

Approved March 2, 1989
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on March 1, 1989 in room 531-N of the Capitol.

All members were present except:

Senators Frahm and Gaines

Committee staff present:

Mike Heim, Legislative Research
Emalene Correll, Legislative Research
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Gayle Landoll, Marshall County Clerk
Jim Davis, Board of Tax Appeals
Elmer Ronnebaum, Kansas Rural Water Association
Sen. Ed Reilly
Rep. Clyde Graeber
Terry Andrews, Leavenworth County Port Authority
Sen. Ben Vidricksen

The hearing began on SB 309 concerning the computation of tax levy rates on property tax. Gayle Landoll, Marshall County Clerk, testified in support of the bill. (See Attachment I.) Upon completion of this testimony, the Chairman called the committee's attention to a letter from Keith Farrar, Board of Tax Appeals, which had been distributed. (See Attachment II.)

A Discussion began regarding notification to all heirs before foreclosure. Jim Davis with the Board of Tax Appeals stood to inform the committee that notice requirements are a part of the law. Notification must be given to anyone whose interest might be extinguished. Following this, a discussion arose regarding the statment made in Ms. Landoll's testimony regarding the Attorney General's opinions. It was determined that staff should check further into the Attorney General's opinion. The hearing was concluded.

Discussion began on SB 202 concerning water districts which had been previously heard. Staff had copies of a balloon of the bill with amendments. (See Attachment III). Elmer Ronnebaum, Kansas Rural Water Association, testified concerning the language of the bill. (See Attachment IV). Sen. Petty asked for examples of "unintentional mistakes" mentioned in Mr. Ronnebaum's testimony. He said it refers to such as an error in design or a clerical error in the legal description. He added that problems in the field are worked out at the time, but unintentional errors often are not discovered until several years later. Sen. Burke had questions about the responsibility for costs to move a waterline on the part of a new landowner. Mr. Ronnebaum said the new landowner would have to pay the cost to relocate the waterline.

Sen. Steineger made a motion to adopt the proposed amendment, Sen. Allen seconded, and the motion carried.

Sen. Allen made a motion to report SB 202 favorable for passage as amended, Sen. Lee seconded.

Sen. Petty said she has concern for the people who are getting the water. She questioned why the errors occur. She is interested in protecting the water user, and feels the bill might protect the duty of the contractors. Mr. Ronnebaum responded that generally the errors are clerical, and the bill's intent is not to give contractors the authority to practice at will. Normally, glaring errors are reported immediately.

On a call for a vote on Sen. Allen's motion, the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N, Statehouse, at 9:00 a.m. ~~xxx~~ on March 1, 1989.

Attention was turned to SB 65, previously heard and concerning the sale of property by counties. Staff distributed copies of a balloon of the bill. (See Attachment V) showing previous amendments and copies of a balloon with new language. (See Attachment VI). Sen. Ed Reilly explained the need for the bill in Leavenworth and expressed his support for the bill. Rep. Clyde Graeber gave further support for the bill. The amendment is needed by Leavenworth to allow the port authority and counties to work together in acquiring land and marketing it. It is especially needed in Leavenworth now with the closing of a battery company and the new prison situation.

Terry Andrews, Leavenworth County Port Authority, testified further in support of the bill. He briefly explained the process of Leavenworth and Tongonoxie working together. He concluded that industrial prospects want to move immediately, therefore, Leavenworth needs the bill to be able to compete with other cities.

Sen. Burke made a motion to amend SB 65 after line 160 as shown on the balloon, Sen. Langworthy seconded, and the motion carried.

Staff questioned if the 2% required for a countywide election may be too small for statewide application. It was noted that the home rule statute provides for 2%. It was decided to leave it at 2% unless there is future complaint.

Sen. Allen made a motion to recommend SB 65 favorable for passage as amended, Sen. Langworthy seconded, and the motion carried.

Next to be considered was SB 268, previously heard, concerning the Registers of Deeds. Staff had talked to Linda Fincham and reported that she had repeated what had been said during her testimony. People expect to find a chain of title of property at the Register of Deeds and do not like to go to the Clerk of the Court, and some attorneys feel it would make their job easier. Both Senators Frahm and Lee had calls in support of the bill.

