

49-625. Natural resource development districts; application for creation, modification or dissolution; procedure; information required, notice to persons seeking to develop or make improvements in district; resolution of city or county approving or disapproving. (a) As used in this section:

(1) "District" means a natural resource development district created pursuant to this section.

(2) "Governing body" means the governing body of a city in the case of cities or the board of county commissioners in the case of counties.

(3) "Person" means any individual, sole proprietorship, partnership, joint venture, association, trust, estate, business trust, corporation, limited liability company, not-for-profit corporation, federal, state or local governmental or quasi-governmental unit or agency, instrumentality or political subdivision thereof or any similar entity or organization.

(4) "Property" means real property.

(b) The governing body of a city or county may create, enlarge, reduce or dissolve natural resource development districts in the manner provided by this section.

(c) Any person who owns, leases or otherwise possesses any property for the purpose of developing or with the intent of developing natural resources thereon may submit an application for the creation, enlargement, reduction or dissolution of a natural resource development district to the governing body of the city in the case of property located within the corporate limits of a city or to the board of county commissioners in the case of property located outside the corporate limits of a city. Such application shall be on a form provided by the governing body. The application shall be accompanied by any information deemed necessary by the governing body. The application also shall include a description of the impact of the applicant's operations within the district and the district's proposed limits. The governing body may revise the description of the impact. Such information shall be available to any person seeking to develop or make improvements to property located within the natural resource development district. Such information shall constitute constructive notice of the activities and shall serve as an affirmative defense to any claim arising from the noticed activity.

(d) The governing body shall adopt regulations which are necessary to implement the provisions of this section. Such regulations shall include:

(1) The procedure for the approval of the creation, enlargement, reduction or dissolution of a natural resource development district;

(2) the time limit within which action shall be taken by the governing body;

(3) notification of existing property owners located within the boundaries of the proposed district; and

(4) any other provision deemed necessary by the governing body.

(e) The governing body shall approve or disapprove the creation or enlargement of the district as requested in the application or may approve the creation, enlargement, reduction or dissolution of the district with modifications made by the governing body. The governing body shall consider the impact of approving or disapproving the creation, enlargement, reduction or dissolution of the district on the entire community involved in order to ensure the orderly growth and development of the community. Action by the governing body approving or disapproving the application for creation, enlargement, reduction or dissolution of a district shall be by resolution. A copy of any resolution approving the creation, enlargement, reduction or dissolution of a district shall be filed in the office of the register of deeds of the county in which any part of the district is located, and shall be recorded as are other instruments affecting real estate within the district.

(f) This section shall be part of and supplemental to the Kansas surface-mining land conservation and reclamation act.

History: L. 2007, ch. 148, § 1; July 1.