCE North 89 degrees 12 minutes 15 seconds East, along the North line of said Lot 6, a distance of 403.85 feet to the Northeast corner of said Lot 6; THENCE on a bearing of North a distance of 715.94 feet; THENCE North 00 degrees 01 minutes 39 seconds East a distance of 350.51 feet to the Southeast corner of Lot 6 in Block 3 of the North Hays Addition to Ellis County, Kansas; THENCE North 89 degrees 58 minutes 10 seconds West a distance of 385.69 feet; THENCE North 33 degrees 52 minutes 46 seconds West a distance of 14.61 feet to a point on the East right of way line of General Hays Road; THENCE North 00 degrees 03 minutes 50 seconds East along said East right of way line, a distance of 1277.79 feet; THENCE on a curve to the left, an arc distance of 333.80 feet, said curve having a radius of 835.00 feet, a central angle of 22 degrees 54 minutes 15.45 seconds, a chord bearing of North 11 degrees 23 minutes 18 seconds West, and a chord length of 331.58 feet; THENCE on a curve to the right, an arc distance of 305.81 feet, said curve having a radius of 765.00 feet, a central angle of 22 degrees 54 minutes 15.45 seconds, a chord bearing of North 11 degrees 23 minutes 18 seconds West, and a chord length of 303.78 feet; THENCE North 00 degrees 03 minutes 50 seconds East a distance of 618.95 feet; THENCE North 89 degrees 10 minutes 42 seconds East, along a line parallel with and 50.00 feet South of the North line of Section 22. Township 13 South, Range 18 West, a

distance of 155.71 feet THENCE North 00 degrees 49 minutes 18 seconds West a distance of 50.00 feet to a point on the North line of said Section 22; THENCE continuing North 00 degrees 49 minutes 18 seconds West a distance of 40.00 feet; THENCE South 89 degrees 10 minutes 42 seconds West a distance of 349.06 feet; THENCE South 00 degrees 03 minutes 30 seconds East a distance of 10.00 feet; THENCE South 89 degrees 10 minutes 42 seconds West a distance of 179.03 feet to a point on the East right of way line of U.S. Highway 183; THENCE North 78 degrees 01 minutes 01 seconds West along said East right of way line, a distance of 113.87 feet; thence North 00 degrees 03 minutes 39 seconds West, along the east right of way line of Highway 183, a distance of 1519.42 feet; thence North 27 degrees 26 minutes 16 seconds East a distance of 129.58 feet; thence North 00 degrees 09 minutes 51 seconds West a distance of 147.64 feet; thence North 27 degrees 29 minutes 56 seconds West a distance of 129.26 feet; thence North 00 degrees 03 minutes 39 seconds West, along the east right of way line of Highway 183, a distance of 157.48 feet; thence South 89 degrees 50 minutes 09 seconds West a distance of 30.00 feet to a point on the west line of the Southwest Quarter of Section 15, Township 13 South, Range 18 West; THENCE South 89 degrees 50 minutes 09 seconds West a distance of 190.41 feet to a point on the West right of way line of U.S. Highway 183; THENCE South 00 degrees 08 minutes 59 seconds East, along said right of way, a distance of 2062.60 feet to the intersection of said West right of way with the North right of way of 55th Street; THENCE South 88 degrees 58 minutes 17 seconds West, along said north right of way, a distance of 445.08 feet; THENCE South 00 degrees 04 minutes 27 seconds East a distance of 50.01 feet to the intersection of the North line of Section 21, Township 13 South, Range 18 West, and the West right of way of Roth Avenue extended; THENCE continuing South 00 degrees 04 minutes 27 seconds East a distance of 50.01 feet to a point on the South right of way line of 55th Street; THENCE North 88 degrees 58 minutes 17 seconds East, along said South right of way, a distance of 1.69 feet; THENCE South 01 degrees 01 minutes 43 seconds East a distance of 47.00 feet; THENCE South 88 degrees 58 minutes 17 seconds West a distance of 2.47 feet; THENCE South 00 degrees 04 minutes 27 seconds East, along the West right of way of Roth Avenue, a distance of 2504.08 feet to a point on the North right of way line of 48th Street; THENCE continuing on the last described course a distance of 40.01 feet to a point on the north line of the Southeast Quarter of Section 21, Township 13 South, Range 18 West; THENCE westerly along said north line, a distance of 2,000.52 feet to the Northwest corner of said Southeast Quarter; THENCE southerly along the West Line of said Southeast Quarter a distance of 897.20 feet to a point on the North right of way line of 45th Street

extended; THENCE easterly along said extended right of way line, said line also being the south line of the Roth 5th Addition to Ellis County, a distance of 1325.90 feet to the Northwest corner of the Roth Third Addition to the City of Hays; THENCE southerly along the west line of said Roth Third Addition, a distance of 1,391.52 feet; THENCE with an angle to the left of 60 degrees 47 minutes, a distance of 40.62 feet; THENCE with an angle of 90 degrees 00 minutes 00 seconds to the right a distance of 235.00 feet; THENCE with an angle of 143 degrees 40 minutes 05 seconds to the left a distance of 19.65 feet; THENCE with an angle of 53 degrees 41 minutes 19 seconds to the right a distance of 625.80 feet; THENCE with an angle of 15 degrees 12 minutes 41 seconds to the right a distance of 895.48 feet; THENCE with an angle of 22 degrees 02 minutes 09 seconds to the right a distance of 212.11 feet; THENCE with an angle of 86 degrees 58 minutes 22 seconds to the right a distance of 59.20 feet to the intersection of the south right-of-way line of Interstate 70 Highway and the west right-of-way line of U.S. 183 Highway; THENCE northwesterly along the south right-of-way line of Interstate 70 Highway, approximately 720 feet; THENCE southerly 408.46 feet to a point 622 feet west of the east line of Section 28; THENCE with an angle of 90N20'10" to the right, a distance of 1,992.73 feet; THENCE with an angle of 91N10'06" to the right, a distance of 1,012.75 feet to the northeast corner of the Northwest Quarter (NW/4) of Section 28; THENCE with an angle of 90N55'20" to the left along said north line, a distance of 2,630.14 feet to the Southeast Corner of Section Twenty (20); THENCE North along the East line of Section 20 a distance of 50.00 feet; THENCE West on a line 50.00 feet North of and parallel with the South line of said Section 20 a distance of 663.76 feet to the Southeast corner of the Golden Belt Estates First Addition to the City of Hays, Kansas; THENCE North 01 degrees 09 minutes 42 seconds East along the East line of said Addition a distance of 610.51 feet; THENCE North 89 degrees 58 minutes 38 seconds East a distance of 664.19 feet to a point on the East line of said Section 20, said point being 660.79 feet North of the Southeast corner of said Section 20; THENCE North 01 degrees 12 minutes 03 seconds East, along the East line of said Section 20 a distance of 354.98 feet to a point on the South right of way line of Interstate 70; THENCE North 88 degrees 47 minutes 57 seconds East along said Interstate 70 right of way, a distance of 33.00 feet; thence North 06 degrees 21 minutes 57 seconds West, along said Interstate 70 right of way, a distance of 1,053.16 feet; THENCE North 65 degrees 13 minutes 54 seconds West, along said South right of way line, a distance of 1,264.41 feet to the Northwest corner of said addition; THENCE continuing North 65 degrees 13 minutes 54 seconds West, along the south right of way line of Interstate 70, a

