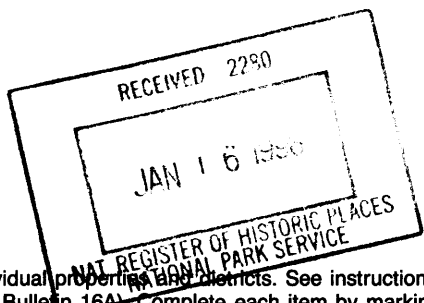


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National Register of Historic Places  
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name THE MENNONITE SETTLER STATUE

other names/site number WHEAT MEMORIAL

2. Location

street & number ATHLETIC PARK DRIVE  not for publication

city or town NEWTON  vicinity

state KANSAS code KS county HARVEY code 079 zip code 67114

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this  nomination  request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property  meets  does not meet the National Register criteria. I recommend that this property be considered significant  nationally,  statewide,  locally. ( See continuation sheet for additional comments.)

Richard D. Parkouty, Dep SHPO 1-5-98  
Signature of certifying official/Title Date

State of Federal agency and bureau

In my opinion, the property  meets  does not meet the National Register criteria. ( See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

- entered in the National Register.
  - See continuation sheet.
- determined eligible for the National Register
  - See continuation sheet.
- determined not eligible for the National Register.
- removed from the National Register.
- other, (explain:)

Signature of the Keeper

Date of Action

Linda M. Calland

2/26/98

Name of Property

County and State

5. Classification

Ownership of Property

(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property

(Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
_____	_____	buildings
_____	_____	sites
_____	_____	structures
1	_____	objects
0	_____	Total

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions

(Enter categories from instructions)

RECREATION AND CULTURE

Current Functions

(Enter categories from instructions)

RECREATION AND CULTURE

7. Description

Architectural Classification

(Enter categories from instructions)

OTHER: SOCIAL REALISM

Materials

(Enter categories from instructions)

foundation \_\_\_\_\_

walls \_\_\_\_\_

roof \_\_\_\_\_

other STONE: Limestone

CONCRETE; CERAMIC TILE

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

Name of Property

County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- XX A Property is associated with events that have made a significant contribution to the broad patterns of our history.
B Property is associated with the lives of persons significant in our past.
XX C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- A owned by a religious institution or used for religious purposes.
B removed from its original location.
C a birthplace or grave.
D a cemetery.
E a reconstructed building, object, or structure.
F a commemorative property.
G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

ART
SOCIAL HISTORY

Period of Significance

1942

Significant Dates

1942

Significant Person

(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

NIXON, MAX- Sculptor

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
previously listed in the National Register
previously determined eligible by the National Register
designated a National Historic Landmark
recorded by Historic American Buildings Survey #
recorded by Historic American Engineering Record #

Primary location of additional data:

- XX State Historic Preservation Office
Other State agency
Federal agency
Local government
University
XX Other - Mennonite library and Archives

Name of repository: Bethel College, N. Newton

Name of Property

County and State

10. Geographical Data

Acreage of Property LESS THAN ONE ACRE

UTM References

(Place additional UTM references on a continuation sheet.)

UTM grid for Zone 14, Easting 421200, Northing 6442200

UTM grid for Zone, Easting, Northing

See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title REINHILD KAUNHOVEN JANZEN, Ph.D., for
organization SOS! NEWTON (ad hoc committee) date June 15, 1997
street & number 17610 N.W. Prairie Creek Road telephone 316-799-2585
city or town Newton state Kansas zip code 67114-8004

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

- A USGS map (7.5 or 15 minute series) indicating the property's location.
A Sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional Items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of SHPO or FPO.)

name CITY OF NEWTON
street & number 201 East 6th Street telephone 316-283-6001
city or town Newton state Kansas zip code 67114

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20503.

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Description of the Monument

The monument/sculpture known as "The Mennonite Settler" is located in Athletic Park, Newton, Harvey County, Kansas. The City of Newton is the owner of the monument and the city's Parks Department has the responsibility for its upkeep. It is situated West of the football stadium, in a tree-sheltered area, facing North and alongside a paved park drive. The sculpture proper is a stylized depiction of a standing bearded male figure with the proper left arm folded across his chest, holding a wide-brimmed hat in the proper right hand, down in front of him. The sculpture is carved out of seven blocks of native Kansas Silverdale limestone, each block stacked one on top of the other. There are mortar joints in between each block. The figure is eleven feet tall.

The sculpture stands on a cast cement cylindrical pedestal, six feet high. The pedestal is tapered slightly, becoming narrower towards the ground. Deep vertical grooves, approximately 2" apart, run around the perimeter of the pedestal. The pedestal is presently painted red; a letter from the artist Max Nixon, dated July 4, 1994, states that the pedestal cement was originally tinted red.

