

ORDINANCE NO. 2219

AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 2149 ALLOWING FOR WIDTH ADJUSTMENTS TO LEASEHOLDS IN APPROPRIATE CIRCUMSTANCES.

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

Section 1. PURPOSE. The purpose of this Ordinance is to allow, in appropriate circumstances, when a site boundary is bounded by City commons area, a width adjustment to a leasehold. This ordinance shall be construed with the provisions of 2149 which remain unchanged.

Section 2. FORMER SECTION 6.

NEW DWELLINGS AND ACCESSORY STRUCTURES. When the 150 foot depth of a leasehold and other set-back requirements will not accommodate a proposed new dwelling or accessory structure, a leaseholder or a prospective purchaser of a leasehold may file with the office of the city clerk a request in writing for a boundary line adjustment to the leasehold. The requested boundary line adjustment shall be the minimum reasonable increase that will accommodate the proposed new dwelling or accessory structure. The written request shall include:

- (a) elevation and plan drawings/sketches showing the dimensions of the proposed new dwelling or accessory structure;
- (b) a copy of the plot plan for the leasehold showing the location dimensions of the proposed new dwelling or accessory structure in relation to the existing dwelling;
- (c) signed letters from the adjoining leaseholders with their comments about the proposed leasehold depth or width increase;
- (d) a nonrefundable fee of \$ 70 to cover the cost of evaluating the request; and
- (e) a completed leasehold transfer package, if the written request is from a prospective purchaser of the leasehold.

The City's designated agent shall evaluate the boundary line adjustment request taking into consideration the boundary determination criteria of Section 5 and mark the proposed boundaries at the leasehold. When the evaluation and marking by the City's designated agent is completed, the governing body's lake committee shall evaluate the boundary line adjustment request taking into consideration the boundary determination criteria of Section 5 and the City's designated agent's evaluation results. Thereafter, the boundary line adjustment request will be placed on the next governing body agenda along with the completed leasehold transfer package, if the written request is from a prospective purchaser of the leasehold.

The governing body shall evaluate and act on the boundary line adjustment request taking into consideration the boundary determination criteria of Section 5, the City's designated agent's evaluation results and the governing body's lake committee's recommendations. If the boundary line adjustment request was submitted by a prospective purchaser of a leasehold, the governing body shall act on the boundary line adjustment request and the leasehold transfer request concurrently. If the transfer request is denied, the boundary line adjustment request shall not be approved. However, the prospective purchaser of a leasehold may request that the governing body approve the transfer even if the boundary line adjustment request is denied.

If the boundary line adjustment is approved, the leaseholder shall pay a one-time fee of 0.009 percent of the current annual rent amount per square foot of the Boundary Line Adjustment. The leaseholder shall submit a Building Permit Application signed by the building contractor, and a complete set of building plans, within one year of the boundary line adjustment request approval date. If the leasehold is sold prior to the submission of the Building Permit Application, the boundary line adjustment shall lapse, and the boundary line shall remain at its former placement. The building project shall be started within 180 days and completed within one year following the approval of the building permit. If the building project is not started within 180 days following the approval of the building permit, the building permit and the boundary line adjustment shall lapse, and the boundary line shall remain at its former placement.

After the platting of Council Grove Lake Park has been completed and the plat has been filed with the Morris County Register of Deeds, when the building project has been completed, the leaseholder shall cause a certified land survey of the Boundary Line Adjustment, showing the increase and the original lot with all corners marked. The survey drawing shall be acknowledged by the City Clerk with the date of the governing body's approval of the Boundary Line Adjustment.

The survey drawing shall be filed for record in the Morris County Register of Deeds by the City Clerk. The leaseholder is responsible for paying the cost of surveying the leasehold and the cost of filing the survey drawing in the Morris County Register of Deeds.

If the boundary line adjustment request is denied by the governing body, the leaseholder shall have 14 days from that date to file an appeal to be heard by the Board of Boundary Appeals. Such appealing party shall follow the procedure set forth in Ordinances 2041 and 2047. The Board of Boundary Appeals shall follow the procedures set forth in Ordinances 2041, 2044 and 2047. Failure to timely file an appeal shall constitute a waiver of the appeal process. Failure to follow the procedural requirements of such ordinances after a timely appeal is filed shall be grounds for dismissal of the appeal.

