

# **CITY COMMISSION AGENDA**

City Commission Chambers  
Monday, December 29, 2008 5:00 p.m.  
MEETING #4740

## **CALL TO ORDER**

## **ROLL CALL**

## **PUBLIC HEARING**

2008 Budget Amendments

**VISITORS** (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, December 15, 2008
2. Appropriation Ordinance No. 25, December 29, 2008
3. Cereal Malt Beverage License
  - a. Angie's Git It n Go, 2305 W Wyatt Earp, Dodge City
  - b. Gene's Heartland Foods, 1800 Central, Dodge City

## **ORDINANCES & RESOLUTIONS**

Resolution No. 2008-24: A Resolution Describing and Defining the Boundary of the City of Dodge City.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

Approval of 2008 Budget Amendments. Presented by Nannette Pogue, City Clerk.

## **OTHER BUSINESS**

## **ADJOURNMENT**

December 24, 2008

MEMO

TO: Ken Strobel, City Manager  
Cherise Tieben, Assistant City Manager

FROM: Nannette Pogue, Finance Director/City Clerk 

SUBJECT: 2008 Amended Budget

Attached is the 2008 Amended Budget Certificate. A noticed was published December 19<sup>th</sup> notifying the public of the 2008 budget amendments and stating that a public hearing would be held December 29<sup>th</sup>. The following funds are proposed to be amended.

**Sales Tax Fund.** At the time the original budget was passed in August, 2007, the Sales Tax Budget had not yet been approved by the City and County Commissions. The Budget that the City and County Commissions approved in December, 2007 is the amounts of the proposed 2008 amended budget.

**Convention and Visitors Fund.** This fund is being amended by the amount of the Hospitality Program. The City received a payment in lieu of tax amount from the Best Western and LaQuinta Inns during 2008. This payment was to be used for hospitality programs. The amount received as well as some hospitality program expenses were funneled through the Convention and Visitors Fund. This resulted in approximately \$19,000 more expenditures than were budgeted.

**Special Street and Highways.** The amended amount reflects the actual amount spent on the Street programs. This amount was higher than originally budgeted because there was more cash available.

**All For Fun.** The amended budget reflects actual expenditures which were in excess of the budgeted amount.

**Underage Alcohol Abuse Fund.** The amended budget reflects actual expenditures which were in excess of the budgeted amount.

**Wastewater Fund.** There were capital expenditures associated with the purchase of the land for the new treatment plant that were not budgeted at the time the budget was complete in august, 2008.

Drainage Utility Fund. The amended budget reflects the salary amount in addition to the capital expenditures.

Transportation Fund. This is an internal service fund for the maintenance of City vehicles. All expenditures are charged back to the funds that are actually using the service. It is very difficult to budget and anticipate expenditures in this fund. The amended amount reflects what is actually being spent in this fund.

All of the funds being amended have available cash to fund the increased expenditures. None of these funds are being funded by property tax.

If you have any questions or wish additional information, please let me know.

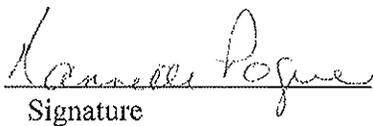
**Notice of Budget Hearing for Amending the  
2008 Budget**

The governing body of the City of Dodge City will meet on December 29, 2008 at 5:00 p.m. in the City Commission Chambers at 806 2nd Avenue, for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available in the City Clerk's office, 806 2nd Avenue and will be available at this hearing.

**Summary of Amendments**

Fund	2008 Adopted Budget			2008 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Sales Tax-Special Projects			2,377,183	3,229,982
Convention and Visitors			486,600	506,560
Special Streets & Highways			790,098	890,100
All For Fun			163,640	221,000
Underage Alcohol Abuse			22,000	27,000
Wastewater			5,092,363	5,979,363
Drainage Utility			236,200	286,200
Transportation			225,346	260,346

  
Signature



CITY COMMISSION MINUTES  
City Commission Chambers  
Monday, December 15, 2008 7:00 p.m.  
MEETING #4739

CALL TO ORDER

ROLL CALL – Mayor Kent Smoll, Commissioners Monte Broeckelman, Rick Sowers, Jim Sherer, Brian Weber

INVOCATION: Ada Bogart

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Kent Smoll announced the Community Market being held at the Civic Center on Saturday, December 20, 2008.

VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

CONSENT CALENDAR

1. Approval of Work Session Meeting minutes, December 1, 2008
2. Approval of City Commission Meeting minutes, December 1, 2008
3. Approval of Joint City/County Meeting minutes, December 8, 2008
4. Approval of City Commission/Department Head Retreat minutes, December 10, 2008
5. Appropriation Ordinance No. 24, December 15, 2008
6. Cereal Malt Beverage License
  - a. Casa Alvarez, 1701 W. Wyatt Earp, Dodge City
  - b. Mariscos Mayarit Restaurant, 509 N. 2<sup>nd</sup>, Dodge City
7. Approval of CVB Billboard Contract
8. Approval of CVB State TV Contract
9. Approval of the 3<sup>rd</sup> Avenue Sidewalk Reconstruction Change Order 2
10. Approval of N. 14<sup>th</sup> Avenue Widening Change Order 2

Commissioner Sherer moved to approve the Consent Calendar, Commissioner Weber seconded. Motion carried unanimously.

#### ORDINANCES & RESOLUTIONS

Resolution No. 2008-23: A Resolution Amending Resolution 2007-28 Establishing Special Sanitary Sewer Rates for Large Volume Wastewater Customer for the City of Dodge City was approved on a motion by Commissioner Sowers, seconded by Commissioner Sherer. The motion carried unanimously.

#### UNFINISHED BUSINESS

#### NEW BUSINESS

Authority to award contract and commit funds in the amount of \$77,700 for KDOT Project 29, Reconstruction of a Portion of US-400, East Trail Street, was approved on a motion by Commissioner Sowers, seconded by Commissioner Broeckelman. The motion carried unanimously.

Bids for 3<sup>rd</sup> Avenue Drainage Project was awarded to Brak-Hard Construction in the amount of \$37,479.73 on a motion by Commissioner Sowers, seconded by Commissioner Weber. Motion carried unanimously.

The bid for an Automatic Side Load Trash Truck was awarded to Key Equipment in the amount of \$202,098 (including trade in) on a motion by Commissioner Sherer, seconded by Commissioner Sowers. Motion carried unanimously.

The Interlocal Agreement for the Southwest Kansas Coalition was approved on a motion by Commissioner Broeckelman, seconded by Commissioner Sherer. Motion carried unanimously.

The bid for Workers Compensation Insurance Bid was awarded to Keller Leopold Insurance in the amount of \$287,799 on a motion by Commissioner Sherer, seconded by Commissioner Sowers. Motion carried unanimously.

#### OTHER BUSINESS

Cherise Tieben reported: 14<sup>th</sup> Street still on schedule, Wyatt Earp still on schedule to begin in January. Legends restrooms enclosed. City staff met with USD 443 and Alan Cunningham in regards to Hennessey Hall. CFAB will meet Thursday. City Commission meetings will be held tentatively December 22 and December 29.

Ken Strobel thanked Cherise Tieben and staff for their work in his absence. He discussed Global Entertainment who is the project management and management company for the Special Events Center. He also met with Jeff Ungerer regarding casino and special events center infrastructure.

Commissioners Weber and Broeckelman attended a Jail update meeting with the Timberlake group.

Commissioner Sherer wished everyone a Merry Christmas.

Commissioner Broeckelman encouraged everyone to shop.

Commissioner Sowers wished everyone a Merry Christmas.

Mayor Smoll welcomed back Ken Strobel and wished everyone a Merry Christmas. He encouraged citizens to participate in the Community Market on Saturday, December 20<sup>th</sup>.

ADJOURNMENT was had on a motion by Commissioner Sowers, seconded by Commissioner Weber. Motion carried unanimously.

(Individual Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

\_\_\_\_\_, Jord COUNTY, KANSAS, Dec. 22, 2008

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

or

THE BOARD OF COUNTY COMMISSIONERS OF Jord COUNTY, KANSAS.

I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages; for the purpose of securing such license, I make the following statements under oath:

- 1. (a) Name of proposed licensee Angela Neiland  
dba - Angies Get n Go
- (b) Age 37
- (c) Place and date of birth dodge city  
Aug 14 1971
- (d) Residence address 2006 Hillpoint Way
- (e) I have been a resident of the State of Kansas 37 years.
- 2. The premises for which the license is desired are located at 2305 W Wynth Camp
- (a) The legal description of said property is \_\_\_\_\_
- (b) The street number is 2305
- (c) The building to be used is leased.
- (d) The business will be conducted under the following name: Angies Get n Go
- 3. The name and address of the owner or owners of the premises upon which the proposed business will be located is Byron Winans -  
2305 W Wynth Camp
- 4. I am a citizen of the United States. Yes (  ), No (  ).
- (a) My citizenship arises by birth (  ); Naturalization (  ).
- (b) My place of naturalization and the date thereof is as follows: \_\_\_\_\_
- 5. I have (  ), have not (  ), been convicted of a felony within two years immediately preceding the date of this application.
- 6. I have (  ), have not (  ), been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application.
- 7. I have (  ), have not (  ), been adjudged guilty of drunkenness within two years immediately preceding the date of this application.
- 8. I have (  ), have not (  ), been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application.
- 9. I have (  ), have not (  ), been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application.
- 10. My place of business will be conducted by a manager or agent— Yes (  ), No (  )
- (a) If the answer above is yes, the name, age, and residence of manager or agent is Angela Neiland  
37 -
- Said manager or agent does (  ), does not (  ), have the qualifications to have a license issued in his own name. The same to be determined by reference to K.S.A. 41-2703, K.S.A. 41-2702. Specifies concerning his residence, citizenship, and the answers to questions 5 through 9 are as follows: \_\_\_\_\_
- 11. I have (  ), have not (  ), been a resident of this State for at least one year immediately preceding making this application.
- 12. My spouse would (  ), would not (  ), be eligible to receive a retailer's license.
- 13. This application is for a license to retail cereal malt beverages for consumption on the premises (  ). For a license to retail cereal malt beverages in original and unopened containers and not for consumption on the premises (  ).