The sculpture and pedestal are sited in the center of a circular mosaic design, 10 feet in diameter. The mosaic is constructed of rectangular commercial ceramic tiles, set into cement. The design is in four sections, depicting the immigration of Mennonite settlers from Russia and the introduction of Turkey Red hard wheat to the Newton area. Briefly, the four sections of mosaic depict in stylized form, a Russian church, steamships on the ocean, a train, and an American farm. The inscription circling these images reads: Commemorating entry into Kansas from Russia of Turkey Red hard Wheat by Mennonites, 1874.

The history and significance of the monument/sculpture "The Mennonite Settler"

"The Mennonite Settler" monument is being nominated to the National Register for its association with the Works Progress Administration (WPA). The monument stands as a significant contribution of immigrant Mennonites from Russia toward the agricultural and economic development of Newton, of Kansas and of

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the nation, through the introduction, cultivation and marketing of Turkey red wheat.

During the summer of 1940, the Junior Chamber of Commerce of Newton, under the Presidency of Conrad P. Hinitt, announced that it would sponsor the erection of a Memorial in commemoration of one of the greatest events in the history of the United States - the bringing of Turkey Red Hard Winter wheat to Kansas in 1874.

The Dedication

Letters sent out over Mr. Hinitt's signature stated that this memorial was designed to be dedicated three-fold: First, to Bernhard Warkentin for bringing hard winter wheat to the United States from the Crimea, Russia and establishing the home of hard winter wheat in Harvey County; Second, to the Santa Fe Railway for the important part played in transporting the wheat overland and the development of the great plains area by settling the pioneers here; Third, to the Mennonite people who settled this section and toiled to turn a prairie into the richest wheat land in America and to the many thousands of people of all national origins who have made the production of wheat what it is today. According to the text in the dedication brochure of 9.10. 1942, "the central figure represents a pioneer man -- a composite representation of all those characteristics that enabled the conquerors of the prairies to overcome difficulties, withstand hardships and win success".

Each person attending the dedication ceremony in September of 1942 was given a brochure with a picture of the statue on the front and background information on the statue and the statue project inside. Celebrities in attendance were Dr. John A. Parker, Director of the Wheat Improvement Association, Bob Benso, State President of the Junior Chamber of Commerce; J.R. Hubbard, Public Relations Department, H.F. Ruppel, Hutchinson division freight agent and George C. Kief, Wichita traveling freight agent, of the Santa Fe Railroad. (Newton Kansan, Sept. 11, 1942) Acting Mayor N.R. Daugherty stood to accept the monument as a gift to Newton from the Jaycees, and expressed his sincere appreciation for their efforts and for their being such a substantial part of the community. After the unveiling Kansas City humorist Tom Collins made a sincere speech in praise of the Mennonite farmers who introduced the wheat to this area, and Bernhard Warkentin who continued to push for increased use of the

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hard Winter Wheat. Life magazine had sent a photographer, Gordon Coster, to the ceremony and also instructed him to get pictures of the Mennonites on surrounding farms, the mills and the grain elevators. His photographs are on file in the archives of Life, but they were never published. This was due in part to the fact that during World War II, Mennonites and other conscientious objectors to war were not afforded national publicity so as to avoid problems or hard feelings.

The Financing

Because of Kansas' agricultural wheat tradition, and preeminently Harvey County's, the Jaycees announced that they would sponsor an artistic monument in honor of the wheat pioneers. A plan was conceived to ask for gifts of wheat to be turned into cash by the sponsors to finance the Wheat Memorial statue, as the sculpture was initially referred to. "It looks like the biggest thing ever undertaken in Newton," announced the Jaycees' president Hinitt. (P. Hinitt, "Memorial to Wheat," The Kansas Knight, 18, Spt. 1940, 13-14) The Newton Jaycees estimated the cost of the project would be about \$2500. Wheat immediately began to roll in by the bushel and five and fifty bushel lots. Mills, elevators, grain dealers, farmers, businessmen all over the wheat belt caught the vision and contributed wheat. Former farmers and other residents who had moved away sent their gifts, some from foreign countries. Newspapers, magazines and radios publicized the idea and gave it endorsement. In an interview over WDAF (The Kansas City Star's radio station) on Sept. 5, 1940, Mr. Hinitt said:

"We are trying to finance the project in a way that fits the occasion. We are asking for contributions not only of money, but of wheat ... We feel that people who have benefitted for years from the growing of wheat and the processing of wheat will be willing to make that kind of contribution.