distance of 113.65 feet to a point on the north line of the Southeast Quarter of said Section 20; THENCE North 68 degrees 03 minutes 03 seconds West, along the south right of way line of Interstate 70, a distance of 1,313.65 feet to a point on the west line of the Southeast Quarter of said Section 20; THENCE South 00 degrees 59 minutes 33 seconds West, along said west line, a distance of 493.00 feet to the Northwest Corner of the Southeast Quarter (SE 1/4) of said Section 20; THENCE on a bearing of South 01 degrees 02 minutes 46 seconds West along the West line of the Southeast Quarter (SE 1/4) of said Section 20 a distance of 1,695.17 feet to the Northeast corner of the King's Gate First Addition; THENCE North 89 degrees 58 minutes 07 seconds West along the North line of the King's Gate First Addition, a distance of 985.34 feet; THENCE with an angle of 41 degrees 32 minutes 00 seconds to the left a distance of 424.09 feet; THENCE with an angle of 47 degrees 35 minutes 30 seconds to the left a distance of 579.34 feet; THENCE West (33.00 feet North of and parallel with the South line of said Southwest quarter of Section 20) a distance of 1042.35 feet; THENCE North a distance of 27.00 feet; THENCE westerly a distance of 257.90 feet to a point 64.88 feet North of the South line of said Southwest quarter; THENCE South 64.88 feet to a point 53.55 feet East of the Southwest corner of said Southwest Quarter and on the South line of said Southwest Quarter of Section 20; THENCE on an assumed bearing of North 88 degrees 42 minutes 49 seconds East along the North line of the Northwest quarter of Section 29, Township 13 South; Range 18 West a distance of 385.95 feet; THENCE on a bearing of South 00 degrees 14 minutes 26 seconds East a distance of 50.00 feet to the South right of way line of 41st Street and the Northwest Corner of Lot 5, Block 1 of the Second Replat of a Portion of Westridge Addition to Ellis County, Kansas; THENCE continuing on the last described course along the West line of Lots 4 and 5, Block 1 of said addition a distance of 610.01 feet to the Southwest Corner of Lot 4, Block 1 of said addition; THENCE on a bearing of South 88 degrees 42 minutes 55 seconds West along the North line of Lot 2, Block 1 of said addition, a distance of 45.35 feet to the Northwest Corner of said Lot 2; THENCE on a bearing of South 01 degrees 15 minutes 57 seconds East along the West line of said Lot 2 a distance of 290.90 feet to the North right of way line of 38th Street; THENCE on a bearing of North 88 degrees 42 minutes 49 seconds East along the North line of said 38th Street a distance of 9.91 feet; THENCE on a curve to the right having a radius of 50.00 feet, a chord bearing of South 75 degrees 31 minutes 06 seconds East, a chord length of 93.29 feet, an arc length of 120.25 feet to the South line of Lot 2, Block 1 of said addition; THENCE on a bearing of North 88 degrees 42 minutes 50 seconds East along the South line of Lot 2, Block 1 of said addition a

distance of 230.00 feet to the West line of Lot 2, Block 2 of said addition; THENCE on a bearing of South 00 degrees 14 minutes 26 seconds East along the West line of Lot 2 and 3, Block 2 of said addition a distance of 312.39 feet to the North right of way line of 37th Street and the Southwest Corner of Lot 3, Block 2 of said addition; THENCE continuing on the last described course a distance of 30.00 feet to a point on the East-West sixteenth line of the Northwest Quarter of Section 29, township 13 South, Range 18 West; THENCE West along said sixteenth line a distance of 281.41 feet; thence South, parallel with the West line of said Northwest Quarter, a distance of 1,318.44 feet to a on the South line of said Northwest Quarter, said point being 445.36 feet East of the Southwest corner of said Northwest Quarter; THENCE West along South line of said Northwest Quarter a distance of 131.79 feet to the Northwest corner of the dk ranch Addition to the City of Hays, Kansas; THENCE South 00 degrees 35 minutes 28 seconds West a distance of 316.96 feet; THENCE North 89 degrees 24 minutes 32 seconds West a distance of 55.00 feet; THENCE on a curve to the left, an arc distance of 142.01 feet, said curve having a radius of 50.00 feet, a central angle of 162 degrees 44 minutes 12 seconds, a chord length of 98.87 feet and a chord bearing of South 09 degrees 13 minutes 22 seconds West; thence South 89 degrees 24 minutes 32 seconds East a distance of 55.00 feet; THENCE on a curve to the left, an arc distance of 224.31 feet, said curve having a radius of 540.00 feet, a central angle of 23 degrees 47 minutes 58 seconds, a chord length of 222.70 feet and a chord bearing of South 12 degrees 42 minutes 40 seconds East; THENCE South 24 degrees 36 minutes 40 seconds East a distance of 705.16 feet; THENCE on a curve to the right, an arc distance of 202.34 feet, said curve having a radius of 460.00 feet, a central angle of 25 degrees 12 minutes 08 seconds, a chord length of 200.71 feet and a chord bearing of South 12 degrees 00 minutes 36 seconds East; THENCE South 00 degrees 35 minutes 28 seconds West a distance of 365.79 feet; THENCE South 89 degrees 09 minutes 17 seconds West a distance of 518.77 feet to a point on the east right of way line of U.S. Highway 183 Alternate; THENCE South 00 degrees 50 minutes 43 seconds East, along said right of way, a distance of 209.59 feet; THENCE South 03 degrees 01 minutes 18 seconds East, along said right of way, a distance of 123.23 feet; THENCE South 02 degrees 53 minutes 57 seconds East, along said right of way, a distance of 63.17 feet; THENCE North 89 degrees 36 minutes 52 seconds East a distance of 1,186.31 feet to a point on the east line of the West Half of the Southwest Quarter of Section 29, Township 13 South, Range 18 West; THENCE North 00 degrees 35 minutes 28 seconds East, along the east line of said West Half of the Southwest Quarter, a distance of 40.17 feet; THENCE on a curve to the left, an arc distance of 10.44 feet, said curve having a radius of 525.00 feet, a central angle of 01 degrees 08 minutes 20 seconds, a chord length of 10.44 feet and a chord bearing of South 89

