

RESOLUTION

No. 2010-7

DATE FIRST PUBLISHED: Feb 10, 2010

A RESOLUTION CREATING A NEW CEMETERY DISTRICT TO REPLACE THE HILLCREST CEMETERY DISTRICT.

WHEREAS, on or about July, 1941, the Hillcrest Cemetery District was formed and has since operated the Hillcrest Cemetery near Mullinville.

WHEREAS, although there is a general consensus and belief that the Hillcrest Cemetery District was a properly formed cemetery district and has operated according to law, the board of directors of the Hillcrest Cemetery District do not have in their possession the proper documentation establishing the district's legal formation as a cemetery district. To remedy the situation, the board of directors of the Hillcrest Cemetery District asked the Kiowa County Commissioners to adopt a resolution in accordance with K.S.A. 17-1373 recreating the cemetery district. Accompanying the request was a formal offer from the district to convey the cemetery property owned by Hillcrest Cemetery District to the new cemetery district.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF KIOWA COUNTY, KANSAS, that

A new cemetery district is hereby created within Kiowa County pursuant to K.S.A. 17-1373 covering the following described territory:

Sections 3-10, 15-22, 27-34, Township 27S, Range 20W; Sections 1-36, Township 28S, Range 20W, including all of the city of Mullinville; Sections 4-9, 16-21, 28-33, Township 28S, Range 19W; Sections 1-36, Township 29S, Range 20W; Sections 4-9, 16-21, 28-33, Township 29S, Range 19W; Sections 1-36, Township 30S, Range 20W; and, Sections 4-9, 16-21, 28-33, Township 30S, Range 19W; all in Kiowa County, Kansas, including all platted property within the sections.

The above-described territory is the territory now included in the Hillcrest Cemetery District.

Within 30 days after this resolution becomes effective, the Chairman of the Board of Kiowa County Commissioners, in the absence of township trustees in Kiowa County, shall call a meeting of the qualified electors in the new cemetery district in accordance with the provisions of K.S.A. 17-1331 for the purpose of organizing the cemetery district into an association, for the election of five directors and for all other purposes provided by law.

Upon the organization of the new cemetery district and the acceptance by the new cemetery district of the offer to convey the cemetery property of Hillcrest Cemetery District along with its other assets and all its liabilities, the old Hillcrest Cemetery District shall be dissolved and any tax collected and due to Hillcrest Cemetery District in the tax year of dissolution shall be paid to the new district.

The Kiowa County Clerk is directed to publish this resolution at least once each week for two consecutive weeks in the official county newspaper. This resolution shall be effective thirty days after the last publication of this resolution; provided, however, that if within thirty days after the last publication of this resolution, a petition signed by not less than 10% of the qualified electors in the proposed cemetery district is filed in the office of the county election officer requesting an election thereon, such district shall not be created unless the question of the creation of such district is submitted

to and approved by a majority of the voters of the proposed cemetery district voting at an election called by the governing body.

Commissioners present and voting were:

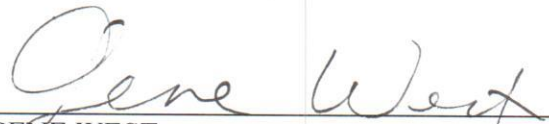
GENE WEST                      AYE  
DON RICHARDS                AYE  
RON FREEMAN                 AYE

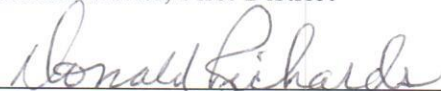
Dated this 26 day of February, 2010

BOARD OF COUNTY COMMISSIONERS  
OF KIOWA COUNTY, KANSAS

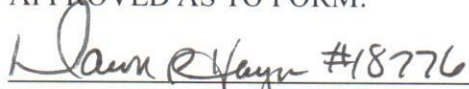
ATTEST:

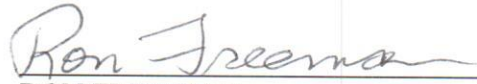
  
CARMEN RENFROW, County Clerk

  
GENE WEST  
Commissioner, First District

  
DON RICHARDS  
Commissioner, Second District

APPROVED AS TO FORM:

 #18776  
CANDACE LATTIN, County Attorney  
*for CLK*

  
RON FREEMAN  
Commissioner, Third District