("Plan Memorial to Turkey Red Importation ... Kansas News," Topeka Capital, 3 Aug. 1940, p. 106.)

In a communique to the Newton Jaycees Governor Ratner wrote:

"The wheat memorial at Newton provides a unique opportunity for every Kansan to join in tribute to those who, in generations past and during these modern times, have contributed so importantly to the agricultural prosperity of our state and to the satisfaction of human needs all over the world." (ibid.)

Ratner himself contributed five bushels of wheat, saying it was a privilege to be able to contribute "not only for the purpose of assisting in the erection of a suitable memorial, but as a token

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of the interest of all loyal Kansans in wheat and in those who grow and process the grain." (See the August 3, 1940 Topeka Capital article.)

Following Mr. Hinitt's leaving Newton, the Junior Chamber of Commerce carried the project to its successful conclusion through the administration of John Suderman, when the actual work on the monument was done, and to completion of plans for its dedication under the presidency of Paul Kliewer.

The Sculptor

Taking advantage of an opportunity, the Kansas native Max Nixon, then of Topeka, was secured to design and chisel the monument from native limestone under the non-federal FAP project. Verna Wear, WPA state art supervisor for Kansas and based in Topeka, was advisor to the project. Max Nixon was a 1939 B.F.A. graduate of the University of Kansas, where he would have been greatly influenced by the internationally known painter and writer Albert Bloch, who chaired the University of Kansas Art Department for many years. From a letter (preserved in the National Archives' WPA files) written by Clarence G. Nevins, State Administrator, to Florence Kerr, Assistant Commissioner of the WPA in Washington, D.C., dated Feb. 13, 1941, it is known that Nixon first created a plaster model to the scale of 2"=1' for the proposed limestone figure, as well as sketches and a partial model of the mosaic design at the sculpture's base. Both the model and the sketches were mailed to Florence Kerr. Their current whereabouts are not known.

Nixon carried out the carving in the stone-cutting studio of the Sargent Cut Stone Co. on Adams Street in Topeka, making some changes from the plaster model, changes that are described in the Nivens-Kerr letter. The over-life-size figure of the "Mennonite Settler" was carved in sections, to be assembled on site in Newton upon completion. Vernon T. Roberts, a Newton-based stone mason, laid the tile mosaic after Nixon's design. Mr. Marsh, a Topeka contractor (famous for the engineering of the many Marsh Arch Bridges in the Middle West) assisted with the design and construction of the pedestal.

The labor on the figure required a year of designing and actual carving. According to Verna Wear, local funds were to pay for



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materials and installation with the W.P.A providing for the artist's time. ("Kansas Erects a Monument to King Wheat," Art Digest, October 10, 1942) In his letter of July 4, 1994 Max Nixon, now retired professor of metalcraft, jewelry and weaving at the University of Oregon, Eugene, recalled that "the project was undertaken in 1940 with a budget of around \$500., that mostly contributed by a local miller. The stone sculpture was completed shortly before Pearl Harbor in '41 ... If the war had not occurred the mosaic might have been a traditional design of colored stones. After Pearl Harbor it was clear that I would have to join the army, and this happened during the Spring. The compromise was to use commercial tiles for the mosaic. (instead of colored stones.) After I left for the service, the base was constructed and the sculpture erected. I did not see it until the following summer."

The WPA Connection

The "Mennonite Settler" statue and its pictographic mosaic base was the joint product of a local Newton community drive and a WPA art project. The local Junior Chamber of Commerce's search for a public art project and funds available from WPA created a fortuitous combination of events. As the Jaycees planned their project, they discovered that federal funds were available through the WPA for art works. The New Deal program and the Junior Chamber found each other in 1940. The largest art program under the WPA was the Federal Art Project (FAP). The FAP had two kinds of art projects. In a "federal" project an artist would work for a fixed salary, while a "non federal" project required a sponsor who paid a portion of the cost of some specific work. The Newton project fell into the "non federal" category.

Perhaps the most innovative of FPA projects was the formation of Community Art Centers in many communities for the purpose of increasing public awareness and appreciation of art. Max Nixon, the sculptor of "The Mennonite Settler", was one of eight "artist instructors" at the Community Art Center in Topeka, teaching ceramic, handicrafts and painting. (Announcing the Formal Opening of the Topeka Community Art Center, Topeka Community Art Center, Jan. 13, 1940, p. 1) The impact of the FPA-sponsored art programs was considerable, especially in such communities as Newton, where formal art was brought before completely new audiences.