degrees 53 minutes 14 seconds West; THENCE South 88 degrees 48 minutes 15 seconds West a distance of 604.26 feet; THENCE North 00 degrees 35 minutes 28 seconds East a distance of 554.97 feet; THENCE North 89 degrees 37 minutes 13 seconds East a distance of 614.49 feet to a point on the east line of said West Half of the Southwest Quarter; THENCE North 00 degrees 35 minutes 28 seconds East, along the east line of said West Half of the Southwest Quarter, a distance of 1650.00 feet to the northeast corner of said West Half of the Southwest Quarter; thence North along the North-South sixteenth line of the Northwest Quarter of said Section 20, a distance of 1,288.36 feet to a point on the South right of way line of 37th Street; thence East along said right of way line a distance of 32.48 feet to the Southeast Corner of said Second Replat of a Portion of Westridge Addition; THENCE on a bearing of North 00 degrees 14 minutes 26 seconds West along the East line of said addition a distance of 1298.40 feet; THENCE East (50.00 feet South of and parallel with the North line of the Northwest quarter of Section 29, Township 13 South, Range 18 West) a distance of 1290.16 feet to the East line of said Northwest quarter of Section 29; THENCE Southerly along the East line of the Northwest quarter of said Section 29 a distance of 2586.30 feet to the Southeast corner of the Northwest quarter of said Section 29; THENCE west along the north line of the Southwest Quarter (SW/4) of Section 29, a distance of 1,117.29 feet to the Northeast Corner of Country Club Estates Sixth Addition to the City of Hays; THENCE continuing along the last described course along the North line of said Country Club Estates Sixth Addition a distance of 35.00 feet to the centerline of Columbine Drive; THENCE on a bearing of South 00 degrees 00 minutes 17 seconds West along the centerline of said Columbine Drive a distance of 70.00 feet; THENCE on a curve to the left along said centerline, having a radius of 300.00 feet, a chord bearing of South 15 degrees 59 minutes 10 seconds East, a chord length of 165.30 feet, an arc distance of 167.47 feet; THENCE on a curve to the right along said centerline having a radius of 300.00 feet, a chord bearing of South 00 degrees 03 minutes 16 seconds West, a chord length of 318.26 feet, an arc distance of 335.47 feet; THENCE on a bearing of South 32 degrees 05 minutes 23 seconds West along said centerline a distance of 73.79 feet; THENCE on a curve to the left along said centerline having a radius of 478.40 feet, a chord bearing of South 16 degrees 32 minutes 24 seconds West, a chord length of 256.49 feet, an arc distance of 259.67 feet; THENCE on a bearing of South 00 degrees 59 minutes 22 seconds West along said centerline a distance of 1078.73 feet; THENCE on a bearing of South 89 degrees 00 minutes 38 seconds East a distance of 35.00 feet to the East right of way line of said Columbine Drive; THENCE continuing on the last described course a distance of 401.70 feet; THENCE with an angle of

56 degrees 08 minutes 37 seconds to the right a distance of 237.37 feet; THENCE with an angle of 60 degrees 54 minutes 44 seconds to the left a distance of 22.88 feet; THENCE with an angle of 29 degrees 56 minutes 20 seconds to the right a distance of 125.00 feet; THENCE with an angle of 90 degrees 00 minutes 00 seconds to the right to the initial tangent of a curve to the left having a radius of 230.00 feet, an arc distance of 104.89 feet; THENCE Southerly tangent to said curve a distance of 275.38 feet to the South line of the Southwest Quarter (SW 1/4) of Section 29; THENCE with an angle of 90 degree 00 minutes 00 seconds to the left along said South line a distance of 1559.39 feet to a point 1560.00 feet West of the Northeast Corner of Section 32; THENCE southerly, a distance of approximately 2,127.50 feet to a point 1,579.00 feet west of the east line of Section 32 and 517.00 feet north of the south line of the Northeast Quarter (NE/4) of Section 32; THENCE westerly parallel with said south line, a distance of 16.00 feet; THENCE south parallel with the east line of Section 32, to the northerly line of 13th Street extended; THENCE northwesterly along the northerly line of 13th Street extended, to intersect the center line of Big Creek; THENCE southerly along the center line of Big Creek to the point said center line intersects the south line of the Northeast Quarter (NE/4) of Section 32; THENCE west along said south line, to the point said south line intersects the northerly line of 12th Street extended; THENCE Southeasterly along said northerly line to intersect the center line of Big Creek; THENCE southerly along the center line of Big Creek to the point of intersection of the center line of Big Creek and the south right-of-way of the Union Pacific Railroad; THENCE on a bearing of North 59 degrees 00 minutes 39 seconds West along said South railroad right of way a distance of 450.33 feet; THENCE on a bearing of South 40 degrees 04 minutes 21 seconds West a distance of 60.76 feet to the South Old Highway 40 permanent easement line; THENCE on a bearing of North 59 degrees 00 minutes 39 seconds West along said South permanent easement line a distance of 1190.87 feet to the South Old Highway 40 right -of-way line; THENCE on a bearing of North 78 degrees 45 minutes 51 seconds West along said Highway right of way line a distance of 160.57 feet; THENCE on a bearing of South 82 degrees 45 minutes 43 seconds West along said Highway right of way line a distance of 908.23 feet to the easterly right of way line of U.S. Highway 183 Alternate; THENCE on a bearing of South 19 degrees 23 minutes 51 seconds East along the said Easterly highway right of way line a distance of 470.21 feet; THENCE on a bearing of South 27 degrees 57 minutes 37 seconds East along said Easterly right of way line a distance of 4329.40 feet; THENCE on a curve to the left having a radius of 2799.79 feet, a chord bearing of South 37 degrees 42 minutes

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seconds East a chord length of 948.54 feet, an arc distance of 953.14 feet to the Westerly line of the Fort Hays Historical Park; THENCE on a bearing of South 36 degrees, 51 minutes 35 seconds West along said Westerly line of Fort Hays Historical Park Extended a distance of 65.31 feet to the centerline of U.S. Highway 183 Alternate; THENCE easterly, along said centerline, on a curve to the left, the initial tangent of which is at an angle of 84N27'20" to the left of the last described course and having a radius of 2,864.93 feet, an arc distance of 2,251.51 feet; THENCE east along said centerline, a distance of 2,259.45 feet, to the centerline of Big Creek; THENCE with an angle of 78N54'05" to the right along the centerline of Big Creek, a distance of 231.87 feet; THENCE with an angle of 10N14'48" to the left, a distance of 356.34 feet; THENCE with an angle of 8N59'39" to the right, a distance of 355.94 feet; THENCE with an angle of 77N43'02" to the left, a distance of 196.32 feet; THENCE with an angle of 66N31'34" to the left, a distance of 274.93 feet; THENCE with an angle of 27N53'22" to the right, a distance of 119.42 feet; THENCE with an angle of 36N55'29" to the left, a distance of 180.30 feet; THENCE with an angle of 34N16'16" to the right, a distance of 107.51 feet; THENCE with an angle of 55N33'32" to the right, a distance of 131.00 feet, to the intersection of the centerline of Big Creek and the centerline of Montgomery Street Drainage Ditch; THENCE northerly with an angle of 98N29'47" to the left, a distance of 336.07 feet, to the intersection of the centerline of Montgomery Street Drainage Ditch and the centerline of U.S. Highway 183 Alternate; THENCE with an angle of 90N51'44" to the right along the centerline of U.S. Highway 183 Alternate, a distance of 100.00 feet; THENCE with an angle of 83N54'10" to the left, a distance of 494.84 feet to the northerly line of the Fort Hays Military Reservation; THENCE southeasterly with an angle of 109N51'00" to the right along the said Fort Hays Military Reservation line to the intersection of said reservation line and the south right-of-way line of U.S. Highway 183 Alternate; THENCE easterly along the south right-of-way line of U.S. Highway 183 Alternate, 942.15 feet; THENCE southeasterly, a distance of 108 feet; THENCE east perpendicular to the east line of Section 4, a distance of 30 feet; THENCE south along the east line of said Section 4, a distance of 361.52 feet to the north line of the Fort Hays Military Reservation; THENCE on an assumed bearing of South 56 degrees 54 minutes East along the said Fort Hays Military Reservation line a distance of 289.58 feet; THENCE South 34 degrees 18 minutes West a distance of 35.70 feet; THENCE North 87 degrees 25 minutes West, a distance of 112.00 feet; THENCE South 03 degrees 46 minutes East a distance of 784.50 feet along the East right of way line of U.S. 183 Highway; THENCE South 08