Sen. Lee made a motion to adopt the amendments which had been offered by the Office of Judicial Administration at the hearing, Sen. Petty seconded, and the motion carried.

Sen. Langworthy made a motion to recommend SB 268 favorable for passage as amended, Sen. Ehrlich seconded, and the motion carried.

Sen. Ben Vidricksen briefly testified in support of SB 165 concerning airport authorities which had been previously heard. He had served on an airport authority for 13 years and understands the need for the bill. He briefly spoke of taxation of businesses located on airport land. He concluded that only the taxpayers group in Salina oppose the bill, and they oppose all tax issues. There being no further time, the discussion will continue at tomorrow's meeting along with the discussion of other bills.

The meeting was adjourned.

MARSHALL COUNTY, KANSAS

GAYLE LANDOLL

COUNTY CLERK

MARYSVILLE, KANSAS 66508

PHONE 913-562-5361

To: Senate Local Government Committee
Re: Senate Bill 309

Thank you to the committee for the introduction of SB 309. The Kansas County Clerks' Association would appreciate your support of this bill.

For many years the counties have been relying on Attorney General Opinion #77-236 which states "that the tax rolls, and the resulting tax statement based thereon, be limited to one owner taxpayer". In 1987 Attorney General Opinion #87-107 was issued, reversing the previous opinion, by stating "it lies within the discretion of the county clerk to assess these interests either jointly or individually".

We would like to eliminate this discretion to insure conformity between counties; to avoid the added expense of issuing multiple tax statements; and to avoid the complications that will arise should foreclosure of a partial interest of real property become necessary due to unpaid taxes.

I have given you a copy of a document my office recently received which transfers the ownership of four parcels of land in Marshall County to twenty different persons, twelve of which will receive only a 1/108th interest. This type of document is common and I could have presented you with many other examples, but I think one example is sufficient to illustrate our point. If we were to issue separate tax statements to each owner for their proportionate share we would need to issue a total of 80 tax statements instead of four. Based on 1988 taxes these tax statements would have been issued in the following amounts:

8 statements at \$35.67 each
8 statements at \$31.91 each
8 statements at \$15.09 each
8 statements at \$5.59 each
12 statements at \$2.97 each
12 statements at \$2.66 each
12 statements at \$1.26 each
12 statements at 47¢ each

As you can see, it would, in some instances, cost more to issue and mail a tax statement than would ultimately be collected.

Thank you for your consideration and I would like to again ask for your support of Senate Bill 309.



Gayle Landoll
Marshall County Clerk
Legislative Committee Chairman
Kansas County Clerks' Association

3-1-89
Senate Local Gov't
Attachment I

IN THE DISTRICT COURT OF NEMAHA COUNTY, KANSAS

In the Matter of the Estate of
FRED J. BROXTERMAN, Also Known As
F. J. BROXTERMAN, Deceased

Case No. 89-P-1

DECREE OF DESCENT

Now on this 10th day of February, 1989, is heard the Petition to Determine Descent in the estate of Fred J. Broxterman, a/k/a F. J. Broxterman, deceased. Petitioner appears by Edward F. Wiegiers, of the firm of Galloway, Wiegiers & Heeney, his attorney, and there are no other appearances.

After consideration of the files and evidence produced, the Court finds as follows:

1. Notice of this hearing has been given as required by law and the order of this Court and the proof thereof has been filed and is hereby approved.
2. Due diligence has been exercised in search for identity and addresses of heirs.
3. The provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, have been complied with insofar as applicable to this proceeding.
4. All the allegations of the petition are true; Fred J. Broxterman, a/k/a F. J. Broxterman, a resident of Nemaha County, Kansas, and a citizen of the United States, died on April 12, 1988, and more than six months have expired since his death.
5. At the time of his death decedent owned real estate hereinafter described; no Will of decedent has been admitted to probate; no will filed pursuant to K.S.A. 59-618a, nor administration had of the estate, and all debts of the estate have been paid.
6. The heirs of decedent are:
 - ✓ Daniel Broxterman, adult, son;
 - ✓ Gilbert Broxterman, adult, son;
 - ✓ Rita Burdick, adult, daughter;
 - ✓ Evelyn Burdick, adult, daughter;
 - ✓ Mary Ann Holthaus, adult, daughter
 - ✓ Mildred Haug, adult, daughter;
 - ✓ Cletus Broxterman, adult, son;
 - ✓ Maxine Spring, adult, daughter;The children of a deceased daughter, Melita Gress, namely:
 - Elaine Gress, adult, granddaughter;
 - ✓ Janice Johnson, adult, granddaughter;
 - ✓ David J. Gress, adult, grandson
 - ✓ Donna C. Gress, adult, granddaughter;
 - ✓ Joan M. Copenhaver, adult, granddaughter
 - ✓ Theresa Allen, adult, granddaughter;
 - ✓ Marilyn Rottinghaus, adult, granddaughter;
 - ✓ Susan M. Bloom, adult, granddaughter;
 - ✓ Myra J. Gress, adult, granddaughter;
 - ✓ Lori A. Gress, adult, granddaughter;
 - ✓ Lisa Gress, adult, granddaughter;
 - ✓ Kathryn Gress, adult, granddaughter.
7. All taxes imposed by the United States and the State of Kansas by reason of decedent's death have been paid in full; the inheritance tax order of the State of Kansas has been filed in this Court.

STATE OF KANSAS COUNTY OF NEMAHA	ss <u>2-10-89</u> Date
I hereby certify this to be a true copy of the original as filed in this office.	
<i>Jane Heinen</i>	
Jane Heinen, Clerk, District Court	



3-1-89
Senate L.G.
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FILED
NEMAHA COUNTY, KANSAS DISTRICT COURT
FEB 10 1989 11:45 AM
JANE HEINEN Clerk of District Court
By <i>Patricia Heidem</i> Deputy

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WIEGIERS &
HEENEY
ATTORNEYS AT LAW

8. The heirs' respective shares in the estate are as follows:

- Gilbert Broxterman, son, 1/9th;
- Rita Burdick, daughter, 1/9th;
- Evelyn Burdick, daughter, 1/9th;
- Mary Ann Holthaus, daughter, 1/9th;
- Mildred Haug, daughter, 1/9th;
- Cletus Broxterman, son, 1/9th;
- Maxine Spring, daughter, 1/9th;
- Daniel Broxterman, son, 1/9th;
- Elaine M. Gress, granddaughter, 1/108th;
- Janice Johnson, granddaughter, 1/108th;
- David J. Gress, grandson, 1/108th;
- Donna C. Gress, granddaughter, 1/108th;
- Joan M. Copenhaver, granddaughter, 1/108th;
- Theresa Allen, granddaughter, 1/108th;
- Marilyn Rottinghaus, granddaughter, 1/108th;
- Susan M. Bloom, granddaughter, 1/108th;
- Myra J. Gress, granddaughter, 1/108th;
- Lori A. Gress, granddaughter, 1/108th;
- Lisa Gress, granddaughter, 1/108th;
- Kathryn Gress, granddaughter, 1/108th.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE COURT that the title to all of the interest of Fred J. Broxterman, a/k/a F. J. Broxterman, in and to the following described real estate:

