

MINUTES OF THE Senate COMMITTEE ON Local GovernmentThe meeting was called to order by Senator Don Montgomery at
Chairperson9:04 a.m./~~PM~~ on Tuesday, March 26, 1985 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Theresa Kiernan, Lila McClaflin

Proponents:

Conferees appearing before the committee: Rep. Ginger Barr, Topeka, Rep. Nancy Brown, Stanley, Rep. Marvin Smith, Topeka, Rep. Elizabeth Baker, Derby, Tom Albert, Plainville, Onis Lemon, Topeka, John Alley, DeSoto, Karen Franklin, Topeka, G. T. Soper, Topeka, Dennis Swartz, Tecumseh, Carl W. Quarnstrom, Topeka, and Bev Bradley, Kansas Assn. of Counties

Opponents:

Mayor Doug Wright, City of Topeka, Jerry Smetana, City Attorney of Plainville, Robert Lakin, Wichita-Sedgwick County Metropolitan Planning Commission, Price Banks, Director, Lawrence-Douglas County Planning Commission, Mac Manning, City Administrator, City of Valley Center, and Chris McKenzie, League of Kansas Municipalities

The chairman called the meeting to order.

The hearing on H.B. 2117 was opened. This bill would establish a procedure for property owners to protest annexation by cities and require a hearing before the Board of County Commissioners.

Rep. Barr, Rep. Brown and Rep. Smith are co-sponsors of the bill and testified in support of it. Representatives Barr, Brown and Smith all presented written testimony and is a part of these minutes. Numbered (attachment 1, 2 and 3). Rep. Barr gave a brief history of why the bill was introduced.Rep. Elizath Baker, Derby, Ks. was the second proponent her written testimony is a part of these minutes (attachment 4).Other proponents that testified are as listed and they all presented written testimony which is attached to these minutes.Tom Albert, Plainville (attachment 5)
Onis Lemon, Topeka (attachment 6)
John Alley, DeSoto (attachment 7)
Karen Franklin, Topeka (attachment 8)
Gerald T. Soper, Topeka (attachment 9)
Dennis Swartz, Tecumseh (attachment 10)
Carl Quarnstrom, Topeka (attachment 11)Bev Bradley, Ks. Assn. of Counties, presented written testimony and she was ask to return another day so that the hearing could continue with the opponents. Her testimony is attachment 12.

Conferees in opposition to H.B. 2117 were:

Mayor Doug Wright, City of Topeka (attachment 13)

Jerry Smetana, City Attorney of Plainville, KS. This bill would make it costly for small cities to prepare for the very basic annexation and create a burden for county commissioners when they need to be working with cities.

Robert Lakin, Wichita, Sedgwick County Metropolitan Planning Commission, stated this bill would create more improvement districts and more units of local government. People like all of the benefits of a city, without, the taxes, there are no free rides.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,
room 531-N, Statehouse, at 9:04 a.m./~~PM~~ on Tuesday, March 26, 1985

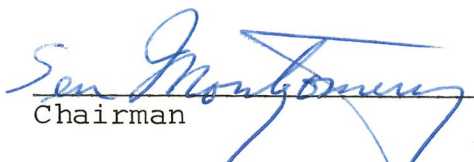
Price Banks written testimony is attachment 14.

Mac Manning stated it would cut out growth of annexation of second and third class cities. He felt there was a better way to hear the concerns of the people.

Chris McKenzie, League of Kansas Municipalities written testimony is attachment 15, but Mr. McKenzie will return another day to present it as the committee time ran out.

Several other conferees were asked to return, when the committee takes up the bill again.

The meeting adjourned until Wednesday, March 27, 1985.


Chairman

Date: March 26, 1985

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
Dorothy Robinson		1717 Valley Glen Rd. Topeka, Ks
Conrad Robinson		1717 Valley Glen Rd. Topeka, Ks
Rebecca Wasson		2965 SW Whinsboro Topeka, Ks
Gerry Ray	Johnson Co. Commissioners	Olathe
Fred Allen	N. A. C.	Topeka
Ben BRADLEY	Ks Assoc Counties	LAWRENCE
Tom Glinstra	City of Olathe	Olathe
Randall Graves	City of Olathe	"
Scott Lambros	CITY OF O.P.	O.P.
Jerry Smetana	City of Plainville	Plainville
Paul Hancock	City of Plainville	Plainville
DOUG WRIGHT	CITY OF TOPEKA	Topeka, Ks
Chris McKenzie	League of Ks. Municipal	Topeka, Ks
MAC MANNING	CITY OF VALLEY CENTER	VALLEY CENTER Ks
ANDRES ZACHARIAH	City of Lawrence	Lawrence
PRICE T. BANKS	CITY OF LAWRENCE	LAWRENCE
Tom Albert	PLAINVILLE BUR AL	PLAINVILLE
Kim C. Dewey	WICHITA SENSWICK Co.	WICHITA
Chris J. Jensen	Mission Township Topeka	Topeka Ks.
JOHN AULEY	JOHNSON COUNTY, RE-MAR	DE SOTO, Ks
Martha Marshall	"	"
Maurice Martin	none	Topeka

GINGER BARR
REPRESENTATIVE FIFTY-FIRST DISTRICT
SHAWNEE COUNTY
P.O. BOX 58
AUBURN, KANSAS 66402



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN GOVERNMENTAL ORGANIZATION
MEMBER ENERGY AND NATURAL RESOURCES
FEDERAL AND STATE AFFAIRS

Testimony by Rep. Ginger Barr on House Bill 2117 before the Senate
Local Government Committee

Thank you Mr. Chairman and Members of the Committee.

I stand before you concerning House Bill 2117, which is important proposed legislation for many Kansas citizens. This bill addresses and the sponsors believe solves some of the problems in our annexation law. That major problem being, if annexed you have taxation without representation. You will hear testimony today from citizens who live in various areas of the state that share a common interest in the unfairness of existing unilateral annexation law by cities.

I want to make myself perfectly clear; this bill does not, prohibit annexation. I repeat, it does not prohibit annexation, nor was it the intent of the sponsors to do so. All this bill does is give rights to taxpayers. That they may have an opportunity to vote on their destiny; to be, or not to be annexed.

