

ORDINANCE NO. 2092

AN ORDINANCE AMENDING SECTION 8 OF ORDINANCE NO. 2041 OF THE ORDINANCES OF THE CITY OF COUNCIL GROVE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this Ordinance is to amend Section 8 of Ordinance No. 2041 as it relates to boundary determination of appeal procedures at the Council Grove Lake Park. When amending a section of an ordinance, Kansas law requires that the entire section being repealed also be set forth in this Ordinance.

Section 2. FORMER SECTION 8. Boundary Determination Criteria. In making boundary determinations the City's designated agent shall take into consideration the criteria listed in this section. This list is non-exclusive, and other criteria may be considered. The weight to be given to any criteria shall be determined by the City's designated agent. The appeals board shall also consider this list of non-exclusive criteria when hearing appeals, and may weigh the criteria as they deem appropriate. The non-exclusive list of criteria includes:

- (a) prior agreements and understandings of adjoining leaseholders;
- (b) prior usage and expectations of adjoining leaseholders;
- (c) the physical configuration of lots;
- (d) equitable placement of the boundary considering the interest of future as well as present leaseholders;
- (e) equitable division of lake frontage and access;
- (f) ingress and egress to leaseholders;
- (g) any other factors deemed appropriate.

Section 3. NEW SECTION 8. Boundary Determination Criteria. In making side boundary determinations the City's designated agent shall take into consideration the criteria listed in this section. This list is non-exclusive, and other criteria may be considered. The weight to be given to any criteria shall be determined by the City's designated agent. The appeals board shall also consider this list of non-exclusive criteria when hearing appeals, and may weigh the criteria as they deem appropriate. The non-exclusive list of criteria includes:

- (a) prior agreements and understandings of adjoining leaseholders;
- (b) prior usage and expectations of adjoining leaseholders;
- (c) the physical configuration of lots;
- (d) equitable division of lake frontage and access;
- (e) ingress and egress to leaseholders;
- (f) any other factors deemed appropriate.

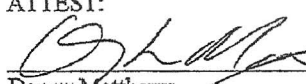
In addition, the boundary marking the depth of each leasehold shall be no more than 150 feet from the standard water level. There is an exception for any leasehold which, as of August 1, 2011, contains a permanent structure situated above the ground which is beyond 150 feet from the standard water level. In this case the boundary marking the depth of the leasehold shall be determined at the point of the permanent structure furthest from the standard water level plus 5 feet from the drip line. However, if any structures are situated as such to exist beyond any access roads, then such leaseholds shall not include the access road, but will include a separate area beyond the access road, the footage of such to be equivalent to the drip line of such structure.

Section 4. REPEAL. Former Section 8 of Ordinance No. 2041 is hereby repealed.

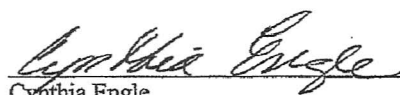
Section 5. EFFECTIVE DATE. This Ordinance shall be effective upon its publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL ON THIS 6 day of September, 2011.

ATTEST:


Danny Matthews
City Clerk/City Administrator




Cynthia Engle
Mayor