

Date: February 16, 2016

To: House Local Government Committee

From: Larry R. Baer
General Counsel

Re: HB 2642
Written Neutral Testimony with Comments

Thank you for allowing me to present testimony on House Bill 2642 today on behalf of the League of Kansas Municipalities and its member cities.

As written, HB 2642 addresses a situation that came to light recently regarding the replatting of an area and the desire to vacate existing streets within the area to be replatted. Current law is unclear as to the nature of notice to be given, or if notice is required.

HB 2642 is an attempt to address this. It is a blend of K.S.A. 2015 Supp. 12-752, regarding replat of an area, and K.S.A. 12-504, *et seq.*, regarding vacation of streets, etc. This creates a method to accomplish both processes at one time. However, it may still have inefficiencies and, potentially, inconsistencies in it. Therefore, we believe that more time should be spent studying the matter.

Also, replatting of an area, particularly when coupled with vacation of streets or alleys that may revert to adjoining landowners can change legal descriptions. This could have an adverse impact upon title and abstracting standards as well as impacting legal documents, such as mortgages and other encumbrances that have been filed regarding property in the area proposed to be replatted.

Although the League neither opposes nor supports the changes proposed in HB 2642, we believe that there are certainly issues, particularly notice, and potential title, abstract and banking related ones, that require further study before the committee takes any final action on HB 2642.

Thank you.