

HOUSE BILL No. 2773

By Committee on Local Government

2-9

10 ~~AN ACT concerning townships, providing for disorganization or consol-~~
11 ~~idation by the board of county commissioners of townships with no~~
12 ~~residents or townships with no candidates for certain offices. [AN ACT~~
13 **concerning cities and townships; relating to the boundaries**
14 **thereof; amending K.S.A. 12-520 and repealing the existing**
15 **section.]**
16

17 *Be it enacted by the Legislature of the State of Kansas:*

18 [New] Section 1. (a) If any township has no residents, as certified by
19 the county clerk of the county in which such township is located, or if
20 any township officer position is vacant due to a lack of candidates for such
21 offices for two consecutive township elections, as certified by the election
22 commissioner of the county in which such township is located, the board
23 of county commissioners, by resolution, may disorganize the township or
24 consolidate the township with the next geographically closest township,
25 within such county, having a functioning township board. Prior to the
26 adoption of such resolution, the board of county commissioners shall con-
27 duct a public hearing on the advisability of adopting such resolution. Until
28 such time as the disorganization or consolidation is completed, the board
29 of county commissioners may exercise all of the statutory powers of the
30 township board deemed necessary and advisable by such board of county
31 commissioners.

32 (b) All books, papers, records, moneys and other assets belonging to
33 any township proposed to be disorganized or consolidated under subsec-
34 tion (a) shall be delivered by the persons in possession thereof to the
35 board of county commissioners. The board of county commissioners may
36 dispose of any assets of such township in the manner provided by this
37 section. If at the time of its disorganization or consolidation, the township
38 has any outstanding indebtedness, the board of county commissioners
39 shall place any moneys together with the proceeds of any assets of such
40 township into a special fund that shall be used for the purpose of paying
41 such indebtedness. Moneys and assets in excess of that required for the
42 payment of outstanding indebtedness either shall be transferred to the
43 township with which the disorganized township is consolidated or shall

1 be disposed of in such other manner as determined by the board of county
2 commissioners to be in the best interests of the former residents or prop-
3 erty owners of such township.

4 **[New Sec. 2. (a) No land located in a township shall be annexed**
5 **pursuant to subsection (a) (1) of K.S.A. 12-520, and amendments**
6 **thereto, unless the city adopts a resolution stating its intent to an-**
7 **nex such land. Such resolution shall be published at least once in**
8 **a newspaper of general circulation within the city and in the area**
9 **sought to be annexed. If within 30 days after the publication of**
10 **such resolution, a petition requesting the appointment of an an-**
11 **nexation review board signed by at least 40% of the landowners in**
12 **the area sought to be annexed is filed with the city clerk, no land**
13 **shall be annexed unless such annexation, or portion thereof, is ap-**
14 **proved by an annexation review board as provided by this section.**

15 **[(b) The mayor shall convene a review board composed of the**
16 **following persons:**

17 **[(1) The mayor of the city desiring to annex such land or the**
18 **mayor's designee.**

19 **[(2) A landowner in the area sought to be annexed appointed**
20 **by majority vote of the landowners in the area sought to be**
21 **annexed.**

22 **[(3) A hearing officer from the office of administrative hearings**
23 **within the department of administration or such officer's designee.**

24 **[(c) The review board shall determine whether the proposed**
25 **annexation is in the public interest and in the best interest of the**
26 **city, county and other political subdivisions in the area sought to**
27 **be annexed. The governing bodies of the city, county and other**
28 **political subdivisions in the area sought to be annexed shall assist**
29 **the board in making its decision. Such governing bodies shall pro-**
30 **vide all relevant information and records requested by the review**
31 **board. In making its determination the review board shall be**
32 **guided, but not be limited to, by its findings with respect to the**
33 **following factors:**

34 **[(1) The immediate and prospective populations of the area to**
35 **be annexed.**

36 **[(2) The assessed valuation of the area to be annexed, and its**
37 **relationship to population.**

38 **[(3) The history of and prospects for construction of improve-**
39 **ments in the area to be annexed.**

40 **[(4) The needs and possibilities for geographical expansion of**
41 **the city.**

42 **[(5) The present and anticipated need for governmental serv-**
43 **ices in the area proposed to be annexed, including but not limited**

1 to, water supply, sewage and garbage disposal, zoning, streets and
2 alleys, curbs, sidewalks, police and fire protection, playgrounds,
3 parks and other municipal services, and transportation and
4 drainage.

5 [(6) The relative capabilities of the city, county, and other po-
6 litical subdivisions in the area sought to be annexed to provide or
7 obtain governmental services when needed.

8 [(7) The existence of benefit districts within the area proposed
9 to be annexed, and the impact of annexation upon such districts.

10 [(8) The elimination of isolated unincorporated areas existing
11 without adequate economical governmental services.