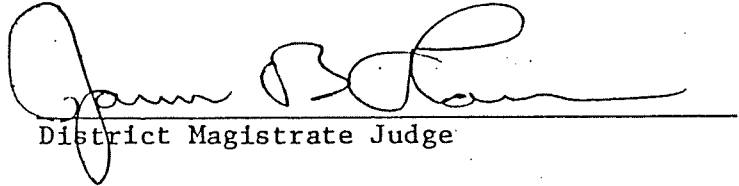
1. The Southwest Quarter of Section 20, Township 3 South, Range 11 East of the 6th P.M., in Nemaha County, Kansas;
2. The East Half of Lot 2, and all of Lot 3, in Block 12, in the Town of Baileyville, Nemaha County, Kansas;
3. All that part of the Southwest Quarter of Section 9, Township 5, Range 10, Marshall County, Kansas, lying and being West of the Topeka and Northwestern Railroad right-of-way (now the Union Pacific Railroad right-of-way), less the public roadway or public highway; the Southwest Quarter of the Northwest Quarter of Section 9, Township 5, Range 10, Marshall County, Kansas; the South Half of the Southeast Quarter of Section 8, Township 5, Range 10, Marshall County, Kansas; Also a tract of land described as follows, to-wit: Part of Lot 1, in the Northeast Quarter of the Northwest Quarter, less 2½ acres railroad right-of-way, in Section 16, Township 5, Range 10, Marshall County, Kansas, described as follows: Commencing 25 rods East of the Northwest Corner of said Lot 1, in the said Northeast Quarter of the Northwest Quarter of Section 16, and running thence East along the North line of said Lot 1 to the right-of-way of the Topeka and Northwestern Railroad (now the Union Pacific Railroad Company), thence in a Southeasterly direction along said right-of-way to the South line of said Lot 1, thence West along said South line to a point 35 rods East of the Southwest Corner of said Lot 1, thence in a Northwesterly direction across said Lot 1, to the point of beginning;

and all other property owned by decedent, descended on the date of his death, April 12, 1988, to decedent's heirs, and title is assigned to them as of that date, subject to any lawful disposition previously made, as follows:

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Gilbert Broxterman, 1/9th;
Rita Burdick, 1/9th;
Evelyn Burdick, 1/9th;
Mary Ann Holthaus, 1/9th;
Mildred Haug, 1/9th;
Cletus Broxterman, 1/9th;
Maxine Spring, 1/9th;
Daniel Broxterman, 1/9th;
Elaine Gress, 1/108th;
Janice Johnson, 1/108th;
David J. Gress, 1/108th;
Donna C. Gress, 1/108th;
Joan M. Copenhaver, 1/108th;
Theresa Allen, 1/108th;
Marilyn Rottinghaus, 1/108th;
Susan M. Bloom, 1/108th;
Myra J. Gress, 1/108th;
Lori A. Gress, 1/108th;
Lisa Gress, 1/108th;
Kathryn Gress, 1/108th.


District Magistrate Judge

GALLOWAY,
WIEGERS &
HEENEY
ATTORNEYS AT LAW

3-1-89
Senate Local Group
I-4

THE STATE OF KANSAS



BOARD OF TAX APPEALS

Keith Farrar, Chairman

Docking State Office Building, 10th Floor
Topeka, Kansas 66612-1582
AC-913 296-2388

Fred L. Weaver, Member
Victor M. Elliott, Member
Conrad Miller, Jr., Member
Charles F. Laird, Member

M E M O R A N D U M

TO: Senate Local Government Committee
FROM: Keith Farrar, Chairman *KF*
Board of Tax Appeals
RE: SB 309
DATE: March 1, 1989

Senate Bill 309 amends K.S.A. 79-1803 to prevent the county clerk from computing a separate tax bill for each owner of jointly held property. The new language essentially dictates that a single tax bill will be issued regardless of the number of owners.

The Board recently heard a tax grievance which dealt with the same subject. In that case, the county issued a single bill to one of the joint owners. That person was then expected to pay the entire bill and collect pro rata shares from the other owners. The grievance is a friendly suit brought so that county officials could determine the appropriate billing procedure.

Senate Bill 309 minimizes the number of tax statements issued by counties, which also lowers the expense of administration. However, it does so at the expense and inconvenience of a single joint owner. In some cases, the owner who receives the bill is unsuccessful in collecting from all the joint owners.

The alternative is equally unattractive. Many jointly-held properties are split among several owners. Some county records are not sufficiently up-to-date to issue statements to the current owners. Some properties, e.g. mineral interests, are so widely held that the cost to prepare a separate tax statement exceeds the amount to be collected.

This is obviously a thorny issue with few indisputable solutions. Senate Bill 309 represents one of several policy choices available. The Board appreciates your consideration and will provide further assistance if requested.