The present law reads that if a city wants to annex a particular area that is contiguous to it, that the people being annexed really don't have a voice in the matter.

Presently, the citizens can come before the city government and state they don't want to be annexed, but it's just a formality. Therefore, the sponsors of this bill tried to come up with a solution that would allow cities to grow, but also give taxpayers the right of representation. We choose to have those people being annexed given

the right to vote.

The committee felt that the vote of the people was too restrictive on cities, so a compromise was made between the sponsors and some committee members. Therefore, the following amendments were passed by the committee, stating the following criteria:

1. That the cities continue to have the right to annex.
2. That if 51% of the property owners and owners of 51% of the property sign a petition stating that they do not want to be annexed, that a hearing will be scheduled not less than 30 days following the certification of petition.
3. This hearing will be heard by the county commissioners of the area to be annexed. It would take a majority of the county commissioners to accept or reject annexation.
4. There is also a guide in the bill in determining advisability of the proposed annexation. You see them on pages 4 & 5 of the bill.

The burden is placed on those who don't want to be annexed, not the cities. Line 99 of the bill is very important. It again shows the intent of the authors in the original draft of the bill not to prohibit expansion of the city or annexation. The language provides that in the event there is land which adjoins the city, and the owner consents to the annexation, (such as a homebuilder) that the land could be annexed into the city.

The main reason why this bill is introduced is because some city governments are motivated to annex to solely increase the tax base.

Let me ask you: who in this chamber would vote to increase their constituents taxes by 37 mills? I doubt if there is one legislator that would do that. But yet, the cities have the capability of increasing in my particular area the mill levee by approximately 37

mills. These people would have no representation with any of their elected officials stating that this should or should not be done.
My constituents feel that this is taxation without representation!

A developer or a group of citizens may go out to a rural area to create their own development. Perhaps the setting is appealing. They may like to live with larger lots so they may have a horse or they may like the solitude of country living. People may move out of a city because the city does not offer what they desire.

If a developer or group of people desire this, it is sometimes necessary for them to provide their own streets, put in sewers or septic tanks, become part of a township government, hook on to a rural water district. It's work, sometimes more expensive than living in the city, but worth it to some.

Now everyone is happy until the city "happens" to grow and becomes contiguous with the city. Then the city says -- "You are contiguous with the city, we want to annex you and raise your taxes by 37 mills and I'm not going to provide you any additional services you don't already have."

If you believe in local control, if you believe the people should have some control over their destiny, then there is no reason not to vote for this bill. Again, it does not preclude annexation. The League of Municipalities should not be afraid of the compromised bill as amended in committee. If the cities have benefits to give to these people, then people are usually willing to pay for a benefit. What the cities and league are concerned about is that they're going to have to prove their worthiness to annex a particular area. They're going to have to go and market their services and benefits to these people.

Perhaps if unilateral annexation is not such an easy process, the cities would look at the benefits that they provide within their boundaries and look to positive thoughts and work to take care of what they already have. Remember thinking that bigger is always better is not always true.

City annexation has been arbitrary in my county. I doubt if the City of Topeka would ever annex Goodyear, because Goodyear would perhaps shut down or threaten to do so. Naturally, those jobs are important to the City of Topeka and the County of Shawnee. City fathers and the people who represent the League of Municipalities can say we won't annex some industry because they may pull out. Therefore, business has some type of leverage, but homeowners don't have this leverage. Cities don't have to show their worth to homeowners. The sponsors believe the law needs a reasonable basis for annexation and perhaps open up communication between city fathers, counties, and townships. Remember--every time a city annexes it erodes the township tax base.

I have empathy for city and county planners, as well as developers on the necessity to plan for future development. But something needs to be done to force parties to communicate about their needs, wants, and future plans. Let's know the rules before we start to play the game.

I hear arguments that if you build a new development close to the city, you should know that you will be annexed at some time in the near future. But what happens if you live in "urban sprawl" for 10-15-20 years, and the city happens to grow towards you. There is no guarantee that a city will or will not grown or in what direction. No one would purchase a home, the major investment of their life, with the idea the city would come to them in 15 years and then provide services.

What if the city didn't? It is necessary for these people to be self-sufficient either through septic tanks, township government and rural water district.

Please -- give these people some representation through elected county officials concerning their taxation.

Again, I reiterate, this bill does not prohibit annexation or growth and was not the intention of the sponsors. If anyone says it prohibits annexation, it is a smokescreen and not the truth. It only places worthiness on the municipality. They have to justify to the people the need for its services. Cities should do a better job of future planning, not only on paper, but with the citizens as well. I urge your favorable consideration of these positive changes in the annexation statutes. They provide protection to those to be annexed, but they still permit flexible annexation by developers who desire city support. The cost of this protection is minimal. The benefits to the citizens of this state are significant.

Editorials/Opinion

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THE WICHITA EAGLE-BEACON

Saturday, March 23, 1985

Norman J. Christiansen, *President and Publisher*

Davis Merritt Jr., *Executive Editor*

Peter B. Ridder, *General Manager*

George Neavoll, *Editorial Page Editor*

William R. Handy, *Managing Editor*

2D

Annexation: Developers Win

I read with amusement your March 12 editorial, "Let State Annexation Laws Stand." By opposing the proposed annexation law, HB 2117, you indicate that the opinions of residents in the areas in question are irrelevant to the city's right to expand. With the present laws, county citizens have no legal way of stopping annexation.

You repeated the city's arguments that county residents constantly drive on city roads and contribute to their decay without contributing to their repairs. County drivers do not use city streets just to tear them up; they use them to get to Wichita businesses and contribute to the economic health of the city.

I had to laugh when I read your

Public Forum

Original letters expressing all points of view are welcome. Letters must be signed and include the writer's true name, address and telephone number, if any. Only name and city will be published. Those letters accepted for publication are subject to editing and condensation. Shorter letters usually will be published more quickly.

statement, "Considering that such residents, upon annexation, get such city services as fire and police protection in return, has annexation truly harmed them?" In case you are unaware, the county provides these services for us already. Police reaction time is rea-

sonably quick, and my county fire station is about a mile from our house.

