AN ACT concerning planning and zoning; dealing with certain easements; amending K.S.A. 19-2961 and K.S.A. 2010 Supp. 12-752 and repealing the existing sections; also repealing K.S.A. 19-2633.

Section 1. K.S.A. 2010 Supp. 12-752 is hereby amended to read as follows: 12-752. (a) The owner or owners of any land located within an area governed by regulations subdividing the same into lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall have a plat drawn as may be required by the subdivision regulations. Such plat shall accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof and the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto. All plats shall be verified by the owner or owners thereof. All such plats shall be submitted to the planning commission or to the joint committee for subdivision regulation.

(b) The planning commission or the joint committee shall determine if the plat conforms to the provisions of the subdivision regulations. If such determination is not made within 60 days after the first meeting of such commission or committee following the date of the submission of the plat to the secretary thereof, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the planning commission or joint committee upon demand. If the planning commission or joint committee finds that the plat does not conform to the requirements of the subdivision regulations, the planning commission or joint committee shall notify the owner or owners of such fact. Such notice shall be in writing and shall specify in detail the reasons the plat does not conform to the requirements of the subdivision regulations. If the plat conforms to the requirements of such regulations, there shall be endorsed thereon the fact that the plat has been submitted to and approved by the planning commission or joint committee.
(c) The governing body shall accept or refuse the dedication of land for public purposes within 30 days after the first meeting of the governing body following the date of the submission of the plat to the clerk thereof. The governing body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the governing body. No additional filing fees shall be assessed during that period. If the governing body defers or refuses such dedication, it shall notify the owner or owners of the land and the planning commission or joint committee of such fact. Such notice shall be in writing and if the deferral or refusal of the dedication of land is based upon noncompliance with the requirements established by the governing body, the notice shall specify in detail the nature of such noncompliance.

(d) The governing body may establish a scale of reasonable fees to be paid to the secretary of the planning commission or joint committee by the applicant for approval for each plat filed with the planning commission or joint committee.

(e) No building or zoning permit shall be issued for the use or construction of any structure upon any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the governing body or governing bodies but which has not been approved in the manner provided by this act.

(f) Any regulations adopted by a governing body with reference to subdividing lots shall provide for the issuance of building permits on platted lots divided into not more than two tracts without having to replat such lots. Such regulations also may authorize and establish conditions for the issuance of building permits on lots divided into three or more tracts without having to replat such lots. Such regulations shall provide that lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. Such regulations shall contain a procedure for issuance of building or zoning permits on divided lots which shall take into account the need for adequate street rights-of-way, easements, improvement of public facilities, and zoning regulations if in existence.

(g) The regulations shall provide for a procedure which specifies a time limit within which action shall be taken, and shall further provide, where applicable, for the final decision on the issuance of such building permit to be made by the governing body, except as may be provided by law.

(h) The register of deeds shall not file any plat until such plat shall bear the endorsement hereinbefore provided and the land dedicated for public purposes has been accepted by the governing body.

(i) For any subdivision approved by the planning commission or the
joint committee as provided herein which contains a blanket easement, the easement shall be unenforceable where there is no reasonably defined or expressed use and the recorded description of the easement does not include a definite and specific description of the easement, unless the entity holding the easement, upon written request by the property owner, provides the property owner and records in a timely manner a reasonable, definite and specific description of the easement appropriate for its use.

Sec. 2. K.S.A. 19-2961 is hereby amended to read as follows: 19-2961. (a) The board of county commissioners, after the adoption of a comprehensive plan, may provide for the adoption, or amendment, of regulations governing the subdivision of land located within the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may provide for the harmonious development of the county, including the proper location and width of streets, and for building lines, open spaces, safety and recreational facilities, flood protection and floodplain regulations and for the avoidance of congestion of population, including minimum width, depth and area of lots and compatibility of design. Such regulations also may provide for the reservation or dedication of land for open space for either public recreational use or for the future use of the owners or occupants of subdivisions in order to insure a reasonable balance of use or design and to avoid the overcrowding of land. Such reservation or dedication shall be determined by the geometric design of the streets, lots, blocks or other natural features of the subdivision but such reservation or dedication shall not exceed 10% of the tract being subdivided, exclusive of streets, alleys, easements or other public ways. No owner of a tract being subdivided shall be prevented from offering more than 10% of such tract for such reservation or dedication nor shall the board of county commissioners be prevented from accepting such offering.