3-1-89
Senate Local Govt
Attachment II

SENATE BILL No. 202

By Committee on Local Government

3-1-89
Senate Local Gov't
Attachment III

14 AN ACT concerning rural water districts; relating to easements;
15 amending K.S.A. 82a-619b and repealing the existing section.
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18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 82a-619b is hereby amended to read as follows:
20 82a-619b. (a) Prior to the installation of any water pipeline or ap-
21 purtenant facility upon any easement or right-of-way granted to any
22 rural water district, the board of directors or ~~its~~ *the board's* designee
23 shall advise the grantor or ~~his or her~~ *the grantor's* local agent of
24 such easement or right-of-way as to the exact location of the proposed
25 installation. If a revision of such location is requested by the grantor,
26 the board or its designee shall offer to negotiate with the grantor
27 for the relocation of the proposed installation to the grantor's sat-
28 isfaction. ~~Any additional cost incurred by the district as a result of~~
29 ~~altering the location of the installation shall be borne by the party~~
30 ~~requesting the alteration.~~

31 (b) ~~No action or suit may be brought against a rural water~~
32 ~~district, or against any agent or employee thereof by reason of the~~
33 ~~maintenance of a waterline on any real property after the expiration~~
34 ~~of a period of two years of continuous maintenance of such waterline.~~

location
following the installation

35 (b) (c) The terms used in this section shall have the meanings
36 respectively ascribed thereto by K.S.A. 82a-612, and amendments
37 thereto.

38 Sec. 2. K.S.A. 82a-619b is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after
40 its publication in the statute book.

KRWA

**TESTIMONY IN SUPPORT OF SENATE BILL 202
BEFORE THE SENATE COMMITTEE ON LOCAL GOVERNMENT
March 1, 1989**

Mr. Chairman and Members of the Committee:

I am Elmer Ronnebaum, Program Manager of the Kansas Rural Water Association.

The Kansas Rural Water Association has provided testimony on February 23 before this Committee in support of Senate Bill 202. There were questions at that time concerning language in the draft legislation.

The Kansas Rural Water Association concurs with Legislative Research on the amended wording of the bill.

The willingness by landowners to generally grant easements without compensation for pipeline installation or other facilities to rural water districts has provided the State of Kansas with a tremendous advantage. This practice has made the development of rural water systems more feasible.

Challenges to the validity of easements have been raised where deviations were made at the time of construction but which may not have been recorded on a corrected easement. Such routing changes would have been made to avoid natural or man made obstacles at the time or field change orders for additional work such as extensions to the original contract.

Other reasons easements may be questioned would be due to unintentional mistakes of the contractor or easements being signed but not recorded.

This bill would place a two year statute of limitations on any person who believes he has cause of action against a rural water district because of the location of a waterline.

The Kansas Rural Water Association would appreciate your support of this Bill.

Elmer Ronnebaum
Program Manager, Kansas Rural Water Association

KANSAS RURAL WATER ASSOCIATION
P.O. Box 226
Seneca, Kansas 66538
(913) 336-3760
3-1-89
Attachment IV

SENATE BILL No. 65

By Committee on Local Government

1-23

3-1-89
Senate Local Gov't
Attachment V

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AN ACT concerning counties; relating to the sale of property; amend-
ing K.S.A. 19-211 and repealing the existing section.

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

Section 1. K.S.A. 19-211 is hereby amended to read as follows:
19-211. (a) In any county other than Shawnee, Sedgwick and Johnson
counties, except for any property belonging to a county law enforce-
ment department, no property belonging to such county, the value
of which is more than \$25,000 but is not more than \$100,000, shall
be sold or disposed of by any board of county commissioners without
a unanimous vote of such commissioners and public notice of such
sale or disposition containing the time, place and conditions thereof
having been given at least once each week for three consecutive
weeks prior thereto in the official newspaper of the county. Such
sale shall be made to the highest bidder except that the board of
county commissioners shall have the right to reject any or all bids.
No property, the value of which exceeds \$100,000, shall be sold or
disposed of by any board of county commissioners, unless the prop-
osition of sale or disposal of such property shall first be submitted
to a vote of the electors of the county at a question submitted election
called therefor, which election shall be called, noticed and held in
the manner provided by K.S.A. 10-120, and amendments thereto,
or at a general election. If a majority of the votes cast at any such
election authorizes any sale, such sale shall be made upon the notice
hereinbefore prescribed by publication, to the highest bidder, except
that the board of county commissioners shall have the right to reject
any or all bids. When property of the county having a value of not
more than \$100,000 is sold, the board of county commissioners shall
cause to be published as a part of the statement required by K.S.A.