We hear about annexation as a way to raise revenues for the city of Wichita, but short-term planning in some cases has only drained the budget. In an area recently annexed (the area between Maple and U.S. 54, from Maize Road to 119th), the city has planned improvements on the area's roads and plans to hook them up to city sewer lines. Most of the residents in the area say these changes are unnecessary, and although their property taxes will increase, the projects will cost the city about \$3.6 million.

Inconsistencies in the treatment of those annexed makes one wonder about the city's motives. The residents of Callahan-Westport Addition had to wait four years before the city appropriated funds to put in badly needed sewer lines the city had promised them. However, the Rainbow Lakes area was immediately hooked up to city water and sewer lines, being piped out to an area where developers were in the process of building new houses.

It seems that neither the city nor the taxpayers profit from uncontrolled annexation. As in most city programs, the big winners are the developers.

CHRIS OTTO
Wichita

STATE OF KANSAS

MARVIN E. SMITH
REPRESENTATIVE, FIFTIETH DISTRICT
SHAWNEE AND JACKSON COUNTIES
123 N E 82ND STREET
TOPEKA, KANSAS 66617



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ASSESSMENT AND TAXATION
EDUCATION
TRANSPORTATION

March 26, 1985

Mr. Chairman and Members of the Senate Local Government Committee:

I appear before you today to encourage you to support the merit of HB 2117.

Surely the time has arrived when the resident owners, as qualified electors, of an area proposed for annexation might have an opportunity to be a part of decision making process.

If annexation will provide services and or benefits that are needed by the proposed area to be annexed - surely a majority of the voters will support annexation. On the other hand, if all the municipality wants is to increase the area in the city and more importantly grab tax base, then I believe the resident owners of property affected should have an opportunity for a hearing by the county commissioners.

A typical example of a tax base grab happened in the northwest part of Topeka more than 10 years ago in the area from Goodyear to the Kansas river. Most of that was devoted to agriculture, vegetable farming, growing of nursery stock, as well as corn, wheat, and alfalfa. Records will show very, very few building permits have been issued in the area annexed.

Attached is Exhibit I which is an article on page 9 in the January 1, 1985, issue of the Grass and Grain publication. The article indicates the dilemma which Robert and Barbara McDowell here in Shawnee County have become victimized.

May I suggest to you, surely before our great state celebrates its 125th anniversary of Statehood next January 29, 1986, that we can unashamedly say to the citizens who might be subject to annexation efforts - you have the ability to determine by election process annexation proposals or the very least, an opportunity to petition for a hearing before the county commission.

(attachment 2)

3/26/85

MARVIN E. SMITH
 REPRESENTATIVE, FIFTIETH DISTRICT
 SHAWNEE AND JACKSON COUNTIES
 123 N.E. 82ND STREET
 TOPEKA, KANSAS 66617



TOPEKA

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Decision On Annexation Of Land To Be Landmark Case For Farmers

By Frank J. Buchman

Cities can gobble up farm-land at their desire if a court decision upholds land annexation proceedings now in Topeka.

But one land owner and his attorney are appealing the action and the outcome will be a landmark decision for other farmers living at the edge of large cities.

Robert and Barbara McDowell own a 60-acre tract on the west side of Wanamaker, south of the old city limit that was where 31st Street would be if a street were there.

The owners are seeking a court order to nullify the city's recent annexation of the property.

If the challenge is upheld by the court, it would nullify a total annexation by the city of 125 acres on the west side of Wanamaker as far south as 37th Street.

The property to the south of the McDowell land is a new development called Shadywood West Subdivision. The owners of that development had consented to being annexed to the city.

Because Shadywood West was not immediately adjacent to the former city limit, the city marked off a 20-acre piece of the McDowell property for annexation as a corridor to connect the old city limit with Shadywood West.

In a third annexation, the city took in another 24 acres of

the McDowell property.

Previous laws, according to McDowell, had permitted "jumping pieces of land" to include additional property within the city, but changes have been made so now city property must be continuous.

No action has been taken for the remainder of the McDowell acreage which includes their home. McDowell has used the property for boarding horses, grazing and hay land.

The McDowell's are contending the city violated state law in drawing the arbitrary line across their land, where no other division line exists, and annexing the 20 acres that is the maximum the city could annex under state law with-

out the consent of the owner.

John Hamilton, Topeka attorney representing the McDowells, said he did not believe that is what the Legislature had in mind when it said a city can annex up to 20 acres without the owner's consent.

He said if that was the intent, a city could annex a 1,000-acre farm, 20 acres a month. In a period of 50 months, the city would have annexed the whole farm.

McDowell said it was his understanding that the Legislature set the limit of 20 acres specifically to prevent cities from annexing undeveloped property without the consent of the owner.

"I think the city's position is ridiculous. But if it is upheld,

in theory, Topeka could gobble up all the land from here to Manhattan," Hamilton said.

"That's the reason the law was written, to prevent takeover of a farm unit under one ownership. Land annexation is a simple procedure, but a question of the law on which we'll present legal arguments and the judge will have to make a decision," he added.

It is believed that Topeka's growth to the south and west intends to include Lake Sherwood which attaches to the first annexation.

Topeka Mayor Doug Wright limited comment to: "We will try our case in court."

McDowell is optimistic for

his side, but desires to talk to others who have had similar cases or those who can provide assistance.

Car Prices Up 2 Percent

Detroit said 1985 price increases averaged \$125 to \$292, or 1.2 percent to 2.3 percent. An analysis shows the prices went up \$240 to \$723, or 2.6 to 8.2 percent.

The base price of a 1985 domestic car is \$10,278, up from \$9,800 in 1984, a \$478, or 4.8 percent, bump.

Grass & Grain **9**
 JANUARY 1, 1985

MANHATTAN
COMMISSION CO. INC.
LIVESTOCK AUCTION



NANCY BROWN
 REPRESENTATIVE, 27TH DISTRICT
 15429 OVERBROOK LANE
 STANLEY, KANSAS 66224



TOPEKA

COMMITTEE ASSIGNMENTS
 MEMBER: COMMUNICATIONS, COMPUTERS AND
 TECHNOLOGY
 GOVERNMENTAL ORGANIZATION
 TRANSPORTATION

HOUSE OF
 REPRESENTATIVES
 TESTIMONY - HB 2117

before
 SENATE LOCAL GOVERNMENT COMMITTEE
 March 27, 1985

HB 2117 is important to many people in my district, as annexation occurs frequently in a fast growing area like Johnson County. Many of the annexations that have occurred have been good for the cities, county, and people, but there are horror stories that should not have happened.

