

ORDINANCE NO. 1903

AN ORDINANCE REQUIRING BOUNDARY DETERMINATIONS PRIOR TO TRANSFER OF A LAKE LEASEHOLD OR ISSUANCE OF A BUILDING PERMIT FOR A LAKE LEASEHOLD; AND PERMITTING BOUNDARY AGREEMENTS BY MUTUAL AGREEMENT WITHOUT TRANSFER OR BUILDING PERMIT PENDING

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

Section 1. TRANSFER REQUIREMENTS. Prior to the approval of any lake lease transfer, the holder of the lake lease for which a transfer is sought shall have the leasehold boundaries determined by the Council Grove Lake Park Caretaker and such determination shall either be by a boundary agreement signed by all adjoining lake lot leaseholders or upon notice as provided in Section 4 of this ordinance. The leasehold boundary agreement shall be on a form provided by the Council Grove City Clerk.

Section 2. BUILDING PERMIT REQUIREMENTS. Prior to the approval of any building permit, the holders of the lake lease for which a building permit is sought have the leasehold boundaries determined by the Council Grove Lake Park Caretaker and such determination shall either be by a boundary agreement signed by all adjoining lake lot leaseholders or upon notice as provided in Section 4 of this ordinance. The leasehold boundary agreement shall be on a form provided by the Council Grove City Clerk.

Section 3. AGENCY DESIGNATION. The leaseholders of any lake leasehold which is held by more than one party, may, in writing, designate one lake leaseholder to act as the agent for all lake leaseholders to execute a leasehold boundary agreement. Such agency designation shall be on a form provided by the Council Grove City Clerk.

Section 4. FAILURE TO PARTICIPATE. Should any adjoining lake lot leaseholders fail to participate in the determination of the boundary for a transfer or a building permit, written notice of any boundary determination shall be given by the Council Grove Lake Park Caretaker to such leaseholders at the last address provided in city records and such lake lot leaseholders shall have fourteen (14) days from the date of the notice to file, in writing, with the City Clerk

any objections to the boundary determination. Failure to file any written objections with the City Clerk shall constitute a waiver of any such objections, and the boundary determined by the Council Grove Lake Park Caretaker under such document shall be conclusively deemed to be the boundary between the leasehold properties. If objections are filed, the Council Grove Lake Park Caretaker shall establish a boundary, after having considered the objections filed.

Section 5. MUTUAL AGREEMENT. Any lake lot leaseholders who wish to establish their boundaries before applying for a lease transfer or building permit, may establish their boundaries by mutual agreement with the approval of the Council Grove Lake Park Caretaker. The leasehold boundary by mutual agreement form shall be signed by all interested parties or their duly appointed agent and approved by the City Lake Park Caretaker.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon its publication in the Council Grove Republican.

PASSED BY THE CITY COUNCIL THIS 16 DAY OF Sept, 2002.

Charlene McRae

Charlene McRae  
Mayor

ATTEST:

Kathy Snelling  
Kathy Snelling  
City Clerk

LEASEHOLD BOUNDARY AGREEMENT

\_\_\_\_\_, being  
(list all transferring or building or mutually agreeing leaseholders)  
the leaseholder(s) of Lot \_\_\_\_\_ at the Council Grove Lake Park and \_\_\_\_\_  
\_\_\_\_\_, being the leaseholder(s) of Lot \_\_\_\_\_  
(list all leaseholders of one adjoining property)  
at the Council Grove Lake Park and \_\_\_\_\_  
(list all leaseholders of the other adjoining property)  
\_\_\_\_\_, being the leaseholder(s) of Lot \_\_\_\_\_ at the Council Grove Lake  
Park hereby state that we have met with the Council Grove City Lake Park Caretaker, as well as  
the other leaseholders named herein, and we agree with the leasehold boundary established by  
the Council Grove Lake Park Caretaker; and such boundary shall be deemed to be the actual  
boundary to the leasehold property.

Leaseholders of Property being Transferred:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adjoining Leaseholder(s) of Lot \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adjoining Leaseholder(s) of Lot \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Council Grove Lake Park  
Caretaker

AGENCY DESIGNATION FORM  
FOR LEASEHOLD BOUNDARY AGREEMENTS

\_\_\_\_\_, being all  
(list all transferring or building or mutually agreeing leaseholders)  
of the leaseholder(s) of Lot \_\_\_\_\_ at the Council Grove Lake Park, hereby designate  
\_\_\_\_\_ as their agent to sign any leasehold  
(one leaseholder)  
boundary agreements.

LEASEHOLDERS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_