Coffeyville
KANSAS

102 W. 7th ● P.O. Box 1629 ● 620-252-6100
Coffeyville, Kansas 67337-0949

February 24, 2015

Verdigris River Drainage District #1
c/o Montgomery County Clerk's Office
P.O. Box 446
Independence, KS 67301

Re: **Notice of Termination of Agreement**

Notice is hereby given that the City of Coffeyville elects to terminate the agreement set forth in Resolution No. R-93-14, effective one (1) year from the date of this Notice.

Submitted by,

James Falkner
Mayor

Cc: Mr. Steve Westervelt

RESOLUTION NO. R-15-26

A RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A NOTICE TO TERMINATE THE AGREEMENT BETWEEN THE CITY OF COFFEYVILLE AND VERDIGRIS RIVER DRAINAGE DISTRICT #1.

BE IT RESOLVED by the Board of Commissioners of the City of Coffeyville, Kansas, that the Mayor be and is hereby authorized and directed to execute a Notice to Terminate the agreement by and between the City of Coffeyville and Verdigris River Drainage District #1 as set forth in Resolution No. R-93-14.

Adopted this 24th day of February, 2015.

_____
James Falkner, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM:

_____
Paul Kritz, City Attorney

RESOLUTION NO. R-93-14

This agreement is made and entered into the 10th day of May, 1993 by and between the City of Coffeyville, Montgomery, County, Kansas, a municipal corporation of the first class hereinafter called the CITY and the Verdigris River Drainage District #1 Montgomery County, Kansas, existing under and by virtue of the laws of the State of Kansas hereinafter called the DISTRICT.

WHEREAS, the District constructed and maintains a flood control levee around the easterly perimeter of the City of Coffeyville for the purpose of preventing flood waters from the Verdigris River inundating the City and uses pump and flood gates for the purpose of preventing rain water within the City from flooding district homes and property; and

WHEREAS, the District maintains that flood control levee and associated flood control pumps in conformance with U.S. Army Corps of Engineers requirements; and

WHEREAS, the District levies an annual property tax on properties within its district which lies in the easterly portion of the City; and

WHEREAS, the City and the District deem it in the best interest of both parties that the City assume the maintenance of the flood control levee and the flood control pumps;

NOW, THEREFORE, it is agreed between the District and the City that:

1) The City shall assume responsibility for the administration of the District and the maintenance of the flood control levee and operation of the flood control pumps to the satisfaction of the U.S. Army Corps of Engineers.

2) The District shall transfer to the City all equipment and existing funds owned by the District for the maintenance of the flood control levee and the flood control pumps.

3) The District shall continue to levy its annual property tax and endorse the proceeds over to the City to be used by the City for the maintenance of the levee and the pumps and the acquisition of materials and equipment for said maintenance based on an annual budget submitted by the City of Coffeyville.

4) The City shall annually prepare a budget showing the revenues and expenditures for approval by the Coffeyville City Commission at a regular Commission meeting.

5) The City shall acquire, hold and dispose of real and personal property for the benefit of the District subject to approval by the City Commission after consideration at a regular Commission meeting.

6) The City shall restrict the use of the flood control levee to pedestrian (foot traffic) or bicycle (non-motorized) along the top of the levy only. Equestrian access to the flood control levee shall be prohibited.

8) The agreement may be terminated by either party upon written notice to the other party one year in advance of the desired termination date. The disposal of any property acquired under this agreement shall be accomplished during this one year notification period to the satisfaction of both parties.

Adopted by City Commission Resolution No. R-93-14 this 10th day of May, 1993.

Perl S. Schmid, Mayor

CITY OF COFFEYVILLE SEAL MONTGOMERY COUNTY KANSAS

ATTEST:

Stacey Johnston, City Clerk

Approved this 5 day of May, 1993 by the Verdigris River District #1 Board of Directors.

Terry Neal, Chairman

Clarence Pursley

D. E. Van Teighen

Glenna McCartney, Clerk

To Whom It May Concern:

The Verdigris Drainage District #1 Directors have agreed that the wishes of the City of Coffeyville, Corp of Engineers, Fema, Montgomery County Preparedness, be fulfilled, for the City to assume full responsibility for maintenance and operation of the districts facilities.

The Directors are unaware of any dispute between themselves and the parties mentioned. The City has had the opportunity in the past, according to the January 1980 proposal by the City, for providing assistance to the district, however, the proposal was never fulfilled.

In signing this agreement, we strongly anticipate the City will fulfill its duties in accordance with THIS agreement, that the transition and an instructional period for the procedure of the operation of the gates and pumps should begin immediately between the City and the Corp of Engineers.

The drainage district budget is in place for the year of 1993, and we feel that we are indebted to the district to use some of those funds for previous commitments. Terry Emert of the County Engineers has agreed to loan the long arm sidecutter to us to cut slopes another ten feet of woody growth. Also we will use our mowing equipment to mow the full length as usual. At the end of the mowing season we will deliver the mowing tractor and tools, plus transfer remaining budget money to the City.

Verdigris Drainage District #1
Directors: Terry Neal
Darrell VanTeighen
Clarence Pursley