For the past four years the people in my district have worked with former Representative David Webb on an annexation bill. They have testified before the House Local Government Committee many times, as they did this year. While they were willing, even anxious, to come before your Committee, I assured them that I would convey their feelings to the Committee since I know your time is valuable and there are many other individuals to come before you today regarding this bill.

They urge you, as I do, to carefully consider HB 2117. It is time for something to happen to provide the opportunity for the people in the area to be annexed to have their views heard, acknowledged, and respected. It is time for the cities to responsibly address annexation, and to take into consideration the numerous points in the bill, prior to annexation discussions. It is time for the cities, counties, townships, people, and legislators to responsibly and reasonably address annexation issues.

I support HB 2117 because it is a bill that is important to the people in the State of Kansas, and I am here to represent people, as you are. I support HB 2117 because it insures dialogue between all parties involved in the annexation process, the cities, the counties, the townships, and most important, the people. I support HB 2117 because it will not prevent growth, but will enhance growth and insure planned, meaningful growth. I support HB 2117 because America is a democracy by and for the people. Freedom of speech, due process, self-determination are all embodied in HB 2117. I urge your favorable consideration.

ELIZABETH BAKER
 REPRESENTATIVE, EIGHTY-SECOND DISTRICT
 SEDGWICK COUNTY
 1025 REDWOOD RD.
 DERBY, KANSAS 67037



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ELECTIONS
 EDUCATION
 LOCAL GOVERNMENT

TO: Senate Local Government Committee

FROM: Representative Elizabeth Baker

DATE: March 26, 1985

RE: House Bill 2117

For those of us who have served on Local Government Committees in past years, the issue presented by House Bill 2117 has been discussed in a spate of prior hearings. Annexation and its surrounding problems are perennial visitors to legislative sessions. Many veteran legislators having heard the now familiar litany expounded by the various interests involved in annexation, have developed a skin resiliency reminiscent of a pterodactyl. Nevertheless, the problems continue. The concensus of opinion among a majority of legislators is that this is the year to address and permanantly dispose of this issue.

Clearly House Bill 2117 is a departure from the traditional philosphy of annexation. It vests final decision making authority in the county commission. On the surface this bill appears to be a dramatic departure from the status quo, but on closer examination it is an understandable, responsible position to have assumed. It is the county commission who determines whether an area is to be incorporated; therefore, it is logical to infer, that if an area is to be annexed that the county commission assume the deciding vote in this decision making process. Moreover, county commissioners are the single group of elected officials who are responsible to everyone in the county. It is only reasonable that they cast the final vote.

An additional confirming statistic is that the overwhelming majority of all annexations are uncontested. This bill only addresses contested annexations and provides many safeguards for cities through the list of factors to be considered.

It is interesting to note that at these committee hearings there are never property owners nor residents protesting this type of proposed legislation. It is found to be distasteful only to bureaucrats employed by the municipalities who have abused their annexation priveleges For too long, their egregious conduct has remained unchecked.

Each session when this problem surfaces, proponents of the present system offer alternative solutions that span the spectrum from establishing boundary committees to requesting a task force. This reaction should send a clear message to the legislature. The opponents of this legislation absolutely recognize the fundamental unfairness of the present system.

It is the responsibility of our legislature to establish public policy that is in the best interest of Kansans. House Bill 2117 does just that. Mr. Chairman, I prevail upon you and the members of this committee to recommend House Bill 2117 favorably for passage.

EB/bs

(attachment 4)

3/26/85



It's right
for
right
now

Mr. Chairman, Ladies and Gentlemen of the committee.

I am Tom Albert of Plainville. We are here to ask for your support of HB 2117.

We live in an area on the east edge of Plainville that the city wants to annex into the city limits. This area would be about 3 blocks north and south and about 6 blocks east and west. There is about 20 houses and 1 oil field service co. in this area.

Mr. Brummitt, who is here with me, and I each have about 4 to 5 acres with 500 feet of road frontage. A large draw runs thru the center of it making it unfit for development.

We have talked to the Mayor and City Council as to why they want to go to the expense of annexing us. They say they want it for taxes. When we ask what services they would provide the Mayor replied "Nothing that we don't have to". They said that they would put in city water but any street repair or sewer would be billed to the property owner. We all have our own private water wells and septic tanks.

Mr. Brummitt and I have barns and corrals that we keep some calves in during the winter months. The Mayor says this will be forbidden if we are annexed.

All of the property owners in this area have signed a petition to stay out of the city but we have no legal rights as the law now stands.

We don't want to hinder the growth of the city but they have annexed land south, west, and north of town that the owners want to develop. One owner has about 6 or 8 city blocks all developed and has been able to sell only 2 lots in the past year.

The mill levy for our township is about 58 mills and the city is about 136 mills. The increase in taxes and assessments would be more than some of the people could afford.

This is not a new area as most of the houses are 40 years old or older. The city checked into annexing us about 20 years ago and decided it would cost more than they gain.

These houses all face a county road that encircles the area and the center is farm land.

Again we ask for your support of this Bill as it is our only hope.

THANK YOU
Tom Albert
RR 2 BOX 55
Plainville, Ks
67663
Tel. 913-434-2644

(attachment 5)

3/26/85

AMS/OIL DEALER

Annexation: Developers Win

I r. with amusement your March 12 editorial, "Let State Annexation Laws Stand." By opposing the proposed annexation law, HB 2117, you indicate that the opinions of residents in the areas in question are irrelevant to the city's right to expand. With the present laws, county citizens have no legal way of stopping annexation.

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sonably quick, and my county fire station is about a mile from our house.

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It seems that neither the city nor the taxpayers profit from uncontrolled annexation. As in most city programs, the big winners are the developers.

CHRIS OTTO
Wichita

Senator Don Montgomery

Senate Local Government Committee

3-26-85

Capitol Bldg. - Topeka, KS.

I am Onis Lemon, Treasurer of Mission Township, Shawnee County, Topeka, Kansas.

