

May 10, 2022

DRAINAGE DISTRICT 38

The Osceola County Board of Supervisors met as trustees of Drainage District 38. Members present: LeRoy DeBoer, Jayson Vande Hoef, Ed Jones.

Moved by Vande Hoef, seconded by DeBoer, to approve the following resolution. Roll call vote as follows: Vande Hoef, DeBoer, Jones. Motion carried. Resolution adopted.

DRAINAGE DISTRICT 38 RESOLUTION NO. 48 21/22 FOR 2022

A RESOLUTION TO ENTER INTO DRAINAGE AGREEMENT TRANSFERRING SUPERVISION AND CONTROL OF OSCEOLA COUNTY DRAINAGE DISTRICT 12 MAIN OPEN DITCH TO OSCEOLA COUNTY BOARD OF SUPERVISORS AS TRUSTEES OF DRAINAGE DISTRICT 38.

WHEREAS, the Osceola County Board of Supervisors are trustees of established Osceola County Drainage District 38; and,

WHEREAS, the Board of Supervisors has determined that supervision and control of Drainage District 12 Main Open Ditch (DD12-MOD), as shown on Exhibit A attached hereto, should be transferred by written agreement between the Board of Supervisors as Trustees of Drainage District 12 and the Board of Supervisors as Trustees of Drainage District 38; and

WHEREAS, pursuant to Section 468.187 of the Iowa Code, the respective Boards of Supervisors are authorized to enter into a written agreement to provide drainage and to transfer responsibility for supervision and control of the DD12-MOD to the Board of Supervisors of Osceola County Drainage District 38 to be supervised and maintained pursuant to Chapter 468 of the Iowa Code; and

WHEREAS, to the best knowledge and information of the Osceola County Board of Supervisors as Trustees of Drainage District 12, the DD12-MOD is in good repair and no repairs, improvements or assessments are being accomplished or currently contemplated; and

WHEREAS, the Osceola County Board of Supervisors as Trustees of Osceola County Drainage District 38 has agreed to assume control of the DD12-MOD; and

WHEREAS, the Osceola County Board of Supervisors as Trustees of Osceola County Drainage District 38 has determined the transfer of supervision and control of the DD12-MOD to the Osceola County Board of Supervisors as Trustees of Osceola County Drainage District 38 is in the public interest and the best interests of the landowners of property served by the District.

NOW, THEREFORE, BE IT RESOLVED, by the Osceola County Board of Supervisors as Trustees of Osceola County Drainage District 38 as follows:

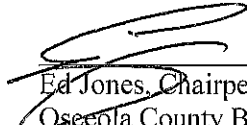
Section 1. Pursuant to section 468.187 of the Iowa Code, the Drainage Agreement to transfer supervision and control of the Main Open Ditch of Drainage District 12 to the Osceola County Board of Trustees as Trustees of Drainage District 38 is approved and the Chairperson is authorized to execute the Drainage Agreement, effective May 10, 2022.

Section 2. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

Section 3. 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 4. This resolution shall be in effect after its final passage and approval as provided by law.

Passed by the Board of Supervisors the 10th day of May, 2022.


Ed Jones, Chairperson Pro Tempore
Osecola County Board of Supervisors

Attest:


Rochelle Van Tilburg, Auditor