

June 21, 2022

DRAINAGE DISTRICT 12 and DRAINAGE DISTRICT 39

The Osceola County Board of Supervisors as trustees of Drainage District 12 and as Trustees of Drainage District 39 conducted a joint meeting for purposes of voting on a Resolution for the Merger of Drainage District 12 into Drainage District 39. Members present: Ed Jones, LeRoy DeBoer, Jayson Vande Hoef, Mike Schulte, and Jerry Helmers.

Moved by Vande Hoef, seconded by DeBoer, to approve the following # 53 21/22 resolution.

Roll call vote as follows: Vande Hoef, DeBoer, Schulte, Jones, Helmers. Motion carried.

Resolution adopted.

DRAINAGE DISTRICT 12 RESOLUTION NO. 53 21/22 FOR 2022

DRAINAGE DISTRICT 39 RESOLUTION NO. 54 21/22 FOR 2022

A JOINT RESOLUTION TO MERGE DRAINAGE DISTRICT 12 INTO DRAINAGE DISTRICT 39, WITH DRAINAGE DISTRICT 12 AS THE SERVIENT DISTRICT, AND DRAINAGE DISTRICT 39 AS THE DOMINANT DISTRICT, WITH THE BOARD OF DRAINAGE DISTRICT 12 TO BE DISSOLVED AND THE BOARD OF DRAINAGE DISTRICT 39 TO SURVIVE AND GOVERN THE MERGED DISTRICT.

WHEREAS, the Osceola County Board of Supervisors are trustees of established Osceola County Drainage District 12; and,

WHEREAS, the Osceola County Board of Supervisors are trustees of established Osceola County Drainage District 39; and,

WHEREAS, as shown on Exhibit A hereto, the boundary of Drainage District 12 adjoins all or part of the boundary of Drainage District 39; and

WHEREAS, pursuant to Section 468.263 of the Iowa Code, the Board of Supervisors as Trustees of Drainage District 12 and as Trustees of Drainage District 39 are authorized to voluntarily participate in a merger with one participating dominant district, whose board would survive the merger to govern the merged district, and one participating servient district, whose board would be dissolved by the merger; and

WHEREAS, a public hearing was conducted pursuant to section 468.265 of the Iowa Code; and

WHEREAS, the question before the Board acting as Trustees of Drainage District 12 and Drainage District 39 is whether or not to approve the proposed merger; and

WHEREAS, the Board of Supervisors as Trustees of Drainage District 12 and as Trustees of Drainage District 39, meeting jointly, has determined that it is substantially of benefit to the owners of land situated in Drainage District 12 and Drainage District 39 that a merger of Drainage District 12, as the servient district, into Drainage District 39, as the dominant district; the board of Drainage District 12 to be dissolved by the merger and the board of Drainage District 39 to survive

THEREFORE, BE IT JOINTLY RESOLVED, by the Osceola County Board of Supervisors as Trustees of Osceola County Drainage District 12 and Osceola County Board of Supervisors as Trustees of Osceola County Drainage District 39 as follows:

Section 1. Pursuant to sections 468.262 through 468.269 of the Iowa Code, the Board of Supervisors as Trustees of Drainage District 12 and Drainage District 39, meeting jointly, have determined that it is substantially of benefit to the owners of land situated in Drainage District 12 and Drainage District 39, as shown by Exhibit A hereto, that Drainage District 12, as the servient district, be merged into Drainage District 39, as the dominant district, and the merger is approved.

Section 2. The board of Drainage District 12 shall be dissolved by the merger and the board of Drainage District 39 shall survive the merger and govern the merged district, which shall be known as Drainage District 39.

Section 3. A Joint Order for Merger shall be entered and filed with the Auditor of Osceola County, Iowa.

Section 4. Upon filing of the joint order with the County Auditor, title to all real estate, other property, improvement, and right-of-way held by the participating drainage district is vested in the merged drainage district, subject to any condition which applied immediately prior to the merger. The Auditor shall prepare and file with the Recorder of Osceola County all conveyances and other documentation necessary to effect the transfers referenced in the Joint Order.

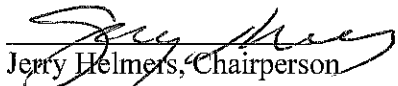
Section 5. The merged district shall assume all existing obligations of the participating drainage districts.

Section 6. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

Section 7. 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 8. This resolution shall be in effect after its final passage and approval as provided by law.

Passed by the Board of Supervisors the 21st day of June, 2022.


Jerry Helmers, Chairperson
Osceola County Board of Supervisors

Attest:


Rochelle Van Tilburg, Auditor