I am here on behalf of the Township Board to support House Bill #2117 relating to annexation. We want to emphasize that as officials of Mission Township we are NOT against annexation in general, however, we are against the current procedures in how the city annexes.

We feel that the people in our Township should have some voice in whether or not they WANT to be annexed.

The current procedures is Taxation without representation.

Mission Township borders the City of Topeka. In the last few years we have lost a considerable amount of our tax base to the city and we stand to loose a great deal more in the future. From our best estimates, the mill levy increases from the Township to the city are from 37-40 mills and the people don't receive anything more than they have now. In fact, they loose their snow removal and in some cases are further removed from their fire protection.

As Tax Payers we think we should have some voice regarding annexation. Therefore, we would ask that House Bill #2117 be passed.

THANK YOU



Onis Lemon, Treasurer

Mission Township

(attachment 6)

3/26/85

Testimony before the Senate committee on Local Government

March 26, 1985

HB 2117, concerning annexation

presented by John Alley, a resident of Rik-Mar subdivision,
Johnson County, Kansas; speaking on behalf of all resident property owners therein

We want to begin by stating that we can certainly understand the reluctance of parties who have a vested interest in the growth of towns and cities to support this bill. They fear that their growth might be jeopardized if private citizens were allowed any collective voice in whether their government, taxes, and services can be changed against their will.

However, we have found ourselves in a position to understand some shortcomings of the existing law and abuses that may take place under it. To be specific, we are a neighborhood of 24 homes in unincorporated Johnson County. All of us bought our homes with a complete understanding of the jurisdiction along with the property tax schedule and the property use covenants adopted by that neighborhood.

In November of last year, we were served with papers advising us that, by simple resolution, the city of DeSoto had decided that our neighborhood should become a part of that city.

Our research soon turned up the fact that we, as property owners and citizens, had absolutely no rights nor recourse in the matter. We found that the city was complying with a technicality of the law which states that we are contiguous to their city limits by virtue of three sections of land that touch only at their corners over a distance of a mile.

We found that our mill levy for property taxes would increase by 18.3%. We have absolutely no voice in this tax increase. We would be remiss if we did not note that the Declaration of Independence specifically states that an American cause for confrontation with the British Empire was "For imposing Taxes on us without our Consent."

We found that the so-called "Service Extension Plan" that is mandated by existing law says virtually nothing. The city's only commitment to financial expenditure in the entire three page document was \$100 annually to repair and maintain approximately one mile of road in the area. In the so-called "hearing" that we attended, we questioned whether such an expenditure was adequate in comparison to the \$2200 per year that Johnson County is presently spending according to our research. The response from the city indicated that they were not sure what that amount would be.

We question whether the existing law requires adequate accountability and fiscal responsibility on the part of a city in their annexation proceedings. Apparently, the mayor of DeSoto has met the requirements of the law when he said, in the February 3, 1985 edition of the Lawrence Journal-World, "One reason I want (Rik-Mar) annexed, is that I don't want Shawnee (Ks.) in our back door." It would seem that a good law would not support a "lets-get-the-land-before-they-do" mentality that shows absolutely no regard for the welfare of the citizens to be annexed nor for any ability of the city to support the extension of services to which they vaguely allude.

(attachment 7)

3/26/85

The law, in our case, blatantly condones the right of a city to unilaterally change our government, to cause a substantial increase in our taxes without representation, and to offer no improvement in some public services and a reduction in others. We have been left with nothing other than \$500.00 in legal costs spent to find that we have virtually no hope in stopping this regrettable action.

We strongly urge your support of this legislation and its grant of moral, civil, and political rights to Kansas citizens and property owners.

Karen Franklin



Testimony of Karen Franklin

Mr. Chairman and Members of the Committee

I would like to use my time to explain what can happen to property owners when annexed without representation and how they are left to the mercy of the city. The people must be given an opportunity for representation as stated in House Bill 2117.

The city is the Capital of Kansas the property inreference is East 10th and Wittenberg Rd., "The Warrens Addition", which was annexed into the city of Topeka during 1959 and 1960. The residents are without sewer, water, paved streets or lights. The city has stifled growth and improvement to the area because building permits are not granted without sewer and water. Consequently if the facts are reviewed the property owners have lossed because of being annexed without representation. Their property is being devalved. The city will have the opporunity to purchase the life time homes of the families at a very low investment. I am referring to a relocation offer to the owner occuppied homes. These people can then leave their paid for homes for todays interest rate and pay on a mortgage for their retirement years. The water line is estimated at \$38,000.00 for a relocation to the three owner occuppied homes the extimated cost is over \$130,000.00.

The city of Topeka recognizes the financial burden because in January 1985 they assisted a developer with a sewer project when he explained to make his homes in a saleable price he needed assistance with the cost of a interceptor sewer.

I have made a request to be on the agenda for the Commission meeting of Topeka March 26th. I would like to invite you to attend this public meeting at 7:00 P.M.

In past years Mrs. Luella Wathen has explained, in 1961 Mrs. Mary Short wanted water for two houses at 10th and Wittenberg Rd. Mrs. Short was informed by someone in city government that if she wanted city water she'd have to put out a contract and pay for it herself. As Tom Wathen remembers the cost would have been one dollar a foot. She thought the cost was more than she could afford. (Both houses now stand idle one ravaged by fire the other from lack of maintenance. After annexation on January 15, 1959, building permits could no longer be obtained without city water on property.)

In March 1971, Mr. & Mrs. Ira Grant made a request for city trash-pickup and shorlty after Mr. Grant, experience pipelayer and fitter, accompanied by Mr. Grove, construction, requested permission to trench and install water lines for the city to help lower the expense. This request was denied yet the city reconized the Grants for trash pick up.

When Mr. Samuel Green passed away his son, Tom Green, made another request for consideration for utilities for his Mother. Again denied.

Now in 1985 East 10th and Wittenberg Rd. referred to as The Warrens Addition is continuing the plight for water and sewer in a financial package feasible for these families to afford. Conventional financing for improvements water and sewer approximately \$128,000.00 is not possible for a few families due to the great distance to bring the city water main, yet property taxes for our property is much more expensive than the same property in the county.