12 [(9) The immediate and potential revenues that would be de-
13 rived by the city as a result of annexation, and their relation to the
14 cost of providing service to the area.

15 [(d) The board shall make its determination either approving
16 or disapproving the annexation, or a portion thereof, within 90
17 days of the appointment of the first member of the annexation
18 review board. The board specifically shall state its reasons and
19 findings for its determination. Such findings need not include spe-
20 cific data on every finding made, but shall indicate that all factors
21 listed in subsection (c) were considered. A copy of the board's de-
22 termination shall be filed with the mayor of the city seeking to
23 make such annexation and with the board of county
24 commissioners.

25 [(e) The city may annex the land sought to be annexed to the
26 extent approved by the annexation review board under subsection
27 (d).

28 [(f) All costs incurred pursuant to this section shall be paid by
29 the city if the annexation is not approved. If the annexation of a
30 part, but not all, of the land sought to be annexed is approved by
31 the board, the city shall pay costs in an amount which is propor-
32 tionate to the amount approved to be annexed. All costs incurred
33 pursuant to this section shall be paid by the landowners whose land
34 is annexed pursuant to the approval of the board.

35 [Sec. 3. K.S.A. 12-520 is hereby amended to read as follows:
36 12-520. (a) ~~Except as hereinafter provided,~~ The governing body of
37 any city, by ordinance, may annex land to such city if any one or
38 more of the following conditions exist:

39 [(1) *Subject to the provisions of section 2, and amendments thereto,*
40 the land is platted, and some part of the land adjoins the city.

41 [(2) The land is owned by or held in trust for the city or any
42 agency thereof.

43 [(3) The land adjoins the city and is owned by or held in trust

1 for any governmental unit other than another city, except that no
2 city may annex land owned by a county which has primary use as
3 a county-owned and operated airport, or other aviation related
4 activity or which has primary use as a county owned and operated
5 zoological facility, recreation park or exhibition and sports facility
6 without the express permission of the board of county commis-
7 sioners of the county.

8 [(4) The land lies within or mainly within the city and has a
9 common perimeter with the city boundary line of more than 50%.

10 [(5) The land if annexed will make the city boundary line
11 straight or harmonious and some part thereof adjoins the city, ex-
12 cept no land in excess of 21 acres shall be annexed for this purpose.

13 [(6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins
14 the city, except no tract in excess of 21 acres shall be annexed
15 under this condition.

16 [(7) The land adjoins the city and a written petition for or con-
17 sent to annexation is filed with the city by the owner.

18 [(b) No portion of any unplatted tract of land devoted to agri-
19 cultural use of 21 acres or more shall be annexed by any city under
20 the authority of this section without the written consent of the
21 owner thereof.

22 [(c) No city may annex, pursuant to this section, any improve-
23 ment district incorporated and organized pursuant to K.S.A 19-
24 2753 *et seq.*, and amendments thereto, or any land within such im-
25 provement district. The provisions of this subsection shall apply to
26 such improvement districts for which the petition for incorpora-
27 tion and organization was presented on or before January 1, 1987.

28 [(d) Subject to the provisions of this section and subsection (e)
29 of K.S.A. 12-520a, and amendments thereto, a city may annex, pur-
30 suant to this section, any fire district or any land within such fire
31 district.

32 [(e) Whenever any city annexes any land under the authority
33 of paragraph 2 of subsection (a) which does not adjoin the city,
34 tracts of land adjoining the land so annexed shall not be deemed
35 to be adjoining the city for the purpose of annexation under the
36 authority of this section until the adjoining land or the land so
37 annexed adjoins the remainder of the city by reason of the annex-
38 ation of the intervening territory.

39 [(f) No city may annex the right-of-way of any highway under
40 the authority of this section unless at the time of the annexation
41 the abutting property upon one or both sides thereof is already
42 within the city or is annexed to the city in the same proceeding.

43 [(g) The governing body of any city by one ordinance may an-

1 **nex one or more separate tracts or lands each of which conforms**
2 **to any one or more of the foregoing conditions. The invalidity of**
3 **the annexation of any tract or land in one ordinance shall not affect**
4 **the validity of the remaining tracts or lands which are annexed by**
5 **the ordinance and which conform to any one or more of the fore-**
6 **going conditions.**

7 **[(h) Any owner of land annexed by a city under the authority**
8 **of this section, within 30 days next following the publication of the**
9 **ordinance annexing the land, may maintain an action in the district**
10 **court of the county in which the land is located challenging the**
11 **authority of the city to annex the land, *the reasonableness of the an-***
12 ***nexation* and the regularity of the proceedings had in connection**
13 **therewith.**

14 **[Sec. 4. K.S.A. 12-520 is hereby repealed.]**

15 **Sec. ~~2~~ [5.]** This act shall take effect and be in force from and after
16 its publication in the statute book.