

The Clay County Board of Supervisors met as trustees of Drainage District #1. Members present: Brockshus, Chalstrom, Schoer, Sorenson and Zinn.

Moved by Brockshus, seconded by Zinn, to nominated Joel Sorenson as Chairman and Frank Rouse as secretary for this meeting. All present voted aye. Motion carried.

Moved by Chalstrom, seconded by Schoer, to approve the following resolution. Roll call vote as follows: Brockshus - aye; Chalstrom - aye; Schoer - Aye; Zinn - Aye, Sorenson - Aye. Motion carried. Resolution adopted.

DRAINAGE DISTRICT #1 RESOLUTION NO. 1 FOR 1999

A RESOLUTION TRANSFERRING CONTROL OF CLAY COUNTY DRAINAGE DISTRICT #1 TO THE CITY OF SPENCER.

WHEREAS, the Clay County Board of Supervisors are trustees of established Clay County Drainage District #1; and,

WHEREAS, the Board of Supervisors has determined that more than 25% of the total area of Drainage District #1 is located within the corporate limits of the City of Spencer and that the District's drains are partially constructed of sewer tile, which are being used by the City for storm sewer and drainage purposes; and

WHEREAS, control of portions of Drainage District #1 has previously been transferred by agreement between the Board of Supervisors and the City of Spencer to the City; and,

WHEREAS, pursuant to Section 468.22 of the Iowa Code, the Board of Supervisors is authorized to transfer control of the entire Drainage District #1 to the City of Spencer; and,

WHEREAS, to the best knowledge and information of the Board of Supervisors, the facilities of Drainage District #1 are in good repair and no repairs, improvements or assessments are being accomplished or contemplated; and,

WHEREAS, the Spencer City Council has agreed to assume control of Drainage District #1, and,

WHEREAS, the Board of Supervisors has determined that the transfer of control of the entire Drainage District #1 to the City of Spencer is in the best interests of the County, the city and owners of property served by the District:

NOW, THEREFORE, BE IT RESOLVED, by the Clay County Board of Supervisors as follows:

Section 1. Pursuant to Section 468.322 of the Iowa Code, control of the entire established Drainage District #1, including portions outside the corporate limits of the City of Spencer, is hereby transferred to the City of Spencer effective March 1, 1999.

Section 2. In consideration of the City of Spencer's cooperation in accepting transfer of control of Drainage District #1, the Board of Supervisors, acting as trustees of Drainage District #1, agrees:

A. The County will pay to the City all funds in the Drainage District #1 account as of March 1, 1999.

B. The County will provide to the City, without charge, the assessment schedules most recently prepared for Drainage District #1.

C. Upon the request of the City, the County will make available the County Engineer staff at no cost for a period of ten years starting March 1, 1999, to give advice and assistance on maintenance and repairs to the tile lines of Drainage District #1. Any repair work done by the County tile repair crew will be billed to the City.

Section 3. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

Section 4. If any section, provision or part of this resolution shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. This resolution shall be in effect after its final passage and approval as provided by law.

Passed by the Board of Supervisors the 12th day of January, 1999.

Joel Sorenson, Chairman

Attest:

Philip L. Hurst, Auditor

Moved by Zinn, seconded by Brockshus, to adjourn. All present voted aye. Motion carried.

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Frank Rouse, Secretary

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Joel Sorenson, Chairman