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44 ~~10-229, and amendments thereto, a detailed account of such sale~~
45 ~~which shall describe the property sold, to whom sold, and the sale~~
46 ~~price.~~ (a)

47 (b) Except for any property belonging to a county law enforce-
48 ment department and as otherwise provided in subsection (c), no
49 real property, the value of which is more than \$150,000, belonging (b)
50 to ~~Shawnee, Sedgwick or Johnson~~ county shall be sold or disposed (any)
51 of by any board of county commissioners without a unanimous vote
52 of such commissioners and public notice of such sale or disposition
53 containing the time, place and conditions thereof having been given
54 at least once each week for three consecutive weeks prior thereto
55 in the official newspaper of the county. Such sale shall be made to
56 the highest bidder except that the board of county commissioners
57 shall have the right to reject any or all bids. If, within 45 days after
58 the first publication of such notice a petition signed by not less than
59 2% of the qualified electors of the county is filed with the county
60 election officer, such real property shall not be sold or disposed of
61 unless the proposition of sale or disposal of such property shall first
62 be submitted to a vote of the electors of the county at a question
63 submitted election called therefor. The election shall be called, no-
64 ticed and held in the manner provided by K.S.A. 10-120, and amend-
65 ments thereto, or at a general election. If a majority of the votes
66 cast at any such election authorizes any sale, such sale shall be made
67 upon the notice hereinbefore prescribed by publication, to the high-
68 est bidder, except that the board of county commissioners shall have
69 the right to reject any or all bids.

70 (c) If the board of county commissioners of ~~Shawnee, Sedgwick~~ (b)
71 ~~or Johnson~~ county has authorized, by unanimous vote, the sale or (any)
72 other disposition of real property and provided the notice and op-
73 portunity to bid, as required by subsection (b), and no valid petition (a)
74 for election was filed or an election was held which authorized the
75 sale, but the sale was not completed for any reason, the board of
76 county commissioners, at any time thereafter, may offer the property
77 for sale and sell or dispose of the property upon such terms and
78 conditions as the board, by unanimous vote, deems advisable.

79 (d) Except for any property belonging to a county law enforce- (c)
80 ment department, real property, the value of which does not exceed

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81 \$150,000, belonging to ~~Shawnee, Sedgwick or Johnson~~ county may
82 be sold or otherwise disposed of by the board of county commis-
83 sioners in the following manner:

84 (1) Upon a finding by the board that the property is no longer
85 required, or cannot prudently be used for public purposes of the
86 county, the board, by a unanimous vote, may dispose of any real
87 property, the value of which does not exceed \$5,000, by public or
88 private sale, by negotiation, or by quit-claim deed, as determined
89 by the board. ~~Such sale or other disposition shall not be subject to~~
90 ~~any publication requirement.~~

91 (2) The board, by unanimous vote, may dispose of any real prop-
92 erty, the value of which is less than \$150,000 but more than \$5,000,
93 by public bid sale conducted in the manner provided in subsection
94 (a) (b), except that such sale shall not be subject to protest by the
95 electors. If the board determines, after publication of notice and
96 opportunity to bid, that no bids were received or that the bids were
97 not sufficient nor acceptable, the board, at anytime thereafter ~~with-~~
98 ~~out further publication or notice~~, may offer the property for sale,
99 negotiate the sale upon such terms and conditions as the board deems
100 advisable, and dispose of the property upon such terms.

