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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairman Kelly and members of the House Financial Institutions and Rural Development Committee

From: Office of Revisor of Statutes

Date: March 3, 2021

Subject: **SB 88 - Clarifying the vacation or exclusion of territory from city boundaries or release of easements.**

Senate Bill No. 88 amends law regarding the process for vacation of city streets or other public easements and adds language providing a procedure to challenge a street vacation ordinance.

The bill adds a new section of law allowing a 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 a vacation ordinance.

The bill also clarifies the procedure for when a city resident makes a petition to vacate a street. The governing body of the city shall give public notice of the request and in such notice, shall specify whether the hearing on the petition will be conducted by the governing body or the planning commission. The bill requires all interested persons to be given an opportunity to be heard on such petition. If the city chooses to use the same process to deannex land, the bill requires the hearing to be held before the city governing body.

The bill also requires the city governing body to enact an ordinance containing an order to vacate if, at such hearing, it was determined the request of the petitioner should be granted.

The bill was introduced by the Senate Committee on Local Government and passed the Senate on final action 37-1 on February 18, 2021.