A license fee of \$ 75.00 is enclosed herewith.

(This form prepared by the Attorney General's Office)  
(Corporate Application Form)

**APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES**

DODGE CITY, FORD COUNTY, KANSAS DEC. 11, 2008  
TO THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS  
or  
THE BOARD OF COUNTY COMMISSIONERS OF FORD COUNTY, KANSAS

On behalf of the CLASEN INC.

corporation whose principal place of business is 1400 S. OLIVER WICHITA, KANSAS 67218  
and under authority of the resolution of the Board of Directors of

said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statement under oath:

1. The proposed licensee is CLASEN INC corporation with principal place of business at WICHITA, KANSAS. The resident agent is GENE CLASEN with offices at 1400 S. OLIVER WICHITA, KANSAS 67218  
Said corporation was incorporated on 1/23/96  
A copy of the Articles of Incorporation is presently on file with the Register of Deeds of this County.  
Yes ( ) No ( )

2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

GENE CLASEN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The premises for which the license is desired are located at 1800 CENTRAL DODGE CITY, KS 67801

(a) The legal description of the premises is NORTHEAST CORNER COMANCHE ST. & CENTRAL

(b) The street number is 1800 CENTRAL

(c) The building is described as \_\_\_\_\_

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:

GENE'S HEARTLAND FOODS

4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are ROBERT & JEANNE WEIGEL

2300 S. 48TH ST. LINCOLN, NEBRASKA 68506

# *Memorandum*

*To: City Commission  
Ken Strobel, City Manager  
Cherise Tieben, Assistant City  
Manager*

*From: Joseph E. Finley, P.E.  
Director of Engineering Services*

*Date: December 24, 2008*

*RE: Boundary of the City Limits*

Attached for your review and approval by the City Commission is a resolution updating the boundary of the City of Dodge City. No additional land was annexed in 2008. However, there were some minor errors that needed to be corrected. This resolution corrects the errors that were found.

Staff would recommend approval of this resolution as submitted. If you have any questions, please let me know.

JF/mjr

RESOLUTION NO. 2008-24

A RESOLUTION DESCRIBING AND DEFINING  
THE BOUNDARY OF THE CITY OF DODGE CITY

WHEREAS, the City of Dodge City must define the corporate limits of said City by virtue of K.S.A. 12-517 of the General Statutes of Kansas:

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

SECTION 1: That the Corporate limits of the City of Dodge City, Kansas shall be and are as follows, to wit:

(A) Beginning at a point on the south line of Military Avenue, in Riverview Addition, and the east line of Section 25, Township 26 South, Range 25 West of the 6th P.M.; thence East along the south line of said Military Avenue to the northeast corner of Shuman Tracts; thence South along the east line of Shuman Tracts to the southeast corner of Tract 7, Shuman Tracts; thence East and perpendicular to the east line of said Tract 7 to a point on the east right-of-way line of the Landfill Road; thence South along the east right-of-way line of the Landfill Road to a point that intersects the north right-of-way line of Wyatt Earp Blvd; thence East along the north right-of-way line of said Wyatt Earp Blvd to a point that intersects the northerly extension of the east right-of-way line of U.S. Highway 400; thence South along the extended east right-of-way line of U.S. Highway 400 to a point on the south line of Section 29; thence West along the south line of Section 29 to the west right-of-way line of U.S. Highway 400 Overpass; thence South along the west line of the U.S. Highway 400 Overpass to the south right-of-way line of the A.T. & S.F. Railroad; thence Southeasterly along the south right-of-way line of said A.T. & S.F. Railroad for a distance of 1904.07 feet; thence North along the right-of-way line of said A.T. & S.F. Railroad for a distance of 50.00 feet; thence Southeasterly along the south right-of-way line of said A.T. & S.F. Railroad for a distance of 250.45 feet; thence South to a point that is 360.00 feet North of the north right-of-way line of U.S. Highway 400; thence Southeasterly and parallel to the north right-of-way line of said U.S. Highway 154 to a point on the west line of Tract 15 of Wilkinson Place No. 2; thence South along the west line of said Tract 15 of Wilkinson Place No. 2 to a point that is 205.00 feet North of the north right-of-way line of U.S. Highway 400; thence Southeasterly and parallel to the north right-of-way line of said U.S. Highway 400 to a point on the east line of Tract 17 of said Wilkinson Place No. 2; thence South along the east line of said Tract 17 of Wilkinson Place No. 2 to the south right-of-way line of said U.S. Highway 400; thence Southeasterly along the south right-