degrees 07 minutes West, a distance of 600.10 feet along said right of way; THENCE South 02 degrees 13 minutes West, a distance of 987.40 feet along said right of way; THENCE South 87 degrees 47 minutes East, a distance of 84.30 feet; THENCE on a curve of 1,241.35 feet radius to the right, an arc distance of 879.00 feet with a chord which bears South 67 degrees 30 minutes East, a chord length of 860.80 feet; THENCE South 47 degrees 12 minutes East, a distance of 104.91 feet; THENCE North 50 degrees 07 minutes East, a distance of 110.50 feet; THENCE North 01 degree 46 minutes East, a distance of 2,141.30 feet to a point on the Northerly line of the Fort Hays Military Reservation; THENCE North 56 degrees 54 minutes West, a distance of 816.18 feet; THENCE North parallel with the East line of Section 4, Township 14 South, Range 18 West, a distance of 32 feet; THENCE southeasterly parallel to the Fort Hays Military Reservation line, a distance of 1,981.92 feet to the west edge of Chetolah Creek right-of-way; THENCE south, along the west edge of Chetolah Creek right-of-way to the center line of Reservation Road; THENCE southeasterly along the center line of Reservation Road to the center line of Chetolah Creek; THENCE southeasterly on a line perpendicular to the center line of Chetolah Creek a distance of 100.00 feet to a point on the east right-of-way of Chetolah Creek; THENCE northeasterly along the east Chetolah Creek right-of-way on an assumed bearing of North 41 degrees 40 minutes 00 seconds East a distance of 106.00 feet to a point of tangency; THENCE continuing along the east right-of-way line of Chetolah Creek on a curve to the left having a radius of 1414.1 feet, an arc distance of 436.73 feet to the intersection of the east right-of-way of Chetolah Creek and the east line of the Southeast Quarter of Section 3, Township 14 South, Range 18 West; THENCE continuing on the last described course along the east right-of-way line of Chetolah Creek on an arc distance of 182.94 feet to the Southwest corner of Lot 2, Block 1 of the Southridge Estates Addition; THENCE east along the south line of said Lot 2, a distance of 534.43 feet to the Southeast corner of said Lot 2; THENCE north along the east line of said Southridge Estates Addition, a distance of 755.51 feet to a point on the southerly right-of-way of the old U.S. Highway 40 Bypass; THENCE North 81 degrees 01 minutes 00 seconds West along said right-of-way a distance of 353.76 feet; THENCE south a distance of 318.44 feet; THENCE west a distance of 126.34 feet to a point on the east right-of-way of Chetolah Creek; THENCE north along the east Chetolah Creek right-of-way, a distance of 465.08 feet to a point of tangency; THENCE continuing on the east Chetolah Creek right-of-way on a curve to the right having a radius of 746.3 feet, an arc distance of 312.88 feet to a point of tangency; THENCE northeasterly along the east Chetolah Creek right-of-way, a distance of 376.00 feet

to a point of tangency; THENCE continuing on the east Chetolah Creek right-of-way on a curve to the left having a radius of 325.90 feet, an arc distance of 472.33 feet to a point of tangency; THENCE northwesterly along the east Chetolah Creek right-of-way, a distance of 544.97 feet; THENCE at an angle of 58N45'34" to the right and parallel to the east line of the Northwest Quarter (NW/4) of Section 3, Township 14 South, Range 18 West, a distance of 2,452.18 feet to a point 50 feet south of the north line of the Northwest Quarter (NW/4) of Section 3; THENCE east parallel with the north line of the Northwest Quarter (NW/4) of Section 3, a distance of 262.56 feet; THENCE with an angle of 0N0'18" to the left, parallel with the north line of the Northeast Quarter (NE/4) of Section 3, a distance of 472.06 feet; THENCE with an angle of 90N00'00" to the right, a distance of 538.00 feet; THENCE with an angle of 90N00'00" to the left, a distance of 520.00 feet; THENCE with an angle of 90N00'00" to the right, a distance of 30.00 feet; THENCE with an angle of 90N00'00" to the left on a line parallel with the north line of Section 3, a distance of 1,255.00 feet; THENCE with an angle of 90N00'00" to the right, a distance of 581.91 feet; THENCE with an angle of 89N16'41" to the left, a distance of 383.05 feet to the east line of Section 3; THENCE with an angle of 90N00'00" to the right along the west line of Section 2, a distance of 28.17 feet; THENCE east parallel with the north line of Section 2, a distance of 475.00 feet; THENCE south parallel with the west line of Section 2, a distance of 1,413.25 feet; THENCE east, a distance of 1,320 feet; THENCE north parallel with the west line of Section 2, a distance of 2,649.26 feet to the north line of the Northwest Quarter (NW/4) of Section 2; THENCE east along said north line a distance of 852.79 feet to the Southwest Corner of the Southeast Quarter (SE 1/4) of Section 35, Township 13 South, Range 18 West of the Sixth Principal Meridian, Ellis County, Kansas; THENCE on an assumed bearing of North 00 degrees 04 minute 25 seconds East along the West line of said Southeast Quarter (SE 1/4) a distance of 33.00 feet to the Southwest Corner of the Tallgrass Addition to the City of Hays, Kansas; THENCE North 89 degrees 40 minutes 26 seconds East parallel with the South line of said Southeast Quarter (SE 1/4), a distance of 513.17 feet; THENCE North 00 degrees 19 minutes 34 seconds West perpendicular to the South line of said Southeast Quarter (SE 1/4), a distance of 17.00 feet; THENCE North 89 degrees 40 minutes 26 seconds East parallel with the South line of said Southeast Quarter (SE 1/4), a distance of 620.00 feet; THENCE South 00 degrees 19 minutes 34 seconds East perpendicular to the South line of said Southeast Quarter (SE 1/4), a distance of 17.00 feet to a point 33.00 feet North of the South line of said Southeast Quarter (SE 1/4); THENCE North 89 degrees 40