Section 3. NEW SECTION 6.

NEW DWELLINGS AND ACCESSORY STRUCTURES. When the established depth and width on an existing platted leasehold will not accommodate a proposed new dwelling or accessory structure, and there is a common area for expansion, a leaseholder or prospective leaseholder may file with the office of the City Clerk a request in writing for a boundary line adjustment to the leasehold.

When the depth or width of a leasehold and other set-back requirements will not accommodate a proposed new dwelling or accessory structure, a leaseholder or a prospective purchaser of a leasehold may file with the office of the city clerk a request in writing for a boundary line adjustment to the leasehold. The requested boundary line adjustment shall be the minimum reasonable increase that will accommodate the proposed new dwelling or accessory structure. The written request shall include:

- a. elevation and plan drawings/sketches showing the dimensions of the proposed new dwelling or accessory structure;
- b. a copy of the plot plan for the leasehold showing the location dimensions of the proposed new dwelling or accessory structure in relation to the existing dwelling;
- c. signed letters from the adjoining leaseholders with their comments about the proposed leasehold depth or width increase;
- d. a nonrefundable fee of \$ 70 to cover the cost of evaluating the request; and
- e. a completed leasehold transfer package, if the written request is from a prospective purchaser of the leasehold.

The City's designated agent shall evaluate the boundary line adjustment request taking into consideration the boundary determination criteria of Section 5 of Ordinance 2149 and mark the proposed boundaries at the leasehold. When the evaluation and marking by the City's designated agent is completed, the governing body's lake committee shall evaluate the boundary line adjustment request taking into consideration the boundary determination criteria of Section 5 and the City's designated agent's evaluation results. Thereafter, the boundary line adjustment request will be placed on the next governing body agenda along with the completed leasehold transfer package, if the written request is from a prospective purchaser of the leasehold.

The governing body shall evaluate and act on the boundary line adjustment request taking into consideration the boundary determination criteria of Section 5 of Ordinance 2149, the City's designated agent's evaluation results and the governing body's lake committee's recommendations. If the boundary line adjustment request was submitted by a prospective purchaser of a leasehold, the governing body shall act on the boundary line adjustment request and the leasehold transfer request concurrently. If the transfer request is denied, the boundary line adjustment request shall not be approved. However, the prospective purchaser of a leasehold may request that the governing body approve the transfer even if the boundary line adjustment request is denied.

If the boundary line adjustment is approved, the leaseholder shall pay a one-time fee of 0.009 percent of the current annual rent amount per square foot of the Boundary Line Adjustment. The leaseholder shall submit a Building Permit Application signed by the building contractor, and a complete set of building plans, within one year of the boundary line adjustment request approval date. If the leasehold is sold prior to the submission of the Building Permit Application, the boundary line adjustment shall lapse, and the boundary line shall remain at its former placement. The building project shall be started within 180 days and completed within one year following the approval of the building permit. If the building project is not started within 180 days following the approval of the building permit, the building permit and the boundary line adjustment shall

lapse, and the boundary line shall remain at its former placement.

When the building project has been completed, the leaseholder shall cause a certified land survey of the Boundary Line Adjustment, showing the increase and the original lot with all corners marked. The survey drawing shall be acknowledged by the City Clerk with the date of the governing body's approval of the Boundary Line Adjustment. The survey drawing shall be filed for record in the Morris County Register of Deeds by the City Clerk. The leaseholder is responsible for paying the cost of surveying the leasehold and the cost of filing the survey drawing in the Morris County Register of Deeds.

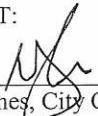
Section 4. REPEAL. Former section 6 of Ordinance No. 2149 is hereby repealed.

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 OF COUNCIL GROVE ON THIS 2 DAY OF April, 2019.


Debi Schwerdtfeger, Mayor

ATTEST:



Nick Jones, City Clerk
(SEAL)

