

AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE NO. 2044 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 11 of Ordinance No. 2044 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 When amending sections of an ordinance, Kansas law requires that the entire section being repealed also be set forth in this ordinance.

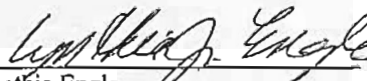
Section 2. Former Section 11. Appeals to Board. Appeals to the Board of Boundary Appeals must be filed by any lake lot leaseholder not later than 14 days after the date of the written notice of the boundary determination given by the City's designated agent. Appeals from the failure or refusal of the 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 3. 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. Seven copies of all documentary evidence that will be presented to the board for consideration shall be provided to the City Clerk at least seven days before the date of the hearing. All hearings shall be heard within 45 days after such appeal is filed. Continuances may be granted by the chairman of the appeals board for good cause shown, as interpreted by the Chairman. Failure of the appealing party to comply with the requirements of this section shall be grounds for dismissal of the appeal.

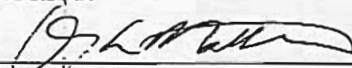
Section 3. Repeal. Former Section 11 of Ordinance No. 2044 is hereby repealed.

Section 4. 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 23 day of March, 2009.

  
Cynthia Engle  
Mayor

ATTEST:

  
Danny Matthews  
City Clerk