minutes 26 seconds East parallel with the South line of said Southeast Quarter (SE 1/4), a distance of 545.32 feet; THENCE North 00 degrees 14 minutes 22 seconds East parallel with the East line of said Southeast Quarter (SE 1/4), a distance of 125.00 feet; THENCE North 89 degrees 40 minutes 26 seconds East parallel with the South line of said Southeast Quarter (SE 1/4), a distance of 350.00 feet; THENCE North 00 degrees 14 minutes 22 seconds East parallel with the East line of said Southeast Quarter (SE 1/4), a distance of 991.92 feet; THENCE North 89 degrees 40 minutes 26 seconds East and parallel with the South line of said Southeast Quarter (SE 1/4), a distance of 539.54 feet to a point on the Commerce Parkway right of way; THENCE on an assumed bearing of South 01 degree 28 minutes 11 seconds West, a distance of 653.70 feet; THENCE westerly, parallel with the North right of way line of 13th Street, a distance of 539.54 feet; THENCE southerly, parallel with the West right of way line of Commerce Parkway, a distance of 440.00 feet to a point on the North right of way line of 13th Street; THENCE Easterly, along said 13th Street right of way, a distance of 286.37 feet; THENCE on a bearing of South 00 degrees 54 minutes 13 seconds West a distance of 17.000 meters (55.77 feet) to a point on the North line of Section 2, Township 13 South, Range 18 West which is 100.000 meters (328.08 feet) West of the Northeast Corner of said section as measured along the section line; THENCE on a bearing of South 00 degrees 54 minutes 13 seconds West a distance of 17.000 meters (55.77 feet); THENCE on a bearing of South 89 degrees 05 minutes 47 seconds East a distance of 76.848 meters (252.13 feet); THENCE on a bearing of South 01 degrees 24 minutes 51 seconds West a distance of 793.488 meters (2,603.30 feet) to the South line of the Northeast Quarter (NE 1/4) of said Section 2; THENCE on a bearing of South 03 degrees 37 minutes 31 seconds West a distance of 156.226 meters (512.55 feet); THENCE on a bearing of South 01 degrees 25 minutes 28 seconds West a distance of 250.000 meters (820.21 feet); THENCE on a bearing of South 01 degrees 09 minutes 08 seconds East a distance of 200.199 meters (656.82 feet); THENCE on a bearing of South 01 degrees 25 minutes 28 seconds West a distance of 59.458 meters (195.07 feet) to the North right of way line of the Union Pacific Railroad; THENCE continuing on the last described course a distance of 105.500 meters (346.13 feet) to the North edge of the Old Highway 40 pavement; THENCE on a bearing of South 79 degrees 34 minutes 02 seconds East along the said North edge of Old Highway 40 pavement a distance of 20.251 meters (66.44 feet) to the East line of said Section 2; THENCE on a bearing of South 79 degrees 33 minutes 49 seconds East along the said North edge of the Old Highway 40 pavement a distance of 20.249 meters (66.43 feet); THENCE on a bearing of North 01 degrees 25 minutes 28 seconds

East a distance of 105.500 meters (346.13 feet) to the North right of way line of said Union Pacific Railroad; THENCE continuing on the last described course a distance of 157.876 meters (517.97 feet) to the South line of Angela Drive in Country Five Subdivision; THENCE on a bearing of South 88 degrees 34 minutes 30 seconds East along the South line of said Angela Drive a distance of 10.001 meters (32.81 feet); THENCE on a bearing of North 01 degrees 25 minutes 28 seconds East a distance of 4.816 meters (15.80 feet); THENCE South 88 degrees 34 minutes 32 seconds East a distance of 1085.00 feet; THENCE North 01 degrees 25 minutes 28 seconds East a distance 600.00 feet; THENCE North 88 degrees 34 minutes 32 seconds West a distance of 1101.40 feet to a point on the East Right of Way of Commerce Parkway; THENCE North 01 degrees 25 minutes 28 seconds East a distance of 333.16 feet to the Southwest corner of the Heart of America First Addition; THENCE South 89 degrees 17 minutes 17 seconds East, parallel with the north line of the Southwest Quarter of Section 1, Township 14 South, Range 18 West, a distance of 750.00 feet to the Southeast corner of said Heart of America First Addition; THENCE North 01 degrees 25 minutes 29 seconds East, parallel with the west line of said Southwest Quarter a distance of 530.01 feet to the Northeast corner of said Addition; THENCE North 89 degrees 17 minutes 17 seconds West, parallel with the north line of said Southwest Quarter, a distance of 750.00 feet to a point on the East Commerce Parkway right of way, said point also being the Northwest corner of said Heart of America First Addition; THENCE North 01 degrees 25 minutes 29 seconds East along said East right of way, a distance of 208.71 feet to the South line of the Northwest Quarter (NW 1/4) of Section 1, Township 14 South, Range 18 West; THENCE on a bearing of South 89 degrees 17 minutes 17 seconds East along the South line of the Northwest Quarter (NW 1/4) of said Section 1 a distance of 4.000 meters (13.12 feet); THENCE on a bearing of North 01 degrees 24 minutes 51 seconds East a distance of 193.469 meters (634.74 feet); THENCE on a bearing of North 00 degrees 18 minutes 15 seconds West a distance of 200.090 meters (656.46 feet); THENCE on a bearing of North 01 degrees 24 minutes 51 seconds East a distance of 400.076 meters (1,312.58 feet); THENCE on a bearing of South 89 degrees 15 minutes 22 seconds East a distance of 27.197 meters (89.23 feet); THENCE on a bearing of North 00 degrees 44 minutes 38 seconds East a distance of 17.000 meters (55.77 feet) to the South line of Section 36, township 13 South, Range 18 West; THENCE continuing on the last described course a distance of 17.000 meters (55.77 feet); THENCE on a bearing of North 89 degrees 15 minutes 22 seconds West a distance of 24.783 meters (81.31 feet); THENCE on a bearing of North 01 degrees 28 minutes 11 seconds East a distance of 150.322

meters (493.18 feet); THENCE on a bearing of North 88 degrees 31 minutes 49 seconds West a distance of 5.000 meters (16.40 feet); THENCE on a bearing of North 01 degrees 28 minutes 11 seconds East a distance of 60.960 meters (200.00 feet); THENCE on a bearing of South 88 degrees 31 minutes 49 seconds East a distance of 5.000 meters (16.40 feet); THENCE on a bearing of North 01 degrees 28 minutes 11 seconds East a distance of 575.554 meters (1,880.30 feet) to a point on the South line of the Northwest Quarter (NW 1/4) of said Section 36; THENCE on a bearing of North 01 degrees 27 minutes 50 seconds East a distance of 41.914 meters (137.51 feet); THENCE on a bearing of North 06 degrees 21 minutes 47 seconds East a distance of 229.970 meters (754.49 feet); THENCE on a bearing of North 88 degrees 32 minutes 10 seconds West a distance of 44.641 meters (146.46 feet) to a point on the East line of the Northeast Quarter (NE 1/4) of Section 35, Township 13 South, Range 18 West; THENCE continuing on the last described course a distance of 73.619 meters (241.53 feet); THENCE on a bearing of South 53 degrees 27 minutes 23 seconds East a distance of 45.265 meters (148.51 feet); THENCE on a bearing of South 03 degrees 17 minutes 59 seconds East a distance of 183.514 meters (602.08 feet); THENCE on a bearing of South 01 degrees 27 minutes 50 seconds West a distance of 170.60 feet to a point that is 35.00 feet north of the south line and 70.00 feet west of the east line of the Northeast Quarter of Section 35, Township 13 South, Range 18 West; thence North 89 degrees 05 minutes 47 seconds West, parallel with and 35.00 feet north of the south line of said Northeast Quarter, a distance of 779.35 feet; thence North 30 degrees 54 minutes 13 seconds West a distance of 25.00 feet; thence North 89 degrees 05 minutes 47 seconds West, parallel with the south line of said Northeast Quarter, a distance of 95.00 feet; thence South 30 degrees 54 minutes 13 seconds West a distance of 25.00 feet; thence North 89 degrees 05 minutes 47 seconds West, parallel with and 35.00 feet north of the south line of said Northeast Quarter, a distance of 816.11 feet to the southeast corner of Lot 43, in Block B of the Tallgrass 2nd Addition to the City of Hays, Kansas; thence on an assumed bearing of North 00 degrees 14 minutes 10 seconds East, along the east line of said Tallgrass 2nd Addition, a distance of 2,144.73 feet to a point on the Southerly right of way line of Interstate 70 Highway; THENCE North 60 degrees 27 minutes 21 seconds West along said Southerly right of way line, 762.46 feet, to a point 80.00 feet South and 206.90 feet East of the Northwest Corner of said Northeast Quarter (NE 1/4) of Section 35; THENCE South 89 degrees 41 minutes 07 seconds West on a line parallel with the North line of said Northeast Quarter (NE 1/4) a distance of 206.90 feet to a point on the West line of said Northeast Quarter (NE 1/4), said point being 80.00 feet South of the Northwest