Perhaps Bill 2117 will not help our situation but it could certainly be the instrument that would prevent a repetition of the past. With annexation we became the forgotten land.

Gerard T. Soper
4342 SW Urish Road
Topeka, Kansas 66610
478-4749

SUBJECT: House Bill 2117

TO: Senator Don Montgomery

I strongly support House Bill 2117 for eventual passage for the following reason:

I have owned property in Mission Township since June, 1966. At that time, annexation in our general area was almost non-existent. Since that time, this area became a fast-growth region for homes, shopping centers, and recreational facilities.

Our original fire department was located on the east side of Topeka and operated by another township. In the best of circumstances, in good weather, the fastest response time was 20 minutes. Approximately eleven (11) years later, Mission Township started its own volunteer organization of which I became one of the original members. It has become one of the best in the county, with additional duties of a first-rate first-response team.

With all of the growth in this area, our tax base for the last three (3) years has remained stagnant due to continual annexation by the City of Topeka. Our road and fire department mill levies are at their maximum, the township income remains constant. At the present time, any further annexation could become critical in regard to support for our fire protection.

I believe that all citizens should have a voice in their future, not just a few people on the city commission deciding our fate. The City of Topeka is increasing its tax base by the simple second reading of an ordinance. The city should concentrate on the area it now occupies and try to improve same. The present city streets are an absolute disaster, its downtown is deserted at night and the present city commission shows

(attachment 9)

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Mr Gerard T. Soper
To Limony
Page two

no concern for our plight whatsoever.

Some means should be provided for a just and equitable solution to this problem and this particular bill is a step in the right direction.

Again, I urge support from this Committee to allow debate before the full Senate.

Sincerely,

Gerard T. Soper

KRWA

TO: SENATE LOCAL GOVERNMENT COMMITTEE

STATEMENT OF SUPPORT FOR HOUSE BILL 2117

Mr. Chairman and members of the committee,

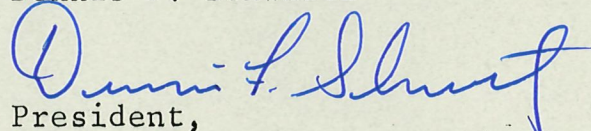
On behalf of the membership of the Kansas Rural Water Association, I wish to express to you our strong support of House Bill 2117.

Some of our member districts have had significant portions of their income bases taken from them through annexation. Some others are faced with that same threat. These income bases are generally pledged as security for the Farmers Home administration loans to the district. When a number of users is taken from them, it can create a real hardship on remaining patrons by increasing the amount of money per patron required to meet the debt service.

Additionally it should be noted that many rural water systems have evolved into formidable public service organizations, complete with the professional management and operational capabilities required to provide their patrons safe and dependable water service. Without the customer base that has allowed these systems to develop this kind of service capability, it could be difficult to continue to provide the kind of service that the remaining patrons have grown accustomed to and deserve.

It would certainly seem to be equitable, that the affected persons and the utilities which serve them, should have some voice in their destiny. Favorable action on this bill would be greatly appreciated by all patrons of rural water in the State of Kansas.

Dennis F. Schwartz



President,
Kansas Rural Water Association
March 26, 1985

(attachment 10)

3/26/85

Kansas Rural Water Association
320½ Main Street
Seneca, Kansas 66538
(913) 336-3760

Senate Local Government

March 26, 1985

Chairman Montgomery, and Members of the Committee:

I appreciate the opportunity to appear before you this morning and urge your favorable recommendation of House Bill No. 2117.

I am represented in this Legislature by Representative Barr, and she, together with five other Representatives, has proposed House Bill No. 2117 on behalf of their constituents. Situations have arisen in their respective districts which require this Legislature to prohibit the unbridled annexation of land by cities.

Lying within the district of Representative Barr, is an area known as "Sherwood Estates". This planned area development began in the late 1950's and has through the years, by the efforts of those persons buying land and building houses, developed into an excellent and attractive area. The original planned area contained approximately 1400 acres, including a 200 acre lake and at the present time there are approximately 500 homes in the area the majority of which range in price from approximately \$75,000.00 to \$250,000.00. Many of these homes were built for much less, but because of the development of the area, and its desirability as a place to live, the values of these homes have risen considerably.

(attachment 11)

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STREETS ARE PAID - THE RESIDENTS HAVE BOUGHT AND PAID FOR THE PAVING OF THE STREETS IN THE AREA.

The streets are maintained by the residents in good condition, and the snow removal far exceeds the standards allowed within the City of Topeka.

WATER TOWER AND LINES - The area is adequately served with water, and the developers and the land owners have recently completed the construction of a water tower at a cost of approximately One Million Dollars, which will serve the area for many years to come.

SEWAGE AND SEWERS - The area has recently completed a sewage treatment plant at a cost of approximately Three Million Dollars which will serve the area and more, for many years to come. Again, the cost of this improvement has been and will be paid for completely by the residents of this area.

FIRE PROTECTION - The area has purchased and is maintaining a first class fire protection facility with emergency vehicles and the trained staff and volunteers to man the equipment. Again, the cost is entirely borne by the residents of the area.

LAW ENFORCEMENT - The law enforcement in the area is excellent through the combined efforts of the Shawnee County Sheriff's Department, and additionally contracted services paid for by the residents.

Each and every improvement in this area has been made subject to the scrutiny, rules, regulations and approval of the City of Topeka, through the City - County Planning Commission, and the City Departments. In other words, the City of Topeka, has required that these improvements be installed to its standards, or higher. The people have bought, built, improved, and maintained all of these services and have pride in their homes and their efforts. I would urge each of you, during your deliberation of this bill, to take a drive through the area.

(West on 37th Street from Wanamaker Road)

Under present laws, the City of Topeka may annex this area, broaden its taxing base, and would not be obligated to provide the residents of the area with one additional service or amenity not presently existing. The only thing the area residents will "enjoy" is an increase in their present taxes of approximately 37 to 40 mills. The residents of Representative Barr's District see little enjoyment in this spectre.

The constituency of Representative Barr are not opposed to the orderly development and growth of the City of Topeka. They work hard, they spend their money in Topeka, they support the Topeka Streets by payment of gasoline taxes, and sales taxes. The recently completed Airport facility is supported by the residents in our district by

taxes and by use (which is difficult without airline service). Washburn University is supported by the residents in our area by gifts, (note recent major improvements fo the athletic and health centers), and by our residents paying "out of district" tuition to Washburn. We support the Zoo and other public operations by fees and memberships, and work in many ways on a daily basis with organizations and committees for the furthering of Topeka's Community Development in all areas. At some future date and time, given a different set of facts and circumstances which would result in the mutual benefit of the residents and the City, then annexation should occur. This would be true for my area, and all other areas like it throughout the State, but the situation should dictate a mutuality of interests and not the unilateral inclusion of areas for tax purposes only, as is presently the case.

Unlike the cities who will appear before you, and the League of Municipalities, we have no full time paid lobbyists, no centrally organized city hall, no computers, typewriters, or paid staff to operate them. Our only protection from unwarrantly annexation and taxation is this Legislature and we urge that it draft and pass the protective measures that are so urgently needed, and provide an annexation bill that is fair to all interests.

The original bill as drafted by Representative

Barr and her fellow representatives, contained a provision for allowing the people to vote on such annexation. In the opinions of the paid lobbyists for the cities, this was a right that should not be granted to common people. We disagree with that position, but the Bill before you today has had that portion stricken. The bill as amended through the efforts of the paid lobbyists requires 51% of the owners of the property proposed to be annexed to obtain a petition for the purpose of simply having a meeting to discuss the proposed annexation. 51% is a far higher requirement than this Legislature has set for the recall of public officials, or for the right to vote on all major issues of Government. Furthermore, the Bill as presently before you, would require this effort to be made on an annual basis with the attendant costs and efforts. We believe this 51% aspect of the bill to be unfair, and this requirement should be much less.

Further, the Bill as presented gives a "right" to the Courts of Shawnee County, Kansas, by appeal from the decision of the Board of County Commissioners. The Bill exempts the City from executing the appeal bond should they feel aggrieved, but would require the residents to put up a bond on such appeal. The net result would be that no grievant could possibly afford to appeal a decision and this provision would operate as an unjust barrier to the right of appeal.

In conclusion, we support House Bill 2117, and its concerned sponsors, even in its present form. We ask only that the Bill as finally drafted with your help, be fair to all interests considering the facts as they exist, and would urgently request that the two areas of concern, the area of the percentage of signatures required for the petition, and the costs of the appeal bond be addressed so that the people of the Topeka area and of this State may have a law giving them a voice in their destiny, without having language within that same law which prohibits the practical application of the rights given.

Respectfully submitted,


Carl W. Quarnstrom

On behalf of Representatives Barr, Brown, Laird, Littlejohn, D. Miller, and M. Smith.

Kansas Association of Counties

Serving Kansas Counties

Suite D, 112 West Seventh Street, Topeka, Kansas 66603

Phone 913 233-2271

March 26, 1985

Chairman Don Montgomery
Members Senate Local Government Committee:

I am Bev Bradley, from the Kansas Association of Counties.

I appear today in support of HB-2117.

The Counties' platform adopted in November at our annual meeting of over 600 county officials held each year in Wichita says:

- 7(a) We request that all annexations be approved by the County Commissioners as well as the City Governing Board, unless written request is made for annexation by land owner or owners.

Line 068-072 of HB-2117 says: No city shall be authorized to annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding.

Our platform conversely requests that cities be required to annex road ways when adjacent property on both sides has (already) been annexed.

Counties feel that when land on both sides of the road is annexed, the road should then also be maintained by the city. I believe such a case exists in Sedgwick County.

Counties do not oppose growth, progress, or even annexation, but feel there should be some mechanism for protest by property owners and some involvement by board of commissioners.

I urge your support of HB-2117.

(attachment 12)
3/26/85

Statement by Mayor Douglas S. Wright, Topeka

To Senate Committee on Local Government

In Opposition to HB 2117

March 26, 1985

My name is Doug Wright, Mayor of the City of Topeka. I have been asked by the League to discuss the need to preserve a workable annexation law in Kansas, to meet the needs of the future. At the same time, I want to stress my strong opposition to HB 2117, which we think is entirely unworkable.

Let me begin my remarks by noting the official position of the League on annexation. Our convention-adopted Statement of Municipal Policy provides that: "State laws should favor annexation to functioning cities as the preferred avenue of providing municipal services to unincorporated areas now urbanized or which will become urbanized in the foreseeable future. The legislature should provide cities with adequate and workable annexation authority, which will secure the long-term public interest and total community needs."

The cities of Kansas are concerned about attempts to limit our necessary annexation power. Every city which expects to experience any growth in the future will be affected. Sometime in the past, most all of our cities had to annex. If they didn't, most of our cities would be populated with a few hundred people. Assuming the average city had 300 residents at the time of incorporation, and never annexed, we would need over 6,000 cities in Kansas to serve the 1.8 million people now living in our cities. But they do annex. And while annexation is rarely popular, we have now reached the situation where over 78 percent of all Kansans live within cities.

(attachment 13)

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As I am sure you know, we have two basic annexation procedures available to Kansas cities. One procedure is known as unilateral annexation -- the subject of this bill -- where property meeting certain statutory conditions, and limited in size unless platted, may be annexed directly by the city. The other procedure, to be used where unilateral annexation is not possible because of these statutory conditions and limits, is annexation through the actions of boards of county commissioners.

There are also two basic forms of annexation. One form is where the city, in effect, buys it. This is the kind of annexation you seldom hear about, which the land speculators, the home builders and subdividers, the commercial developers and homeowners, don't complain much about. They want city-provided water or sewerage treatment. They want storm sewers or sanitary sewers or streets, preferably paid for by the city-at-large so they can get a free ride. They may want better police protection or better fire protection. They may want land use and development controls. They want certain services offered by the city, and often agree to voluntary annexation--or don't complain much about it -- since there is a clear and direct economic pay-off to them--the value of their property is increased.

The other basic form is the kind you hear complaints about, where the property owner involves want to be a part of the community city, with its attendant benefits, but doesn't want to be a part of the legal city with its possible costs, including paying city taxes. They want the advantages of both worlds, but want to pay the price of only one. They want the social and economic advantages of being near a city, but don't want to be a contributing financial partner. It is a matter of enlightened self-interest, and you don't buy a cow if you can get free or even cheap milk.