The subdivision regulations, as a condition to the approval of any plat, also may require and fix the extent to which and the manner in which streets shall be improved and water, sewer, drainage and other utility mains and piping or connections or other physical improvements shall be installed. Such regulations may provide that in lieu of the completion of such work or improvements prior to the final approval of the plat, the board of county commissioners may accept a completion bond, cashier's check, escrow account or other like security in an amount to be fixed by the board of county commissioners and conditioned upon the actual completion of such work or improvements within a specified period, in accordance with such regulations, and the board of county commissioners may enforce such bond, check or other like security by all equitable and legal remedies. In addition, the board of county commissioners may
require a maintenance bond, cashier's check, escrow account or other like
security in a reasonable amount to be in force for a period of one year
following final county approval of such work or improvements.
(b) Before the board of county commissioners creates any
regulations governing the subdivision of land located in the
unincorporated portion of the county, the board shall require the planning
commission to recommend to the board of county commissioners the
regulations or restrictions.

The notice, hearing and voting procedures for adoption of the
subdivision regulations shall be the same as that required for adoption of
the comprehensive plan as provided by K.S.A. 19-2958, and amendments
thereto.

After adoption of the subdivision resolution, the regulations,
restrictions or requirements contained therein may from time to time be
supplemented, changed or generally revised by amendment. A proposal
for such amendment may be initiated by the board of county
commissioners, the planning commission, any zoning board or upon
application of the owner of property affected.

The board of county commissioners may establish reasonable fees to
be paid in advance by the owner of any property at the time of making
application for any amendment.

All such proposed amendments to the subdivision resolution shall first
be submitted to the planning commission for recommendation. All notice,
hearing and voting procedures for consideration of proposed amendments
to the subdivision resolution shall be the same as that required for
amendments, extensions or additions to the comprehensive plan as
provided by K.S.A. 19-2958, and amendments thereto.

(c) Whenever any such regulations governing the subdivision of
any land located within the area governed by such regulations who: (1)
Subdivides the same into lots and blocks or tracts or parcels, for the
purpose of laying out any subdivisions, suburban lots, building lots, tracts
or parcels; or (2) establishes any street, alley, park or public way intended
to be dedicated for public use or for the use of purchasers or owners of
lots, tracts or parcels of land fronting thereon or adjacent thereto, shall
cause a plat to be made which shall accurately describe the subdivision,
lots, tracts or parcels of land giving the location and dimensions thereof,
or the location and dimensions of all streets, alleys, parks or other
properties intended to be dedicated to public use or for the use of
purchasers or owners of lots, tracts or parcels of land fronting thereon or
adjacent thereto, and every such plat shall be duly acknowledged by the
owner or owners thereof.

All such plats shall be submitted to the zoning board for that township
in which such land is located for its consideration and, within 60 days thereafter, unless the regulations provide otherwise, its recommendation shall be submitted to the board of county commissioners for its official consideration and action. No such plat or replat or dedication of street, alley, park or public way shall be effective until filed with the register of deeds of such county as provided by law and no such plat, replat or dedication shall be filed with the register of deeds until such plat or replat or dedication shall have endorsed thereon the fact that it has been submitted to the zoning board and approved by the board of county commissioners, and that any land dedicated for public purposes has been accepted by the board of county commissioners.

The board of county commissioners may establish a scale of reasonable fees to be paid in advance to the secretary of the zoning board by the applicant for each plat filed with the zoning board.

No building authorization shall be granted for the construction of any structure upon any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the board of county commissioners but which has not been approved in the manner provided by this act. Any regulations adopted by the board of county commissioners with reference to subdividing lots shall provide for the issuance of building permits on lots divided into not more than two tracts without having to replat such lot, provided that the resulting tracts shall not again be divided without replatting, except as may otherwise be provided. Such regulations shall contain procedures for issuance of building permits on such divided lots which take into account zoning regulations, the need for adequate street rights-of-way, easements and improvement of public facilities, shall provide for a procedure which shall specify a time limit within which action shall be taken and also may provide for the final decision on the issuance of such building permit to be made by the board of county commissioners, except as may be provided by law.

Any regulations adopted by the board of county commissioners may provide additional or alternative review methods if a proposed plat is located in two or more townships.

(d) The board of county commissioners is hereby authorized to name or rename streets and to number and renumber business and residence addresses in the unincorporated portion of the county.

(e) For any subdivision submitted as provided herein which contains a blanket easement, the easement shall be unenforceable where there is no reasonably defined or expressed use and the recorded description of the easement does not include a definite and specific description of the easement, unless the entity holding the easement, upon written request by
the property owner, provides the property owner and records in a timely
manner a reasonable, definite and specific description of the easement
appropriate for its use.

New Sec. 3. For any subdivision which contains a blanket
easement, the easement shall be unenforceable where there is no
reasonably defined or expressed use and the recorded description of the
easement does not include a definite and specific description of the
easement, unless the entity holding the easement, upon written request by
the property owner, provides the property owner and records in a timely
manner a reasonable, definite and specific description of the easement
appropriate for its use.

are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.