Corner of said Northeast Quarter (NE 1/4); THENCE South 00 degrees 04 minutes 15 seconds West along the West line of said Northeast Quarter (NE 1/4) a distance of 904.53 feet to the Northeast Corner of Vo-Tech Addition to the City of Hays; THENCE West parallel with the South line of said Northwest quarter a distance of 2442.84 feet; THENCE North along a line parallel with the West line of said Northwest quarter a distance of 210.00 feet; THENCE West along a line parallel with the South line of said Northwest quarter a distance of 210.00 feet to a point on the West line of said Northwest quarter Section 35; THENCE North along the West line of said Northwest quarter a distance of 540.49 feet to a point 239.00 feet South of the Southwest corner of Section 26, Township 13 South, Range 18 West; THENCE East parallel with the South line of said Section 26 a distance of 222.00 feet; THENCE North parallel with the West line of Section 35, Township 13 South, Range 18 West a distance of 239.00 feet to the North line of said Section; THENCE East along the South line of said Section 26 a distance of 256.00 feet; THENCE north parallel with the west line of Section 26, a distance of 269.00 feet; THENCE east parallel with the south line of Section 26, a distance of 508.00 feet; THENCE north parallel with the west line of Section 26, a distance of 710.57 feet to the south right-of-way line of Interstate 70 Highway; THENCE with an angle of 60N53'40" to the left along said south right-of-way line, a distance of 1,127.62 feet to the east line of Section 27; THENCE continuing on the last described course along said south right-of-way line, a distance of 277.83 feet; THENCE with an angle of 4N17'21" to the left, a distance of 243.12 feet; THENCE with an angle of 116N24'08" to the left, on a bearing of South 01 degrees 33 minutes 29 seconds West a distance of 235.04 feet; THENCE on an assumed bearing of North 70 degrees 11 minutes 18 seconds West a distance of 340.10 feet; THENCE South 28 degrees 00 minutes 15 seconds West a distance of 105.05 feet; THENCE South 07 degrees 07 minutes 46 seconds West a distance of 237.03 feet; THENCE South 51 degrees 56 minutes 38 seconds West a distance of 197.12 feet; THENCE South 61 degrees 40 minutes 20 seconds West a distance of 179.48 feet; THENCE South 33 degrees 18 minutes 13 seconds West a distance of 60.06 feet; THENCE South 02 degrees 38 minutes 17 seconds East a distance of 320.00 feet; THENCE South 60 degrees 28 minutes 42 seconds West a distance of 125.00 feet; THENCE South 83 degrees 01 minutes 01 seconds West a distance of 250.00 feet; THENCE South 22 degrees 01 minutes 23 seconds West a distance of 256.15 feet; THENCE South 89 degrees 28 minutes 28 seconds West a distance of 232.78 feet; THENCE South 00 degrees 42 minutes 17 seconds East a distance of 336.19 feet; THENCE with an angle of 90 degrees 00 minutes 00 seconds to the right 100.00 feet North of and parallel with the South line of

Section 27 a distance of 15.15 feet to the East line of Hays Plaza Third Addition; THENCE north with an angle of 90N00'00" to the right, a distance of 680.00 feet; THENCE with an angle of 51N45' to the right, a distance of 677.12 feet; THENCE with an angle of 49N30' to the left, a distance of 216.35 feet; THENCE with an angle of 36N15'31" to the left, a distance of 338.10 feet; THENCE with an angle of 20N06'08" to the right, a distance of 240.98 feet; THENCE with an angle of 34N15'28" to the left, a distance of 1,080.00 feet to the north line of the Southeast Quarter (SE/4) of Section 27; THENCE with an angle of 138 degrees 10 minutes 00 seconds to the right along the North line of the Southeast Quarter (SE 1/4) of Section 27 a distance of 292.46 feet to the Southerly right of way line of Interstate 70; THENCE with an angle of 144 degrees 17 minutes 20 seconds left along said Southerly right of way a distance of 625.42 feet; THENCE with an angle of 04 degrees 52 minutes 19 seconds left along said South right of way a distance of 276.22 feet to the West line of Sundance Addition; THENCE continuing on the last described course along the Southerly right of way line of Interstate 70 a distance of 483.35 feet; THENCE with an angle of 120 degrees 50 minutes 30 seconds left along a line parallel with and 415.00 feet West of the West line of Hays Sundance Addition, a distance of 519.41 feet; THENCE with an angle of 90 degrees 00 minutes 00 seconds to the right along a line parallel with and 235.00 feet North of the South line of the Northwest Quarter (NW 1/4) of said Section 27 a distance of 905.38 feet to a point on the East line of Mart City First Addition and the point of beginning.

Plus the following tracts of land:

Beginning at a point on the north line of Section Twelve (12), Township Fourteen (14) South, Range Eighteen (18) West and 30.0 feet east of the Northwest Corner; THENCE on a bearing of South 00N00'00" East a distance of 621.66 feet; THENCE on a bearing of North 89N59'59" East a distance of 303 feet; THENCE on a bearing of North 00N00'00" West a distance of 300.0 feet; THENCE on a bearing of North 89N59'59" East a distance of 8.09 feet; THENCE on a bearing of South 13N13'31" East a distance of 5072.84 feet to a point on the south line of said Section Twelve (12); THENCE on a bearing of South 89N15'58" West along the south line of said Section Twelve (12) a distance of 1501.76 feet to the Southwest Corner of said Section Twelve (12); THENCE West along the south line of said Section Eleven (11) a distance of 30.0 feet; THENCE on a bearing of North 00N00'01" West to a point on the north right-of-way line of