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At the time that Nixon was commissioned to do the job he was a young aspiring artist. Several articles appeared commending Nixon on his art. He received awards at the Kansas State Fair Art Exhibit in Topeka, and won first prize in the open-competition sculpture. Nixon also illustrated a story which appeared in an issue of Better Homes and Gardens. (Jessie Perry, "Max Nixon Makes Good in Art," Augusta Gazette, September 18, 1940) An article in the Topeka Capital shows the young artist's desire to teach art to those who could otherwise not afford instruction:

Every Sunday morning Nixon gets up early and goes down to the Mexican quarter where he gives free art lessons to talented children and adults. Max Nixon is something everyone secretly longs to be, a free and untrammelled individual, who works for the joy of creating, and lives his life as he desires. (ibid., Sept. 21, 1941)

About the Newton Wheat Memorial project, WPA's Verna Wear said, "The idea of sponsoring such a monument originated with the Newton Junior Chamber of Commerce. Their plan for financing the cost of materials and installation is worthy of notice these days when we are trying to give art its natural place in the community." ("Kansas Erects a Monument to King Wheat," Art Digest, Oct. 1, 1942)

Newton's statue is one of about one hundred surviving Kansas WPA art projects. Many others have perished or been lost. The only other existent WPA art work in Harvey County is the Halstead post office mural by Birger Sandzen. "The Mennonite Settler" is the only WPA public sculpture in Harvey County. It is also the only known anthropomorphic monumental sculpture of a Mennonite farmer in North America. (Sprunger, 1979:10)

The style of the sculpture and of the mosaic exemplifies that of social realism which characterizes much American art of the pre-World War II era and especially the art produced under WPA auspices. Many American artists of the 1930's and early 1940's were committed to the social realist style, to art that expressed an agenda or a message. In a 1979 interview Nixon spoke of his admiration for the social realism of artists like Grant Wood, John Steuart Curry, Thomas Hart Benton. (Sprunger, op.cit., 13) The message that Nixon sought to portray in his sculpture was "a reverence for these people (the Mennonites) for their tribulations of the past and their bringing of the wheat to Kansas."

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Implicitly the monument carries the message of empathy with laboring people rather than corporate wealth. Nixon, having himself grown up on a farm, strongly identified with the toil of the farmer: "We grew some wheat on our farm. I had great reverence for the kind of effort a farmer has to make. I had a more than average interest in the work of the farmer and what he has to go through." (Cited in Sprunger, *ibid.*, 13) Nixon's stone image of a man standing at rest, in a pose of reverence suggestive of prayer, surrounded by the wheat he has presumably planted and that is about to be harvested, does suggest as well older historic sources than the American realism of Nixon's day, namely the realism of the French Barbizon school and such works as Francois Millet's painting "Anglus", a portrayal of farmers stopping their harvest work in their field and bowing their heads prayerfully at the church bells' call to evening prayer.

Local Reaction to the Art

The Topeka Capital article of September 21, 1941 was full of praise for Nixon's statue, saying that "it is a wonderful and magnificent piece of art and something of which all Kansans can well be proud." When the sculpture was dedicated in the context of the second annual Wheat Harvest Harvey County Picnic in Newton in September of 1942, thousands of people gathered in Athletic Park. An audience of this magnitude indicated that "it was a special event of importance. It was unusual to have a monument like this in Newton and it attracted attention." (Menno Schrag, interview, on file at the Mennonite Library and Archives, North Newton). Menno Schrag, editor of the Mennonite Weekly Review at the time, further commented that "in general the statue was well accepted but with some reservations." Such reservations came from some Mennonites who traditionally shun icons and view monuments to themselves as contrary to their value of humility.

The statue became known by many nicknames throughout the community. Menno Schrag stated that one leading politician referred to the statue as the "Mennonite Jesus." Another common name for it was "Frankenstein", according to John C. Suderman, member of the Jaycees when the work was commissioned. Among community artists and educators the statue was and is appreciated for its "authentic reflection of a dominant visual style of the time - social realism" (Robert Regier, Bethel College art professor, as quoted in 1979). Verna Wear is quoted in Art

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Digest, (Oct. 1, 1942): "Although carved in sections, the memorial is monolithic in feeling and in its simplicity and strength honors those characteristics that enabled the conquerors of the prairies to weave the giant bread basket of the world."