101 (3) The board, by unanimous vote, may dispose of any real prop-
102 erty interest belonging to the county, including any interest derived
103 through dedication, plat, condemnation, reversion, abandonment,
104 reservation or tax foreclosure, which the board determines, after
105 notice and public hearing, to be surplus property not required for
106 public use, and to be unmarketable property. Such property interest
107 may be disposed of by the county by the adoption of a resolution
108 providing that the interest of the county shall be vacated and trans-
109 ferring by quitclaim, without benefit of warranties of title, whatever
110 right, title or interest the county has or may have in the property.
111 The resolution shall provide for the reservation to the county and
112 the owners of any lesser property rights for public utilities, the
113 rights-of-way and easements for public service facilities which are
114 in existence and in use across the property. Upon adoption of the
115 resolution, the property interests vacated and conveyed shall revert
116 to and vest in the owners of the real estate immediately abutting
117 thereon, in proportion to the frontage of such land, except in cases

any

Notice of the board's intent
to sell such property shall be published at least
once in the official county newspaper. Such
notice shall include the time, place and
conditions of such sale

(Previously adopted)

Notice of the board's intent to sell
such property shall be published at least once in
the official county newspaper. Such notice shall
include the time, place and conditions of such
sale.

(Previously adopted)

118 where such land may have been acquired for public use in a different
119 proportion, in which event it shall revert and vest in the owner of
120 the adjoining real estate in the same proportion that it was acquired.

121 Following the adoption of the resolution, the county clerk shall
122 record the conveyance upon the transfer records of the county and
123 shall cause a notice of the transfer to be published in the official
124 county newspaper and to be sent by certified mail to each owner
125 of the adjoining real estate to whom the property is being trans-
126 ferred, at the address where the owner's tax statement is sent. A
127 copy of the transfer and the notice shall be recorded with the register
128 of deeds of the county, and no fee shall be charged by the county
129 clerk or the register of deeds recording the transfer.

130 (4) In the event of any sale of real property pursuant to the
131 authority under this subsection, the board, in its discretion, may
132 enter into and execute contracts for sale or lease-purchase agreements
133 for a term of not more than five years.

134 (e) ~~(c)~~ The provisions of this section shall not apply to or restrict (d)
135 the conveyance of real property by any county to the state of Kansas,
136 the title to which was previously conveyed to such county by the
137 state of Kansas.

138 (d) ~~(f)~~ The provisions of this section shall not apply to or restrict (e)
139 the conveyance of real property by any county to a nonprofit cor-
140 poration organized under the laws of Kansas if such real property
141 is acquired and conveyed by the county for the purpose of devel-
142 opment of an industrial or business park on such real property com-
143 prised of businesses engaged in: (1) Manufacturing articles of
144 commerce; (2) conducting research and development; or (3) storing
145 or processing goods or commodities. If the real property is to be
146 conveyed for an amount which is less than the amount the county
147 paid to acquire such property, the board of county commissioners
148 shall publish a notice of its intent to convey such property. The
149 notice shall include a description of the property, the cost of ac-
150 quiring the property and the amount for which such property is to
151 be conveyed. Such notice shall be published once each week for
152 three consecutive weeks in the official county newspaper. If, within
153 45 days after the first publication of such notice a petition signed
154 by not less than 2% of the qualified electors of the county is filed

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155 with the county election officer, such property shall not be conveyed
 156 unless the proposition of sale or disposal of such property is sub-
 157 mitted to and approved by a majority of the qualified voters of the
 158 county at an election called therefor. The election shall be called,
 159 noticed and held in the manner provided by K.S.A. 10-120, and
 160 amendments thereto, or at a general election.

161 Sec. 2. K.S.A. 19-211 is hereby repealed.

162 Sec. 3. This act shall take effect and be in force from and after
 163 its publication in the statute book.

(g) The provisions of this section shall not apply to or restrict the conveyance of real property by any county to a port authority if such real property is acquired and conveyed by the county for the purpose of development of an industrial, commercial or business park on such real property.

The board of county commissioners shall publish a notice of its intent to convey such property. The notice shall include a description of the property, the cost of acquiring the property and the amount for which the property is to be conveyed. Such notice also shall include the time and date of the public hearing at which the board proposes to consider the conveyance of such property. Such notice shall be published once in the official county newspaper. Following the public hearing, the board of county commissioners may convey such property.

3-1-89
 Senate Local Govt
 Attachment VI