Reservation Road; THENCE on a bearing of North 58N16' West along the north right-of-way line of Reservation Road a distance of 23.5 feet; THENCE on a bearing of North 00N00'01" West to a point on the north line of said Section Eleven (11); THENCE continuing on the same bearing in said Section Two (2) a distance of 37.4 feet to a point on the south right-of-way line of Old Highway 40; THENCE on a bearing of South 80N57'52" East along said south highway right-of-way line a distance of 50.63 feet to a point on the east line of said Section Two (2); THENCE continuing on the same bearing along the said highway right-of-way line in said Section One (1) a distance of 30.38 feet; THENCE on a bearing of South 00N00'01" East a distance of 23.56 feet to a point on the south line of said Section One (1) and the Point of Beginning;

A tract of land in the Northwest Quarter of the Southwest Quarter (NW 1/4, SW 1/4) and the West Half of the Northwest Quarter (W 2, NW 1/4) of Section 20, Township 13 South, Range 18 West of the Sixth Principal Meridian, Ellis County, Kansas, described as follows:

Beginning at a point 49.25 feet East of the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4, SW 1/4) of Section 20, Township 13 South, Range 18 West; THENCE on an assumed bearing of North 02 degrees 59 minutes 26 seconds East along the East line of U.S. Highway 183 Alternate a distance of 615.09 feet; THENCE on a bearing of North 89 degrees 58 minutes 45 seconds East a distance of 428.46 feet to the East line of B&M Development Company Addition to Ellis County, Kansas; THENCE on a bearing of North 01 degrees 20 minutes 34 seconds East along the East line of said addition a distance of 739.11 feet to the Southwest corner of Lot 4, Block 2, of the Frontier City Addition; THENCE South 89 degrees 58 minutes 45 seconds West, along the South line of said Lot 4, a distance of 403.50 feet to the southwest corner of said Lot 4, said point being on the East right of way line of U.S. Highway 183 Alternate; THENCE North 03 degrees 22 minutes 08 seconds East, along said East right of way line, a distance of 175.21 feet; THENCE North 00 degrees 35 minutes 21 seconds West, along said East right of way line, a distance of 123.77 feet to the intersection of said East right of way line with the South right of way line of Frontier Road; THENCE North 00 degrees 35 minutes 21 seconds West along the East right of way line of U.S. Highway 183 Alternate a distance of 60.04 feet; THENCE North 00 degrees 37 minutes 19 seconds West along said East right of way line a distance of 160.50 feet; THENCE North 05 degrees 34 minutes 09 seconds East along said East right of way line a distance of 416.19 feet;

THENCE North 09 degrees 21 minutes 20 seconds West along said East right of way line, a distance of 50.88 feet; THENCE North 06 degrees 04 minutes 31 seconds East along said East right of way line a distance of 295.82 feet; THENCE North 23 degrees 17 minutes 29 seconds East along said East right of way line a distance of 191.58 feet to a point on the South right of way line of Interstate 70; THENCE South 78 degrees 57 minutes 22 seconds East along said South right of way line a distance of 461.89 feet; THENCE South 64 degrees 44 minutes 49 seconds East along said South right of way line a distance of 704.87 feet to a point on the East line of the West Half of the Northwest Quarter (W 2, NW 1/4) of said Section 20; THENCE South 01 degrees 15 minutes 04 seconds West along said East line a distance of 736.06 feet; THENCE continuing on the last described course a distance of 60.00 feet to a point on the South right of way line of Frontier Road; THENCE continuing on the last described course a distance of 1634.04 feet along said East line of the West Half of the West Half (W 2, W 2) of Section 20 to the Southeast Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4, SW 1/4) of said Section 20; THENCE North 89 degrees 26 minutes 32 seconds West a distance of 1263.71 feet along the South line of the Northwest Quarter of the Southwest Quarter (NW 1/4, SW 1/4) of said Section 20 to the point of beginning;

All of the Northeast Quarter of Section Nineteen (NE/4, Sec. 19), Township Thirteen (13) South, Range Eighteen (18) West of the Sixth Principal Meridian, Ellis County, Kansas lying South of U.S. Interstate Highway 70 and West of U.S. Highway 183 Alternate more particularly described as follows:

Beginning at the Northwest Corner of said Northeast Quarter (NE 1/4) of Section 19; THENCE South on a bearing of South 01 degrees 17 minutes 26 seconds West, along the West line of said Northeast Quarter (NE 1/4) of Section 19, a distance of 2641.13 feet to the Southwest Corner of said Northeast Quarter (NE 1/4) of Section 19; THENCE East on a bearing of South 89 degrees 15 minutes 39 seconds East, along the South line of said Northeast Quarter (NE 1/4) of Section 19, a distance of 2576.90 feet to the West right of way line of U.S. Highway 183 Alternate; THENCE North on a bearing of North 02 degrees 03 minutes 11 seconds East, along said U.S. Highway 183 Alternate right of way, a distance of 212 feet; THENCE continuing North on a bearing of North 01 degrees 13 minutes 11 seconds East, along said U.S. Highway 183 Alternate right of way, a distance of 181 feet; THENCE continuing Northerly on a bearing of North 05 degrees 00 minutes 49 seconds West, along U.S. Interstate Highway 70 right of way, a distance of 824 feet; THENCE continuing

North on a bearing of North 01 degrees 10 minutes 11 seconds East, along said Interstate 70 right of way, a distance of 100 feet; THENCE Northwesterly on a bearing of North 30 degrees 48 minutes 49 seconds West along U.S. Interstate Highway 70 right of way, a distance of 415 feet; THENCE Northwesterly on a bearing of North 46 degrees 14 minutes 49 seconds West, along U.S. Interstate Highway 70 right of way, a distance of 633 feet; THENCE Northwesterly on a bearing of North 66 degrees 43 minutes 49 seconds West along U.S. Interstate Highway 70 right of way, a distance of 1419 feet to the North line of said Northeast Quarter (NE 1/4) of Section 19; THENCE West on a bearing of North 89 degrees 17 minutes 49 seconds West, along the North line of said Northeast Quarter (NE 1/4) of Section 19, a distance of 485.29 feet to the Northwest Corner of said Northeast Quarter (NE 1/4) of Section 19 and the point of beginning. Said tract contains 130.38 acres more or less.

A tract of land in the Southeast Quarter of Section 2, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the southeast corner of said Section 2; THENCE on an assumed bearing of West, along the south line of said Section 2, a distance of 1800.00 feet; THENCE on a bearing of North a distance of 125.00 feet to the point of beginning of the land to be described; THENCE on a bearing of West a distance of 306.00 feet; THENCE North 09 degrees 20 minutes 48 seconds East, along a line perpendicular to the centerline of the Union Pacific Railroad, a distance of 247.01 feet to a point on the south Right of Way line of Old Highway 40; THENCE South 80 degrees 39 minutes 12 seconds East, along the south Right of Way line of Old Highway 40, a distance of 301.94 feet; THENCE South 09 degrees 20 minutes 48 seconds West, along a line perpendicular to the centerline of the Union Pacific Railroad, a distance of 197.31 feet to the point of beginning. This tract contains 1.540 acres.

That part of the Northeast Quarter of Section 2, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

All of Lots 15, 17 and 19, Block 9, and the North Half of the vacated alley along the south side of said lots, and except for the North 17 feet of said Lots for R/W, all in the George Phillip Addition to the City of Hays.