of-way line of said U.S. Highway 400 to the east line of the west half of Tract 14 of Wilkinson Place No. 1; thence South along the east line of the west half of Tract 14 of Wilkinson Place No. 1 to the southeast corner thereof; thence West along the south line of said Tract 14 and continuing to the southwest corner of Tract 9 of Wilkinson Place No. 1; thence North along the west line of said Tract 9 to the south right-of-way line of U.S. Highway 400; thence Northwesterly along the south right-of-way line of said U.S. Highway 400 to a point that is 770.45 feet East of the west line of Section 32, Township 26 South, Range 24 West, thence South for a distance of 200.00 feet; thence West for a distance of 140.00 feet; thence North for a distance of 252.81 feet to the south right-of-way line of U.S. Highway 400; thence Northwesterly along the south right-of-way line of said U.S. Highway 400 to a point on the west line of said Section 32; thence South along the west line of said Section 32 for a distance of 709.40 feet; thence East along the north line of Lot 1, Block 2 of Gladden Addition No.2 to the northeast corner thereof; thence South along the east line of said Lot 1, Block 2 to the southeast corner thereof; thence West along the south line of Lot 1, Block 2 and Lot 1, Block 1 of Gladdens Addition No. 2 to the southwest corner thereof; thence North along the west line of said Lot 1, Block 1 of Gladdens Addition No. 2 to the northwest corner thereof; thence East along the north line of said Lot 1, Block 1 to a point that is 20.00 feet West of the west line of Section 32, Township 26 South, Range 24 West; thence North along a line 20.00 feet West and parallel to the west line of said Section 32 to a point on the south right-of-way line of West Trail Street; thence Northwesterly along the south right-of-way line of said West Trail Street for a distance of 806.75 feet; thence South for a distance of 920.00 feet; thence West for a distance of 560.00 feet to the east line of McCaustland Place; thence South along the east line of said McCaustland Place to the southeast corner thereof; thence West along the south line of said McCaustland Place to a point on the east line of the northeast drain of the Dodge City Flood Control Project; thence South along the east line of said northeast drain a distance of 1,601.50 feet; thence Southeasterly along a line having a deflection angle of 54 degrees 13 minutes a distance of 424.98 feet to the west line of McCaustland Road No. 2; thence South along the west line of said McCaustland Road No. 2 for a distance of 150 feet to the north bank of the Arkansas River; thence Northwesterly along the north bank of the Arkansas River to a point on the east line of Section 36, Township 26 South, Range 25 West of the 6th P.M.; thence South along the east line of said Section 36 to the southeast corner thereof; thence West along the south line of said Section 36 to the west line of Minneola Road; thence South along the west line of said Minneola Road to a point that is approximately 1314 feet North of the south line of Section 2; thence West and parallel to the south line of said Section 2 to a point that is 748.70 feet West of the west line of South Second Avenue; thence Northwesterly and parallel to the west line of said South Second Avenue for a distance of 1265.60 feet; thence North for a distance of 200 feet to the East-West half section line of Section 2; thence West along the said half section line of Section 2 to the east line of Veeann Avenue; thence

