

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2583

As Recommended by House Committee on
Local Government

Brief*

HB 2583 would clarify law relating to the process for a landowner to request vacation of city streets or other public easement. The bill would also make changes to the public hearing requirements for such a process, and establish a time limit for challenging a street vacation ordinance.

Authorization

The bill would amend a statute to remove redundancy with continuing law and make conforming changes. Continuing laws (KSA 13-334, 14-423, and 15-427) provide processes for local governments to request street vacations based on a city's classification.

Public Hearing

The bill would clarify that, when a resident makes a petition to vacate a street, the governing body must give public notice of the request and, in the notice, specify whether the hearing on the petition will be conducted by the governing body or the planning commission. The bill would require all interested persons be given an opportunity to be heard on the petition.

The bill would require the city governing body to enact an ordinance containing an order to vacate if, at the hearing,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

it was determined the request of the petitioner should be granted.

Time Limit for Challenge of an Ordinance

The bill would allow any landowner aggrieved by the decision of a city governing body to vacate certain property to bring action in a district court challenging the reasonableness of such decision within 30 days following publication of the vacation ordinance.

Background

The bill was introduced by the Committee on Local Government at the request of the League of Kansas Municipalities (LKM).

In the House Committee Hearing, a representative of LKM provided proponent testimony. The representative stated the legislation would clean up statutory language and make the street vacation process more clear. Additionally, the representative noted there are specific statutes for street vacation initiated by local governments, which are based on a city's classification, that are utilized instead of the general provisions found in KSA 12-504.

No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates the bill would have a negligible fiscal effect on the Judicial Branch. LKM stated the bill would have no fiscal effect on cities. Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.