Except the following Tracts:

That part of the Southwest Quarter of Section 20, Township 13 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the Southeast corner of said Southwest Quarter; THENCE on an assumed bearing of North 01 degrees 02 minutes 46 seconds East, along the East line of said Southwest Quarter, a distance of 50.00 feet to the point of beginning of the land to be described; thence continuing North 01 degrees 02 minutes 46 seconds East, along the East line of said Southwest Quarter, a distance of 189.50 feet; THENCE North 89 degrees 58 minutes 07 seconds West, parallel with the South line of said Southwest Quarter, a distance of 239.50 feet; THENCE South 01 degrees 02 minutes 46 seconds West, parallel with the East line of said Southwest Quarter, a distance of 189.50 feet; THENCE South 89 degrees 58 minutes 07 seconds East, parallel with and 50.00 feet northerly of the South line of said Southwest Quarter, a distance of 239.50 feet to the point of beginning.

That part of the Southwest Quarter of Section 22, Township 13 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the Southwest corner of said Southwest Quarter; THENCE on an assumed bearing of North 89 degrees 12 minutes 15 seconds East, along the South line of said Section 22, a distance of 492.00 feet to the intersection of said South line of Section 22 with the East right of way line of General Hays Road extended from the North; THENCE North 00 degrees 47 minutes 45 seconds West, along said East right of way line, a distance of 70.00 feet to the point of beginning of the land to be described; THENCE continuing on the land described course a distance of 200.00 feet; THENCE on a bearing of North a distance of 20.00 feet to the Southwest corner of Lot 1 in Block 1 of the Marvin F. Braun Addition to Ellis County, Kansas; THENCE North 89 degrees 12 minutes 15 seconds East a distance of 259.21 feet to the Southeast corner of Lot 2 in Block 1 of said Marvin F. Braun Addition; THENCE on a bearing of North a distance of 324.96 feet to the Northeast corner of said Lot 2, said point being on the South right of way line of 43rd Street; THENCE North 89 degrees 12 minutes 15 seconds East, along said South right of way line, a distance of 245.46 feet to the Northwest corner of Lot 5 in Block 1 of said Marvin F. Braun Addition; THENCE on a bearing of South a distance of 324.96 feet to the Southwest corner of said Lot

5; THENCE North 89 degrees 12 minutes 15 seconds East, along the South line of said Lot 5, a distance of 142.73 feet to a point 20.00 feet East of the Southeast corner of said Lot 5; THENCE on a bearing of North a distance of 324.96 feet to a point on the South right of way line of 43rd Street, said point being 20.00 feet East of the Northeast corner of said Lot 5; THENCE North 89 degrees 12 minutes 15 seconds East, along said South right of way line, a distance of 187.80 feet to the intersection of said South right of way line with the West right of way line of Sherman Avenue; THENCE South 00 degrees 47 minutes 45 seconds East, along said West right of way line, a distance of 564.94 feet to the intersection of said West right of way line with the North right of way line of 41st Street; THENCE South 89 degrees 12 minutes 15 seconds West, along said North right of way line a distance of 457.00 feet to the Southwest corner of the East 41st Street First Addition to Ellis County, Kansas; THENCE South 00 degrees 47 minutes 45 seconds East a distance of 20.00 feet; THENCE South 89 degrees 12 minutes 15 seconds West, along a line parallel with and 30.00 feet North of the South line of said Section 22, a distance of 83.00 feet; THENCE North 00 degrees 47 minutes 45 seconds West a distance of 10.00 feet; THENCE South 89 degrees 12 minutes 15 seconds West, along a line parallel with and 40.00 feet North of the South line of said Section 22, a distance of 270.00 feet; THENCE North 45 degrees 47 minutes 45 seconds West a distance of 42.43 feet to the point of beginning. This tract contains 9.038 acres.

That part of the Northeast Quarter of Section 21, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

All of Lots 1 thru 15, in Block 1, of the North Hays Addition to Ellis County, Kansas. This tract contains 22.804 acres.

That part of the Northwest Quarter of Section 22, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

That part of Lot 1 that lies south of a line that is parallel and 50 feet south of the north line of said Northwest Quarter, and all of Lots 2 thru 6, all in Block 2, of the North Hays Addition to Ellis County, Kansas. This tract contains 16.617 acres.

That part of the Northwest Quarter of Section 22, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

All of Lots 8 thru 11, in Block 2, of the North Hays Addition to Ellis County, Kansas. This tract contains 6.980 acres.

The City of Hays contains 5,257.066 acres or 8.214 square miles, more or less.

ADOPTED by the Commission on _____, 2014.

HENRY SCHWALLER IV
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

Geist Add.
22nd St. from
Canterbury to Wheatland

ORDINANCE NO. 3879

**AN ORDINANCE ANNEXING LAND TO THE CITY OF HAYS,
KANSAS.**

WHEREAS, the following described land adjoins the City of Hays, Kansas,

WHEREAS, written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Hays, Kansas, pursuant to K.S.A. 12-520; and

WHEREAS, the governing body of the City of Hays, Kansas finds it advisable to annex such land.

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

Section 1. Pursuant to K.S.A. 12-520(a)(7) the following described land is hereby annexed and made part of the City of Hays, Kansas:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF HAYS, COUNTY OF ELLIS, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS: ✓

COMMENCING AT THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF S 01°14'29" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 59.82 FEET; THENCE S 88°45'31" E A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 22ND STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES; THENCE S 89°06'25" E A DISTANCE OF 5.00 FEET; THENCE N 46°03'55" E A DISTANCE OF 35.46 FEET; THENCE S 89°06'25" E A DISTANCE OF 691.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES; THENCE S 89°06'25" E A DISTANCE OF 1097.21 FEET; THENCE S 29°06'19" E A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 95.00 FEET; THENCE N 29°06' 25" W A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 666.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF WHEATLAND AVENUE; THENCE S 01° 18' 18" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 190.28 FEET TO THE NORTH LINE OF GOLDEN BELT EIGHTH ADDITION, A FINAL PLAT TO SAID CITY OF HAYS; THENCE N 89°04'30" W, ALONG THE NORTH LINES OF GOLDEN BELT EIGHTH ADDITION, GOLDEN BELT SEVENTH ADDITION, AND GOLDEN BELT SIXTH ADDITION, ALL FINAL PLATS TO THE CITY OF HAYS, A DISTANCE OF 1858.85 FEET TO THE CITY LIMITS LINE; THENCE N 01°12'07" E, ALONG SAID CITY LIMITS LINE, A DISTANCE OF 189.24 FEET TO THE POINT OF BEGINNING. CONTAINS 8.05 ACRES, MORE OR LESS;

Section 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Hays, Kansas, this 13th day of March, 2014.


HENRY SCHWALLER, IV
Vice Mayor

Photo 2
Direct PP
In Direct PP
Numerical PP
Checked ✓

City of Hays

ATTEST:

Brenda Kitchen
BRENDA KITCHEN
City Clerk

(seal)



STATE OF KANSAS, ELLIS COUNTY, SS
Rebecca Herzog, Register of Deeds
Book: 845 Page: 57-58
Pages Recorded: 2 Total Fees: No Charge

Register of Deeds: *Rebecca Herzog*

Date Recorded: 3/17/2014 1:10:00 PM