South along the east line of said Veeann Avenue to the south line of Merrit Road; thence West along the south line of said Merrit Road to the west line of Section 2 and the east line of Section 3; thence North along the east line of Section 3 to the southeast corner of the northeast quarter of Section 3; thence West along the half section line of said Section 3 to the extended west line of Lewis Addition No. 1; thence North along the west line of said Lewis Addition No. 1 to a point on the north right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence Southwesterly along the north right-of-way of said Atchison, Topeka and Santa Fe Railroad to the west line of Lewis Addition No. 2; thence North along the west line of said Lewis Addition No. 2 to the south line of Section 34; thence West along the south line of said Section 34 to the west line of June Avenue; thence North along the west line of said June Avenue to the north line of Boley Morgison Addition; thence East along the north line of said Boley Morgison Addition to the northeast corner thereof; thence North along the half section line of Section 34 a distance of 432 feet; thence East parallel with the south line of said Section 34 a distance of 1,676 feet; thence South parallel with the said half section line to the north line of Beeson Road; thence East along the north line of said Beeson Road to the west line of Sunset Tracts; thence North along the west line of said Sunset Tracts to the northwest corner thereof; thence Northeasterly along the south bank along the Arkansas River to the extended east line of Tract 15 and Tract 88 of Westview Place No. 1; thence North along the extended east line of said Tract 15 and Tract 88 of Westview Place No. 1 to the northeast corner of said Tract 15; thence West along the north line of said Westview Place No. 1 to the east line of Moncrief Place No. 2; thence South along the east line of said Moncrief Place No. 2 to the southeast corner thereof; thence West along the south line of said Moncrief Place No. 2 to the southwest corner thereof; thence North along the west line of said Moncrief Place No. 2 to the south line of West Park Street; thence East along the south line of said Park Street to a point on the east line of Matt Down Lane; thence North along the east line of said Matt Down Lane to a point intersecting the extended south line of Division Street; thence West along the south line of said Division Street to the northeast corner of Lot 20, Block 1 of Glenridge Estates; thence South along the east line of Block 1 of said Glenridge Estates to the south line of the Access Road; thence Westerly along the south line of said Access Road and parallel to the south line of Block 1 of Glenridge Estates for a distance of 287.20 feet; thence Westerly along the south line of said Access Road and parallel to the south line of Block 3 of Glenridge Estates for a distance of 319.90 feet; thence North for a distance of 45.00 feet; thence Westerly and parallel to the south line of said Block 3 to a point on the extended west line of said Block 3; thence North along the west line of said Block 3 and Block 7 of Glenridge Estates to the northwest corner of Lot 36, Block 7 of said Glenridge Estates; thence East along the north line of said Block 7 to the northeast corner of Lot 29 of said Block 7; thence South along the east line of said Block 7 to the northeast corner of Lot 22 of said Block 7; thence East along the north line of said Block 7 to the east line of Matt Down Lane;

thence North along the east line of said Matt Down Lane to a point on the south line of U.S. Highway 50; thence Northeasterly along the south line of said U.S. Highway 50 to a point intersecting the east-west half section line of Section 22; thence East along the half section line of said Section 22 for a distance of 110.0 feet to the northeast corner of Lot 3, Block 1, J.S. & L. Subdivision; thence North 73 degrees 7 minutes 19 seconds east for a distance of 204.45 feet; thence South 89 degrees 53 minutes 58 seconds east for a distance of 196.02 feet to the northeast corner of Lot 1, Block 1, of said J.S. & L. Subdivision; thence South 5 degrees 47 minutes 43 seconds west for a distance of 60 feet to a point on the east-west half section line of said Section 22; thence East along the half section line of said Section 22 to the center thereof; thence North along the north-south half section line of Section 22 to the South Quarter corner of Section 15; thence West along the south section line of said Section 15 to the Southwest corner thereof; thence North along the west section line of said Section 15 to the West Quarter corner thereof; thence East along the east-west half section line of said Section 15 to a point 160 feet east of the Southwest corner of the Northeast Quarter of said Section 15; thence North 30 feet to the extended north line of Ross Blvd.; thence East along the north line of said Ross Blvd. to the west line of the Northeast Quarter of said Section 15; thence continuing East along said north line of Ross Blvd. for a distance of 627.40 feet; thence North 40 feet; thence East 40 feet parallel to the north line of said Ross Blvd.; thence South 40 feet to the north line of said Ross Blvd. thence East along the north line of said Ross Blvd. to the west line of the Southeast Quarter of the Northeast Quarter of said Section 15; thence North along the west line of said Southeast Quarter of the Northeast Quarter of Section 15 to the northwest corner thereof; thence East along the north line of said Southeast Quarter of the Northeast Quarter of Section 15 to the east section line thereof; thence South along the east section line of Section 15 to a point 40 feet north of the West Quarter corner of Section 14, Township 26 South, Range 25 West, said point being the north line of Ross Blvd.; thence East along the north line of said Ross Blvd. to a point 160 feet west of the west line of the east half of the Northwest quarter of said Section 14; thence North 60 feet parallel to said west line of the east half of the Northwest quarter of said Section 14; thence East 160 to a point on said west line of the east half of the Northwest Quarter of said Section 14, said point being 100 north of the Southwest Corner thereof; thence North along the west line of said east half of the Northwest Quarter of Section 14 to the Northwest Corner thereof; thence East along the north line of said Section 14 to the northeast corner thereof; thence South along the east line of said Section 14 to the extended north line of Canterbury Road; thence East along the north line of said Canterbury Road to the west line of Joel Avenue; thence North along the west line of said Joel Avenue to the north line of William Street; thence East along the north line of said William Street to a point on the extended east line of the alley in Block 5, Kliesen Subdivision; thence South along the east line of said alley to a point on the south line of Anna Avenue; thence West along the south line of said

