

**RESOLUTION NO. 17-2024**

**A RESOLUTION BY THE CHEROKEE COUNTY, KANSAS BOARD OF COMMISSIONERS  
ESTABLISHING RATES AND POLICY RELATED TO FEMA FLOOD PROPERTY LEASES**

**WHEREAS** K.S.A. 19-101 et. seq., and K.S.A. 19-212 authorize the Board of County Commissioners to transact all County business and perform all powers of local legislation deemed appropriate, and to make all contracts and do all other acts in relation to the property and concerns of the County necessary to exercise the County's corporate and/or administrative powers; and

**WHEREAS** Cherokee County, Kansas, has previously acquired and currently owns certain tracts of real estate granted to the County pursuant to a Federal Emergency Management Administration (FEMA) hazard mitigation assistance program, as provided by 44 CFR 80.

**WHEREAS** 44 CFR 80 establishes limits on the use of such real estate to serve the purpose of future disaster mitigation.

**WHEREAS** Cherokee County, Kansas has previously opted and continues to offer such real estate for lease to certain parties for use consistent with the limits of 44 CFR 80.

**WHEREAS** 44 CFR 80 imposes certain inspection and reporting requirements on the County to ensure lessees are complying with the aforementioned limitations of use.

**WHEREAS** the inspection and reporting responsibilities imposed by 44 CFR 80 incur certain costs to the County through the utilization of County resources and the County seeks to offset such costs through this Resolution.

**NOW THEREFORE** on this 17<sup>th</sup> day of June 2024, be it resolved by the Cherokee County Board of Commissioners:

**SECTION 1. Definitions.**

- (a) **Hazard Mitigation Property.** As used herein, "Hazard Mitigation Property" shall be defined as any property currently owned or hereafter acquired by the County pursuant to a FEMA hazard mitigation assistance program.
- (b) **Current Leases.** As used herein, "Current Leases" shall be defined as any lease for a Hazard Mitigation Property in effect as of the date of this Resolution.
- (c) **Future Leases.** As used herein, "Future Leases" shall be defined as any lease entered after the effective date of this Resolution.
- (d) **Lessee.** As used herein, "Lessee" shall be defined as the party leasing Hazard Mitigation Property from Cherokee County, Kansas.

- (e) **Lease Agreement.** As used herein, "Lease Agreement" shall be defined as a written document granting Lessee a right to possess and use Hazard Mitigation Property.
- (f) **Water Accessible Property.** As used herein, "Water Accessible Property" shall be defined as any Hazard Mitigation Property adjacent to any river, pond, lake, or other body of water.
- (g) **Lease Administrator.** As used herein, "Lease Administrator" shall be defined as the individual or department designated by the Cherokee County Commission to oversee the Hazard Mitigation Property lease program. Unless another individual or department is specified, the Lease Administrator shall be the Cherokee County Director of Emergency Management.

## **SECTION 2. Scope.**

This Resolution shall apply to all Hazard Mitigation Property leases, current and future, between Cherokee County, Kansas and any party.

## **SECTION 3. Current Leases.**

- (a) **Lease Agreement.** Current Leases shall continue pursuant to the terms of the applicable Lease Agreement until such Lease Agreement expires.
- (b) **Renewal.** Upon expiration of a Current Lease, Lessee shall have an opportunity to renew such lease subject to any terms and conditions deemed appropriate by the County and specified in the Lease Agreement.

## **SECTION 4. Renewal Rates.**

- (a) Upon renewal of any Current Lease, such renewal shall be at the same rate as the most recent lease for the property.

## **SECTION 5. Future Leases.**

- (a) In the event a Lessee does not renew a Current Lease pursuant to Section 3 and the County desires to offer the applicable property for lease, the County shall:
  - 1. solicit bids to lease the property pursuant to the bidding process described in Section 6.
  - 2. publish notice the County is accepting bids to lease a Hazard Mitigation Property. Such notice shall be published once per week for two consecutive weeks in the official county newspaper and include:

- i. a description of the property, to wit: a legal description, parcel number, and/or physical address;
  - ii. the process for submitting a bid;
  - iii. the last date bids will be accepted; and
  - iv. the term, in years, of the proposed lease.
3. make available for review a proposed Lease Agreement; and
4. accept bids, submitted in compliance with Section 6, for fourteen days, beginning on the date notice is first published.

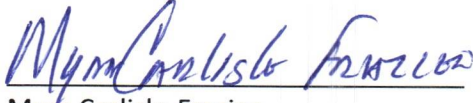
**SECTION 6. Bidding Process.**

- (a) When the County solicits bids pursuant to Section 5, all bids submitted in response thereto shall:
  1. be received by the County on or before the last date bids are to be accepted by depositing the same in the lock box outside the Cherokee County Commission Room;
  2. state the name, phone number, and physical address of the party submitting the bid;
  3. specify the Hazard Mitigation Property for which the bid is being submitted; and
  4. state the amount of the bid.
- (b) Persons and entities eligible to bid on Hazard Mitigation Property shall be limited to:
  1. Residents of Cherokee County, Kansas over the age 18 as of the date bids are due;
  2. Government entities located within Cherokee County, Kansas; and
  3. Not for profit corporation organized under Kansas Law with a principal place of business in Cherokee County, Kansas.
- (c) Current members of the Board of Cherokee County Commissioners shall not be eligible to bid.

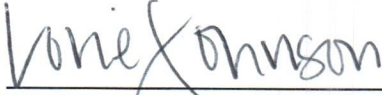
**BE IT RESOLVED** this 17th day of June 2024 by the Cherokee County Board of Commissioners.

Approved:

Attest



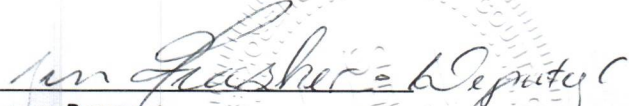
Myra Carlisle-Frazier  
County Commissioner



Lorie Johnson  
County Commissioner



Cory Moates  
County Commissioner

  
Rebecca Brassart  
County Clerk

Jess Frasher  
Deputy Clerk

