

82a-616. Consideration of petitions; findings; incorporation, when. (a) At the time and place set for the hearing and consideration of the petition, it shall be the duty of the board of county commissioners to ascertain (1) whether proper notice of the hearing has been given to the persons and in the manner provided by K.S.A. 82a-615; (2) whether lands within the area defined in the petition are without an adequate water supply; (3) whether the construction and maintenance of ponds, or reservoirs, pipelines or wells or check dams or pumping installation or any other facility for the storage, transportation or utilization of water, of the construction and maintenance of any combination of said proposed projects are necessary for the improvement of the community: *Provided*, The county commissioners shall make no affirmative finding that any proposed project is necessary if the construction and maintenance of said project would encourage the cultivation of lands which are submarginal and which should be devoted to other uses in the public interest; (4) whether such improvements or works will be conducive to and will tend to promote the public health, convenience and welfare. If upon such consideration it shall be found that such petition is in conformity with the requirements of this act, the board of county commissioners shall thereupon immediately declare either the district within the boundaries defined in the petition or a district contained within such boundaries as described by such board to constitute a quasi-municipal corporation and to be incorporated as a rural water district under the name of "rural water district No. _____, _____ county, Kansas," (inserting number in order of incorporation and name of county) and thereupon shall enter upon its records full minutes of such hearing, together with declaration that thenceforth said district shall constitute a body politic and corporate under said corporate name for the purposes of this act.

(b) Any district heretofore declared and incorporated by the board of county commissioners pursuant to a petition presented under this section, the boundaries of which fall within the boundaries as proposed in said petition but which are not congruent therewith, is hereby ratified and declared to be a lawfully incorporated and existing district.

History: L. 1957, ch. 540, § 5; L. 1963, ch. 512, § 2; L. 1965, ch. 556, § 3; L. 1976, ch. 437, § 1; July 1.