Anna Avenue to the northeast corner of Lot 3, Block 6, Kliesen Subdivision; thence South along the east line of said Lot 3 to a point on the south line of the alley in Block 6, Kliesen Subdivision; thence West along the south line of said alley to the northeast corner of Lot 2, Block 7, Kliesen Hills Subdivision; thence South along the east line of said Lot 2 to the southeast corner thereof; thence East along the north line of Ross Boulevard to a point on the extended east line of Lot 11, Block 6, Kliesen Hills Subdivision; thence South along the said east line of Lot 11 to the southeast corner thereof; thence South along the extended east line of Lots 1 through 8, Block 6, Kliesen Hills Subdivision to a point on the south line of Saint Joseph Street; thence West along the said south line of Saint Joseph Street extended to the west line of Section 13, Township 26 South, Range 25 West, being the center of Avenue "A"; thence South along the said west line of Section 13 to a point on the extended north line of Lot 10, Block 14, Kliesen Subdivision; thence East along the north line of said Lot 10 to the northeast corner thereof; thence South along the east line of said Lot 10 extended to the south line of U.S. Highway 50; thence East along the south line of U.S. Highway 50 to the east line of Section 24; thence South along the east line of said Section 24 to the point of beginning.

(B) Excel Main Plant No. 1 described as follows:

From the southwest corner, Section 33, Township 26 South, Range 24 West of the 6th P.M. and the northwest corner, Section 4, Township 27 South, Range 24 West of the 6th P.M.; thence Easterly 1,190 feet to a point "A" which is a point on a west building line. Point "A" will be the starting point of this building description; thence Southerly from point "A" along a west line 30 feet to point "B" of said building; thence Easterly along a south line, 270 feet to point "C" of said building; thence along an east line, Northerly 20 feet to a point "D" of said building; thence along a south line Easterly 400 feet to point "E" of said building; thence along an east line Northerly 50 feet to point "F" of said building; thence Westerly along a north line 275 feet to point "G" of said building; thence Northerly along an east line 15 feet to point "H" of said building; thence Westerly along a north line 48 feet to point "I" of said building; thence Northerly along an east line 35 feet to point "J" of said building; thence Easterly along a south line 25 feet to point "K" of said building; thence Northerly along an east line 35 feet to point "L" of said building; thence Westerly along a north line 23 feet to a point "M" of said building; thence Northerly along an east line 20 feet to point "N" of said building; thence Easterly along a south line 80 feet to point "O" of said building; thence Northerly along an east line 20 feet to point "P" of said building; thence Westerly along a north line 90 feet to point "Q" of said building; thence Northerly along an east line 60 feet to point "R" of said building; thence Westerly along a north line 95 feet to point "S" of said building; thence Northerly along an east line 30 feet to point "T" of said building; thence Westerly along a north line 40 feet to point "U" of said building; thence Northerly along

an east line 33 feet to point "V" of said building; thence Westerly along a north line 390 feet to point "W" of said building; thence Southerly along a west line 170 feet to point "X" of said building; thence Easterly along a south line 170 feet to point "Y" of said building; thence Southerly along a west line 113 feet to point "A" of said building.

Excel Secondary Plant No. 2 described as follows:

From point "B" of Excel Main Plant Easterly along a south building line 90 feet to point "A1" of said building; thence Southerly and on a perpendicular line between Main Plant No. 1 and Secondary Plant No. 2, 30 feet to point "B1" of Secondary Plant No. 2. Point "B1" of said exhibit will be the starting point of this building description; thence from point "B1" Southerly along a west line 35 feet to point "C1" of said building; thence Easterly along a south line 60 feet to point "D1" of said building; thence Southerly along a west line 90 feet to point "E1" of said building; thence Easterly along a south line 265 feet to point "F1" of said building; thence Northerly along an east line 20 feet to point "G1" of said building; thence Easterly along a south line 60 feet to point "H1" of said building; thence Northerly along an east line 55 feet to point "I1" of said building; thence Westerly along a north line 60 feet to point "J1" of said building; thence Northerly along an east line 50 feet to point "K1" of said building; thence from point "K1" Westerly along a north line 325 feet to point "B1" of said building.

(C) Part of the east half of Section 21, Township 26 South, Range 24 West and part of the west half of Section 22, Township 26 South, Range 24 West, Ford County, Kansas, referred to as Chaffin Industrial Park, more fully described as follows:

Commencing at the southwest corner of the southeast quarter of Section 21, Township 26 South, Range 24 West, Ford County, Kansas; thence North 0 degrees 50 minutes East along the west boundary line of the southeast quarter of said Section 21 for 102.85 feet to a point of beginning, said point being at the intersection of the north right-of-way of the Atchinson, Topeka and Santa Fe Railway with the east right-of-way line of U.S. Hwy 50; thence continuing North 0 degrees 50 minutes East along the west boundary line of the southeast quarter of said Section 21 for 110.88 feet; thence North 31 degrees 57 minutes East along the east right-of-way line of said U.S. Hwy 50 for 4,378.95 feet; thence North 33 degrees 10 minutes East along the east right-of-way line of said U.S. Hwy 50 for 295 feet; thence Northeasterly along a curve to the right having a radius of 2,292.01 feet along the south right-of-way line of said U.S. Hwy 50 for 1,722.53 feet; thence South 0 degrees 38 minutes East for 3,594.2 feet to a point on the north right-of-way line to the Atchinson, Topeka and Santa Fe Railway; thence South 77 degrees 11 minutes West along the north right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 2,510.63 feet; thence North 12 degrees 49 minutes West for 25 feet; thence South 77 degrees 11 minutes West for 15.6 feet; thence along a curve to the left having

a radius of 2,694.93 feet along the north right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,722.6 feet to the point of beginning,  
containing 194.28 acres.

AND

Commencing at the southwest corner of the southeast quarter of Section 21, Township 26 South, Range 24 West, Ford County, Kansas; thence East 90 degrees along the south boundary line of the southeast quarter of said Section 21 for 174.87 feet to a point of beginning, said point being on the south right-of-way line of the Atchinson, Topeka and Santa Fe Railway; thence continuing East 90 degrees along the south boundary line of the southeast quarter of said Section 21 for 1,170.62 feet to a point on right-of-way; thence Northeasterly on a curve to the right having a radius of 8,594.42 feet along the center line of the abandoned Atchinson, Topeka and Santa Fe Railway right-of-way for 1,542.0 feet to a point on the east boundary line of the southeast quarter of said Section 21, said point being 883.0 feet North of the southeast corner of the southeast quarter of said Section 21; thence North 0 degrees 26 minutes East along the east boundary line of the southeast quarter of said Section 21 for 230.15 feet to a point on the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway; thence South 77 degrees 11 minutes West along the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,130.42 feet; thence South 12 degrees 49 minutes East for 25 feet; thence South 77 degrees 11 minutes West for 15.6 feet; thence along a curve to the left having a radius of 2,764.93 feet along the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,164.4 feet to the point of beginning, containing 25.63 acres.

Lot 7, Section 28, Township 26 South, Range 24 West, Ford County, Kansas, except railroad right-of-way, more fully described as follows:

Commencing at the northwest corner of Lot 7, Section 28, Township 26 South, Range 24 West, Ford County, Kansas; thence East 90 degrees along the north boundary line of said Lot 7 for 134.33 feet to a point of beginning, said point being on the present south right-of-way line of the Atchinson, Topeka and Santa Fe Railway; thence continuing East 90 degrees along the north boundary line of said Lot 7 for 1,170.62 feet to a point on the centerline of an abandoned Atchinson, Topeka and Santa Fe Railway right-of-way; thence Southwesterly on a curve to the left having a radius of 8,594.42 feet along the centerline of said abandoned Atchinson, Topeka and Santa Fe Railway right-of-way for 395.1 feet to a point on the south boundary line of said Lot 7; thence North 89 degrees 56 minutes West along the south boundary line of said Lot 7 for 1,043.7 feet to the southwest corner of said Lot 7; thence North 0 degrees 50 minutes East along the west boundary

line of said Lot 7 for 59.7 feet to a point on the present south right-of-way of the Atchinson, Topeka and Santa Fe Railway; thence Northeasterly along a curve to the right, having a radius of 2,964.93 feet for 263.5 feet to the point of beginning, containing 6.63 acres, more or less.

(D) A tract of land located in the southwest quarter of Section 33, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas, referred to as Millard Warehouse, more fully described as follows:

Beginning at the southwest corner of the southwest quarter of Section 33, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas; thence North 0 degrees 15 minutes 38 seconds West along the west line of the southwest quarter of said Section 33 for 600 feet; thence North 89 degrees 44 minutes 22 seconds East at right angles to the west line of the southwest quarter of said Section 33 for 350 feet; thence South 0 degrees 15 minutes 38 seconds East parallel with the west line of the southwest quarter of said Section 33 for 605.84 feet; thence North 89 degrees 18 minutes 15 seconds West for 350.05 feet to the point of beginning; containing 211,022 square feet or 4.84 acres, more or less.

(E) A tract of land being part of Sections 20, 21, 28 and 29, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas, referred to as the Dodge City Municipal Airport, more fully described as follows:

Commencing at the northeast corner of Section 29; thence South 0 degrees 12 minutes 04 seconds West along the east line of Section 29 for 894.76 feet to the point of beginning; thence continuing South 0 degrees 12 minutes 04 seconds West along said east line of Section 29 for 1,060.53 feet; thence South 26 degrees 10 minutes 18 seconds East, parallel with and 750 feet easterly of the centerline of Runway 14-32 to the northerly right-of-way line of US Highway 50 Business; thence Westerly along said northerly right-of-way line of US Highway 50 Business to a point on the west line of the east half of Section 29; thence North 0 degrees 00 minutes 41 seconds West along said west line of the east half of Section 29 to the North Quarter Corner of Section 29; thence North 0 degrees 14 minutes 05 seconds West along the west line of the Southeast quarter of Section 20 for 28 feet; thence North 29 degrees 10 minutes 18 seconds West parallel with and 750 feet westerly of the centerline of Runway 14-32 for 2,928.26 feet to a point on the north line of the southwest Quarter of Section 20; thence South 89 degrees 15 minutes 43 seconds East along said north line of the southwest quarter of Section 20 for 279.5 feet; thence North 26 degrees 10 minutes 18 seconds West for 1,228.08 feet; thence North 63 degrees 49 minutes 42 seconds East for 300 feet; thence North 26 degrees 10 minutes 18 seconds West for 500 feet; thence North 63 degrees 49 minutes 42 seconds East for 150 feet; thence North 26 degrees 10 minutes 18 seconds West for 961.60 feet to the south right-of-way line of US Highway 50 ByPass; thence South 89 degrees 16 minutes 23

seconds East along said south right-of-way line of US Highway 50 Bypass for 112.13 feet; thence South 26 degrees 10 minutes 18 seconds East for 910.87 feet; thence North 63 degrees 49 minutes 42 seconds East for 150 feet; thence South 26 degrees 10 minutes 18 seconds East for 500 feet; thence North 63 degrees 49 minutes 42 seconds East for 300 feet; thence South 26 degrees 10 minutes 18 seconds East for 900 feet; thence North 63 degrees 49 minutes 42 seconds East for 100 feet; thence South 26 degrees 10 minutes 18 seconds East, parallel with and 600 feet easterly of the centerline of Runway 14-32 for 2,361.81 feet; thence South 89 degrees 03 minutes 34 seconds East for 1,785.95 feet to a point on the east line of Section 20; thence South 89 degrees 06 minutes 17 seconds East parallel to the south line of Section 21 for 700 feet; thence South 57 degrees 39 minutes 37 seconds East for 464.77 feet; thence South 32 degrees 20 minutes 23 seconds West for 719.66 feet; thence South 0 degrees 30 minutes 56 seconds East parallel to the west line of Section 21 for 462.45 feet to a point on the south line of said Section 21; thence South 0 degrees 12 minutes 04 seconds West parallel to the west line of Section 28 for 254.76 feet; thence South 89 degrees 06 minutes 17 seconds East parallel to the north line of said Section 28 for 457 feet; thence South parallel to said west line of Section 28 for 640 feet; thence west parallel to said north line of Section 28 for 1,157 feet to the point of beginning.

(F) A tract of land being part of Sections 21 and 28, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M. Ford County, Kansas, referred to as Casino and Event Center, more fully described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 21; thence on an assumed bearing of North 89 degrees 39 minutes 54 seconds West along the north line of the Southeast Quarter of said Section 21 for a distance of 222.21 feet to the Northwesternly right of way line of U.S. Highway 50; thence South 34 degrees 50 minutes 32 seconds West along said right of way for a distance of 402.92 feet to the Point of Beginning; thence South 26 degrees 58 minutes 43 seconds East along said right of way line for a distance of 158.82 feet; thence South 34 degrees 50 minutes 32 seconds West along said right of way line for a distance of 6,241 feet more or less, to the Northeast corner of a tract recorded in the Ford County Register of Deeds, Book 176, page 274; thence West along the North line of two tracts described in the Ford County Register of Deeds Book 176, page 274 and Book 188, page 563, a distance of 807.95 to a point on the East line of a tract described in Ford County Register of Deeds, Book 151, page 233; thence North along the east line of and the projection thereof of said tract a distance of 749.23 feet; thence West a distance of 539.03 to the West line of said section 28, said point being 440 feet north of the West Quarter corner of said section 28; thence North along the west line of said Section 28 a distance of 1,784.58 feet; thence East parallel to the north line of said Section 28 a distance of 417.59 feet; thence North parallel to the west line of said Section 28 a distance of 417.42 to the north line thereof; thence West along the north line of said Section 28 to the northwest corner thereof;

thence North along the west line of Section 21 to the West Quarter corner of said Section 21; thence South 89 degrees 39 minutes 54 seconds East along the east-west half section line of said Section 21 to a point 1,332.5 feet west of the East Quarter corner of said Section 21; thence South 0 degrees 20 minutes 06 seconds West a distance of 80 feet; thence South 55 degrees 09 minutes 28 seconds East a distance of 869.61; thence North 34 degrees 50 minutes 32 seconds East a distance of 292.00 feet to the point of beginning.

Said tract of land is considered contiguous with the City of Dodge City via right of way U.S. Highway 50 and Matt Down Road.

Adopted by the Governing Body of the City of Dodge City

this 29<sup>th</sup> day of December, 2008.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk