

Approved February 4, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on January 30, 1986 in room 313-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Ed Alvey, City Councilman, Kansas City, KS. (written testimony)
Edward Elam, City Administrator, Mulvane
Gregory M. Hembree, Director of Community Develop, Lenexa
R. D. Martens, Sedgwick County
George Pyle, City Manager, Hutchinson
Doug Wright, Mayor, Topeka, KS.
Jim Kaup, League of Kansas Municipalities

Hearings continued on S.B. 427

Ed Alvey's written testimony was distributed to the committee members. Mr. Alvey was present on Tuesday, but unable to return today. His testimony was in opposition to further restrictions on the annexation powers of cities. (Attachment I)

Edward Elan stated existing annexation laws have served both cities and the public well, he did not approve of a boundary commission or the county commissioners as an appeal board. The existing law provides protection for landowners and allows the cities a method to annex lands when needed. (Attachment II)

In responses to questions he stated the people are protected now through the courts. He was asked what the courts ruled on, he replied the courts only rule on the procedural process and if it was correct.

Gregory M. Hembree stated the current annexation law has served our city and the public well. Procedures for the unilateral annexations of property is accomplished through strict interpretation of the requirements of the statutes. He also included a service extension plan used by the City of Lenexa. (Attachment III)

R. D. Martens testified his background has given him the opportunity to look at the annexation debate from several perspectives county-city-businessman and realtor. He believes the current laws are working very well. (Attachment IV)

George Pyle stated current annexation law is a result of agitation, discussion and compromise. It does not need to be revised unless your goal is to accommodate the selfish concerns of the very few at the expense of the interest of the large majority. (Attachment V)

Doug Wright stated he seconded all of Mr. Pyle's remarks. There is a need for and a place for unilateral annexation. When cities plan for water and sewers they must plan for the future and if they are obligated for the future cities must have the tools to fulfill those obligations and annexation is that tool. He was against the boundary commission idea as those people would not be elected by the people.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,
room 313-S, Statehouse, at 9:00 a.m. ~~p.m.~~ on January 30, 1986


Mayor Wright responded to several questions concerning Topeka's present annexation situation. They do have a timetable for services; Services would be extended but there is no guarantee when, statutes at the present do not require that it be guaranteed; He has no problem with areas asking to be deannexed if services are not extended in a reasonable time frame; If land was deannexed no tax refunds would be made to the people.

Jim Kaup testimony contains the annexation proposal and service extension plan for the area which is currently under consideration by the City of Topeka. (Attachment VI)

The minutes of January 22, 23 and 28 were presented. Senator Salisbury moved to adopt the minutes as corrected. Senator Langworthy seconded the motion. The minutes were adopted.

Senator Langworthy made a statement concerning testimony on S.B. 428, regarding the conferees. Testimony was heard on the issue during the Interim Committee but she did not remember an announcement of formal hearings on the issue that prompted the bill.

The meeting adjourned until February 4, 1986, at 9:00 a.m., in 531-N.


Chairman, Senator Don Montgomery

AI

TESTIMONY OF E.M. "ED" ALVEY
COUNCILMEMBER, DISTRICT 6, CITY OF KANSAS CITY, KANSAS
BEFORE THE SENATE COMMITTEE ON LOCAL GOVERNMENT

CITIES IN KANSAS ARE CONSTANTLY UNDER SIEGE BY VARIOUS GROUPS WHICH ATTEMPT TO LIMIT THEIR ANNEXATION POWERS GRANTED BY THE STATE. STATE LAWS SHOULD FAVOR ANNEXATION POWERS TO CITIES AS THE LOGICAL AVENUE OF PROVIDING MUNICIPAL SERVICES TO UNINCORPORATED AREAS WHICH ARE URBANIZED OR WILL BECOME URBANIZED IN THE FUTURE. OUR STATE LEGISLATURE SHOULD PROVIDE CITIES WITH ADEQUATE AND WORKABLE ANNEXATION POWERS TO INSURE THE LONG-TERM PUBLIC INTEREST.

DURING THE 1985 LEGISLATIVE SESSION, HB 2117 PASSED THE KANSAS HOUSE OF REPRESENTATIVES BY THE BARE MINIMUM NUMBER OF VOTES NECESSARY FOR APPROVAL. THIS LED TO AN INTERIM COMMITTEE STUDY. THE RESULT IS SB 427 WHICH, IF ADOPTED, WOULD LARGELY DESTROY THE ANNEXATION POWERS OF CITIES. WHILE THE INTERIM COMMITTEE DID A GREAT DEAL OF WORK ON THE ANNEXATION ISSUE, WE OPPOSE FURTHER RESTRICTIONS ON THE ANNEXATION POWERS OF CITIES. UNILATERAL ANNEXATION POWERS ALREADY HAVE BEEN REDUCED TO THE POINT WHERE THEY ARE PRACTICALLY UNUSABLE TODAY.

FOR THE PAST SEVERAL YEARS, THE STATE'S ANNEXATION LAWS HAVE BEEN USED RESPONSIBLY BY LOCALLY ELECTED OFFICIALS TO ACHIEVE THE LONG-TERM PUBLIC INTEREST OF THE ENTIRE COMMUNITY. OFTEN, CONFLICTS RESULT FROM ANNEXATION BECAUSE THE PRIVATE INTEREST OF INDIVIDUAL LANDOWNERS AND THE LONG-TERM PUBLIC INTEREST ARE NOT ALWAYS COMPATIBLE. PROPERTY OWNERS IN THE "COMMUNITY CITY" BUT OUTSIDE THE "LEGAL CITY" USUALLY REAP FINANCIAL AND TAX ADVANTAGES BY THEIR INTENT TO ENJOY THE BENEFITS, SERVICES AND AMENITIES OF A CITY, BUT NOT THE RESPONSIBILITIES.

(Attachment I)

1/30/86 S. LG

MANY YEARS AGO, I SERVED AS A TOWNSHIP TRUSTEE IN OLD SHAWNEE TOWNSHIP IN WYANDOTTE COUNTY. WE FOUGHT ANNEXATION FOR YEARS IN ORDER TO MAINTAIN OUR AUTONOMY AND KEEP TAXES DOWN, EVEN THOUGH THE TOWNSHIP HAD MANY URBAN CHARACTERISTICS. TODAY, I REALIZE THAT ANNEXATION WAS IN THE TOWNSHIP'S LONG-TERM BEST INTEREST AS WELL AS THE BEST INTEREST OF THE CITY OF KANSAS CITY, KANSAS. IN FACT, IF KANSAS CITY, KANSAS HAD ANNEXED US SOONER THAN IT DID, THE TOWNSHIP COULD HAVE AVOIDED SOME PROBLEMS THROUGH BETTER COORDINATION OF CAPITAL IMPROVEMENTS AND LONG-RANGE PLANNING.

I URGE YOU TO KILL SB 427 BECAUSE IT WILL ALLOW UNREGULATED GROWTH ON THE FRINGE AREAS OF CITIES THAT IS BOTH A WASTEFUL USE OF THE PRECIOUS RESOURCE OF LAND AND OF TAXPAYERS' MONEY. THANK YOU.

Chairman Montgomery and Member of the Senate
Local Government Committee:

I am Edward E. Elam, City Administrator of the City of Mulvane, Kansas. I would like to thank you for this opportunity to appear before this committee and present our opposition to Senate Bill 427. I would like to state briefly our reasons that we feel that the existing annexation law has served both cities and the public well.

The existing annexation law gives a method whereby cities can annex land to their city in a orderly and systematic way. Each city has to have a means by which it can plan for its future service area. This has been accomplished in the past by the control over zoning and subdivision within the 3 mile extraterritorial around their city. The existing annexation law allows the city to annex land which is prime for development. The cities need this authority to bring their land within the city limits to assure that the land is developed within the standards of the city.

Zoning and subdivision regulations outside the city limits are much broader than those inside. The square foot requirement for household units is greater outside the city because of the water and septic system

(Attachment II)

1/30/86 S. LG

requirements. This type of development is not planned for city utility services and causes a hardship on both the individual and the city when they are brought into the city. The larger lot sizes require a much higher cost to provide streets, water, electric and sanitary sewer service to each housing unit. The subdivision layout for outside cities does not lend itself very well to smaller lot sizes after annexation. These problems could have been eliminated if the development had been brought into the city before the development started.

The present law gives landowners protection both under the 12-520 and 12-521 procedure. Our community has been involved in the past with landowners opposing annexation and the present protection are very effective. The cost under the existing law is prohibitive and causes our governing body to review the merits of annexation in great detail before making a decision.

The buzz word of today is economic development in Kansas and this has been echoed by the Governor and other leaders in our area. A city must have a workable annexation law to move quickly when needed to annex land when competing for industry. As you know the competition for industry is very competitive and our cities have to be able to move quickly or lose the industry to someone else. Kansas and its cities can not afford more restraints put on their freedom to annex land and

and stay competitive with other communities outside of state. Our community has worked very hard to develop an industrial park and many of our citizens give of their own time to promote our city. We need less restraints placed on what we can do to attract new or retain existing industry. We are faced just about daily with other communities trying to entice our industries to move.

The feeling of our citizens today is less government. The creation of the boundary commission is just one more level of bureaucracy that we do not need. We do not believe that this committee would serve any purpose except to slow down the annexation process and become more costly to both the individual and city.

Most of our county commissioners serve on other boards such as Fire Districts, Water Districts, etc. all dealing with a shrinking tax base or service area and the need for more money to keep those services operating. Therefore, it is hard for us to believe that the county commissioners are an impartial body to act on annexation appeals. We can not help but believe that their decision could not be influenced by the possible reduction of either taxes or payment for services. For this reason we do not feel that the county Commissioners are an impartial judge to review annexation of cities.

I would like to briefly discuss our annexation of lands outside of our city limits in some detail. We like

many cities have subdivisions very close to our city limits line that use our city's streets and other public facilities paid for from local tax dollars. They also benefit from their location to our city fire and civil defense operations in lower fire ratings etc. They also are able to receive service from our police department through our mutual aid agreement with area sheriff departments. The City Council looked at all of the benefits received by these areas and the possible effect if they were annexed. After much discussion it was decided that these areas were receiving basic services without paying the cost of providing that service. The question came up about rural water district and KG&E electric service that already existed in the area. The council agreed not to force the residents of these areas to change any of their existing utility services and the city would only extend this service into the area after receiving a petition for that extension. The governing body felt this was the most fair method to handle any change in service.

In conclusion we feel that the existing law provides protection for landowners and allows the cities a method to annex land when needed.



City of Lenexa
(913) 492-8800

January 28, 1986

The Kansas State Senate Committee on Local Government
Room No. 519-S, Statehouse
Topeka, Kansas 66602

RE: Proposal No. 45/Senate Bill #427
Annexation Law Review
January 28 and 30, 1986

Dear Members of the Committee:

I am honored to be invited once again to attend a portion of your two-day session regarding the review of current annexation legislation for the state of Kansas and am particularly hopeful that my testimony will prove useful in your consideration of this important matter. As an employee of the City of Lenexa since January 1979, and the City's Director of Community Development since May 1983, I have become extremely familiar with Lenexa's past regarding annexation and the importance this matter retains with respect to the future growth and development of the municipality.

A suburban Johnson County community located 14 miles southwest of downtown Kansas City, Missouri, Lenexa has enjoyed dramatic growth since the middle 1950's when the City's population hovered close to 1,000 persons. That sustained growth has been no less dramatic upon examination of census figures, which have ranged from 5,542 persons in 1970, to 18,639 in 1980, and the 1985 Johnson County census which indicates a current population of 21,439 persons.

Lenexa has grown for a number of definable reasons, including its position on the suburban fringe of the Greater Kansas City Metropolitan Area, its location adjacent to two major interstate highways and along the mainline of the Burlington-Northern Railroad, and the decisions made by earlier Governing Bodies to actively pursue industrial and residential development. Those factors and decisions have been accommodated by the availability of large undeveloped tracts and the ability to incorporate those same parcels into Lenexa through reasonable annexation laws.

The City of Lenexa, Kansas, has annexed 2821.7 acres (or 4.39 square miles) of land since 1974, primarily in the northern and western sectors of the community. Approximately one-third of this acreage has been developed, and the remaining parcels are currently experiencing very rapid conversion to urban development. A reasonable compilation of this development trend would include the statement that fully 45% of all Lenexa's 894 building permits for calendar year 1985 were issued for locations within the subject boundaries of that particular annexation area. Moreover, the area is bisected by Interstate 435 highway and promises to be the site of Lenexa's development push into the 1990's and beyond.

(Attachment III)

January 28, 1986

The Kansas State Senate Committee on Local Government/G. Hembree
Proposal No. 45, Annexation Law Review
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Annexation of a smattering of several parcels totalling 1200 acres occurred from 1974 to June 6, 1979. Each parcel was annexed at the request or consent of the property owner, and many tracts were annexed to Lenexa to accommodate immediate development of the subject tract. The method of annexation changed significantly after June 1979, with the results provided herein.

The City of Olathe, on three separate nights beginning June 6, 1979, annexed 720 acres of land to the west of Lenexa in an area considered to be within Lenexa's sphere of influence. Since 1965, the City's Comprehensive Plan has depicted the area east of K-7 and between 79th and 119th Streets as within Lenexa's sphere of influence and so designated for future growth and development activities. This area was further substantiated as being targeted for Lenexa's future growth through the adoption of an annexation policy by the Governing Body on March 1, 1979.

Outraged by this action, the City of Lenexa filed suit against the City of Olathe contesting the three separate annexations on the grounds of manifest injury and improper publication procedures. Subsequent actions included a failed attempt to proceed with a K.S.A. 12-521 petition before the Board of County Commissioners and a vigorous campaign to annex property into the City beginning on March 19, 1981.

The resulting annexation of 1381 acres to Lenexa within the next two-year period was accomplished within the framework of K.S.A. 12-520 over significant property owner objection. By 1983, the City had expended over a quarter million dollars in attorney fees and had earned the nickname of "Annexa".

The change in administration ushered in a new era of mutual cooperation and understanding with Lenexa and the adjacent cities of Olathe and Shawnee. Interlocal agreements calling for joint planning and annexation demarcation lines were approved for both the cities of Olathe and Shawnee. This spirit of cooperation has been furthered through the preparation and completion of the Kansas 10 Highway Corridor Study involving Johnson County and the cities of Lenexa and Olathe.

In our opinion, the current annexation law has served this City and the public well. Examples abound, but a few particular cases will be helpful in your deliberations here today.

Procedures for the unilateral annexations of property within the City of Lenexa are accomplished through strict interpretation of the requirements of K.S.A. 12-520. Documents utilized in this procedure include the resolution calling for annexation of certain property, the service extension plan and the actual ordinance annexing that same tract. Copies of each of these documents have been provided for your information and review.

The City is no less stringent in the presentation of annexation requests to the Board of County Commissioners for Johnson County under the provisions of K.S.A. 12-521. In our most recent annexation request, the City of Lenexa was required to submit a copy of the proposed service extension plan as a part of our initial petition to the Board of County Commissioners for Johnson County, Kansas. In addition, the City staff prepared a letter responding to the most frequently asked questions and included the same in the required notification to affected property owners.

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On December 12, 1985, the Board of County Commissioners conducted a public hearing in which both the City and affected property owners were permitted to make detailed presentations. In their response to the City's annexation request, we found the Monticello Township group to be well-informed, well-prepared and quite impressive in their presentation that evening. Having experienced that public hearing from a highly-visible seat on the firing line, I can guarantee you that the affected land owners were well-served by the annexation procedures currently in force. Once again, for your convenience, copies of the petition for annexation of certain property, service extension plans, notice of public hearing, order granting (or denying) annexation and the form annexation ordinance utilized after County Commission approval have also been attached for your review and consideration.

The City of Lenexa has diligently attempted to manage the incredible growth presently occurring within its corporate limits through both the careful consideration of planning and zoning decisions that affect the built environment (the "look" of the City, if you will), and through carefully planned expansion of our corporate boundaries in the accommodation of future growth and development. In our opinion, sustained economic development of this type and manner is critical to the City of Lenexa and the state of Kansas and can only be achieved through the utilization of workable annexation laws.

The consequences of approving Senate Bill 427 could well be dramatic and highly damaging to growing municipalities like Lenexa that are presently contributing to the physical conversion of property for urban uses as we proceed further into the information age. Similarly, all budget revenue sources, including those utilized by the State of Kansas, could well be affected by the potential costs associated with unplanned or substandard patterns of growth and development.

Many of the border wars of the past, it seems to this planner, could well have been avoided through the impartial application of current annexation laws and the allocation of the extra-territorial control over the municipality's sphere of influence. The application of extra-territorial zoning and subdivision control within a mutually defined and agreed upon area would, perhaps, end the continuous cycle of annexation brought about by those concerns for the possible creation, at the County level, of substandard development and improper land use and zoning patterns to be inherited at a later date.

A final thought is offered on the many annexation bills brought forth in the Kansas Legislation over the past few years many of which were designed to protect the property owner from manifest injury. Ernie Mosher, in his February 1982, editorial "On Behalf of Annexation" in the Kansas Government Journal states, in part, "... It is one of the harsh realities of life that private 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 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, it is at the risk of future annexation. While annexation may not be popular for those who want the best of both worlds, it is essential for planning and orderly development of a city and for the standardization of services and facilities to meet the needs of the area...." Similarly, Mr. Mosher further

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states "... The owners or residents of land adjoining the city should not be granted a statutory right to vote on or consent to annexation. It is essential that the long-term public interest of the whole community be given priority in municipal growth, in the same manner that other, over-all community needs in an urban society occasionally require the sacrifice of some private goals and interests in order to achieve the greatest social utility of the area and benefits to the many. It is untenable that the owners of land within the fringe area, whose location has benefits primarily in relation to the existence of the city, should be given veto power over geographic, economic and governmental destiny of the city ..." Finally, ..."It is simplistic to describe annexation as a land-grab or a tax raising scheme, as some people have. Annexation can best be described as an exercise of sound judgement and responsibility in anticipating future community needs in a timely fashion, which permits the securing of equity in the distribution of public costs." The City of Lenexa shares in this philosophy, and we couldn't agree more.

Thank you for this opportunity to present our comments and thoughts regarding annexation before this committee.

Sincerely,



Gregory M. Hembree
Director of Community Development

GMH/kj
Attachments



City of Lenexa
(913) 492-8800

January 9, 1986

Dear Property Owner:

On behalf of the Governing Body of the City of Lenexa, I am writing to inform that we would like to have you as a resident and urge your participation in local government in the event you are annexed. We are proud of our city and the excellent services and facilities it provides and we encourage you to take advantage of these amenities.

The City of Lenexa shares the same concerns of many of you: The proper development of the area. Our city is developing rapidly and we know spillover development is occurring in Monticello Township. It is to everyone's benefit to promote orderly growth and development, and we feel we have the Planning Commission and staff best able to handle this responsibility.

We ask you to please evaluate the costs and benefits of annexation. We are confident a review of the facts will show how it is in both of our interests to have your property in our city.

We have enclosed responses to major concerns raised by your representatives at the December 12 public hearing. If you have questions about the responses, please contact our City Administrator, David Watkins, at 492-8800 for additional information.

We respect the concerns that you have about additional taxes and regulations that would be imposed with annexation, but we feel the proper development of this naturally beautiful area is the paramount concern facing us all.

Sincerely yours,

CITY OF LENEXA

Rich Becker
Mayor

Enclosures

RESPONSES TO PROPERTY OWNERS CONCERNS

Annexation to the City of Lenexa will result in three major benefits. We believe that it is in both the City's and the residents' interest to have this area in the City at this time. These major benefits are as follows:

1. FIRE PROTECTION RATINGS WILL IMPROVE IN THE AREA.

From our discussions with the Insurance Services Office (the insurance rating company) in Topeka, it seems likely that:

- a. Upon annexation this area will receive the same rating as the City of Lenexa - a class 4 (instead of its current 8 and 9).
- b. If the City is reevaluated this area will either stay as a class 4, or at the very worst, the area immediately adjacent to K-7 would be returned to its current rating.

In neither case would insurance rates be increased.

It should also be noted that the City has already planned, in the adopted Capital Improvements Program, for a new fire station to be constructed within the next three years. This will assure these improved ratings.

2. THE CITY WILL PROVIDE EMERGENCY SERVICES TO THE AREA BETTER THAN THEY ARE CURRENTLY BEING PROVIDED.

Emergency fire, police and medical services will be provided at a superior level upon annexation. County records indicate that between September 1 and December 16, 1985, the Monticello Fire Department had an average response time of 6.4 minutes for fire-fighting equipment to arrive at all fires in the proposed annexation area. The City of Lenexa's test runs indicate that emergency response time to a fire at K-7 will be about 3 minutes OR AN IMPROVEMENT OF 100%. Non-emergency response time will be about 5 minutes.

The Sheriff maintains a vehicle in this area of the County. Unfortunately, this vehicle is responsible for much more than just the area we propose to annex. Rather, this car covers an area of 44 square miles. This is evidenced by the fact that the Sheriff reports that his average response time in this area will be 12.9 minutes in 1985. Again, the City will respond to a call in this area in 3 to 5 minutes with a police car from the 87th Street Station, AN IMPROVEMENT OF AT LEAST 250%.

The Monticello Township Fire Department does not have an ambulance. They relinquished their ambulance three years ago. The City of Lenexa will immediately provide 24-hour, professionally staffed ambulance service to all residents of this area in a response time of 3 to 5 minutes.

3. THE SMALL INCREASE IN TAXES IS JUSTIFIED BY THE SUPERIOR SERVICES THAT WILL BE PROVIDED.

The tax increase to this area, INCLUDING franchise fees, is estimated at an average of \$17.00 per month for a \$100,000 home. (Utility companies were contacted to determine an average total franchise fee of less than \$ 8 per month.) We have already demonstrated that fire protection service will improve by 100% in terms of response times and 300% in terms of increased fire-fighting shifts. The residents will experience improved police response times of over 250%. As City residents, this area will now have rapid, professionally staffed ambulance service. These improvements can be summarized as follows:

COUNTY/CITY SERVICE COMPARISON FOR THE ANNEXATION AREA

	<u>As part of the County</u>	<u>As part of the City</u>
Fire response times	6.4 minutes	5 minutes
Police response times	12.9 minutes	4 minutes
Patrol cars/sq. mile ratio	1:44 sq. mile	1:5.8 sq. mile
Ambulance Service	NONE (except County-wide services)	24 HOUR SERVICE

These improvements alone, justify this increase in taxes and fees. But in addition, the annexed area will receive a larger crew (per lineal road mile) to maintain the roads, access to one of the County's most elaborate systems of parks, recreational facilities and recreational programs, the highest level of planning to assure proper development of the area and many other municipal benefits noted in our initial submittal. No one can question the City of Lenexa's excellent reputation of providing the highest level of services to its residents - to its existing and its new residents.

In summary, THIS ANNEXATION WILL PROVIDE SIGNIFICANT BENEFITS TO RESIDENTS OF THE AREA.



City of Lenexa
(913) 492-8800

January 8, 1986

Board of Johnson County Commissioners
Johnson County Courthouse
Olathe, Kansas 66061

Dear Honorable Commissioners:

We are respectfully submitting the following responses to the comments made at the December 12, 1985 hearing on our annexation request. We are confident that after you carefully consider our initial submittal and the additional information presented here, you will agree that this annexation is both advisable and a clear benefit to the residents of this area.

The opposition to this annexation was based on three premises. We will show how these arguments are largely incorrect and that the opposite is usually true. Based on concrete facts, not speculation, we will show how this annexation will most definitely improve the services to this area - well beyond the relatively minor increase in taxes and fees.

The City of Lenexa has previously substantiated its annexation request. City staff have, indeed, conducted test fire runs, confirmed the effect on insurance rates, evaluated the costs of servicing this area, and planned the allocation of existing and new resources to provide these services.

Since the December 12th hearing, the City has performed additional research which reconfirms these facts. The staff has again consulted the Insurance Services Office in Topeka and has reevaluated its financial ability to provide for the needs of this area. Further, we have extensively analyzed fire and emergency medical response records for this area and compared them to the tested times that will be provided by the City of Lenexa.

The premises which form the basis for the opposition to our request are:

1. There is speculation that ISO fire protection ratings will be downgraded in the annexed area.
2. There is speculation that Lenexa does not have the ability to supply superior emergency services to the area.
3. There is speculation that the small increase in taxes will not be justified by the increase in services to the area.

The facts on these three speculative statements follow.

1. FIRE PROTECTION RATINGS WILL IMPROVE IN THE AREA.

Speculation that ISO fire protection ratings for the annexation area will drop to a 9 or 10, leaving many properties uninsurable, is false. ISO is reluctant to speculate what will happen to fire protection ratings since this determination can be made only after the area undergoes reevaluation. Reevaluations are done only at 10-15 year intervals or upon request of the City or an insurance company. However, from our discussions with Pat Clifford at the ISO in Topeka, it seems likely that:

- a. Upon annexation this area will receive the same rating as the City of Lenexa - a class 4.
- b. If the City is reevaluated this area will either stay as a class 4, or at the very worst, the area immediately adjacent to K-7 would be returned to its current rating.

In neither case would insurance rates be increased.

It should also be noted that it is likely that at the time of such evaluation, the City's new fire station will be constructed to further protect the western part of the annexation area. (This fire station is and was scheduled for construction within three years in the City's existing Capital Improvement Program.)

2. THE CITY WILL PROVIDE EMERGENCY SERVICES TO THE AREA BETTER THAN THEY ARE CURRENTLY BEING PROVIDED.

Emergency fire, police and medical services will be provided at a superior level upon annexation. County records indicate that between September 1 and December 16, 1985, the Monticello Fire Department had an average response time of 6.4 minutes for fire-fighting equipment to arrive at all fires in the proposed annexation area. The City of Lenexa's test runs indicate that emergency response time to a fire at K-7 will be about 3 minutes OR AN IMPROVEMENT OF 100%. Non-emergency response time will be about 5 minutes.

In addition, when the Lenexa equipment arrives, it will be staffed by a full, professional crew. The existing volunteers will supplement an already "in action" operation. This means that there will not be a volunteer crew watching a fire in want of the necessary fire-fighting equipment.

It is a true that the Sheriff does have a vehicle in this area of the County. Unfortunately, this vehicle is responsible for much more than just the area we propose to annex. Rather, this car covers an area of 44 square miles. This is evidenced by the fact that the Sheriff reports that his average response time in this area will be 12.9 minutes in 1985. Again, the City will respond to a call in this area in 3 to 5 minutes with a police car from the 87th Street Station, AN IMPROVEMENT OF AT LEAST 250%.

The Monticello Township Fire Department does not have an ambulance. They relinquished their ambulance three years ago when they were informed that they did not have the adequate number of staff to provide 24-hour a day, five minute response times. This is the case because the Monticello Station is only staffed for the daytime shift. This means that currently the residents of this area might receive a rapid response from the Station staff (during the day) or from a neighbor (evenings or nights). But the needed emergency vehicle will be provided by the County from a much larger area.

Indeed, for a recent example of this problem, the County actually had the City of Lenexa respond to an ice-caused accident and injury in front of Whispering Hills the week before the annexation hearing. Again, the City of Lenexa will immediately provide 24-hour, professionally staffed ambulance service to all residents of this area in a response time of 3 to 5 minutes.

3. THE SMALL INCREASE IN TAXES IS JUSTIFIED BY THE SUPERIOR SERVICES THAT WILL BE PROVIDED.

The tax increase to this area, INCLUDING franchise fees, is estimated at an average of \$17.00 per month for a \$100,000 home. (Utility companies were contacted to determine an average total franchise fee of less than \$ 8 per month.) We have already demonstrated that fire protection service will improve by 100% in terms of response times and 300% in terms of increased fire-fighting shifts. The residents will experience improved police response times of over 250%. As City residents, this area will now have rapid, professionally staffed ambulance service. These improvements can be summarized as follows:

COUNTY/CITY SERVICE COMPARISON FOR THE ANNEXATION AREA

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These improvements alone, justify this increase in taxes and fees. But in addition, the annexed area will receive a larger crew (per lineal road mile) to maintain the roads, access to one of the County's most elaborate systems of parks, recreational facilities and recreational programs and many other municipal benefits noted in our initial submittal. No one can question the City of Lenexa's excellent reputation of providing the highest level of services to its residents - to its existing and its new residents.

In summary, THIS ANNEXATION IS ADVISABLE AND WILL PROVIDE MANIFEST BENEFIT TO RESIDENTS OF THE AREA.

As was made clear in our presentation last month, this area is needed to accommodate the City's astronomical growth. Likewise, new developments in this area, such as the new highway systems, will undoubtedly spur additional growth requiring proper planning. The City is in the best position to guide the growth of this area and is capable of providing for the needs of its residents. Without doubt, this annexation is necessary and beneficial for the City and County alike.

We are dedicated to supplying the needs of this area. We have proven that manifest benefit will be realized by our new residents. We will significantly improve fire, police and ambulance services. We have the necessary budget and have planned the extension of these services to this entire area. We will extend the proven higher level of other municipal services to this area as well - at a minimal cost.

We hope that this letter has clarified our position on this matter. We believe that the facts presented here and in our previous submittal show the need for and benefit of this annexation. We are confident that the careful review of this information by both the County Commission and the residents of this area will result in a positive attitude about this annexation.

Please be assured that, like yourselves, our dedication to enhancing the quality of life in Lenexa and Johnson County remains strong.

Sincerely,

Rich Becker, Mayor
City of Lenexa

Attachments

NOTE: A summary of this letter and the additional answers to follow were sent to all annexation area residents.

CITY OF LENEXA ATTACHMENT
SUPPORTIVE ANSWERS TO ANNEXATION QUESTIONS

Below are additional answers to a summarized list of questions that were raised at the annexation hearing on December 12th. We have attempted to answer each one of these questions as thoroughly as possible. As will be noted, most of these questions have been answered by our response letter.

- Q1. Does the City have the ability to fight rural/agricultural fires?
- A1. Yes. Although differences exist between urban and rural fires, the objective is the same--to put out the fire. The Lenexa Fire Department is no stranger to rural/agricultural fires. We presently deal with them in the portion of Shawnee Township to which we provide fire service. Our equipment has proven to be adequate for fighting these fires and will only be enhanced with the addition of Monticello Fire Department's equipment.
- Q2. Since the City does not allow burning (and there is no variance), how will farmers burn off their land every two years?
- A2. Variances, as provided for in the Lenexa code, are granted every year for this type of burning. Fires for agricultural livelihood are allowed within the City limits. As a matter of fact, the City has never denied a variance request for open burning.
- Q3. Why has the City not conducted test fire runs?
- A3. The City had conducted test fire runs prior to the County's annexation hearing. These findings, included in our initial supportive information, determined that the Lenexa Fire and Police Departments can respond from 87th and Lackman to 83rd and K-7 within 3 to 5 minutes.
- Q4. How will police response times improve if the Sheriff already stations one car in this area?
- A4. To answer this question, we refer to exhibit "G" of the Monticello Township Annexation Committee's testimony. As this exhibit shows, the average response time in Patrol District No. 41, of which the annexation area is within, was 12.5 minutes in 1984. The projected response time for 1985 is 12.9 minutes. Although the Sheriff does station one patrol car in this area, it must police 44 square miles. As we have stated previously, the City will redefine its present police patrol districts to include the annexation area. The following table displays how police protection to the annexation area will improve.

	County Sheriff's Dept. Patrol District # 41	Lenexa Police Dept. Entire City (after annex.)
Patrol Area	44 square miles	Approx. 29 square miles
Patrol Cars	1	5
Patrol Area Per Car	1:44 square miles	1:5.8 square miles
Response times (Average)	12.9 minutes	4 minutes

- Q5. Since road maintenance costs \$8,200 per mile, how will the City fund \$476,000 in additional maintenance costs.
- A5. The \$8,200 per mile figure for road maintenance is incorrect. The Johnson County Road and Bridge department estimates that it costs \$1,000 per mile to maintain a gravel road and \$3,000 per mile for a chip and seal road. The City can afford the maintenance of these roads, the cost of which will be borne from general revenues. This will be an insignificant amount of the City's \$ 1,100,000 public works budget.
- Q6. How can the City maintain these roads when they won't fund the requested 15 vehicles required to meet current needs?
- A6. The City most definitely has enough vehicles to maintain their present roads as well as new roads in the annexation area. The budget process involves requesting new vehicles as replacements, not as additional new equipment. The denial for 15 vehicles was for replacement vehicles, not for new, additional vehicles. Funds were made available to maintain the existing vehicles. Thus, the City is not under-supplied with road maintenance vehicles.
- Q7. Since utilities are provided by other agencies, how will this area benefit?
- A7. No city in Johnson County is a full-service city, providing all utilities and services. If this were a criteria for annexation, no city in the County could ever annex on its fringes. The ability of the city, as one central agency, to organize and track the progress of each separate utility company has been demonstrated repeatedly in the past. It is our opinion that timing and coordination in this area can best be achieved by the City of Lenexa. The statutes require that utilities to annexation areas be provided in the same fashion as they are provided throughout the rest of the city. Benefit and other taxing districts are used by the City, the Johnson County Wastewater District and Water District #1 to provide sewer and water service, respectively, to the present City of Lenexa.

Thus, the City still is displaying a good faith plan for extending services even though some will be provided by other agencies since this is how they are provided to existing parts of the City.

- Q8. Won't there be a substantial franchise tax on these residents if they live in the City?
- A8. Franchise taxes range between 5% and 7%. Assuming annual payments for gas, electric, and telephone service of \$1,800, a resident would pay about \$90 a year (less than \$8 a month) in total franchise taxes.
- Q9. If any more land is taken out of the Monticello Township taxing jurisdiction, how will the Township support its services? (\$80,000 in revenues reduced to \$56,000)
- A9. This inevitable problem is not a criteria for Lenexa's proposed annexation. To the contrary, it shows how the City can add a new level of long-term emergency service stability to this area. We would add, however, the City would certainly be willing to provide fire service to the remainder of unincorporated Monticello Township south of 83rd Street at the price they are currently paying for these services.
- Q10. Should not the petition be denied since this is the same request the courts denied in 1979?
- A10. NO. This is NOT the same request that was made in 1979. Certain factors are similar--the same services will be extended (police, fire, water, sewer, etc.) and they will be extended in the same fashion (i.e. general revenue, special assessments). However, conditions have changed drastically since the time of the 1979 request.
1. Major highways have opened or been improved in and around the annexation area since that time. These transportation improvements will provide the impetus for major development activity in the annexation area. The City of Lenexa should be involved in the planning of this area at the outset.
 2. Tremendous growth has been experienced within the City since 1979. This growth has primarily taken place in the western portion of the City. Development has almost outstripped Lenexa's current city boundaries, drawing attention to the need for additional developable land.
 3. Finally, City Staff has grown significantly since 1979. Employment at City Hall has increased by 68% since that time from 123 to 207. Likewise, the total number of sworn police officers has grown from 31 in 1979 to 39 in 1985, representing an increase in personnel of 26%. There is no comparison whatsoever of the City's desire, need, or ability to annex this land in 1979 and the present.

P O L I C Y F O R A N N E X A T I O N S

CITY OF LENEXA, KANSAS

ADOPTED BY THE GOVERNING BODY ON

MARCH 1, 1979

1

CITY OF LENEXA, KANSAS
Policy for Annexations

The City of Lenexa, Kansas is on the perimeter of a rapidly developing area. With unincorporated lands on its western and southern flanks, it is obvious the City will grow physically into some of these areas by the process of annexation. K.S.A. 12-519, March 1974, establishes the procedures for annexation in Kansas. The City of Lenexa, by this document, declares publicly its policy for future annexations under the law. The City believes the best interests of all parties are thereby served.

The methods and mechanics of annexation are dealt with fully in "Annexation - A Manual for City Officials in Kansas", a publication of the League of Kansas Municipalities, and are not included in this document.

This Statement of Annexation Policy includes the following considerations of which several overlap and interrelate with others:

- A. Compatibility with the Comprehensive Plan for the City of Lenexa.
 - B. Necessity to regulate development along major freeway corridors, i.e.: I-435 and K-12.
 - C. Development by the City of a Major Municipal Service Plan for areas to be annexed, including financing methods.
 - D. Consideration of Park and Recreation needs.
 - E. Desirability of working with neighboring cities.
 - F. Recognition of the fact that annexation enhances property values.
 - G. Need to regulate development at major gateways to the City.
 - H. Consideration of balance among residential, commercial, and industrial development.
 - I. Establishment of priorities and/or schedules for annexations.
- A. Compatibility with the Comprehensive Plan for the City of Lenexa.

The City has had in effect for several years a Comprehensive Plan for future development. This Plan covers areas within the City as well as unincorporated areas three miles from the City limits. This is according to State Law. The Comprehensive Plan is revised and updated regularly, also according to law. This Comprehensive Plan designates anticipated use patterns for the area covered. These uses are divided into various residential, commercial, industrial and park & recreational categories. It does not establish specific uses for specific areas. Rather it describes in general terms the uses to be expected and encouraged as the areas develop. Where possible, annexation actions taken under this policy should show how they relate to the continuing implementation of the Comprehensive Plan. This annexation policy will be considered for updating and revision in conjunction and concurrently with like action on the Comprehensive Plan.

- B. Necessity to regulate development along major freeway corridors, i.e.: I-435 and K-12.

A major factor in the development of Lenexa has been the availability of undeveloped land in the vicinity of I-35 with access to and from. The Comprehensive Plan recognizes the growth of the City along the free way corridors

of I-435 west and north and K-12 west, basically along 103rd Street, to K-7. Population of the City in year 2000 is forecast from 33,000 to 45,000 and the major portion of the increase will take place in the vicinity of these corridors. Annexations of lands along these corridors must be expedited in order to:

1. Encourage the continuing development of high quality and low intensity production and distribution uses in the area approximately south of 95th Street and east of Mill Creek.
2. Recognize and take into consideration the existence of mining activities in this area.
3. Protect existing commercial areas from encroachment by incompatible uses.
4. Encourage use of freeway interchange areas to accommodate the needs of the traveling public.
5. Give consideration to environmental factors.
6. Protect existing residential areas from encroachment by incompatible uses.

C. Development by the City of a Major Municipal Service Plan for areas to be annexed including financing methods.

In conformance with the Comprehensive Plan a Capital Improvement Program should be developed to identify future service needs in the unincorporated areas that are potential annexation areas. This should be developed in conjunction with additional service needs within present incorporated boundaries. Coordination of existing and future services must be considered. Extension of services is costly and is paid by developers directly or by benefit districts, by the City-at-large through bond issues or by various combinations of these. Financing methods and cost estimates, in broad terms, will be an integral part of the development of the Utility Extension Plan.

D. Consideration of Park and Recreation needs.

The Lenexa Park Board leans toward the establishment of more community parks that are visible and easily accessible to large numbers of people. Lenexa should plan to acquire areas of sufficient size so as to make them easily developed, to be designated as public park land and open space areas. It is not practical to designate specific locations for this purpose in this policy although the Comprehensive Plan shows potential park and open space areas.

E. Desirability of working with neighboring cities.

Lenexa feels it is a matter of good faith that our neighbors be advised of our intentions concerning our total annexation plans and policies. This can help avoid duplication and encourage coordination of services in proposed annexed areas of water, sewer and storm drainage plans.

F. Recognition of the fact that annexation enhances property values.

Land suitable for development is more valuable than land not suitable. The availability of services is a major factor in establishing such suitability. Unilateral annexations require that a plan be on file for extension of services into the area including funding and timetable. Thus, annexation

actions establish the fact that service will be available, thereby upgrading the development potential of the land in question. Therefore, the value of annexed land must be enhanced.

G. Need to regulate development at major gateways to the City.

The major entrances to the City correspond in general with freeway interchanges. The City feels it should present its best possible face for persons entering from other areas. For this reason it is important for the City to control the zoning in these areas to prevent, if possible, uses at variance with this concept. These entry locations tend to be high traffic areas which is another reason for having regulations.

H. Consideration of balance among residential, commercial and industrial development.

The Comprehensive Plan, in broad terms, continues the development pattern that has emerged over the years, i.e.: residential north of 95th Street, industry south of 95th Street and commercial at suitable intervals throughout. The City wishes to be able to encourage the continuation of this balance. The City also wishes to promote adequate separation between areas of differing intensities.

I. Establishment of priorities and/or schedules for annexations.

In establishing policies for annexing land into the City of Lenexa, the following priority areas are established according to the policies. The areas of priority were established by using the following described method. Three basic reasons were analyzed in establishing the priority areas. 1) The need for future growth; 2) capabilities to serve areas requesting annexation; and 3) to protect areas with potential growth.

1. Need for future growth.

There is approximately 3,300 acres of vacant land zoned for single family within the present boundaries of which some 2,000 acres are developable. At the present rate of growth, with no annexations, the majority of this vacant land would be developed by 1982. Therefore, some annexation should occur between now and 1982, but annexation to accommodate growth would not be a high priority.

2. Capabilities to serve areas requesting annexation.

The areas recommended for annexation could readily be served by police, fire and water, with consideration of increased demands on these services. However, the sewer service has been a big factor in determining potential annexed areas. The areas proposed for annexation by 1985 can be served by an existing interim sewer plant. The remainder of the area to be annexed by the year 2000 would be served by a proposed Johnson County consolidated plant located at the Kansas (Kaw) River. Therefore, the controlling factors in determining potential annexed areas have been sanitary sewer service and protection of areas with high potential growth.

3. To protect areas with potential growth.

Annexation should be done to protect existing developments and insure conformance with the Comprehensive Plan in areas with high potential growth, such as the K-12 and I-435 corridors.

PRIORITY SCHEDULE FOR ANNEXATIONS

PRESENT THROUGH 1981:

This area would cover land lying $\frac{1}{2}$ mile on either side of proposed K-12 Highway from the present city limits to $\frac{1}{2}$ mile east of Woodland Avenue. An area 1 mile north of and including the interchange of I-435 and proposed K-12 from the present city limits to $\frac{1}{2}$ mile west of Renner Road. Also an area north of 87th Street and $\frac{1}{2}$ mile west of Lackman Road consisting of approximately 160 acres.

1982 THROUGH 1983:

This period would include 2 areas: 1) Approximately 240 acres, east of Renner Road and south of the extension of 107th Street. 2) Approximately 240 acres located $\frac{1}{2}$ mile north of proposed K-12 Highway and $\frac{1}{2}$ mile west of Renner Road.

1984 THROUGH 1985:

This area would consist of approximately 4 square miles lying between Renner Road and Old 7 Highway and the extension of 107th Street to 119th Street.

1986 THROUGH 1990:

This area would consist of approximately $4\frac{1}{2}$ square miles. The east boundary being the existing city limits, the north existing city limits at 79th Street, on the west Woodland Avenue, & the south 95th & 99th Streets.

1991 THROUGH 2000:

The final area would be the remaining area between 75th Street and 107th Street west to K-7, with exception of the extreme southwest and extreme northwest. The southwest area presently has water service by the City of Olathe, therefore, it would be logical for the City of Olathe to annex this area if it is to be incorporated.

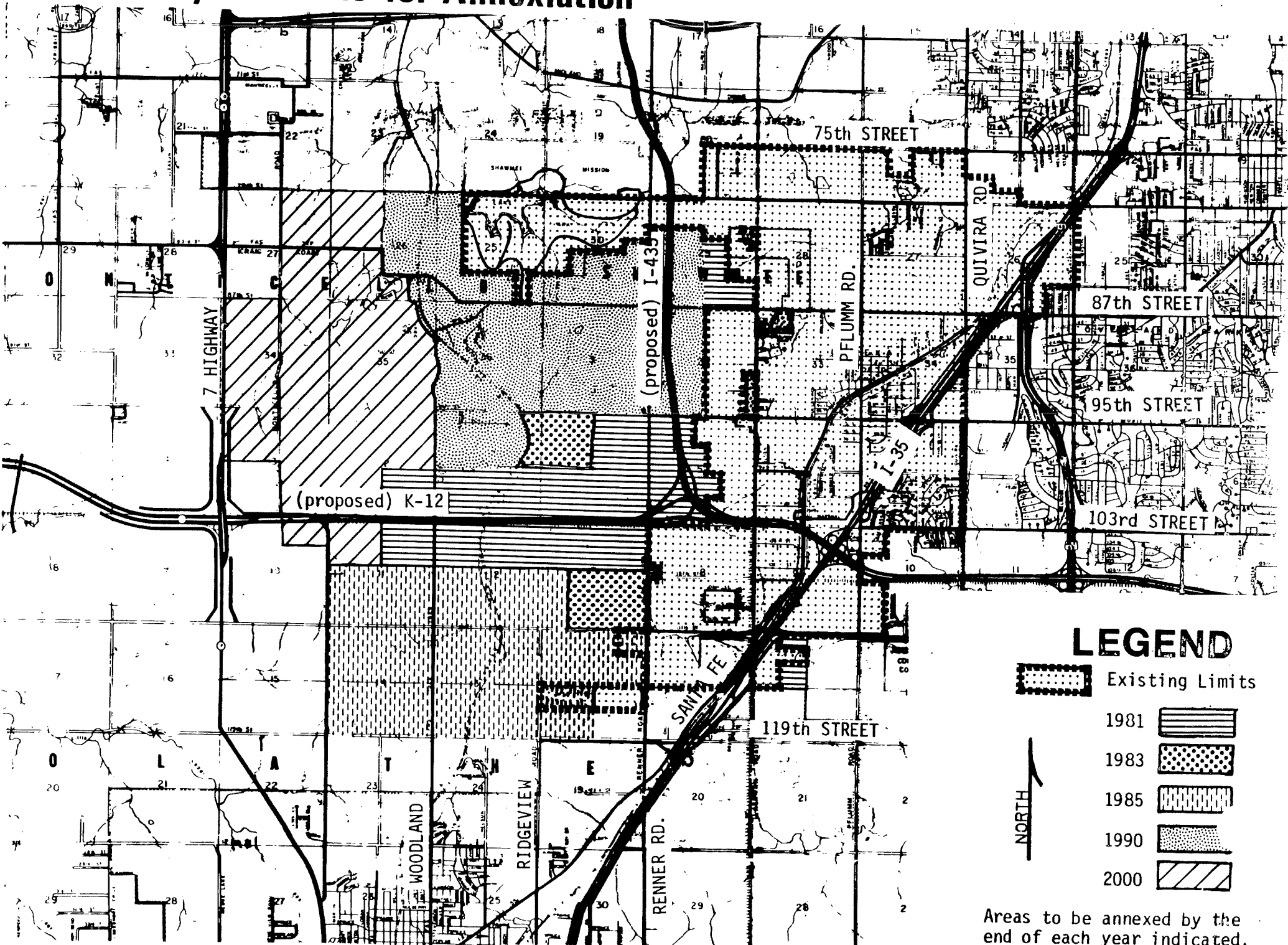
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The two main areas of concern are:







1. The proposed K-12 Corridor.
2. The proposed I-435 Corridor.

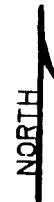
These two areas should be considered as a high priority for annexation.

Priority Schedule for Annexation



LEGEND

-  Existing Limits
- 1981 
- 1983 
- 1985 
- 1990 
- 2000 



Areas to be annexed by the end of each year indicated.

A RESOLUTION DIRECTING AND PROVIDING FOR A PUBLIC HEARING FOR THE CONSIDERATION OF THE ANNEXATION OF LAND BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

It is hereby directed and ordered that consideration be given to the annexation of certain land to the City of Lenexa, Kansas and that notice be issued and a public hearing be scheduled, by adoption, publication and mailing of the following notice.

NOTICE OF PUBLIC HEARING ON PROPOSED ANNEXATION

Notice is hereby given to any and all persons that a public hearing will be held to consider the annexation to the City of Lenexa, Kansas, of land described in Exhibit "A" attached hereto and incorporated herein by reference.

A sketch of the proposed annexation, marked Exhibit "B", is attached hereto and incorporated herein by reference. The plan of the City for the extension of services to the area proposed to be annexed, pursuant to K.S.A. 12-520b, is available for inspection during regular office hours in the office of the City Clerk.

Said public hearing will be held at 7:30 o'clock on the 19th day of September, 1985, in the Council Chambers at City Hall, City of Lenexa, Kansas, by the City Governing Body at which time the City shall present a proposal for annexation, including a plan for extension of services to the area proposed to be annexed and hear comments from all interested persons.


ADOPTED by the Governing Body this 18 day of July, 1985.

SIGNED by the Mayor this 18 day of July, 1985.



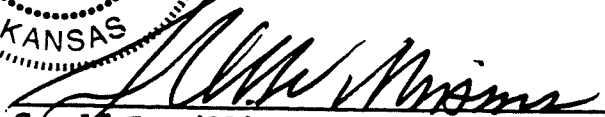
Rich Becker, Mayor

ATTEST:



Sandra Howell, City Clerk

SEAL
APPROVED AS TO FORM:



Gerald E. Williams, City Attorney

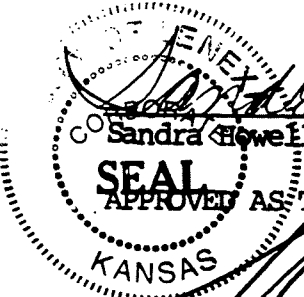
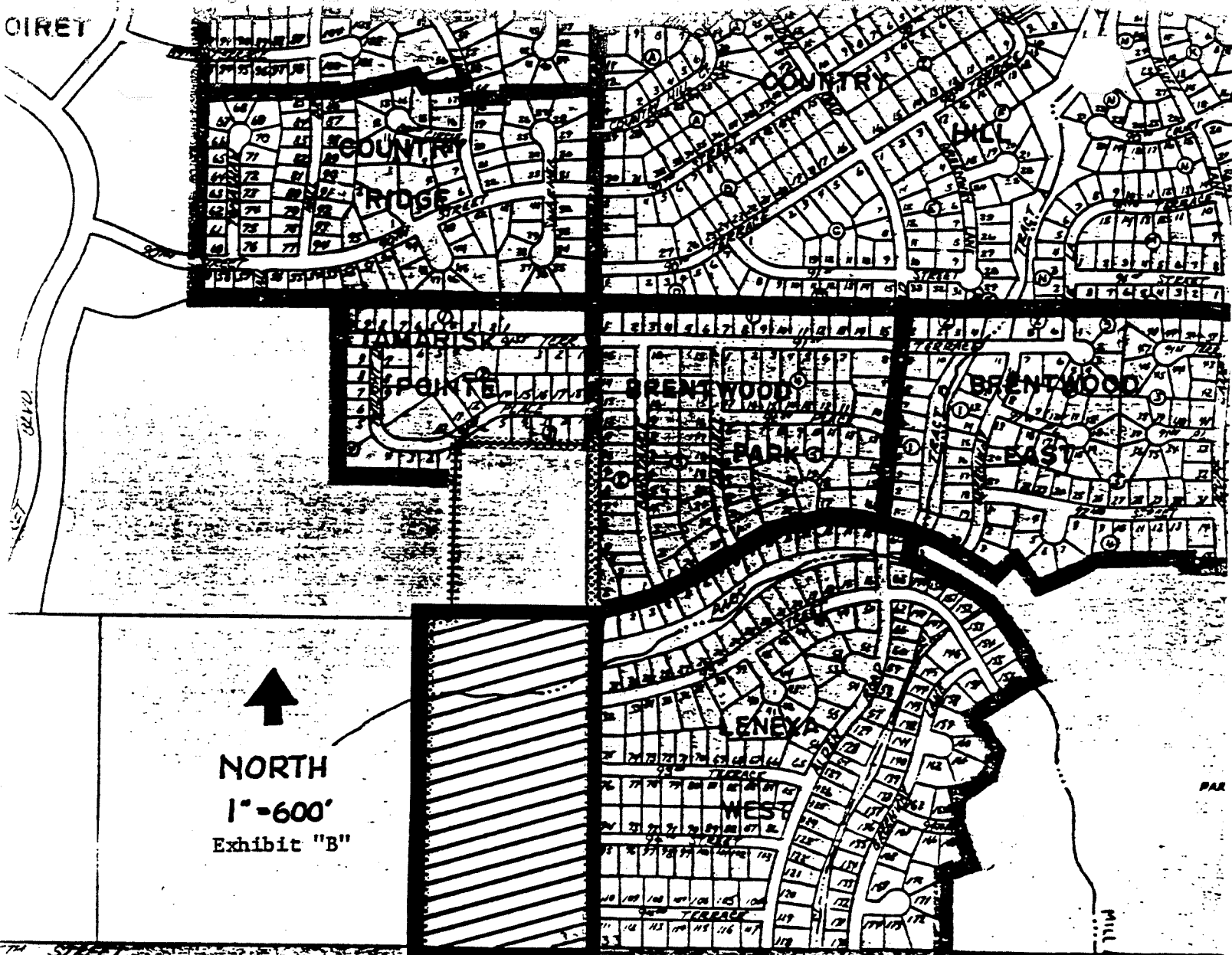


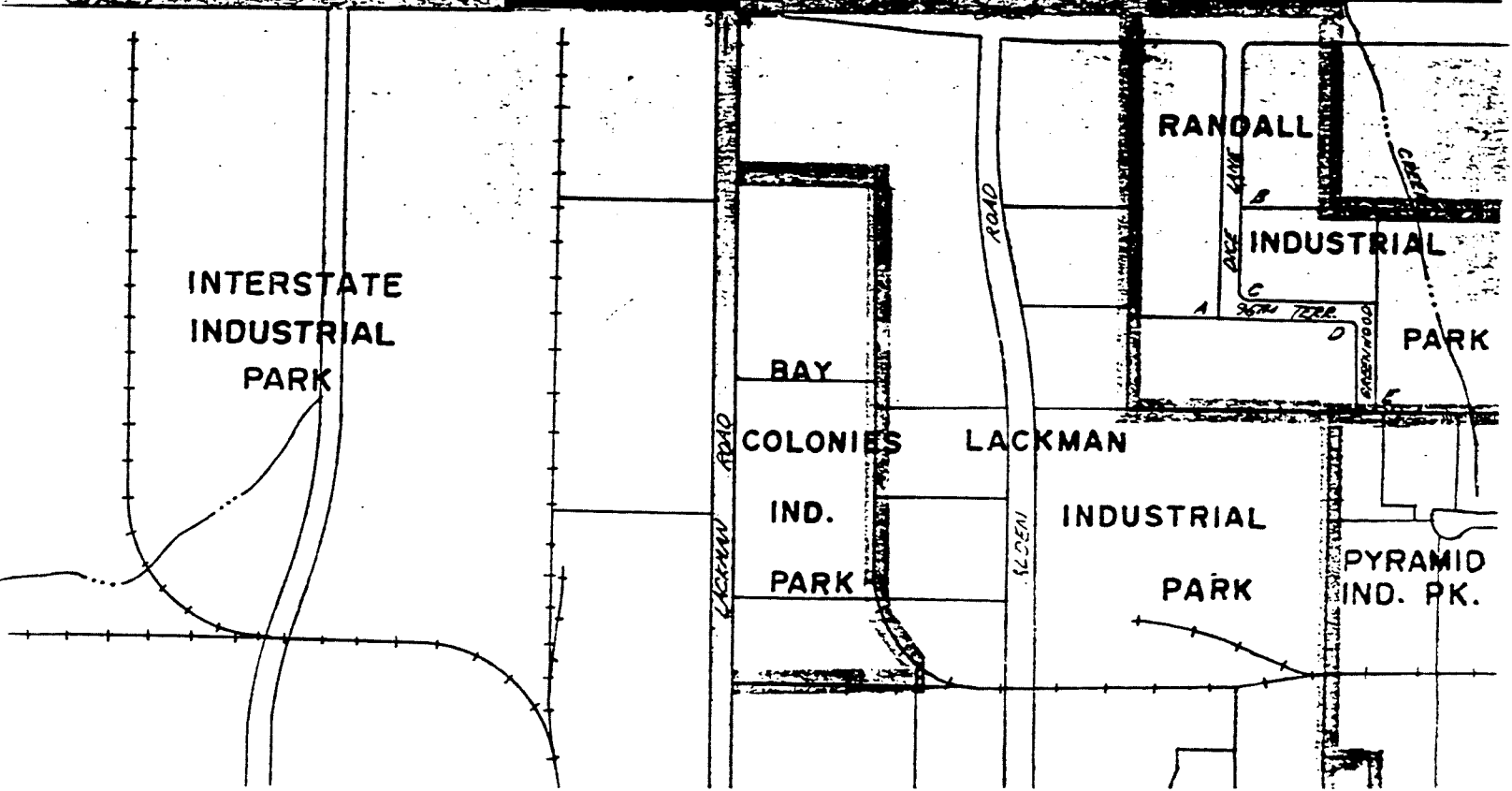
EXHIBIT "A"

East 20 acres of the South half ($\frac{1}{2}$) of the Southeast quarter ($\frac{1}{4}$) of Section 32, Township 12 South, Range 24 East in Johnson County, Kansas, containing 20 acres, more or less.

CIRET



NORTH
 1"=600'
 Exhibit "B"



ORDINANCE NO. _____

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF LENEXA, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520, AND ALL AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: That the following described land, meeting one or more of the conditions for annexation as prescribed by K.S.A. 12-520 and amendments thereto, is hereby annexed to and made a part of the city of Lenexa, Kansas.

(INSERT LEGAL DESCRIPTION OF SUBJECT TRACT)

SECTION TWO: The City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds and the County Election Commission of Johnson County, Kansas.

SECTION THREE: This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED by the Governing Body this _____ day of _____, 1984.

SIGNED by the Mayor this _____ day of _____, 1984.

Rich Becker, Mayor

ATTEST:

Sandra Howell, City Clerk

APPROVED AS TO FORM:

Gerald E. Williams, City Attorney

CITY OF LENEXA, KANSAS
SERVICE EXTENSION PLAN STATEMENT

A REPORT ON THE PLANS AND AVAILABILITY OF MUNICIPAL SERVICES FOR A TRACT OF LAND UNDER CONSIDERATION FOR ANNEXATION PURSUANT TO K.S.A. 12-520 AND LOCATED ON THE NORTHWEST CORNER OF 95TH STREET TRAFFICWAY AND LACKMAN ROAD.

The Mayor and City Council of the City of Lenexa have expressed interest in the annexation of the area as generally defined above. Kansas law requires that prior to this annexation of land, a report be prepared and filed with the City Clerk which sets forth the plans of the municipality for extending to that parcel to be annexed each major municipal service provided to persons and property located within the City at the time of annexation and setting forth the method by which the City plans to finance the extension of such services to such area.

The following information, therefore, has been compiled by the Community Development Department in conjunction with the principal departments and staff of the City that would be responsible for the provisions of such services to newly annexed areas. A map accompanies and is an integral part of this report, indicating the proposed City boundary extension; the existing general land use pattern in the proposed annexation area; the existing water lines and the proposed extension thereof; the existing sewer lines and the proposed extension thereof; and the existing streets and road network and the proposed improvement or extension thereof.

The map and this report constitute the City's service extension plan for the provision of municipal facilities and services to the area proposed for annexation. A Summary of the Service Extension Plan is provided which identifies each major service; the service availability in the existing City and for the proposed annexation area; the method of financing the extension of the service to the proposed annexation area; and the approximate time when such service is expected to be provided.

EXISTING CONDITIONS

The City of Lenexa is a rapidly growing suburban city in Johnson County which, due to its location on a major interstate highway corridor and other factors, is expected to continue to grow at a rapid rate. Population growth trends indicate that the City more than doubled in population between 1960 and 1970. That rate of growth increased so that between 1970 and 1975 the City population doubled again. The 1980 census data indicates, for a third time since 1960, the City population has more than doubled to a population of 18,639. Population projections for the City and the proposed annexation area show another doubling of population by 1990.

Interstate Highway I-35 has played a major role in the growth and development of the City of Lenexa as well as I-435 which is presently under construction from its intersection with I-35 in Lenexa to Kansas City International Airport in Platte County, Missouri. The extension of I-435 west and north from its present terminus at I-35 and the construction of state highway K-12 from I-435 west to state highway K-7 will significantly increase industrial and commercial growth and employment opportunities in Lenexa and in the area to be annexed and will create substantial residential growth and development. The development activity has begun and will continue to take place along the above described principal highway corridors; this corridor development will have a direct effect on the type of future development in the proposed annexed area. Development activity has begun to occur along the Interstate 435 corridor with the recent consideration by the Lenexa Planning Commission of an application for change in zoning and planning on the 815 acre parcel located on the northeast corner of Interstate 435 at its intersection with 87th Street Parkway. Adequate planning controls and development regulations must be employed within the corridor if development is to occur in the best interest of both the property owners and the citizens of Lenexa.

Land use in the proposed annexation area is agricultural in nature, including an existing single family farmstead located in the southerly portion of the tract.

The proposed annexation area is 20 acres in size and surrounded by the City of Lenexa on three common boundary lines.

(Part of Attachment III)

EXTENSION OF MAJOR CITY SERVICES AND METHOD OF FINANCING

Existing City Services

The City of Lenexa had a total assessed valuation of real, personal, motor vehicle and utility property in 1984 of over \$150 million and revenues and cash carry over of \$13 million. Expenditures for general governmental purposes in 1982 (including capital outlay funded by bonds) totalled \$13 million. The City provides all general governmental services with a staff of full time personnel. General governmental services provided by the City include: administration and management; engineering; legal; community development; municipal court; police protection; fire protection; highway construction and maintenance; parks and recreation; civil defense; and building maintenance. In addition, Lenexa provides to a portion of the City sanitary sewer collection and disposal in its own municipally-owned and operated plant. All streets and city-owned facilities are maintained by the City staff.

The City currently has two separate fire stations fully equipped and served by 32 professional fire fighters, 12 volunteers, a fire chief, an assistant fire chief and 2 full-time fire inspector. Police services are provided by a chief of police, a deputy chief, 38 paid police officers and 6 reserve officers who have the use of 27 vehicles. The police department is housed in a new police facility on 87th Street Parkway next to the new Municipal Office Building. The Lenexa Parks & Recreation Department operates and maintains the City's 80 acres of park land and the recently completed Community Center and Senior Citizens Center. Lenexa's two major parks accommodate a 50 meter and 25 meter pool. The 1,430 acre Shawnee Mission Park lies partially in the northwest part of the City and is a major recreational resource serving the entire City and the proposed annexation area.

At present the general obligation debt is approximately \$24.9 million. Revenue bonding capacity is only limited by the ability to generate revenues from a facility sufficient to repay the bonds. There is no statutory limit on capacity. General obligation bonds have been used in the past for fire stations, street and road improvements, sewer and water improvements and recreational facilities. Revenue bonds have been used for sewer and water improvements for industrial developments.

Extension of City Services

All general governmental services provided by the City of Lenexa to its existing residents will be extended immediately upon annexation to the annexed area, including administration, planning, zoning, police, street maintenance, parks and recreation maintenance and development, code enforcement, licensing and others. Each of these services will be funded from general revenues supported by the City-at-Large.

Major municipal services will be extended to the proposed annexation area as follows:

Arterial Street and Road Improvements. Arterial street and road improvements are planned, engineered and constructed by the city in accordance with a prioritization of needs and the City's adopted Major Street Plan. The Major Street Plan shows the recommended pattern of arterials both in the existing City and in the proposed area to be annexed. Arterial streets are financed with general revenues from the city-at-large. General obligation bonds have been utilized extensively in the past for major new construction and improvements. Smaller collector streets are financed by individual developers or by creation of a benefit district.

The Service Extension Plan shows the location of proposed major arterials in the area proposed for annexation. The timing of these improvements will depend upon development activity.

Park and Recreation Facilities. Parks and recreational improvements are planned and constructed by the City Parks and Recreation Department and are funded by general revenues and via the Parks and Recreation Improvement Fund. Federal funding is also used to support local parks improvements. This procedure will be applied to parks and recreation needs in the area proposed for annexation. Parks, other than those provided by the developer via dedication at the time of development, are provided by the City when sufficient demand exists.

Shawnee Mission Park, a 1,430 acre regional park, satisfies a substantial part of the non-neighborhood recreational demand in the City and in the proposed annexation area. The two existing swimming pools in the City of Lenexa would be available to all new residents of the City.

Fire Protection. Fire protection services are currently provided by special agreement with the City of Lenexa to the proposed annexation area from the City's two existing fire stations. The City of Lenexa has recently authorized the preparation of plans and specifications for the construction of a new facility, combining fire protection and administrative services, on a site located at 96th Terrace and Pflumm Road. The facility, designed to replace existing Station #1 located at 9220 Haskins, is projected to cost \$1.8 million and will be financed by the City-at-large via general revenues and general obligation bonds.

Police Protection. Police protection services would be extended to the proposed annexation area immediately upon annexation and would replace the existing county police protection services. A new \$2.1 million police facility recently occupied would serve the annexed area with expanded police services. Servicing the proposed annexation area would probably not require additional police vehicles or additional personnel. All costs would be borne by the City-at-large from general revenues.

Water Service and Fire Hydrants. Water service is not currently being provided in the proposed annexation area except on a very limited basis. The existing water system could be extended as shown to provide service to the proposed annexation area. Major water system expansions and improvements would be provided by Water District No. 1 and financed with revenue bonds. Lateral water lines to serve specific properties and developments would be financed by developers or via special assessment benefit districts. The attached map shows existing water lines in the City and in the annexed area as well as plan for extension of lines and facilities to serve the annexed area.

Sewer Service. Sewer service is currently provided in the City by a municipally-owned and operated plant and by city-owned sewer lines. Sewer service is not currently available in the proposed annexation area. The attached map shows the possible location of a new sewage treatment plant and necessary major interceptor lines to service the entire proposed annexation. The plan and major lines would be financed by formation of benefit districts with special assessments levied against property owners in the district. Land owners may petition for formation of a district. Operational and maintenance expenses are paid for by sewer service charges levied against all users of the system. Lateral lines and extensions are financed by developers for service to individual subdivisions. General obligation bonds may also be utilized for major sewer improvements.

Street Maintenance. Street maintenance would be extended immediately to the area upon annexation. The costs for service would come from City general revenues.

Street Lighting. Street lighting is required in all new subdivisions according to City policy, which would apply in the proposed annexation area. The cost of providing street lighting is paid for by city franchise fee.

General Governmental Services. Other services available to this area include code enforcement, zoning administration and comprehensive planning. These services would be provided through general revenue.

Summary of Services Extension

<u>Service</u>	<u>Existing In City</u>	<u>Proposed For Annexation Area</u>	<u>Method of Financing</u>
Arterial Street & Road Improvements	Yes	Yes, in accordance with Major Street Plan	Arterials: by City-at-large via general budget and/or general obligation bonding collectors: by developer and/or benefit district up to 28' width; excess width by City-at-large
Parks and Recreation	Yes	Yes, in accordance with Comprehensive Plan and Subdivision Regulations	City-at-large via Parks & Recreation Improvement Fund, general revenues & federal funding. Park land is also obtained via developer dedications
Fire Protection & Emergency Rescue	Yes	Yes	City-at-large via general revenues and general obligation bonding
Police Protection	Yes	Yes	City-at-large via general revenues and general obligation bonding (for new police facility)
Water Service & Fire Hydrants	Yes	Yes	Major Lines: City via revenue bonds; laterals to property: by developer or benefit district with necessary oversizing by City
Sewer Service	Yes	Yes	Major Lines: by benefit district; laterals: by developers

<u>Service</u>	<u>Existing In City</u>	<u>Proposed For Annexation Area</u>	<u>Method of Financing</u>
Street Maintenance	Yes	Yes	City-at-large via general revenues
Street Lighting	Yes	Yes; required for all new subdivisions	City-at-large via franchise fee
Code Control & General Governmental Services	Yes	Yes	City-at-large via general revenues

A PETITION TO THE BOARD OF COUNTY COMMISSIONERS AS TO THE ADVISABILITY OF THE ANNEXATION OF A TRACT OF LAND PURSUANT TO K.S.A. 12-521 AND LOCATED ALONG AND ADJACENT TO THE NORTH SIDE OF 87TH STREET PARKWAY ONE-QUARTER MILE WEST OF LACKMAN ROAD.

To the Board of County Commissioners of Johnson County, Kansas:

The Governing Body of the City of Lenexa, in accordance with a procedural motion for approval at their regular meeting of August 2, 1984, does hereby petition the Board of County Commissioners of Johnson County, Kansas, to make a finding as to the advisability of the City of Lenexa annexing the following described property located in Johnson County,

The west one-half of the southeast one-quarter of Section 29, Township 12 South, Range 24, Johnson County, Kansas, except the north 580 feet of the east 560 feet and the north 145 feet of the west 100 feet of the east 660 feet thereof.

and which property is owned by the estate of Leonard Mettee, whose post office address is in care of J.P. Biscania, 414 Brotherhood Building, Kansas City, Kansas 66101.

The above described property cannot be annexed by the City of Lenexa under authority of K.S.A. 12-520, therefore, it is necessary to petition the Board of County Commissioners as specified under K.S.A. 12-521.

A sketch of the land proposed to be annexed and the area of the city adjacent thereto, and a statement setting forth place for extending services to the land proposed to be annexed is attached.

NOTICE OF PUBLIC HEARING ON PETITION FOR ANNEXATION
PURSUANT TO K.S.A. 12-521

ANNEXATION HEARING

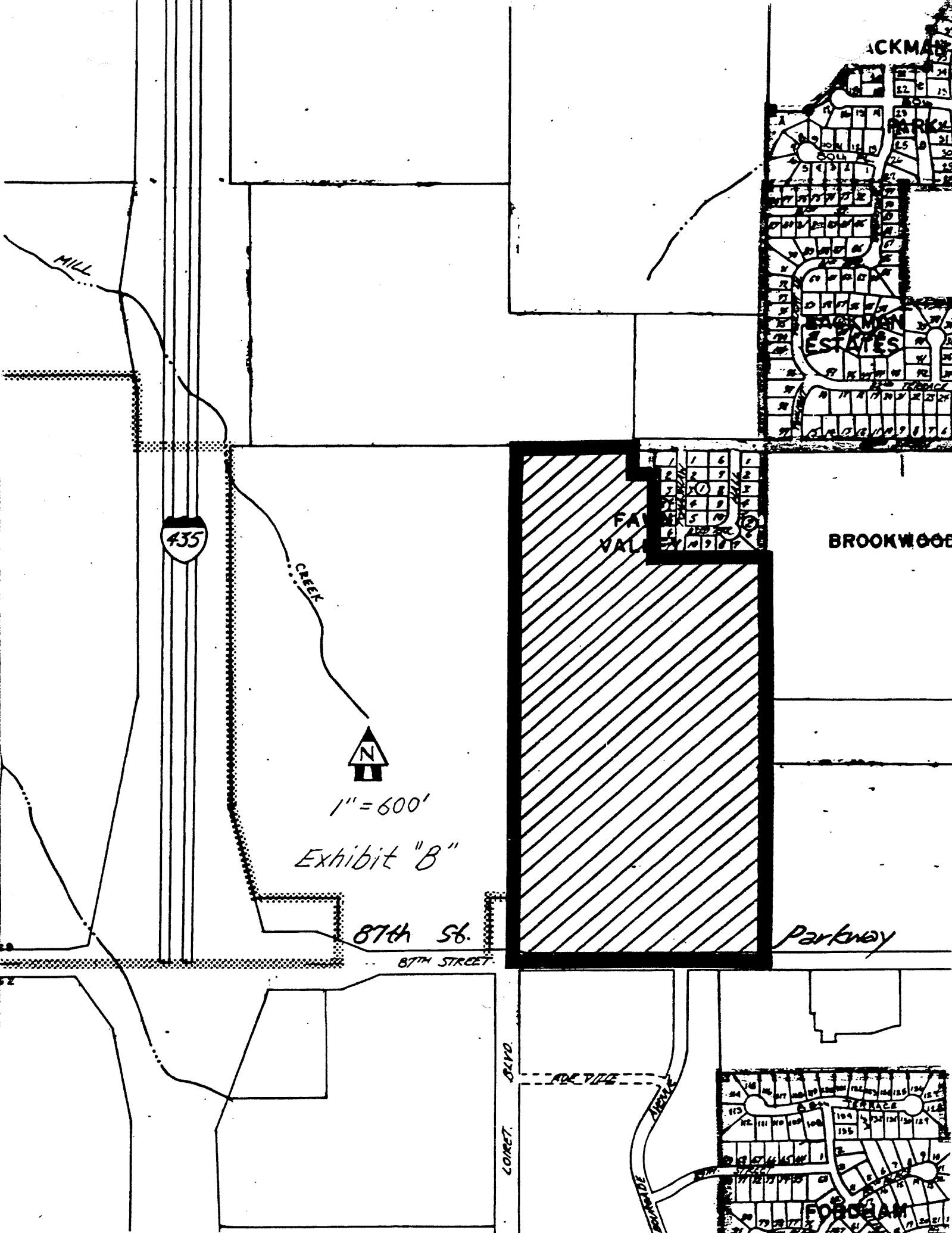
TO ALL PERSONS CONCERNED: You are hereby notified that a public hearing will be held by the Board of County Commissioners of Johnson County, Kansas at 7:30 o'clock on the 16th day of October, 1984, at the City Hall located at 12350 West 87th Street Parkway in Lenexa, Johnson County, Kansas, to consider the advisability of annexing to the City of Lenexa the following described property located in Johnson County, Kansas, owned by the estate of Leonard Mettee.

The west one-half of the southeast one-quarter of Section 29, Township 12 South, Range 24, Johnson County, Kansas, except the north 580 feet of the east 560 feet and the north 145 feet of the west 100 feet of the east 660 feet thereof.

A sketch of the land proposed to be annexed is shown as follows:

See Exhibit "B".

A plan for extension of services to the area to be annexed has been filed with the Board of County Commissioners.



435

HILL

CREEK



1" = 600'

Exhibit "B"

ACKMAN

ACKMAN PARK

ACKMAN ESTATES

FAMILY VALLEY

BROOKWOOD

87th St.

87TH STREET

Parkway

CONNET BLVD.

ACE TIRE

BOARDWALK AVENUE



ORDER FOR GRANTING (OR DENYING) ANNEXATION
PURSUANT TO K.S.A. 12-521

A petition was filed by the City of _____, on the _____ day of _____, 1984, requesting the Board of County Commissioners to consider the advisability of annexing the following described property to such City.

The west one-half of the southeast one-quarter of Section 29, Township 12 South, Range 24, Johnson County, Kansas, except the north 580 feet of the east 560 feet and the north 145 feet of the west 100 feet of the east 660 feet thereof.

The Board having heard testimony as to the advisability of annexing the above described property at a public hearing held on the _____ day of _____, 1984, is satisfied that annexation of such property to the City of _____ will cause no manifest injury to the owners of such land and hereby orders that the petition of the City of _____ be granted.

Chairman, Board of County Commissioners

ATTEST:

County Clerk

ORDINANCE NO. _____

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: That upon finding and order of the Board of County Commissioners of Johnson County, Kansas, as specified by K.S.A. 12-521, the following described property is hereby annexed to the City of Lenexa, Kansas:

The west one-half of the southeast one-quarter of Section 29, Township 12 South, Range 24, Johnson County, Kansas, except the north 580 feet of the east 560 feet and the north 145 feet of the west 100 feet of the east 660 feet thereof, and containing 72.212 acres, more or less.

SECTION TWO: This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body of the City of Lenexa this _____ day of _____, 1984.

Signed: _____
Rich Becker, Mayor

ATTEST: _____
Sandra Howell, City Clerk

**CITY OF LENEXA, KANSAS
SERVICE EXTENSION PLAN STATEMENT**

A REPORT ON THE PLANS AND AVAILABILITY OF MUNICIPAL SERVICES FOR A TRACT OF LAND UNDER CONSIDERATION FOR ANNEXATION PURSUANT TO K.S.A. 12-521 AND LOCATED ADJACENT ALONG AND ADJACENT TO THE NORTH RIGHT-OF-WAY LINE OF 87TH STREET PARKWAY APPROXIMATELY ONE-QUARTER MILE WEST OF LACKMAN ROAD.

The Mayor and City Council of the City of Lenexa have expressed interest in the annexation of the area as generally defined above. Kansas law requires that prior to this annexation of land, a report be prepared and placed on file with the petition to the Board of County Commissioners which sets forth the plans of the municipality for extending to that parcel to be annexed each major municipal service provided to persons and property located within the City at the time of annexation and setting forth the method by which the City plans to finance the extension of such services to such area.

The following information, therefore, has been compiled by the Community Development Department in conjunction with the principal departments and staff of the City that would be responsible for the provisions of such services to newly annexed areas. A map accompanies and is an integral part of this report, indicating the proposed City boundary extension; the existing general land use pattern in the proposed annexation area; the existing water lines and the proposed extension thereof; the existing sewer lines and the proposed extension thereof; and the existing streets and road network and the proposed improvement or extension thereof.

The map and this report constitute the City's service extension plan for the provision of municipal facilities and services to the area proposed for annexation. A Summary of the Service Extension Plan is provided which identifies each major service; the service availability in the existing City and for the proposed annexation area; the method of financing the extension of the service to the proposed annexation area; and the approximate time when such service is expected to be provided.

EXISTING CONDITIONS

The City of Lenexa is a rapidly growing suburban city in Johnson County which, due to its location on a major interstate highway corridor and other factors, is expected to continue to grow at a rapid rate. Population growth trends indicate that the City more than doubled in population between 1960 and 1970. That rate of growth increased so that between 1970 and 1975 the City population doubled again. The 1980 census data indicates, for a third time since 1960, the City population has more than doubled to a population of 18,639. Population projections for the City and the proposed annexation area show another doubling of population by 1990.

Interstate Highway I-35 has played a major role in the growth and development of the City of Lenexa as well as I-435 which is presently under construction from its intersection with I-35 in Lenexa to Kansas City International Airport in Platte County, Missouri. The extension of I-435 west and north from its present terminus at I-35 and the construction of state highway K-12 from I-435 west to state highway K-7 will significantly increase industrial and commercial growth and employment opportunities in Lenexa and in the area to be annexed and will create substantial residential growth and development. Development activity has begun to occur along the Interstate 435 corridor with the recent consideration by the Lenexa Planning Commission of an application for change in zoning and preliminary plan approval on the 81.5 acre parcel located immediately to the west of the subject tract. Adequate planning controls and development regulations must be employed within the corridor if development is to occur in the best interest of both the property owners and the citizens of Lenexa.

Existing land use in the proposed annexation area is agricultural in nature, with cultivation of the tract currently under way.

The proposed annexation area is approximately 72.2 acres in size and is totally surrounded by the City of Lenexa, Kansas, with exception of the southerly 348.5 feet of the westerly tract boundary.

EXTENSION OF MAJOR CITY SERVICES AND METHOD OF FINANCING

Existing City Services

The City of Lenexa had a total assessed valuation of real, personal, motor vehicle and utility property in 1984 of over \$150 million and revenues and cash carry over of \$13 million. Expenditures for general governmental purposes in 1982 (including capital outlay funded by bonds) totalled \$13 million. The City provides all general governmental services with a staff of full time personnel. General governmental services provided by the City include: administration and management; engineering; legal; community development; municipal court; police protection; fire protection; highway construction and maintenance; parks and recreation; civil defense; and building maintenance. In addition, Lenexa provides to a portion of the City sanitary sewer collection and disposal in its own municipally-owned and operated plant. All streets and city-owned facilities are maintained by the City staff.

The City currently has two separate fire stations fully equipped and served by 32 professional fire fighters, 12 volunteers, a fire chief, an assistant fire chief and 2 full-time fire inspector. Police services are provided by a chief of police, a deputy chief, 38 paid police officers and 6 reserve officers who have the use of 27 vehicles. The police department is housed in a new police facility on 87th Street Parkway next to the new Municipal Office Building. The Lenexa Parks & Recreation Department operates and maintains the City's 80 acres of park land and the recently completed Community Center and Senior Citizens Center. Lenexa's two major parks accommodate a 50 meter and 25 meter pool. The 1,430 acre Shawnee Mission Park lies partially in the northwest part of the City and is a major recreational resource serving the entire City and the proposed annexation area.

At present the general obligation debt is approximately \$24.9 million. Revenue bonding capacity is only limited by the ability to generate revenues from a facility sufficient to repay the bonds. There is no statutory limit on capacity. General obligation bonds have been used in the past for fire stations, street and road improvements, sewer and water improvements and recreational facilities. Revenue bonds have been used for sewer and water improvements for industrial developments.

Extension of City Services

All general governmental services provided by the City of Lenexa to its existing residents will be extended immediately upon annexation to the annexed area, including administration, planning, zoning, police, street maintenance, parks and recreation maintenance and development, code enforcement, licensing and others. Each of these services will be funded from general revenues supported by the City-at-Large.

Major municipal services will be extended to the proposed annexation area as follows:

Arterial Street and Road Improvements. Arterial street and road improvements are planned, engineered and constructed by the city in accordance with a prioritization of needs and the City's adopted Major Street Plan. The Major Street Plan shows the recommended pattern of arterials both in the existing City and in the proposed area to be annexed. Arterial streets are financed with general revenues from the city-at-large. General obligation bonds have been utilized extensively in the past for major new construction and improvements. Smaller collector streets are financed by individual developers or by creation of a benefit district.

The Service Extension Plan shows the location of proposed major arterials in the area proposed for annexation. The timing of these improvements will depend upon development activity.

Park and Recreation Facilities. Parks and recreational improvements are planned and constructed by the City Parks and Recreation Department and are funded by general revenues and via the Parks and Recreation Improvement Fund. Federal funding is also used to support local parks improvements. This procedure will be applied to parks and recreation needs in the area proposed for annexation. Parks, other than those provided by the developer via dedication at the time of development, are provided by the City when sufficient demand exists.

Shawnee Mission Park, a 1,430 acre regional park, satisfies a substantial part of the non-neighborhood recreational demand in the City and in the proposed annexation area. The two existing swimming pools in the City of Lenexa would be available to all new residents of the City.

Fire Protection. Fire protection services are currently provided by special agreement with the City of Lenexa to the proposed annexation area from the City's two existing fire stations. The City of Lenexa has recently authorized the preparation of plans and specifications for the construction of a new facility, combining fire protection and administrative services, on a site located at 96th Terrace and Pflumm Road. The facility, designed to replace existing Station #1 located at 9220 Haskins, is projected to cost \$1.8 million and will be financed by the City-at-large via general revenues and general obligation bonds.

Police Protection. Police protection services would be extended to the proposed annexation area immediately upon annexation and would replace the existing county police protection services. A new \$2.1 million police facility recently occupied would serve the annexed area with expanded police services. Servicing the proposed annexation area would probably not require additional police vehicles or additional personnel. All costs would be borne by the City-at-large from general revenues.

Water Service and Fire Hydrants. Water service is not currently being provided in the proposed annexation area except on a very limited basis. The existing water system could be extended as shown to provide service to the proposed annexation area. Major water system expansions and improvements would be provided by Water District No. 1 and financed with revenue bonds. Lateral water lines to serve specific properties and developments would be financed by developers or via special assessment benefit districts. The attached map shows existing water lines in the City and in the annexed area as well as plan for extension of lines and facilities to serve the annexed area.

Sewer Service. Sewer service is currently provided in the City by a municipally-owned and operated plant and by city-owned sewer lines. Sewer service is not currently available in the proposed annexation area. The attached map shows the possible location of a new sewage treatment plant and necessary major interceptor lines to service the entire proposed annexation. The plan and major lines would be financed by formation of benefit districts with special assessments levied against property owners in the district. Land owners may petition for formation of a district. Operational and maintenance expenses are paid for by sewer service charges levied against all users of the system. Lateral lines and extensions are financed by developers for service to individual subdivisions. General obligation bonds may also be utilized for major sewer improvements.

Street Maintenance. Street maintenance would be extended immediately to the area upon annexation. The costs for service would come from City general revenues.

Street Lighting. Street lighting is required in all new subdivisions according to City policy, which would apply in the proposed annexation area. The cost of providing street lighting is paid for by city franchise fee.

General Governmental Services. Other services available to this area include code enforcement, zoning administration and comprehensive planning. These services would be provided through general revenue.

Summary of Services Extension

<u>Service</u>	<u>Existing In City</u>	<u>Proposed For Annexation Area</u>	<u>Method of Financing</u>
Arterial Street & Road Improvements	Yes	Yes, in accordance with Major Street Plan	Arterials: by City-at-large via general budget and/or general obligation bonding collectors: by developer and/or benefit district up to 28' width; excess width by City-at-large
Parks and Recreation	Yes	Yes, in accordance with Comprehensive Plan and Subdivision Regulations	City-at-large via Parks & Recreation Improvement Fund, general revenues & federal funding. Park land is also obtained via developer dedications
Fire Protection & Emergency Rescue	Yes	Yes	City-at-large via general revenues and general obligation bonding
Police Protection	Yes	Yes	City-at-large via general revenues and general obligation bonding (for new police facility)
Water Service & Fire Hydrants	Yes	Yes	Major Lines: City via revenue bonds; laterals to property: by developer or benefit district with necessary oversizing by City
Sewer Service	Yes	Yes	Major Lines: by benefit district; laterals: by developers

<u>Service</u>	<u>Existing In City</u>	<u>Proposed For Annexation Area</u>	<u>Method of Financing</u>
Street Maintenance	Yes	Yes	City-at-large via general revenues
Street Lighting	Yes	Yes; required for all new subdivisions	City-at-large via franchise fee
Code Control & General Governmental Services	Yes	Yes	City-at-large via general revenues

Monticello Township Board
Monticello Fire District No. 1

JOHNSON COUNTY, KANSAS
Route 1, Box 257
OLATHE, KANSAS 66061

TO: The Residents of Monticello Township

FROM: The Annexation Committee

Since the meeting of November 12, 1985, at Meadow Lane School, we have made a great deal of progress. We have been meeting every week and will continue to do so until the hearings are over. The meetings are usually Tuesdays, at 8:00 p. m. at the Township Hall. We have put together a pretty convincing case of diminished service if the annexations were to take place, especially in the area of Fire and Rescue services. With the help of Dale Clark, Architect, John McClellan, Attorney, Sid Linver, John Nangle, and Ken Sokol, we have been able to contrast the existing services of Monticello with the proposed services of Lenexa and Shawnee, and we think the figures will speak for themselves.

Being guided by John McClellan, we have also been gathering a pretty convincing legal case. Here we need some help from you. If you have not signed anything in regard to receiving notification of the proposed hearing for annexation, and were NOT notified of such, please fill out and return the enclosed letter. In order for this to be of help to the Legal presentation we will need a copy of the deed for your property or the contract for purchase. Your response is important to the Legal as well as the oral presentation. Send to: Patti Armstrong, 21301 Bittersweet Dr, Lenexa, Ks. 66220. OR drop off the information at the Monticello Fire Hall 83rd and Gleason. (we need your signature with or without the deed)

Also included with this letter is a sample form for both written and oral testimony. If you are planning to speak at the hearings, we would like you to fill out the enclosed form and they will be collected at the hearing. Included on the form is a suggested format...please confine your testimony to things that are relevant to the case of "Manifest Injury". Items such as increased taxes, diminished services, unrealistic zoning regulations, unrealistic ordinances that do not relate well to a rural lifestyle. (Dog leash laws, sprinkling regulations, no hunting in city limits, etc.) Documented increases in Insurance rates because of additional response time for Fire and Rescue would be very helpful. Be sure to state you believe these things will cause you "Manifest Injury".

During the summary of the presentation the Annexation committee plans to offer the Commissioners an alternative to immediate and unnecessary Annexation. The proposed plan would be a City, Township, and County planning effort to determine the best use of the land and proposed growth. We would hope to have cooperative planning to address those and other issues that will arise.

(next page)

(Part of attachment III)

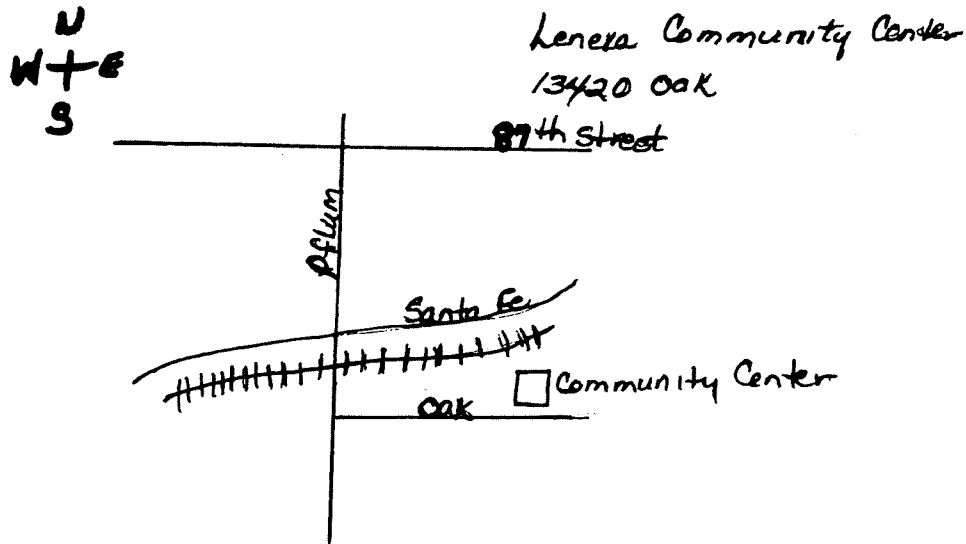
Monticello Township Board Monticello Fire District No. 1

JOHNSON COUNTY, KANSAS
Route 1, Box 257
OLATHE, KANSAS 66061

FOR YOUR INFORMATION

We collected almost \$1,800 the 12th of November and at the Picnic on November 23rd. We will spend those funds on printing, graphics, and consultant fees. A full accounting will be published in the Monticello News.

MAP TO HELP YOU FIND Lenexa Community Center, 13420 Oak, DECEMBER 12, 1985.
7:30 p. m. (come early and get a good parking spot)



Calling and writing the County Commissioners is a very good idea.

Monticello Township Board Monticello Fire District No. 1

JOHNSON COUNTY, KANSAS
Route 1, Box 257
OLATHE, KANSAS 66061

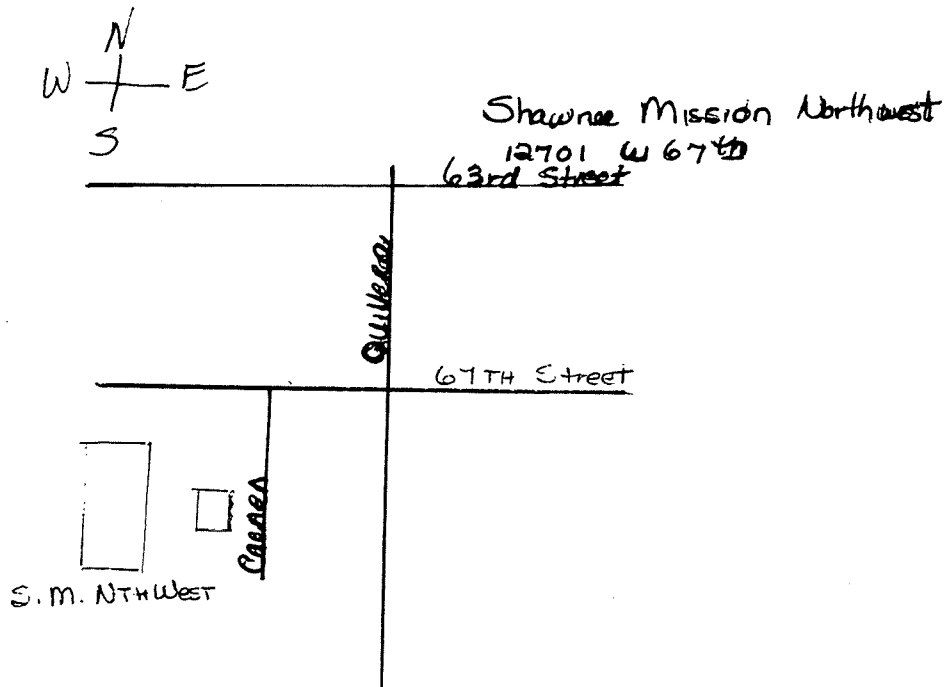
FOR YOUR FURTHUR INFORMATION

Baby sitting will be available at both hearings.....

We really need you to attend the hearings, when the calling committee calls you give them your commintment for both hearings.

There continues to be action on the Annexation Law in the legislature, it may or may not help. See page 51a of the Kansas City Star, Sunday Dec. 1, 1985 edition for an up to date article.

Map to help you find SHAWNEE MISSION NORTHWEST, 12701 W. 67th St., 7:30 p. m.
DECEMBER 23, 1985...come early...



I know many of you have tried to reach me by phone and been unsuccessful, please keep trying. I try to return all calls.

Thanks,

Patti

Patti Armstrong

December 23, 1985

Honorable Members of the Board
of County Commissioners of
Johnson County, Ks.

Ladies and Gentlemen,

My name is _____ . I am a resident
of Monticello Township. I reside in the area proposed for annexation
by Shawnee, that petition is presently pending before you.

I believe annexation will cause "Manifest Injury" to me and to others
who own land and/or reside in Monticello Township. (please list your
reasons.)

Respectfully submitted

December 12, 1985

Honorable Members of the Board
of County Commissioners of
Johnson County, Ks.

Ladies and Gentlemen:

My name is _____ . I am a
resident of Monticello Township..I reside in the area proposed for
annexation by Lenexa, that petition presently is pending before you.

I believe annexation will cause manifest injury to me and to others
who own land and/or reside in Monticello Township. (please list
your reasons)

Respectfully submitted

AMERICAN PEOPLE
CITY OF LOS ANGELES
SUPERVISOR [Name]

December 12, 1965

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ANNEXATION REQUEST
CITY OF LENEXA

SUPPORTIVE INFORMATION
(Presented by Myles Schachter, AICP, FORESIGHT)

I. ESTABLISHMENT OF FACT: It is a fact that the proposed annexation area is urbanizing and that the City of Lenexa can best meet this area's urban demands.

- The annexation area will urbanize in the near future.
- Urban services will be necessary in the area.
- An adjacent city can best provide these services.

- Lenexa is well equipped to provide urban services.
- Topography, access and geography define Lenexa as the most logical city to provide these services to this area.
- This area is the only option for Lenexa's expansion and is necessary for imminent growth.

-The residents of this area will benefit from being in the City.

II. THE REASONS FOR ANNEXATION

Cities must annex land to accommodate anticipated growth.

The League of Kansas Municipalities publication Annexation: A Manual for City Officials in Kansas emphasizes this need for growth planning.

"Annexation provides a sound basis for planning, orderly growth, and standardization of services and facilities. It minimizes creation of multiple incorporated places and special districts within an area.

A private business that never planned for growth, acquired additional land for expansion only when required by crisis and only after it had been developed in a manner unsuitable for its purposes would soon go bankrupt—and rightly so. Yet this is exactly what many Kansas cities have done for years in the field of annexation. Some city governing bodies have been afraid to publicly plan for growth for fear that their critics would say annexation was planned only to increase the city tax base. Others have not annexed because the cost of servicing annexed areas normally exceeds the revenue from such areas for some years and they want to postpone the problem. Cities have annexed land in

many instances only after the residents "demanded" services because of a crisis. As a result they have permitted the fringe areas and entranceways to their cities to develop without planning, without sound construction requirements, without sanitation and adequate protection for public health, without police protection and fire protection, without planned streets—and without protest until the situation became intolerable and beyond correction by the area residents. Annexation at this stage may require massive injections of city funds in attempts to correct conditions which never should have existed, problems in providing utility services and replacing substandard water lines, and proving again the adage— "An ounce of prevention is worth a pound of cure."

Experience teaches that the time to deal with the fringe problems is before the full impact of the problem itself. Cities should establish orderly programs of planned annexation which recognize that adjacent urbanized areas should be made part of the city and that it may be no real kindness to the residents of such areas to delay annexation."

III. THERE IS A NEED FOR THIS AREA TO BE ANNEXED

When evaluating annexation proposals, planners generally ask three major questions. These are:

1. Is the area to be annexed a logical growth area for a city?
2. Would the annexed area experience urbanization in the foreseeable future?
3. Would annexation of the area improve its planned development?

Answer 1: Clearly, the proposed annexation area is in a logical growth path for the City of Lenexa. The City is bounded on the north, south, and east by other Johnson County cities. To grow, it must move west.

Even if other expansion options did exist for the City, western growth is logical. The K-10, I-435, K-7, and 87th Street corridors provide necessary accessibility to work and shopping areas and will serve as a driving force behind new development.

Answer 2: The area has already undergone significant development. Every indication exists that this urbanization will continue to occur in the near future.

Answer 3: Annexation of this area will improve its planned development.

1. Since development will occur in this area, it is in the County's, the City's, and the residents' best interests to assure that this development is planned and orderly.
2. As will be discussed later, the City can and will provide services to this area. The City is best equipped to provide urban services.

IV. DEMONSTRATION OF GROWTH—LENEKA AND THE ANNEXATION AREA

Tremendous growth has taken place within the City of Lenexa over the last several years. Likewise, growth has been evident in the annexation area and is expected to continue at an even greater rate.

A. Growth in The Annexation Area

1. The annexation area is already significantly developed. Approximately 246 urban-type residences already exist in the area. Likewise, a number of semi-public, commercial, and mining (quarrying) activities exist as well. Land use information pertaining to the annexation area is presented below.

<u>Residential Land Uses</u>	<u>No. of units</u>	<u>% of total</u>
Agricultural Residential Units	30	11%
Rural Residential Units	65	24%
Platted Residential Units	181	65%
Total Residential Units	276	100%

Non-residential Land Uses

Churches	2
Business	Approx. 112 acres
Mining Activities	Approx. 253 acres

2. Population estimates 1982-84, are presented below for Monticello and Shawnee Townships. Even greater increases are anticipated in future years.

<u>Township</u>	<u>1982</u>	<u>1984</u>	<u>% increase</u>
Monticello	2,815	2,916	3.6
Shawnee	616	664	7.8

B. Rapid City Growth

The City of Lenexa has experienced tremendous growth over the last several years.

1. The City grew from 500 persons in 1940 to approximately 19,000 in 1980— a 3,700% increase.
2. The Fall, 1985 issue of Dataline, a publication of Mid-America Regional Council, provides population estimates for every city in the Kansas City metropolitan area. As displayed below, Lenexa and Olathe were the two fastest growing cities in Johnson County between 1980 and 1984.

<u>Johnson County City</u>	<u>Population</u>		<u>% increase</u>
	<u>1980</u>	<u>1984</u>	<u>1980-84</u>
Countryside	346	380	10%
DeSoto	2,061	2,195	7%
Edgerton	1,214	1,326	9%
Fairway	4,619	4,677	1%
Gardner	2,392	2,747	15%
Leawood	13,360	14,482	8%
> Lenexa	18,639	23,364	25% <
Merriam	10,794	11,205	4%
Mission	8,643	8,549	0%
Mission Hills	3,904	3,794	0%
Mission Woods	213	224	5%
Olathe	37,528	46,762	25%
Overland Park	81,784	89,178	9%
Prarie Village	24,657	24,141	0%
Roeland Park	7,962	7,921	0%
Shawnee	29,653	29,947	1%
Westwood	1,783	1,757	0%
Westwood Hills	437	457	5%

**POPULATION GROWTH TRENDS
1950 - 1980**

<u>Year</u>	<u>Lenexa</u>	<u>Percent Change</u>	<u>Johnson County</u>	<u>Percent Change</u>
1950	803	-	62,783	-
1960	2,487	209.7	143,792	129.0
1970	5,242	110.8	217,662	51.4
1975	11,247	114.6	241,781	11.9
1976	12,863	14.4	243,953	0.9
1977	14,622	13.7	250,951	2.9
1978	16,212	10.9	256,259	2.1
1979	17,133	5.7	261,830	2.2
1980	18,490	7.9	268,157	2.4

Sources: U.S. Census Bureau, 1950, 1960, 1970; Johnson County Appraiser, 1975 - 1979; U.S. Census, 1980 Preliminary Population Count

**POPULATION PROJECTION
1980-2000**

<u>Year</u>	<u>Existing City of Lenexa</u>			<u>Lenexa Planning Area</u>		
	<u>Low</u>	<u>Moderate</u>	<u>High</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>
1980*	18,639	18,639	18,639	22,500	22,500	22,500
1985	23,400	24,000	25,200	28,500	30,100	34,500
1990	26,500	28,675	31,500	33,400	38,410	44,170
1995	29,000	32,650	36,600	38,500	44,050	50,650
2000	32,000	36,000	41,500	42,500	48,000	55,750

**HOUSEHOLD DISTRIBUTION
1960 - 1980**

<u>Year</u>	<u>LENEXA</u>		<u>JOHNSON COUNTY</u>	
	<u>Housing Units</u>	<u>POP/HH</u>	<u>Housing Units</u>	<u>POP/HH</u>
1960	653	3.82	40,270	3.64
1970	1,815	3.32	67,997	3.21
1975	4,895	3.18	82,220	2.99
1976	5,030	3.10	84,956	2.94
1977	5,075	3.05	87,692	2.92
1978	5,704	2.96	91,099	2.84
1979	6,314	2.92	95,729	2.79
1980	7,042	2.88	102,257	2.75

**HOUSEHOLD DISTRIBUTION
PROJECTIONS
1980 - 2000**

<u>Year</u>	<u>Existing City of Lenexa</u>		<u>Lenexa Planning Area</u>	
	<u>Housing Units</u>	<u>POP/HH</u>	<u>Housing Units</u>	<u>POP/HH</u>
1980*	7,042	2.88	7,485	3.01
1985	9,125	2.65	10,750	2.81
1990	11,245	2.55	14,385	2.67
1995	13,440	2.42	17,274	2.55
2000	15,650	2.30	20,150	2.40

*Source: 1980 Preliminary U.S. Census 5

3. Even more noteworthy is the large population increases in the western portion of Lenexa.

<u>Section</u>	<u>Approximate % Increase 1980-85</u>
28	200%
29	1,500%
32	150%
33	27%

The Lenexa School Planning Census was done in October of 1984 by the ETC Institute of Olathe. This study analyzed growth in an area bounded by 87th Street on the south, the half-section line between Lackman and Pflumm on the east, and Ogg Road on the west.

Major Findings:

- a. During a 5-week period, houses were being occupied at a rate of 2/3 per day. Projected over one year, this growth rate would yield 240 new households to the area.
- b. Approximately 1/3 of the residents had lived in their current home less than one year; some for only a few days or weeks.
- c. Approximately 1/3 of the residents had moved from either Kansas or Missouri communities. Thirty-six states were represented.

CONCLUSION: AT THE PRESENT RATE OF ABSORPTION, IT HAS BEEN DETERMINED THAT ALL LAND EAST OF I-435 WILL BE CONSUMED FOR RESIDENTIAL PURPOSES WITHIN 6 YEARS. THIS FACT, PERHAPS MORE THAN ANY OTHER, DICTATES THAT LENEXA MUST ANNEK ADDITIONAL LAND IN ORDER TO PROVIDE FOR GROWTH OPPORTUNITIES INTO THE 1990'S.

C. Development Activity in Lenexa

Great increases in planning and zoning activities have been experienced over the past few years. These increases for the last five years are presented in the following table. This information provides an excellent barometer for assessing the City's overall growth.

<u>Requests</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
Rezoning	7	13	5	16	27
Sp. Use Permits	16	16	19	24	25
Prel. Plans	6	14	6	33	34
Final Plans	18	22	12	38	49
Prel. Plats (lots)	214	108	77	529	604
Final Plats (lots)	83	205	48	371	453

Building Permits
Issued

R-1	156	145	165	431	427
*R-2	34	26	44	90	8
*R-3	4	24	125	52	770
Commercial	4	11	5	14	19
Industrial	27	7	17	20	33
Misc.	77	98	104	183	307
Total	302	311	460	790	1564

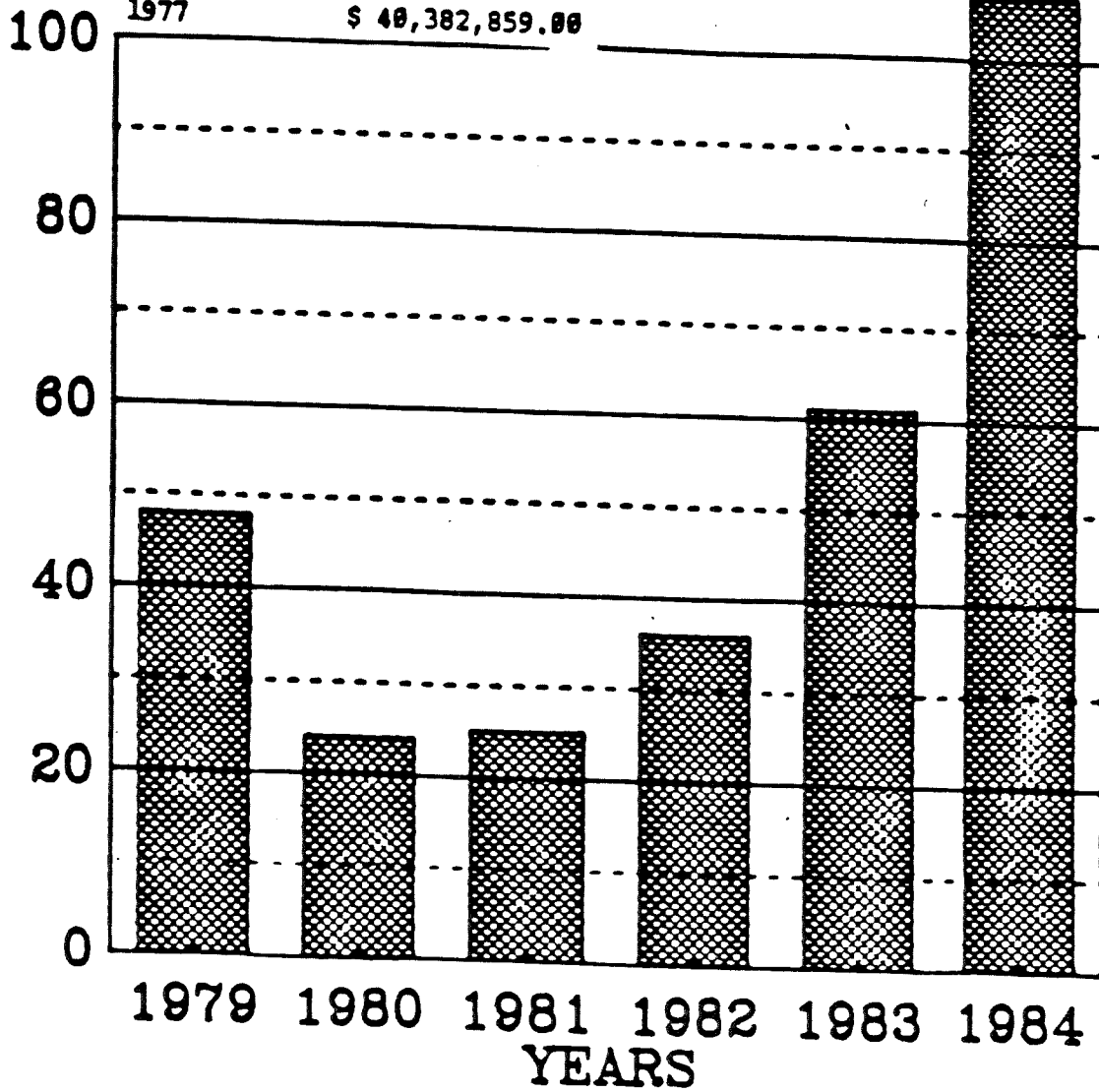
* Indicates total dwelling units

1980-84 INCREASE IN LOTS = 446 %

1980-84 INCREASE IN BUILDING PERMITS (UNITS) = 417 %

ESTIMATED CONSTRUCTION COSTS OF ISSUED BUILDING PERMITS \$ IN MILLIONS

	1970	\$ 6,932,000.00	1978	\$ 42,716,716.00
140	1971	\$ 19,330,279.00	1979	\$ 48,025,731.00
	1972	\$ 29,575,904.00	1980	\$ 24,445,117.00
	1973	\$ 22,057,835.00	1981	\$ 24,843,069.00
120	1974	\$ 42,742,955.00	1982	\$ 36,201,539.00
	1975	\$ 17,748,939.00	1983	\$ 60,989,147.00
	1976	\$ 21,206,251.00	1984	\$107,337,351.00
100	1977	\$ 40,382,859.00		



V. NEED FOR THE PLANNED DEVELOPMENT OF THE AREA

The 1982 Land Use Guide Plan for unincorporated Johnson County addresses a number of issues that directly relate to the annexation area. These issues reveal that there is a definite need for planned development and control in many unincorporated portions of the County. To demonstrate that Lenexa is best equipped to deal with many of these issues, excerpts from the 1982 plan are presented below.

It is important to emphasize that bringing attention to these issues and problems is in no way a claim that the present level of services to the annexation area is inferior. The present level of services is good. However, of the County's 476 square miles, 100 are urbanized. It will be more difficult for the County to supply the needs of these urbanized areas than it would be for an adjacent city to do so. Lenexa seeks to enhance the present level of services that the County is providing and demonstrate that it will be best equipped to deal with these issues as the area continues to grow.

A. Unincorporated Johnson County is Growing

1. Completion of K-10 and I-435 Highways, and the Widening of K-7 Highway will provide the impetus for rapid commercial and industrial growth.

"Both the completion of K-12 (now K-10) and I-435 are expected to occur within the next few years. K-12 is a 5-mile highway which will connect that portion of New 10 Highway west of K-7 with I-435. The completion of this remaining portion of I-435 will complete the circumference freeway surrounding the Kansas City metropolitan area. In effect, the opening of both major routes will provide an important link between Johnson County and the balance of the Kansas City Metropolitan area. In particular it will provide easy access to and from the north central and northwestern portions of Johnson County, which are presently unincorporated. The completion of both K-12 and I-435 can be expected to generate extensive development within the County and noticeably within the unincorporated area. In addition, the widening of K-7 Highway north of new K-10 Highway should strengthen this major state highway as a development corridor."

Comment: This area will be in need of the type of planning capabilities that the City of Lenexa possesses. Lenexa is prepared to coordinate and maximize this growth, but needs to be involved from the outset while the area is not densely developed.

2. It Has Been Difficult to Coordinate Services in Unincorporated Areas.

"There has not been a unified or coordinated strategy for the extension of water, sewers, roads, and other public facilities and services within unincorporated Johnson County. Each of the autonomous special service districts which provide public services and facilities (i.e., sewers, water, fire protection, schools) to Johnson County residents funds and administers its own capital facilities and operations, and exercises its own expansion plans and service extension policies. The individual decisions to extend public services are often made independent of other agencies responsible for providing related support services to a particular geographic area."

Comment: The City of Lenexa is prepared to offer a coordinated, planned extension policy for the annexation area. The service extension plan outlines the basic components of this policy. Likewise, the process of dealing with the City is more streamlined than that of the County since all departments are located at the same facility.

3. Rural Property Taxes Cannot Support Urban Services

"The relatively lower property tax revenues paid within unincorporated Johnson County are not sufficient to fund an appropriate level of public support services and facilities that are demanded by an increasing population (i.e., roads and police protection)."

Comment: The City can and will provide appropriate services for the annexation area at a minimum cost in taxation to its residents.

4. Dispersed Development Has Been Allowed to Occur

"Development patterns within unincorporated Johnson County have generally occurred in an uncoordinated and dispersed manner, often resulting in land use incompatibilities and making it difficult to provide public facilities and services at an adequate level and in a cost-effective manner."

Comment: The City's Community Development Department can offer planning and zoning services for the area to help prevent these problems from occurring in the future, thus preserving property values in the area. The City has shown its dedication to promoting economic development while preserving residential neighborhoods.

5. Land Use Problems Have Accompanied Dispersed Development

- a. "Physical land use conflicts between agricultural and rural residential development.
- b. Deficient roads, inadequate maintenance and insufficient traffic controls serving adjacent subdivision developments.
- c. Failing on-site wastewater disposal systems and potential water quality hazards in portions of the County where environmental constraints were not properly addressed and taken into account."

B. Public Service and Facility Availability Has Become a Problem

1. Problems Concerning Public Safety Have Arisen in Unincorporated Johnson County

"Increasing growth and development within unincorporated Johnson County exceeds the fiscal ability of the Johnson County Sheriff's Department to effectively patrol portions of the County based on its current budget.

Certain development patterns and conditions within unincorporated Johnson County have contributed to the following circumstances, imposing obstacles to the effective provision of public safety services (police protection, fire protection, and emergency medical assistance) to residences and other facilities.

- a. Scattered and fragmented development patterns reduce response times. In some instances, personnel and equipment are spread too thin to provide adequate public safety services.
- b. Inadequate segments of the road network and natural physical barriers within portions of the County impose constraints to public safety vehicles.
- c. Certain undeveloped, as well as developing, portions of unincorporated Johnson County possess insufficient water supplies for firefighting."

Comment: The above problems are in no way a reflection of the competence or ability of the Johnson County Sheriff's Department. The mere geographic size of Johnson County is the primary problem, which further solidifies the fact that the City of Lenexa could serve the adjacent annexation area best.

2. The inadequate construction and poor alignment of some private roads impose a safety hazard and nuisance to the County.

Comment: The City is capable of assuring that roads will be constructed to appropriate standards with curb and gutter, etc. Likewise, the Subdivision Regulations and the Master Street Plan will be consulted to assure that new streets align properly.

C. The Environmental Quality of the Area Needs To Be Monitored

1. Land Use Conflicts Involving Quarrying Operations Have Occurred

"The extraction of fossil fuel and mineral resources from scattered sites throughout Johnson County often resulted in their physical incompatibility with clusters of nearby residential dwellings. As development spreads, this land use conflict can escalate if effective site planning is not encouraged. The availability and extraction of mineral resources within unincorporated Johnson County have been a valuable part of the area's economy as the proximity of quarries to the urbanized areas have helped to minimize the construction costs of asphalt, concrete and related building materials. In addition, long-term rises in fuel costs are likely to increase initiatives for the drilling of gas and oil deposits."

Comment: The presence of the quarrying operations indicates that the area is in need of quality planning and zoning assistance to insure that land use conflicts are not created. Two quarries are presently operating within the annexation area. Both are in the vicinity of 95th Street and Mill Creek.

2. Floodplain/Woodland Development Should Be Monitored Closely

a. "While existing development has not extended heavily into floodplains, wooded areas, or along steep slopes, future scattered and unrestricted pockets of development within unincorporated Johnson County could result in the depletion of these important amenities, and increase the possibility of unplanned encroachment into the County's stream valley corridors, which are extremely suitable for parks and open space preserves."

b. Some encroachment into the floodplain has been noted in Whispering Hills. (As displayed on the existing land use map)

c. The City of Lenexa is currently working with Kansas State University in an attempt to inventory vegetative stands in the area west of Mill Creek. This process will define critical areas that should be protected from development.

4. Section Line Road Development Has Been Allowed to Occur and Has Caused Problems

"Development along section line roads has restricted access to large tracts of land within the interior of sections, thus impeding traffic access."

Comment: The City can assure compatible subdivision design through enforcement of their subdivision regulations.

E. The Annexation Area Has Been Designated As a "Primary Growth Area." by the Johnson County Land Use Guide Plan

"There exists specific geographic areas within unincorporated Johnson County, which, due to prior private and public investment decisions, have become established or potential growth centers and corridors. Unless contrasting economic circumstances and public policy changes are introduced to stabilize or depress these areas, they can be expected to grow and physically expand. These are:

1. The Stanley Area...
2. The Blue Valley Area...
3. The Johnson County Industrial Airport
4. The Proposed Cedar Creek Development
5. The K-12 (K10) Highway and K-7 Highway Corridors Located within northcentral and northeastern Johnson County.

Concentrated development within these areas will require greater attention to land use relationships, environmental constraints, traffic circulation, and coordinated and fundable levels of public improvements and services. In addition, these potential growth centers will probably affect activity and development patterns throughout the County, so they are of countywide importance.

Comment: The majority of the annexation area lies with this primary growth area. We submit that the City of Lenexa will take great measures to ensure that this area is developed properly.

Comment: Great precautions should be taken in the future to preserve critical environmental areas. The City of Lenexa is capable of providing the appropriate attention to these areas.

D. Traffic Circulation Problems Have Occurred in Unincorporated Johnson County

1. Isolated Subdivision Design Has Caused Problems

"A number of residential subdivisions within unincorporated Johnson County have been layed out in an isolated manner without consideration of street tie-ins to surrounding lands; thus precluding their connection and access to adjoining developments. This situation eventually leads to an excessive number of intersections along major collector and thoroughfare routes and contributes toward traffic congestion...

The interconnection of subdivisions results in more direct travel, thus reducing time, fuel and money. Subdivisions can be secluded without hindering traffic circulation."

2. Emergency Vehicles Have Had Problems Reaching Their Destinations

"Poor access, substandard streets (design capacity and maintenance), and excessively-long, winding cul-de-sacs impede the response times of emergency medical vehicles within portions of unincorporated Johnson County."

3. Fiscal Problems Associated with Road Maintenance/Improvements Have Developed Due to Limited Funding

"The need for road improvements, maintenance operations and related traffic controls (i.e., guardrails, signage) capable of accommodating the traffic volume generated by increasing development densities within portions of unincorporated Johnson County have placed significant demands upon the Johnson County Road and Bridge Department in terms of equipment and manpower. The ability of the Road and Bridge Department to provide a sufficient level of services (road improvement and maintenance operations) for unincorporated Johnson County is presently limited by available funding."

F. The City of Lenexa Has Practiced Land Use Planning In the Annexation Area For a Number of Years

1. The 1980 Lenexa Comprehensive Plan Projects Future Land Use For the Annexation Area

Comment: Lenexa's Community Development Department has planned for this area since 1980 when the City adopted its Comprehensive Plan. This document articulates goals and objectives and outlines general recommendations for future land use in the annexation area.

2. The K-10 Corridor Study Outlines a Planning Framework for the Area

The K-10 Corridor Study was a joint planning project between the Cities of Lenexa and Olathe. Completed in September of 1985, the study takes an in-depth look at much of the land contained in the annexation area. As a conceptual tool, the study identifies future land use through a planning framework. This plan recognized the urbanization of most of the annexation area as well as the imminent development along K-7.

3. The 1985 Addendum To The Lenexa Comprehensive Plan Provides Additional Evidence of Continued Land Use Planning Activities in the Area

Comment: The 1985 Addendum to the Lenexa Comprehensive Plan, prepared by the Community Development Department, takes a close look at the implications for growth along the I-435 corridor. A series of planning recommendations are identified as a means of capitalizing on the expected growth along this corridor and subsequently, Renner Road.

VI. THE CITY CAN SUPPLY THE NEEDS OF THE ANNEXATION AREA

A. Property Tax Increases Will Be Minimal

Property taxes will not significantly increase for residents of the annexation area. Approximate tax increases for residents of both Monticello and Shawnee Townships are presented below. Also presented is a comparison of tax rates between Lenexa and other Johnson County cities

1. Monticello Township—10.718 mills dropped
25.730 mills added
15.012 net increase or \$9.00 per month for a \$100,000 home.
2. Shawnee Township —25.730 mills added for a net increase of \$14.90 per month for a \$100,000 home.
3. Lenexa possesses the 2nd lowest overall tax rate of all Johnson Co. cities (137.030 mills). The following table compares this rate with those found in selected Johnson County cities.

<u>City</u>	<u>City Tax</u>	<u>Total Mill Levy</u>
Lenexa	25.730	137.030
Overland Park	8.370	140.518
Shawnee	17.146	140.664
Olathe	37.668	142.858

4. Lenexa Capital Improvement Program

The City of Lenexa has also engaged in a process of capital improvement planning. This process has been designed to schedule public physical improvements over a five-year period. In essence, the capital improvement programming process provides an opportunity for long-range financial planning and management to help stabilize tax rates through intelligent debt management, while also ensuring orderly growth through the implementation of the comprehensive plan.

Examples of recommended appropriations for projects within the annexation area include:

Woodland Drive (K-10 to 85th Street)
87th Lane (87th to Woodland)
95th Street (Renner to Woodland)
95th Street (Bridge over Mill Creek)
Little Mill Creek Connector Park
Mill Creek Green Belt

B. City Services Will Be Extended to the ~~Area~~

All general governmental services provided by the City of Lenexa to its existing residents will be extended immediately upon annexation to the annexed area, including administration, planning, zoning, police, street maintenance, parks and recreation, maintenance and development, code enforcement, licensing and others. Each of these services will be funded from general revenues supported by the City-at-Large.

Major municipal services will be extended to the proposed annexation area as follows:

1. Arterial Street and Road Improvements

Arterial street and road improvements are planned, engineered and constructed by the City in accordance with a prioritization of needs and the City's adopted Major Street Plan. The Major Street Plan shows the recommended pattern of arterials both in the existing City and in the proposed area to be annexed. Arterial streets are financed with general revenues from the City-at-Large. General obligation bonds have been utilized extensively in the past for major new construction and improvements. Minor collector streets are financed by individual developers or by creation of a benefit district. The Service Extension Plan shows the location of proposed major arterials in the area proposed for annexation. The timing of these improvements will depend upon development activity. Plans call for improvements and/or construction of Parker, 95th Street, Ridgeview, Woodland, Monticello, and other collectors linking arterials in the area.

2. Sewer Service

Sewer service is currently provided in the City by a municipally owned and operated plant and by City-owned sewer lines. Sewer service is not currently available in the proposed annexation area. The possible location of a new sewage treatment plant and necessary major interceptor lines to service the entire proposed annexation area have been planned. The plant and major lines would be financed by formation of benefit districts with special assessments levied against property owners in the district. Land owners may petition for formation of a benefit district. Operational and maintenance expenses are paid for by sewer service charges levied against developers for service to individual subdivision. General obligation bonds may also be utilized for major sewer improvements.

The present treatment plant, located at what would be approximately 99th and Ridgeview, is presently operating at 50% capacity, thus being capable of handling increased demands. Topographic conditions allow several areas within the annexation region to be sewered in the near future. The area immediately west of the treatment plant drains to Mill Creek near the plant. Likewise, service to the areas to the north and northwest of the treatment plant could be provided fairly soon. Both of these areas could be sewered at minimal costs in the near future and contain no major topographic barriers.

3. Water Service and Fire Hydrants

Water service is not currently being provided in the proposed annexation area except on a very limited basis. The existing water system could be extended as shown on the map to provide service to the annexation area. Major water system expansions and improvements would be provided by Water District No. 1 and Rural Water District No. 3 and financed with revenue bonds. Lateral water lines to serve specific properties and developments would be financed by developers or via special assessment benefit districts. Water District No. 1 and Rural Water District No. 3 have recently joined lines at their boundary along 87th Street. Plans currently exist for a 12" line to be extended from the existing main along Renner Road at K-10 west to K-7. An additional 12" line will also be extended from the K-10-K-7 intersection north to 83rd Street, thus completing a loop which will ensure that adequate water pressure will exist in the area.

4. Police Protection

- a. Routine patrol will be provided to the annexation area immediately upon annexation. No significant increases in manpower or vehicles are anticipated in the near future, but will probably become necessary as the area continues to grow. The addition of the area to the Department's jurisdiction will necessitate redefining present patrol districts.
- b. The Lenexa Police Department will offer immediate response to the annexation area. Average response time for emergency calls is 3 minutes. For non-emergency calls, 5 minutes. The Johnson Co. Sheriff may have to respond from a remote area of the County. Typically, county Sheriffs Departments' response times are much longer, simply because they generally have much larger areas to patrol.
- c. The Lenexa P.D. boasts a 78% clearance rate on Part I crimes and a 50% clearance rate on Part II crimes. A clearance is a crime that has been solved (or cleared).

1983 Article in Kansas City Magazine rated all police departments in the Kansas City Metropolitan Area. The article rated the Lenexa Police Department as one of the area's finest. Likewise, the article said that even though the Johnson County Sheriff's Department had made significant manpower increases in recent years, they were still undermanned for the urban areas it must serve.

e. Manpower Statistics, Lenexa Police Department

39 sworn, full-time police officers
26 uniformed or on patrol
6 detectives
10 dispatchers
8 reserves
8 secretaries
2 technical support technicians
2 animal control officers
1 planning and research officer
1 crime prevention officer (full-time neighborhood watch)

66 full-time employees

5. Fire Protection

a. The City will be able to provide fire service to the proposed annexation area at a superior level. Fire protection services are currently provided by a mutual aid agreement with the City of Lenexa to a portion of the proposed annexation area (to approximately 1/4 mile west of Ridgeview Road) from the City's two existing fire stations at 87th and Lacinan and Walnut and Haskins. The remainder of the annexation area is being served by the Monticello Volunteer Fire Department. The City recently began construction of a new facility, combining fire protection and administration services, on a site located at 96th Terrace and Pflumm Road. The facility, designed to replace existing Station No. 1 (at Walnut and Haskins), is projected to cost \$1.8 million and will be financed by the City-at-Large via general revenues and general obligation bonds.

Since over one-half of the annexation area is protected by a volunteer fire department, the level of fire service will increase significantly upon annexation. The Monticello Fire Department is not inferior. However, the City of Lenexa offers a full-time, professional fire department which must go through fewer processes when responding to emergency situations.

- b. Lenexa has a "full service" fire department, including the following:
- life safety rescue
 - immediate ambulance service
 - home fire inspection upon request
 - free CPR training
 - free fire safety lectures
 - 5 minute response time to Whispering Hills
- c. Emergency fire response from the City is immediate. No intermediate steps are involved such as those that exist with a volunteer fire department.
- d. Suggested initial responses are presented below concerning fire service to the annexation area.
- For residential fires, units 920, 921 and 922 will respond to areas with no hydrants. (Total 1950 gallons of water for initial response.)
 - For brush fires, 920 (closest pumper) with 930, 4 wheel drive, off road vehicle will respond.
- e. The City of Lenexa possesses an ISO fire protection rating of 4 on a scale of 1 to 10 (with 1 being the best, 10 the worst). Ratings in the annexation area are both currently 8 and 9. This indicates that the City is better equipped to save lives.

6. Parks and Recreation

Parks and recreational improvements are planned and constructed by the City Parks and Recreation Department and are funded by general revenues and via the Parks and Recreation Improvement Fund. Federal funding is also used to support local parks improvements. This procedure will be applied to parks and recreation needs in the area proposed for annexation. Parks, other than those provided by the developer via dedication at the time of development, are provided by the City when sufficient demand exists. The Parks and Recreation Department will provide superior, comprehensive services to the annexation area.

All existing parks and recreation facilities will become available to residents of the annexation area immediately. An inventory of these facilities is presented below.

1. Indian Trails Park, 87th and Greenway, 20 Acres

- 1 Soccer Field
- 2 Picnic Areas
- 2 Shelter Houses
- 1 50 Meter Swimming Pool With Bath House and Concessions
- 2 Play Equipment Areas

- 4 Lighted Tennis Courts
 - 1 Baseball Field
 - 1 Open Sports Field
 - 1 Set of Restroom Facilities
 - 2 Parking Lots
2. Cottonwood Park, 108th and Cottonwood, 18 Acres
- 2 Parking Lots
 - 4 Lighted Softball Fields which can be used for soccer
 - 1 Picnic Area
 - 1 Concession and Restroom Building
3. Sar-Ko-Park, 87th and Lackman, 13 Acres
- 1 Open Play Field
 - 1 Bandstand
 - 1 Fishing Lake
 - 1 Picnic Area
 - 1 Maintenance Barn
 - 1 Historical Museum with an area reserved for future historical restoration
 - 1 Parking Lot
 - 1 Caboose
4. 79th and Cottonwood, 10 Acres
- Presently undeveloped but planned for soccer fields
5. Rock Creek Park, 103rd. and Hauser
- 2 Play Equipment Areas
 - 1 Swimming Pool with Bath House and Concessions
 - 2 Unlighted Tennis Courts
 - 1 300 Yard Nature Trail
 - 2 Open Play Areas
 - 1 Parking Lots
6. Little Mill Creek Park, 79th and Mullen, 7 Acres
- 1 Nature Area
 - 2 Softball Fields
 - 1 Soccer Field
7. 83rd and Lackman, 20 Acres
- Presently Undeveloped
8. Post Oak Park, Pflumm and 81st Terrace, 6 Acres
- 1 Play Equipment Area
 - 1 Open Play Area
9. 83rd and Lackman, Playground, 4 Acres-presently undeveloped

10. Cherokee Park, 82nd and Rosehill, 3.1 Acres
 - 2 Play Equipment Areas
 - 1 Multi-purpose Court
 - 4 Lighted Tennis Courts
 - 1 Shelter House
11. 87th and Lackman, 3.6 Acres
 - 4 Tennis Courts
 - 1 Parking Lot
 - Play Equipment Planned
 - Open Play Field
12. Harmony Park, 93rd and Lackman, 1 Acre
 - 1 Open Area
13. Santa Fe Trail Park, Santa Fe Trail Dr. & Noland, 1 Acre
 - 1 Trees and Flowers Area
14. Tot Lots, 1.8 Acres
 - John McNerney, Haskins and Penny Cross Road
 - 1 Play Equipment Area
 - 1 Basketball Court
 - Mullen, 94th and Mullen
 - 1 Play Equipment Area
 - Green Prarie, 92nd and Cottonwood
 - 1 Play Equipment Area
 - 1 Basketball Court
 - Trafalgar, 99th and Lenexa Drive
 - 1 Open Play Area
 - Gillette, 9010 Gillette
 - 1 Play Equipment Area
 - 1 Basketball Court
 - Scouting Park, 94th and Haskins
 - 1 Open Play Area
- b. City has plans for the development of the Mill Creek Corridor into a parkway linking Shawnee Mission Park with the southern end of the corridor. This is a very aesthetically pleasing area and should be protected and planned for carefully.

Street Maintenance

-Extended immediately to the area upon annexation with costs of service coming from general revenues.

Street Lighting

-Required in all new subdivisions accordig to City policy, which would apply in the proposed annexation area.

9. General Governmental Services

-Other services available upon annexation include zoning administration, code enforcement, and comprehensive planning. These services will be provided through general revenue. Presented below is a list of the professional staff the City possesses.

Officials and Administrators

10
City Administrator
City Clerk/Finance Director
Director of Public Works
Police Chief
Fire Chief
Assistant Fire Chief
Parks and Recreation Director
Deputy Police Chief (Major)
Personnel Director
Director of Community Development

Professionals

11
Codes Administrator
Community Center Manager
Training Officer
Police Captain
3 Fire Captains
2 Police Lieutenants
6 Fire Lieutenants
2 Associate Planners
Programmer Analyst
Director of Data Processing
City Engineer

Technicians

12
Service Technician
Communication Technician
Police Sargeant
Communications Supervision Technician
Fire Inspector
Code Enforcement Officers
Chief Dispatcher
Planning Technician
Citizen Services Technician I
Citizen Services Technician II
Accounting Technician I

Accounting Technician II
Superintendents
Recreation Coordinator
Office Manager
Engineering Technician I
Engineering Technician II
Chief Code Enforcement Officer
Chief Fire Inspector

~~10~~ City/County Regulations Comparison

Planning and zoning regulations will be applied to the area upon annexation. These will ensure coordinated development and that residential subdivisions in the area will be protected from incompatible land uses. The City's "R-1" zoning classification also assures that residences may maintain their rural character.

In many ways, the City's and County's zoning and subdivision regulations are similar. The City's septic tank requirements were adopted from the County regulations. The City requires slightly more lot area in residential subdivisions, while the County requires more land be dedicated for utility easements.

Road requirements are somewhat different between the two jurisdictions. The County allows private roads. The City requires curb and gutter streets and sidewalks to be installed. The public right-of-way requirements for each are fairly similar.

SUMMARY

THE LENEXA ANNEXATION REQUEST SHOULD BE APPROVED

- I. The Johnson County Land Use Guide Plan, K-10 Corridor Study, and the Lenexa Comprehensive Plan all show the annexation area urbanizing in the near future.
- II. The County does not have the resources to serve this large an urban area.
- III. Lenexa is in the best fiscal and geographical position to provide these services.
- IV. Lenexa is almost out of developable space. If it is to continue to grow, it needs to annex this portion of land.
- V. In our opinion, this annexation will greatly benefit the residents of this area without significant cost, supplying the area with:
 - A. Faster fire response times by a full-time, professional staff, thus improving the fire protection rating of the area from a class 8 or 9 to a class 4, which may reduce insurance premiums for many homeowners in the area.
 - B. Faster police response times.
 - C. A more comprehensive parks and recreation program and planned park improvements.
 - D. Improved zoning protection to avoid conflicts in land uses--Lenexa has shown dedication to neighborhood protection.
 - E. Improved Street Maintenance.
 - F. Minor tax increases (\$9.00 to \$14.90/month) for these services.

711

Testimony Presented to the
Senate Committee on Local Government
Thursday, January 30, 1986
Re: SB 427
By R. D. Martens
Wichita/Sedgwick County

Senator Montgomery, members of the committee:

I am R. D. Martens, I live outside the city limits of Wichita in the Crestview Improvement District.

Over the years our company has directed its primary focus towards the economic development of the Wichita-Sedgwick County area. While our specialty has been commercial and industrial real estate, we have accepted several challenges of community involvement that impact the economic vitality of South Central Kansas.

I've been active in Sedgwick County, the City of Wichita and in the economic development arena of the Chamber of Commerce. I've filled a vacated term as City Commissioner. My sons who are active in our company and I have represented the county commission in several capacities. This background has given me the opportunity to look at the annexation debate from several perspectives county-city-businessman and realtor.

It is my conclusion that the current annexation laws work very well. When services can be provided, cities are allowed to expand. Citizens in the fringe areas must understand, as my wife and I did, when we bought outside of the city limits, that ultimately they may have to pay city taxes and receive city services.

As a result of a vibrant city, citizens in the city as well as the outlying areas have jobs, retail centers, quality entertainment and a variety of sporting events. The vitality of the center city is directly related to the prosperity of the entire area. City

(Attachment IV)

S. L G

1/30/86

taxpayers provide funds for streets, and sewers for the entire infrastructure that supports business and industry. City taxpayers provide police and fire protection to the stores and businesses. City taxpayers support the efforts that bring in new businesses and support the continuation and growth of old businesses.

While we can all understand that many people want their place in the country, disputed areas that are being annexed--under current law--are adjacent to, in other words directly across the street from, city property. They are not separate developments far away from the activity of the city.

Proponents of SB 427 and other legislation that is designed to restrict annexation have told you that they want county commissioners who they have elected or at least a boundary commission selected in part by county commissioners to decide their fate. I'm convinced this change is unnecessary and harmful. County Commissioners have economic reasons for denying the annexation of these populated areas. The county stands to lose both the sales tax and fire district revenue. Too often county commissioners and city commissioners are political rivals. This rivalry can cloud judgement.

I The current annexation law works. Please don't change to a system that will increase local political tensions, limit the economic base of our cities, and possibly diminish the economic attractiveness of communities all over this state.

Thank you for allowing me the opportunity to speak with you.

1/30/86

Testimony Re - S. B. 427 - George Pyle

Senate Bill 427 is a bad idea and it has been ill conceived and ill advised each time it or its misbegotten cousin has been passed by the House and submitted for consideration by your Committee.

The current annexation law is a result of agitation, discussion and compromise. It does not need to be revised unless your goal is to accommodate the selfish concerns of the very few at the expense of the welfare and interest of the large majority.

I ask that you consider the origin of this proposed legislation. It comes, as it has before, from instances where a very few people living in the path of a growing City and enjoying the benefits of living in such a location, find themselves a part of the urban community. They find themselves called upon to carry their share of the load or to assume a responsibility already carried by most of their urban neighbors. They have seen it coming for years or they bought with the full knowledge that the urbanizing process was approaching and they planned to benefit from it. Justice and equity and rationality require that people and property benefitting from the progress of a community share its obligations.

When these obligations are called to the attention of those who seek to avoid them the suburbanites all of a sudden become the victims - they rend their garments, pull their hair; put feathers in their head bands and try to impose their will upon their neighbors and upon you by the heat of their argument.

(Attachment V)

1/30/86 S. LG

You are the ones being imposed upon; by those who want to avoid the ordinary obligations of citizenship and by those who are elected to your body as one issue representatives. I have heard it said that some of the members of the legislature are willing to pass this legislation (as bad as it is in terms of public policy) because they are tired of the issue. I respectfully submit that being tired of an argument is not reason to acquiesce and that senatorial courtesy does not justify bad law. Finally, I would suggest that the weight of an argument is not measured in degrees of heat and that this bill should be allowed to float away like the hot air balloon that it is.

TESTIMONY
BEFORE THE SENATE COMMITTEE ON LOCAL GOVERNMENT
JANUARY 30, 1986

On Annexation

My name is George Pyle, I am City Manager of Hutchinson; and have been for over 18 years. There have been several significant unilateral annexations by the City of Hutchinson during my tenure. In each case there was opposition from some of those being annexed; in each case there was support from some of those being annexed. Those favoring annexation tended to be less vocal than those opposed.

Hutchinson's last significant unilateral annexations took place in 1974 and 1979; the latter was the subject of litigation wherein the Supreme Court upheld the City's action and the procedures employed.

Informally, at least, it has been the City's policy to initiate annexation proceedings when the City staff and Governing Body make the judgment that the community's best interest will be served by extension of municipal services. Since a city's function is to provide service we have held the view that policy decisions are properly made in terms of benefits to the community - not in terms of profit and loss. We, of course, do estimate costs and tax revenues for the information of the governing Body and the public. I don't recall that any of our calculations demonstrated a "profit" to the City from annexation - at least in the short run. I would say that Hutchinson's motivation for annexing territory has been related to long term community interests and services

The City extended all of the conventional governmental services immediately upon annexation or in time prescribed by statute. Police, fire, refuse collection, street maintenance, sanitation, animal control and other services were extended upon annexation. Planning for extension of sewer and water services, already generally considered, began in detail upon completion of annexation effort. Low income areas annexed in 1974 were provided sewer and water service at no cost - we used CDBG and EPA funds. Virtually all areas unilaterally annexed by Hutchinson received utility services upon expression of need and in accordance with well established city policies related to division of cost and establishment of Improvement or Benefit districts.

The areas annexed needed municipal services; they were encountering and, in many instances, ignoring unsanitary conditions. Hutchinson area soils do not accommodate private sewage disposal systems, especially when private water systems share that same soil. We had the experience of pouring blue dye down the drain and drawing blue water from the neighbor's faucet. The land in and around Hutchinson slopes from northwest to northeast, ground water follows that same route. Land subject to development lies primarily north and west of town. Ground water contamination in the immediate vicinity of Hutchinson affects Hutchinson. I have not heard that any other governmental unit can or will plan to deal with such problems.

Hutchinson is already preparing to accommodate development beyond its present limits. Sewer and water lines are sized for extension, our wastewater treatment plant is designed and being built to serve an expanded community. Major streets are designed to handle traffic that will be generated by future growth. Improvements being made to our water system will serve a larger city than presently exists - the system would not need significant improvement if community growth were not anticipated.

The point that I would make is that Hutchinson, like other cities in Kansas, is planning for the future. I am not aware that any other unit of government is doing so insofar as community facilities are concerned. Townships and counties and certainly neighborhood associations are not geared to provision of urban services. Cities are -

In terms of equity a case can be made for unilateral annexation authority and for an aggressive annexation policy. The citizens of the present city are paying for facilities that are being designed and built in anticipation of extending those facilities into areas larger than the present city or to accommodate use by people already residing in areas beyond but adjacent to the present city limits. I submit that the cities are building the communities' facilities and if cities are left with such responsibility cities must have authority to take in those who are being served. I believe that annexation authority provides a sound basis for planning, orderly growth, standardization of services and facilities, and greater equity in the distribution of the costs of providing such services and facilities.

Our City, like others in the state, is being asked to become more involved in efforts to stimulate economic development. In the last six months a community dialogue has taken place through a Town Meeting and a series of neighborhood meetings conducted by a Comprehensive Planning Committee. The process culminated in a report and a plan for the future of Hutchinson. One of the highest priorities of our plan for the future involves the creation of jobs; to achieve that objective our citizens recommended the acquisition and development of land suitable for industrial development. Such activity will involve growth of our city in terms of area, service and investments of community resources. I believe that inhibition of our authority to grow will also inhibit our ability to fulfill this new mandate.

It has been said that cities engage in "land grabs" in order to increase their tax base. As I said before I don't think that is a primary motivation. I will acknowledge that if such motivation exist it could be removed if attention were given to correcting tax disparities that now exist. If fringe area landowners were required to pay for community services which they now receive and if city residents were relieved of the obligation to pay for services not received the cities' motivation would be clearly a matter of community development and not one of increasing the tax base. City taxes generally are higher - I think that is because city taxpayers are carrying more than a fair share. They provide services to people beyond the city limits and they subsidize county provided services financed from countywide taxes. I offer two illustrations:

1. In Reno County the County Road and Bridge Fund levy for 1985 raised \$1,070,000 of which \$449,200 or 42% came from properties within the Hutchinson city limits. None of that was spent on streets or roads within the city limits.
2. The budget for the operation of the Reno County Sheriff's office in 1985 is \$1,285,782. The 42% City contribution to that budget amounts to \$540,000. The Sheriff provides very little service for the City taxpayer.

Sometimes it is determined that an activity or service is of benefit to both City and County residents; it is often suggested that costs of such service be shared in proportion to population. To some this seems equitable; it is not. In Reno County if a \$100,000 project is divided 60-40 between the City and County the city property pays 4 1/2 times that contributed by a County property of equal value.

I have no problem with Planning Commission review and advisory comment; with notice of intent to other governmental units; or with on-site hearings. I would support the review of special district boundaries in fringe areas. I am not persuaded that unilateral annexation should be restricted to clearly urbanized areas. "Country" estates and land held by speculators and adjacent to or even partially within a city should be recognized as clearly urban in character; that is its highest and best use.

I am not attracted to the suggestions of review by County Commissions or Boundary Commission. There is the implication that such review would provide objectivity. I'm not persuaded that such would be the case. The rationale appears to be that the judgment of the representatives of the majority interest should not only be subject to due process and judicial review but also to review by another agency or group which supposedly would be disinterested and objective. I ask that you consider that the majority of the constituents of the Reno County Commission are residents of the City of Hutchinson. Even so the County Commission appears to perceive itself as the representative of the minority which resides outside of the City. So much for objectivity of review by a disinterested third party.

I honestly believe that this is an issue where there is little opportunity for compromise satisfactory to both sides. I also believe that communities are best served if cities have unilateral annexation authority.

Successful communities are centers of growth; they will grow whether or not such growth is desirable. Cities exist to provide service; if the communities' services are to be provided by the cities' taxpayers and cities may not expand, gross inequities result.



**League
of Kansas
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Senate Committee on Local Government
 FROM: League of Kansas Municipalities
 DATE: January 28, 1986
 SUBJECT: Sample Annexation Proposal/Service Extension Plan--City
 of Topeka

This document is the annexation proposal and service extension plan which is currently under consideration by the City of Topeka. The document presents the history, policy, purpose and description of the annexation proposal under consideration.

The original document includes 26 separate descriptions and service extension plans and is 302 pages long. The League of Kansas Municipalities has excerpted the introductory material and one representative service extension plan for your review. This plan meets all the current statutory requirements for a service extension plan and the introductory material helps explain the policy and rationale behind the City's intent to hold hearings on the proposed annexations.

This document is offered to the Committee as an example of a service extension plan and one municipality's open approach on this issue. The Table of Contents, listed below, gives the original page numbers in the report. Keep in mind the material in pages 1-14 addresses, in general, the annexations of 26 separate parcels of land.

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(Attachment VI)

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**ANNEXATION
PROPOSAL**

**AND
PLAN FOR THE EXTENSION,
FINANCING, AND TIMETABLE
OF MUNICIPAL SERVICES
AND FACILITIES**

**By
CITY of TOPEKA, KANSAS**

JANUARY 1986

E Executive Summary:

The annexation of 4.9 square miles would increase the area of the City of Topeka to 57.7 square miles and would increase the population by approximately 5600.

Based upon the information, data and assessment of each of the Sub-Areas, the general condition of the existing infrastructure is substantially below that of the City of Topeka. This points out the real problem facing the City of Topeka with respect to the past, present and future development of the fringe area. Development of the fringe areas are not required to meet "urban standards" and therefore result in costly repair, maintenance and reconstruction over time. Consequently, the responsibility falls to the City of Topeka when such areas are annexed. Because of current statutory laws governing annexation, new or developing territory that is not adjacent to the City corporate limits cannot be annexed. The development of these territories have been aided in part by the extension of municipal services such as public water, fire protection and operation - maintenance of sanitary sewer treatment facilities.

The proposed annexation will result in a substantial redistribution of tax revenue to support the required expenditures for facilities and services. The feasibility from a revenue/expenditure standpoint would initially be less than a "break even" position for the City of Topeka in the 1986 as the required expenditure for municipal facilities and services would far exceed: the revenues to be received. There are three (3) basic reasons:

1. The Area is exclusively single family residential and lacks commercial/industrial base.
2. The condition of the present infrastructure requiring substantial repairs and maintenance.
3. The required capital improvements to extend "essential" municipal services.
 - a. New Fire Station and Manpower.
 - b. Police Equipment and Manpower.
 - c. Street Maintenance Equipment.
 - d. Park and Recreation Facilities and Service.

Therefore, the proposed annexation should be reviewed in terms of the short and long term benefit to both the residents affected and the City of Topeka. Because of the development potential of the Area, there will be a "balancing" effect in revenues/expenditures at such time as full development occurs. (Projected to be 2010).

The Plan identifies and describes the existing conditions, the recommended improvements and the economic/financial implications of annexation. Also included are Revenue Projections based on the future development potential of the Area. The Projections should be considered as a general indication of the level of revenue that would accrue

S ry of Expenditures for "Essential" Services:

Fire Protection:

Annual	\$ 481,570
Capital Improvement	\$1,025,000
Total	\$1,506,570

Police Protection:

Annual	\$ 894,443
Capital Improvement	\$ 140,788
Total	\$1,035,231

Street/Bridge/Traffic Safety:

Annual	\$ 628,256
Capital Improvement	\$ 354,730
Total	\$ 982,986

Parks and Recreation:

Annual	\$ 379,500
Total	\$ 379,500

Storm Drainage:

Annual	\$ 12,700
Total	\$ 12,700

Street Lighting:

Annual	\$ 21,971
Total	\$ 21,971

Health and Code Enforcement:

Annual	\$ 5,550
Total	\$ 5,550

Total Annual Expenditures	\$2,423,990
Total Capital Improvements	\$1,520,518
Total	<u>\$3,944,508</u>

Therefore, the expenditure of \$3,944,508 will be required as a result of annexation to provide "essential" municipal services. The expenditure of \$1,025,000 for a new Fire Station however would normally be included in the Capital Improvement Program and be paid by the issuance of general obligation bonds over an extended time period.

The Parks and Recreation Department has identified the capital improvements which would be needed to accommodate the additional territory as part of the overall park and recreational program. Such improvements are not totally and directly related entirely to the subject Area as such new facilities and services will also serve existing areas currently in the corporate limits where additional park and rec-

S ry/Conclusion:

The net effect of annexation would result in the following:

Revenue:

From Property Tax	\$ 453,786
From Franchise Fees	\$ 83,006
From Sales Tax	\$ 25,791
Total	\$ 562,584(*)

Expenditures:

Annual	\$2,423,990
Capital Improvements	1,520,518
Total	\$3,944,508

(*) The total revenue would increase from the taxes collected from personal property assessment applicable to the area.

Recommendation:

Annexation of the 4.9 square mile area would conform with the objectives of Resolution No. 5101 (Policy on Annexation) adopted by the City Council. The initial financial requirements to extend facilities and services will substantially exceed the level of revenues to be received from the subject area and will require careful financial planning and budgeting by the City. However, orderly growth and development should be an overriding concern of the City. The current, fiscal impact of annexation will only increase if delayed. This annexation will result in the overall improvement to the subject Area and therefore result in the enhancement and benefit to the City of Topeka. Throughout the entire history and growth of the City new land has been consistently annexed for the purpose of obtaining municipal services and thereby improving and increasing value and opportunities. In conclusion, there are no apparent physical, legal or political reasons to preclude the annexation of the subject territory.

The Planning Director and Staff recommends the annexation of the subject territory.

2. To insure that new development will not take place in a standard manner and thereby result in a detriment to the entire area.
3. To further sound capital improvement planning and thus protect the City's financial position and its ability to finance and construct capital improvements necessary to the growth and economic welfare and prosperity of the entire community.
4. To promote the orderly and harmonious development of the community.

BE IT FURTHER RESOLVED by the Governing Body of the City of Topeka, Kansas, that it shall be the intent of the City that such land shall be considered for annexation when its proximity, the rate of development, population growth, expansion of municipal services and other factors indicate that annexation of the land would aid and promote the orderly and harmonious development of the entire area or when annexation is deemed necessary to insure development to City standards, or to prevent development that is not consistent with the long range land use needs of the area. The Governing Body shall, from time to time, identify general areas which may be considered for study, review and legislative action in accordance with the laws of the State of Kansas.

