

HOUSE BILL No. 2461

By Representative Burroughs

2-7

9 AN ACT relating to eminent domain; concerning blighted property;
10 amending K.S.A. 2006 Supp. 26-501b and repealing the existing
11 section.
12

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

14 Section 1. K.S.A. 2006 Supp. 26-501b is hereby amended to read as
15 follows: 26-501b. On and after July 1, 2007, the taking of private property
16 by eminent domain for the purpose of selling, leasing, or otherwise trans-
17 ferring such property to any private entity is authorized if the taking is:

18 (a) By the Kansas department of transportation or a municipality and
19 the property is deemed excess real property that was taken lawfully and
20 incidental to the acquisition of right-of-way for a public road, bridge or
21 public improvement project including, but not limited to a public build-
22 ing, park, recreation facility, water supply project, wastewater and waste
23 disposal project, storm water project and flood control and drainage
24 project;

25 (b) by any public utility, as defined in K.S.A. 66-104, and amend-
26 ments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and
27 amendments thereto, pipe-line companies, railroads and all persons and
28 associations of persons, whether incorporated or not, operating such
29 agencies for public use in the conveyance of persons or property within
30 this state, but only to the extent such property is used for the operation
31 of facilities necessary for the provision of services;

32 (c) by any municipality when the private property owner has acqui-
33 esced in writing to the taking;

34 (d) by any municipality for the purpose of acquiring property which
35 has defective or unusual conditions of title including, but not limited to,
36 clouded or defective title or unknown ownership interests in the property;

37 (e) by any municipality for the purpose of acquiring property which
38 is unsafe for occupation by humans under the building codes of the ju-
39 risdiction where the structure is situated;

40 (f) expressly authorized by the legislature on or after July 1, 2007, by
41 enactment of law that identifies the specific tract or tracts to be taken. If
42 the legislature authorizes eminent domain for private economic devel-
43 opment purposes, the legislature shall consider requiring compensation

- 1 of at least 200% of fair market value to property owners;
- 2 (g) *by any municipality, within the corporate boundary of such mu-*
3 *nicipality, for the purpose of remediating blight. As used in this section,*
4 *“blighted property,” “blighted” or “blight” means any developed property*
5 *which:*
- 6 (I) *Presents any of the following conditions:*
- 7 (A) *Uninhabitable, unsafe or abandoned structures;*
- 8 (B) *inadequate provisions for ventilation, light, air or sanitation;*
- 9 (C) *an imminent harm to life or other property caused by fire, flood,*
10 *tornado, storm or other natural catastrophe and the property owner has*
11 *failed to take reasonable measures to remedy the harm;*
- 12 (D) *a site identified by the federal environmental protection agency*
13 *as a superfund site pursuant to 42 U.S.C. § 9601, et seq., or environmental*
14 *contamination to an extent that requires remedial investigation or a feas-*
15 *ibility study;*
- 16 (E) *repeated illegal activities involving controlled substances, prosti-*
17 *tution or promoting prostitution on the individual property of which the*
18 *property owner knew or should have known; or*
- 19 (F) *the maintenance of the property remains in violation of state law*
20 *or municipal nuisance code requirements and has received at least three*
21 *notices for code violations within one year and such code violations have*
22 *been abated by the municipality, except that this paragraph shall not*
23 *apply to the removal or abatement of grass, weeds or other vegetation*
24 *from such property.*
- 25 (2) *Property shall not be deemed blighted because of esthetic*
26 *conditions.*
- 27 (3) *In no case shall land that is agricultural land be determined to be*
28 *in a blighted condition.*
- 29 (4) *For the purposes of this subsection:*
- 30 (A) *“Agricultural land” means any interest in real property that is*
31 *privately owned and satisfies any one of the following criteria:*
- 32 (i) *Is classified pursuant to article 11, section 1, of the Kansas con-*
33 *stitution as devoted to agricultural use;*
- 34 (ii) *is a feedlot, confined feeding facility or public livestock market;*
35 *or*
- 36 (iii) *is a farm home.*
- 37 (B) *“Confined feeding facility” means any lot, pen, pool or pond:*
- 38 (i) *Which is used for the confined feeding of animals or fowl for food,*
39 *fur or pleasure purposes;*
- 40 (ii) *which is not normally used for raising crops; and*
- 41 (iii) *in which no vegetation intended for animal food is growing.*
- 42 (C) *“Corporate boundary” means the jurisdictional boundary of the*
43 *municipality, specifically the city limits or county line, and does not in-*

1 *clude an urban growth area or area designated by a planning or zoning*
2 *commission in accordance with K.S.A. 12-754, and amendments thereto.*

3 (D) *“Farm home” means any tract of land which contains a single-*
4 *family residence, is adjacent to agricultural land and is occupied by an*
5 *individual or individuals engaged in farming operations.*

6 (E) *“Farming” means the cultivation of land for the production of*
7 *agricultural crops, the raising of poultry, the production of eggs, the pro-*
8 *duction of milk, the production of fruit, sod, or other horticultural crops,*
9 *grazing or the production of livestock.*

10 (F) *“Feedlot” means a lot, yard, corral, confined feeding facility or*
11 *other area in which livestock are fed for slaughter and are confined and*
12 *such additional acreage as is necessary for the operation of the feedlot.*

13 (G) *“Livestock” means cattle, sheep, swine, horses, mules, asses,*
14 *goats, aquatic animals, domesticated deer, all creatures of the ratite family*
15 *that are not indigenous to this state, including, but not limited to, os-*
16 *triches, emus and rheas, and any other animal which can or may be used*
17 *in and for the preparation of meat or meat products.*

18 ~~(g)~~ (h) *This section shall be part of and supplemental to the eminent*
19 *domain procedure act.*

20 *Sec. 2. K.S.A. 2006 Supp. 26-501b is hereby repealed.*

21 *Sec. 3. This act shall take effect and be in force from and after its*
22 *publication in the Kansas register.*