

## AN ORDINANCE AMENDING SECTIONS 6, 10 AND 11 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 Sections 6, 10 and 11 of Ordinance No. 2041 as it relates to boundary determinations and appeal procedures at the Council Grove Lake Park. When amending sections of an ordinance, Kansas law requires that the entire section being repealed also be set forth in this ordinance.

Section 2. Former Section 6. Mutual Agreement. Any lake lot leaseholders who have not previously had a boundary established and wish to establish a boundary, may establish their boundaries by their mutual agreement with the approval of the City's designated agent. The leasehold boundary, by mutual agreement, shall be signed by all interested parties or their duly appointed agents and approved by the City's designated agent. Any approval or disapproval by the City's designated agent shall be given in writing and mailed by regular mail to the leaseholders at the address shown on the lease, or any updated address in the City's file. Such notice shall be dated and that date shall be the date from which appeal rights shall begin to run.

Section 3. New Section 6. Mutual Agreement. Any lake lot leaseholds which have not previously had a boundary established may be established by mutual agreement of leaseholders with the approval of the City's designated agent. If any predecessor leaseholders have established a boundary, it cannot be changed by mutual agreement at a later date. The leasehold boundary, by mutual agreement, shall be signed by all interested parties or their duly appointed agents and be approved by the City's designated agent. Any approval or disapproval by the City's designated agent shall be given in writing and mailed by regular mail to the leaseholders at the address shown on the lease, or any updated address in the City's file. Such notice shall be dated and that date shall be the date from which appeal rights shall begin to run.

Section 4. Former Section 10. Board of Boundary Appeals. There is hereby created a Board of Boundary Appeals. Such board shall consist of 5 persons appointed by the mayor and confirmed by the City Council. The Board shall consist of two persons that are residents of the City and three persons who are City Lake leaseholders. One of such persons shall be initially appointed for a term expiring on the second Monday in April of 2009; two persons shall be initially appointed for a term expiring on the second Monday in April of 2010; and two persons shall be initially appointed for a term expiring on the second Monday in April, 2011. After the initial terms expire all such positions shall be for two-year terms thereafter, all expiring on the second Monday of April in the appropriate year. All members of the Board shall serve at the pleasure of the City Council and may be removed from their office at any time by action of the City Council. Vacancies shall be filled for the unexpired term only. The members of the Board shall elect their own chairperson and vice-chairperson at their first meeting and shall serve until their successors are elected. The quorum for the Board shall be four and decisions by the Board shall be made by the affirmative vote of no less than three members. Members of the Board shall receive a fee of \$50.00 for every appeal in which they participate. The Board shall conduct hearings whenever any leaseholder files an appeal pursuant to Section 11 herein. Such hearings shall be conducted at a time and place designated by the chairperson consistent with Section 11 herein.

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Section 5. New Section 10. Board of Boundary Appeals. There is hereby created a Board of Boundary Appeals. Such board shall consist of 5 persons appointed by the mayor and confirmed by the City Council. The Board shall consist of not less than three persons who are City Lake leaseholders. One of such persons shall be initially appointed for a term expiring on the second Monday in April of 2009; two persons shall be initially appointed for a term expiring on the second Monday in April of 2010; and two persons shall be initially appointed for a term expiring on the second Monday in April, 2011. After the initial terms expire all such positions shall be for two-year terms thereafter, all expiring on the second Monday of April in the appropriate year. All members of the Board shall serve at the pleasure of the City Council and may be removed from their office at any time by action of the City Council. Vacancies shall be filled for the unexpired term only. The members of the Board shall elect their own chairperson and vice-chairperson at their first meeting and shall serve until their successors are elected. The quorum

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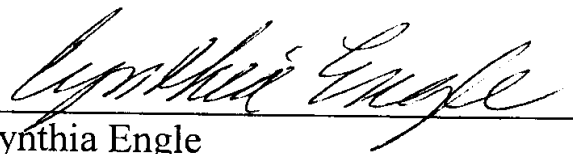
Section 6. Former Section 11. Appeals to Board. Appeals to the Board of Boundary Appeals must be filed by any lake lot leaseholder not later than 14 days after the date of the written notice of the boundary determination given by the City's designated agent. Appeals from the failure or refusal of the City's designated agent to approve a mutually agreed boundary shall also be filed not later than 14 days after the date of the written notice. Such appeal shall be in writing and filed with the city clerk and shall be accompanied by an appeal fee of \$300.00. The Appeals Board shall fix a date and time for the hearing of the appeal and shall give notice at least 14 days before the date of the hearing. Notice shall be sent to the appealing party, and any neighboring leaseholder whose boundary is in dispute. All hearings shall be heard within 45 days after such appeal is filed. Any person appealing the determination of the City's designated agent shall submit their proposal with regard to the boundary at least 7 days before the date of the hearing. Failure to timely submit such proposals shall be grounds for dismissing the appeal.

Section 7. New Section 11. Appeals to Board. Appeals to the Board of Boundary Appeals must be filed by any lake lot leaseholder not later than 14 days after the date of the written notice of the boundary determination given by the City's designated agent. Appeals from the failure or refusal of the City's designated agent to approve a mutually agreed boundary shall also be filed not later than 14 days after the date of the written notice. Such appeal shall be in writing and shall specify the appellant's objection to the boundary and shall be filed with the city clerk and shall be accompanied by an appeal fee of \$300.00. A copy of the notice of appeal shall also be sent by the appellant to the neighboring leaseholder of record whose boundary is being appealed. The Appeals Board shall fix a date and time for the hearing of the appeal and shall give notice at least 14 days before the date of the hearing. Notice shall be sent to the appealing party, and any neighboring leaseholder whose boundary is in dispute. All hearings shall be heard within 45 days after such appeal is filed. Failure to comply with the requirements of this section shall be grounds for dismissal of the appeal.

Section 8. Repeal. Former Sections 6, 10 and 11 of Ordinance No. 2041 are hereby repealed.

Section 9. Effective Date. This ordinance shall be effective upon its publication in the official city newspaper.

PASSED AND APPROVED BY GOVERNING BODY OF COUNCIL GROVE, KANSAS ON THIS 30 day of January, 2009.

  
Cynthia Engle  
Mayor

ATTEST:

  
Danny Matthews  
City Clerk