An annexation committee was created by the City Council consisting of the following members: Council Members, Alan Bibler, Mary Holmgren and Joe Huerter. The Metropolitan Planning Agency was assigned the responsibility to assist the committee in the identification and examination of the areas.

of government as well as to the property owners that are effected. It is apparent that there are notable differentials not only in taxes to the local units of government but differentials in utility rates, franchise fees and sales tax that will accrue from annexation.

The City of Topeka, however, will be most concerned with the financial implications to extend an appropriate level of service and facilities to the subject areas under consideration. Other such financial implications such as library, educational, and mass transit levys are not under the control or jurisdiction of the City of Topeka and are therefore irrelevant to the "municipal services" requirement of Kansas Statutes Annotated.

Perhaps the most common misunderstanding of an annexation proposal by those persons effected is that an annexed territory will be provided with upgraded streets, sanitary sewer, storm sewer, street lights and public water. The City, as a matter of policy, law, and budgetary limitations cannot physically, or financially undertake all such improvements. The City assumes the general responsibility for extending and improving the major facilities such as trafficways, interceptor sewers and treatment facilities, major water transmission lines and treatment, parks and recreation, fire, police and general municipal services. The improvement and extension of minor facilities such as residential streets, main and lateral sewers, street lights, and water mains are initiated by area property owners and are financed through special assessments by Benefit/Improvement District(s) created under the authority and approval of the City Council. Therefore, the essential municipal services which are provided by the City of Topeka to the existing corporate area will be uniformly extended to the proposed Area upon annexation.

Annexation to Statutory Requirements:

The Metropolitan Planning Staff and City Legal Staff have carefully examined each Sub-Area included in this Plan for applicability and conformance to the statutory provisions of K.S.A. 12-519 et. seq., which are repeated here for reference:

K.S.A. 12-520: Except as otherwise herein provided, the governing body of any city may by ordinance annex land to such city if any one or more of the following conditions exist:

- (1) The land is platted, and some part of such land adjoins the city.
- (2) The land is owned by or held in trust for the city or agency thereof.
- (3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity, without the express permission of the board of county commissioners of such country.
- (4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than fifty percent (50%).
- (5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of twenty (20) acres shall be annexed for this purpose.
- (6) The tract is so situated that two-thirds (2/3) of any boundary line adjoins the city, except that no tract in excess of twenty (20) acres shall be annexed under this condition.
- (7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

The following indicates the applicable statutory provision for each Sub-Area:

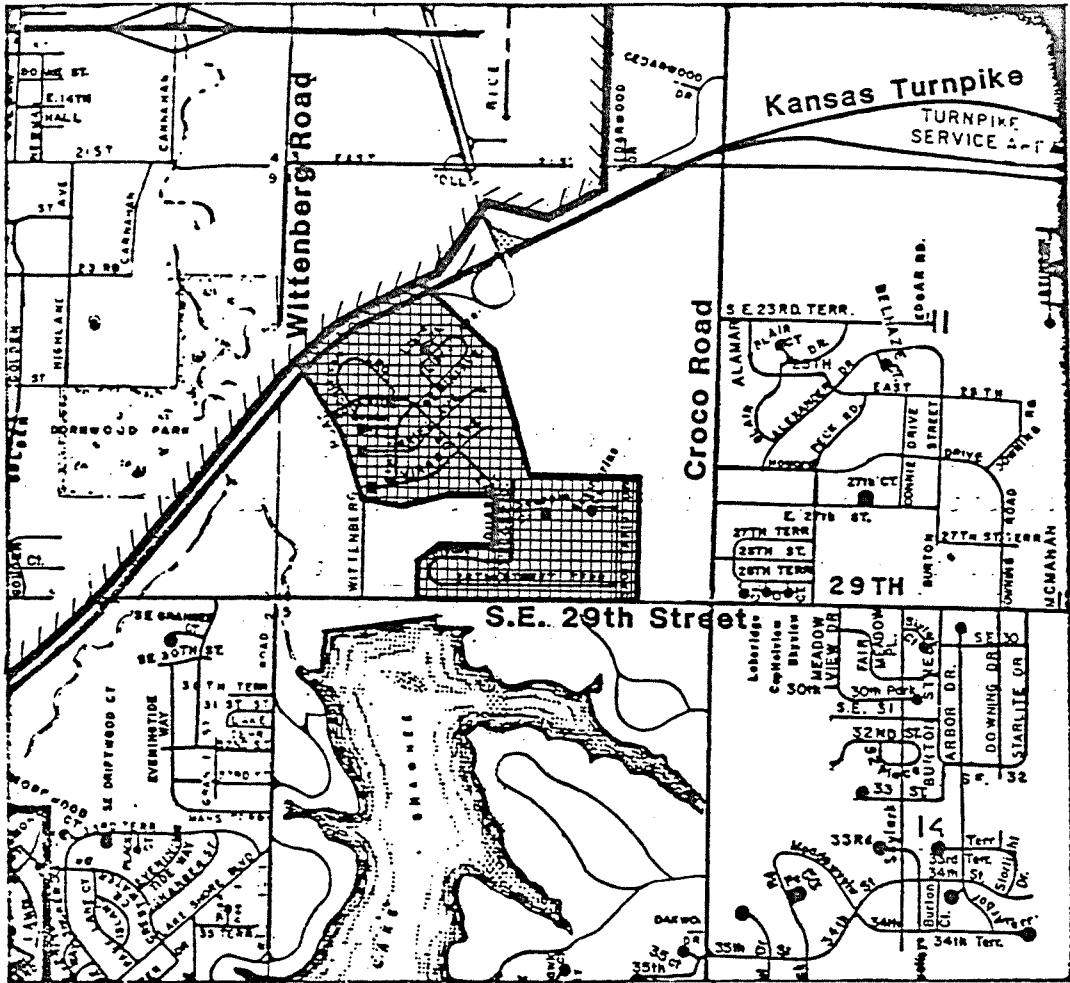
Section 1

<u>Sub-Area</u>	<u>Statutory Reference</u>
A	1
B	1
C	4
D	1, 2 (Topeka Public Golf Course)
E	4
F	4
G	1
H	2


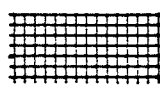

RESOLUTION NO. _____
(Pursuant to K.S.A. 12-520a)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

The City of Topeka hereby gives NOTICE, that it is considering the annexation of the following described land, located in Shawnee County, Kansas:



STUDY SECTION 3
STUDY AREA F

-  - Present City of Topeka Boundry Line.
-  - Land Proposed to be Annexed
-  - Proposed City of Topeka Boundry Line

Plan Availability

A copy of the Plan for the Extension and Financing of Municipal Services to the land proposed to be annexed is on file in the office of the City Clerk in City Hall at 215 E. 7th Street, Topeka, Kansas, and is available for inspection during regular office hours.

Another copy of the Plan for the Extension and Financing of Municipal Services to the land proposed to be annexed is on file in the office of the Planning Director in the Columbian Building at 820 Quincy, Room 320, and is available for inspection during regular office hours.

Service of Notice

A copy of this resolution shall be mailed by certified mail to each owner of land proposed to be annexed within ten days after this resolution is adopted.

FINALLY, BE IT RESOLVED that the City Clerk shall cause this resolution to be published in the official city newspaper not less than one week and not more than two weeks preceding the date fixed for such public hearing.

ADOPTED and APPROVED by the Council of the City of Topeka on this _____ day of _____, 1986.

Douglas S. Wright, Mayor

ATTEST:

Norma E. Robbins, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 12/27/85 BY R - J

A - Traffic Thoroughfares:

- o Wittenberg Road (Aquarius to Sub-line): This 24 ft. wide, chip and seal surface street with no curb is 1,160 ft. in length. It is generally constructed to rural standards and is classified as a minor arterial. This street is maintained by Tecumseh Township.
- o S.E. 29th (Sub-line (E) to Aquarius): This 24 ft. wide, unimproved asphalt surface street is 959 ft. in length, has no curbs and is generally constructed to rural standards. It is classified as a minor arterial. This street is maintained by Shawnee County.
- o S.E. 29th (Aquarius (E) to Sub-line): This 24 ft. wide, asphalt surface street is 1,662 ft. in length. This unimproved street has no curbs but is generally constructed to rural standards and is classified as a minor arterial. This street is maintained by Shawnee County.

Opened Local Classified Residential Streets: Unless otherwise noted the following streets are maintained by Tecumseh Township.

- o Aquarius Drive (Capricorn Avenue to 29th): This 29 ft. wide, asphalt surface street is 3,535 ft. in length. It is improved, has curbs and is constructed to rural standards.
- o Capricorn Avenue (Aquarius Drive (N) to Leo Avenue): This 29 ft. wide, asphalt surface street and is 741 ft. in length. It is improved, has curbs and is constructed to rural standards.
- o Leo Drive (Aquarius (N) to Capricorn Avenue): This 29 ft. wide, asphalt surface street is 839 ft. in length. It is improved, has curbs and is constructed to rural standards.
- o Gemini Avenue (Aquarius (N) to Libra Avenue): This 29 ft. wide, asphalt surface street is 1,112 ft. in length. It is improved, has curbs and is constructed to rural standards.
- o Pisces Aveue (28th Terr. to Aquarius): This 29 ft. wide, asphalt surface street is 919 ft. in length. It is improved, curbs and is constructed to rural standards.
- o 28th Terrace (Pisces to Aquarius): This 29 ft. wide, asphalt surface street is 904 ft. in length. It is improved, has curbs and is constructed to rural standards.
- o Libra Avenue (Gemini Avenue to Gemini Avenue): This 29 ft. wide, asphalt surface street is 1,084 ft. in length. It is unimproved, has curbs and is constructed to rural standards.
- o Pisces Avenue (Aquarius to Scorpio): This 29 ft. wide, asphalt surface street is 317 ft. in length. It is improved, has curbs and is constructed to rural standards.
- o Scorpio Avenue (Pisces (N) to Dead End): This 29 ft. wide, asphalt surface street is 500 ft. in length. It is improved, has curbs and is constructed to rural standards.

Mass Transit: There is currently no fixed route bus service, limited handicapped service is available.

J. Parks & Recreation: The westernmost half of this area lies within the 2 mile radius service area of Hillcrest Community Park. Dornwood Park, which serves as a conservation area as well as a neighborhood park lies just to the west of this area.

K. Refuse Service: Refuse service is currently provided by a private contractor.

L. Community Planning: This service is currently provided by Topeka-Shawnee County Metropolitan Planning Commission and Agency.

M. Zoning (Building) Permits/Code Enforcement: The Shawnee County Zoning Administrator currently administers the zoning code. A building code has not been adopted for unincorporated Shawnee County.

N. General Governmental Operation: Local legislative, administrative, financial and associated support services are provided by Shawnee County and Tecumseh Township.

STATEMENT SETTING FORTH THE PLAN FOR EXTENSION,
FINANCING AND TIMETABLE OF MUNICIPAL SERVICES

A. Streets/Traffic Controls/Maintenance: The City of Topeka Department of Public Works would immediately assume the responsibility of the existing streets of the study area.

Anticipated costs for the general maintenance and repairs of existing streets for this area have been projected, based on routine maintenance activity, type of service and construction, needed repairs, required equipment and staffing needs.

Annual operating costs	\$63,420.00
Annual personnel costs	\$13,471.00
Total	\$76,891.00
Equipment purchase costs	\$25,283.00

Funding for the above service is derived from city property taxes and motor fuel taxes.

Snow Removal: Streets, for snow removal, are selected considering primary traffic ways, hills, possible drifting, access in and out, schools, bus routes, homes for the aging and medical facilities within each area or neighborhood costs vary depending on the number, type and severity of each storm during any given season.

Traffic Control Devices: It is recommended that two (2) street name signs and three (3) "End of Roadway" markers be installed in this area within 3 to 6 months of annexation. These additions would be paid out of the division budget and would require minimal annual operating costs. The cost is \$265 for materials city property tax and motor fuel tax funds this service.

B. Wastewater Treatment: The City will continue to service this area. Annual operation costs are financed from user fees.

I. Refuse Service: To be immediately serviced by either the Shawnee County Refuse Department public or private providers. This service is funded by user fees.

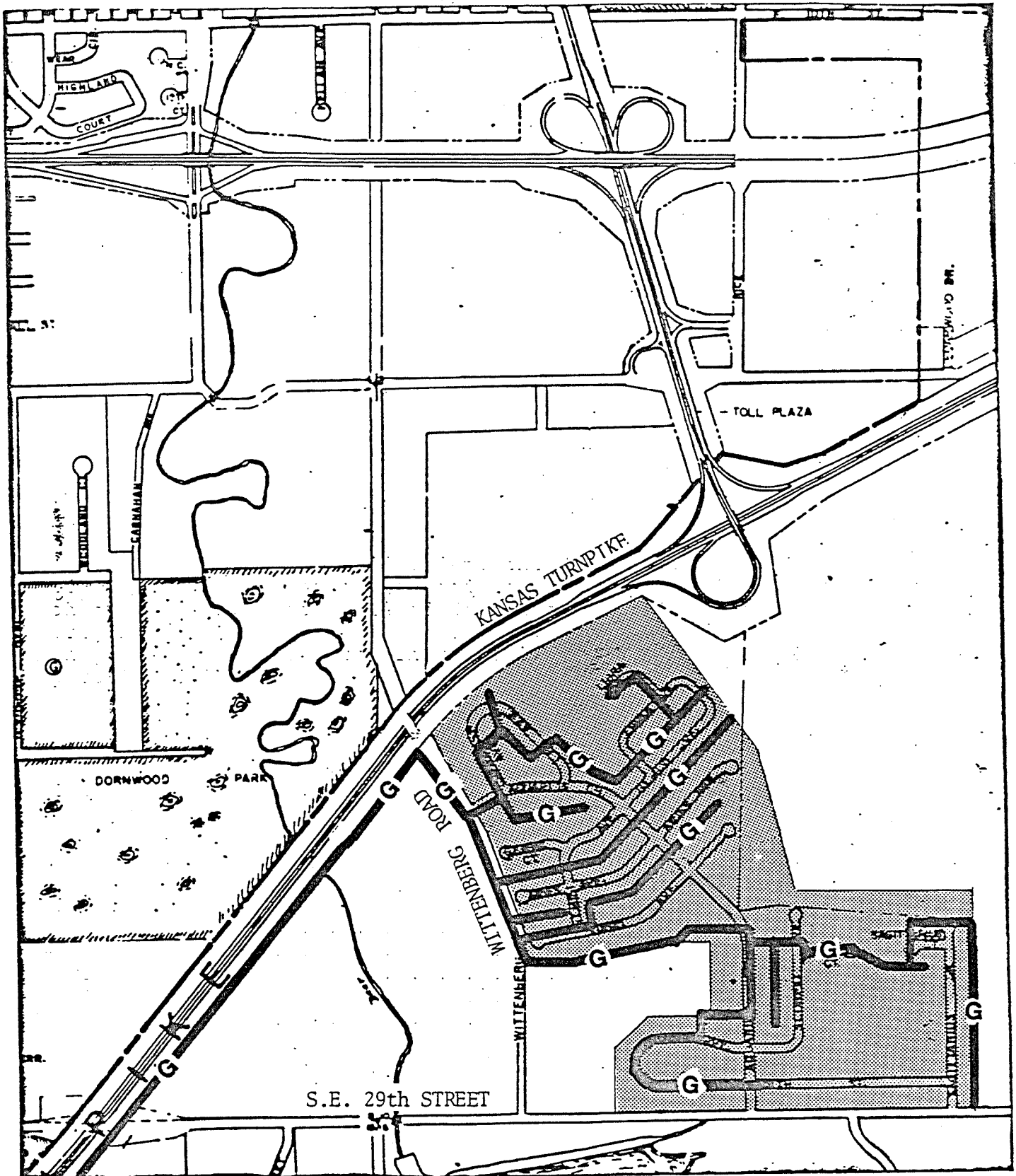
L. Community Planning: The Topeka-Shawnee County Metropolitan Planning Commission and Agency would continue to provide planning service to the subject area. This service is funded through application fees, city and county property tax, and federal assistance.






M. Building Permits/Code Enforcement: The Building Inspection Division of the Public Works Department would immediately assume the responsibility to administer the provisions of the Uniform Building Code and provide building, plumbing, electrical, and mechanical field inspection services. Said Division will also enforce applicable zoning, subdivision, and sign code regulations. Additional staffing to provide the aforementioned inspection services will generally be funded from permit fee revenues. Expenditures attributed to code enforcement is expected to be minimal.

N. General Governmental Operations of the City: Legislative, administrative, financial, and associated support services of the City of Topeka will at the time of annexation be provided to the citizens of the subject area. Funding for these services is derived from franchise fees, city property taxes, license fees, permit fees, and other revenue. Minimal expenditures is anticipated for these services.

Mass Transit	user fee/city property tax /federal assistance	Within 6 mos., if demand & funds are available.	Minimal
Parks & Recreation	user fee/city property tax	Immediate Responsibility	\$1,000 (tree service)
Refuse	user fee	Continuance of Responsibility	Not Applicable
Community Planning	application fee/city & county property tax/federal assistance	Continuance of Responsibility	Minimal
Codes & Enforcement	permit fees/ city property tax	Immediate Responsibility	Minimal
General Governmental Operations	franchise fees /city property tax/licenses /permit fees	Immediate Responsibility	Minimal
Public Library	city property tax/NE Kansas library tax/ user fee/state assistance	Continuance of Responsibility	Not Applicable
Washburn University	Individual tuition/city property tax /state credit hour assistance /out of district aid & tuition/ grants & endowments /KTWU dedications/ idle fund investments	Continuance of Responsibility	Not Applicable

SANITARY SEWERS

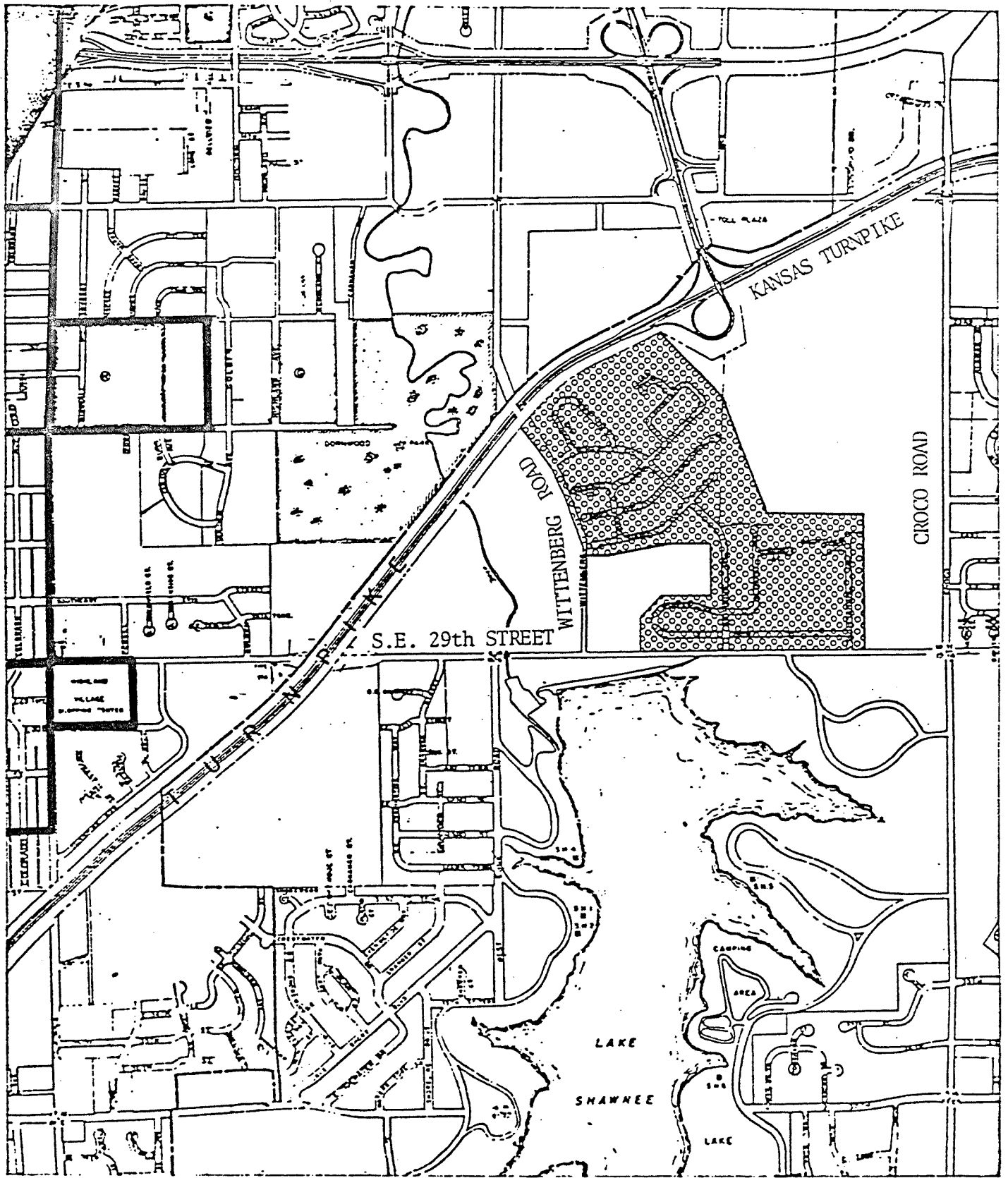


LIFT STATION 
FORCE MAIN  F 
GRAVITY LINE  G 


North

STUDY SECTION 3
STUDY AREA F

TRANSIT ROUTES



ROUTE 

STUDY AREA 

STUDY SECTION 3

STUDY AREA F