

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2509

As Amended by Senate Committee on Ethics,
Elections and Local Government

Brief*

HB 2509, as amended, would add law related to the vacation of town plats within the city of Americus. The bill would also amend law related to the vacation of territory or easements within cities throughout the state of Kansas.

City of Americus

The bill would vacate lots dedicated for a college and a park in the original town plat of the City of Americus from that dedication. The bill would confer fee simple titles to the lots to the City of Americus, of which the city's governing body could dispose of at its discretion.

Street Vacation Authorization

The bill would amend a statute to remove redundancy with continuing law and make conforming changes. Continuing laws (KSA 13-443, 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 any addition to a city or a street, public easement, dedicated building setback lines, or access

*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>

control, 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, it was determined the request of the petitioner should be granted. The bill would remove provisions regarding reimbursement for services under certain circumstances after an annexation by consent.

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

As amended, the bill includes provisions of HB 2509 and HB 2583.

HB 2509 (City of Americus)

The bill was introduced by the House Committee on Local Government at the request of Representative Schreiber.

In the House Committee hearing, Representative Schreiber and a representative of the League of Kansas Municipalities (LKM) provided proponent testimony on the bill, stating the legislation is necessary to vacate the lots and allow the City of Americus to utilize them for another purpose.

Written-only proponent testimony was provided by the City of Americus. No neutral or opponent testimony was provided.

The House Committee recommended the bill be placed on the Consent Calendar.

In the Senate Committee on Ethics, Elections and Local Government hearing, Representative Schreiber and a representative of the LKM provided proponent testimony. No neutral or opponent testimony was provided.

The Senate Committee amended the bill to add the contents of HB 2583 relating to the vacation of territory and easements.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the LKM indicates enactment of the bill would have a fiscal effect only on the City of Americus.

HB 2583 (Vacation of Territory and Easements)

The bill was introduced by the House Committee on Local Government at the request of the LKM.

In the House Committee hearing, a representative of LKM provided proponent testimony. The representative stated the legislation would clean up statutory language and clarify the street vacation process. Additionally, the representative noted specific statutes for street vacation initiated by local governments, which are based on a city's classification, are utilized instead of the general provisions found in KSA 12-504. No neutral or opponent testimony was provided.

In the Senate Committee on Ethics, Elections and Local Government hearing, a representative of the LKM provided proponent testimony. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on HB 2583, the Office of Judicial Administration indicates the bill would have a negligible fiscal effect on the Judicial Branch. The 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*.