Today, this monumental public sculpture is included in primary and High School art education projects in Newton, under the direction of art educators LaDonna Unruh Voth and Raymond Olais. (See Newton Kansan article and headline of Saturday, April 27, 1996) On May 26, 1996, "The Mennonite Settler" was the centrally featured outdoor sculpture of an Outdoor Sculpture Tour to celebrate National Historic Preservation Week. The tour was organized by the SOS! Newton Committee and co-sponsored by the Friends of the Newton Public Library, Harvey County Historical Society, Kauffman Museum, Newton Fine Arts Association, and the Warkentin House. (See the Newton Outdoor Sculpture Tour program and invitation) This event was widely publicised, including an article in The Wichita Eagle and The Newton Kansan.

Since 1994 a local committee, known as SOS! Newton has worked to raise public and private funds toward restoration and future maintenance of the sculpture, an effort which has found not only regional support, but also from abroad, from Germany. On June 3, 1997 the Newton City Commission appropriated \$30,176. for the restoration of the sculpture, matching the \$10,224 raised by the committee and thus completing the fund-drive for the total projected cost of \$40,900. (See The Newton Kansan, June 4, 1997)

Artistic and Historic Significance

Marianne Russell Marti, sculpture conservator who examined "The Mennonite Settler" for conservation purposes in October of 1994, writes: "Every work of public art is created against a complex, interwoven tapestry of ideals, history and personalities. The Mennonite Settler monument is such a work, standing as a symbol of the economic and religious backbone of the Newton area -- wheat, and the presence of the Mennonite community which introduced Turkey Red wheat to the area.

The sculpture in its elegant simplicity, speaks beyond the limits of one religious community, however, as the stately, reverent figure embodies the best ideals of any person whose daily bread is derived from working the land.

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Beyond the message of the monument itself, is the physical manifestation of community pride, and government cooperation. For the monument was erected in the early 1940's -- at a time when our country was still struggling with the Great Depression and its effects. Construction of a major monument could only be accomplished through the efforts of a dedicated community nucleus, with the help of the Federal WPA program. 'The Mennonite Settler' is the result of this successful partnership.

The sculpture is unusual in its mixed media format of carved stone, cast concrete pedestal and mosaic plaza. It can be considered home-grown, or indigenous to the State of Kansas. The artist was a young Kansan, Max Nixon, who served the country during World War II. The mosaic was laid, following Nixon's design, by Vernon T. Roberts, a local Newton stone mason. The pedestal was designed by the artist and a Kansas bridge designer.

This writer does not know of any other monument so specific to one region, yet so universal to our whole country. While solidly rooted in the history and tradition of Newton and Kansas, the sculpture speaks to us well beyond the particular region of Newton. It embodies community history, pride, cooperation at local and national level, and quietly acknowledges our country's commitment to the Land and to a Higher Power -- ideals precious to all areas of America. These ideals are as vital to us today as they were over fifty years ago."

Since the monument's dedication in 1942, the City of Newton has maintained it and features it as one of its major historic and public art sites. With its registration for the National Save Outdoor Sculpture! effort the monument has received renewed interest in the town and in the region. In 1995 a volunteer committee formed, known as SOS!Newton, with representatives from the Harvey County Historical Society, the Newton Tourism Bureau, the Newton Art Association, Kauffman Museum, an art historian and Harvey County SOS! coordinator and interested citizens, with the purpose to raise funds towards professional restoration of the monument by the year 1997, the monument's 55th anniversary.

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"City commission to restore statue," The Newton Kansan, June 4, 1997.

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The Newton Kansan, Sat. June 7.

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Articles in The Wichita Eagle:

Addison, Laura: "Project wants to hear about your art," The Wichita Eagle, May 2, 1994.

Holman, Rhonda, "Newton celebrating its public art treasures," The Wichita Eagle, May 26, 1996.

Wiebe, Joanna K., "Kansas Cared About their New Deal Art," Wichita Eagle-Beacon, May 21-25, 1975, series of five articles.

Interviews on audio-tape, Mennonite Library and Archives, North Newton, Kansas:

Interview with Max Nixon, referenced by Sprunger;  
Nine interviews with Newton citizens about their recollections of the "Wheat Memorial / Mennonite Settler" sculpture are on file. They are listed in the bibliography attached to the manuscript Newton's Monumental Mennonite.



United States Department of the Interior  
National Park Service

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### VERBAL BOUNDARY DESCRIPTION

The nominated property is an area 10' in diameter which encompasses the sculpture, pedestal and mosaic. The property is located in Athletic Park in Newton, Kansas on the SE4, SE4, 18-23-01E beginning at the northwest corner of Lot 12, Block 9, E 793.21', S 65', E 70', S 20', W 400', S 245', W 200', S 410', W 200', and north to the point of beginning, less row.

### BOUNDARY JUSTIFICATION

The boundary includes only the area that is 10' in diameter which encompasses the sculpture, pedestal and mosaic.