It is one of the harsh realities of life that private and personal interests sometimes must yield to the long-term and broader public interest. Annexation is like taxes, or zoning, or building regulations, or a host of other governmental actions, undertaken where the paramount concern in a democratic society must be the long-term public interest. If one has chosen to live in an urban or urbanizing area, and in an area that has future growth potential, one lives there at the risk of being subject to future annexation.

While annexation may not be popular for those who want the best of both worlds, it is essential for the planned and orderly development of a city and for the standardization of services and facilities necessary to meet the needs of the larger area. A city concerned about the future of its urban area must develop drainage systems to accommodate storm water from outside the city, a sewerage system to meet future needs, and a street system to serve an area larger than that within the city. It probably has a library and a swimming pool and a park and recreation system--and maybe a municipal university--to serve a community bigger than the legal city. It probably emphasizes economic development, and works to create jobs, not just for the citizens of the city but for the entire community, for what benefits the community at-large economically benefits the city. Should only those now within the city pay all the costs for programs and service which benefit the whole community?

The ultimate dilemma is this: How do we preserve the annexation authority of cities--an authority essential to maintain viable communities with a future, and still protect the immediate interests of those in the path of community development? In short, how do we reconcile private interests and the public interest? Perhaps there is a solution, which will not effectively destroy annexation as a tool for securing the public interest of the entire community. We are willing to work with you to find a solution. But the solution is not in the bill before you.



City of Lawrence KANSAS

BUFORD M. WATSON, JR., CITY MANAGER

CITY OFFICES 6 EAST 6th
BOX 708 66044 913-841-7722

CITY COMMISSION

MAYOR

ERNEST E. ANGINO

COMMISSIONERS

MIKE AMYX

HOWARD HILL

DAVID P.J. LONGHURST

NANCY SHONTZ

Statement by Price Banks
Director of Planning, Lawrence, Kansas

Presented to Senate Committee on
Local Government, March 26, 1985

RE: Opposition to HB 2117 - Restricting Kansas Annexation Laws

Mr. Chairman, Members of the Committee, I am Price Banks, Director of Planning with the City of Lawrence, representing the Lawrence City Commission in their opposition to HB 2117. Attached is a copy of Resolution 4833 adopted by the Lawrence City Commission on March 5, 1985, expressing their opposition to HB 2117. We thank you for the opportunity to appear before you on this matter.

The Lawrence City Commission, in its 1985 Legislative Program Policy Statement, opposes the erosion of municipal authority in Kansas annexation laws. The landowner petition provisions of HB 2117 will enable owners or residents of land considered for annexation, to obstruct the planning, plan implementation and economic development processes of cities.

This bill will create unincorporated islands of urbanized land, which will take advantage of many services of the host city at the expense of the city taxpayer.

(attachment 14)

3/26/85

These islands become obstacles to the efficient provision of municipal services, and therefore, increase the costs of local government. Similar provisions in other areas have contributed to leapfrog development practices and urban sprawl.

During a time when economic development is one of the single most important issues in Kansas, the legislature should be taking measures to reinforce and foster communication and cooperation between units of local government. The bill is the antithesis of this objective. It will create additional adverse relationships between counties, townships and cities. This relationship will project an image of conflict and provincialism in local government that will discourage economic development efforts.

A major factor in economic growth is the efficient provision of urban utilities and services. Leapfrog development and poorly serviced unincorporated islands impair this efficiency and drive up the costs of industrial expansion.

In Michigan, prohibitive annexation laws have been in effect for years and have had a divisive effect upon governmental relations, while hindering orderly growth. Kansas should be taking steps to promote good intergovernmental relations, and to promote an image of a progressive state with sound planning practices that is a viable competitor in the economic development arena.

The provision for County Board of Commissioners involvement in the process presents serious technical problems. The factors that must be considered are vague and defy specificity, and some involve unscientific speculation. Whatever decision a Board of County Commissioners makes could be interpreted as being arbitrary.

Kansas should be looking forward to sound planned economic growth. HB 2117 allows for random unstructured development, furthermore, existing law can be used to solve contemporary concerns. It is imperative that annexation decisions be based upon the long term public interest of the whole of the community, and that these decisions not be a plebiscite of the residents of a small area.

We strongly urge you to reject HB 2117.

RESOLUTION NO. 4833

A RESOLUTION EXPRESSING OPPOSITION TO THE ANTI-CITY ANNEXATION BILLS NOW BEING CONSIDERED BY THE KANSAS STATE LEGISLATURE.

WHEREAS, the Kansas State Legislature is presently considering a bill which would have a negative impact on Lawrence's ability to annex land, and

WHEREAS, the convention-adopted policy statement of the League of Kansas Municipalities, with which we concur, provides that:

"State laws should favor annexation to functioning cities as the preferred avenue of providing municipal services to unincorporated areas now urbanized or which will become urbanized in the foreseeable future. The legislature should provide cities with adequate and workable annexation authority, which will secure the long-term public interest and total community needs."

WHEREAS, the owners or residents of land adjoining the city receive many of the benefits of an urbanized area such as jobs, recreational and cultural facilities, shopping facilities, and streets, etc., but do not have to pay all the costs of those services.

WHEREAS, annexation is an action of sound planning and judgment in anticipating future community needs to avoid the problems of urban sprawl and inadequate public facilities and annexation also provides equity in the distribution of public costs.

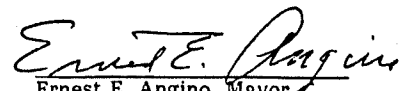
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

The City of Lawrence is in opposition to House Bill 2117 for the following reasons:

1. It is unacceptable for the owners of land within the fringe area of the city to be given veto power over the geographic, economic and governmental destiny of the city.
2. It is unacceptable for cities to relinquish any existing authority over our own destiny to a county board or other governmental body.
3. That effective long range comprehensive planning of a city cannot exist when the city cannot reinstate annexation procedures to any area previously denied by the Board of County Commissioners for at least one year.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 5th day of March, 1985.

ADOPTED


Ernest E. Angino, Mayor

ATTEST:


Vera Mercer, City Clerk