

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on February 20, 2003 in Room 519-S of the Capitol.

All members were present except: Rep. Toelkes

Committee staff present: Mike Heim, Legislative Research Department  
Kathie Sparks, Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Rep. Minor	Kansas House of Representatives
Rep. Rehorn	Kansas House of Representatives
Wendy Wilson	Rosedale Development Association
Michael Snodgrass	CHWC, Inc.
Sen. Haley	Kansas Senate
* Mary Jane Johnson	Liveable Neighborhoods, Inc.
* written testimony only	

Others attending: See attached list

Chairman Vickrey opened the hearing on:

**HB 2204      Planning and zoning; planning commission; residency requirements**

Rep. Minor testified as a proponent of the bill (Attachment 1). He stated that the bill amends the city and county planning and zoning law dealing with the membership of the city planning commission when the city decides to plan, zone, or administer subdivision regulations outside the city limits. He explained that the bill adds to the current provision that requires at least two members of the planning commission reside outside of but within three miles of the city to allow these persons who own property within the three-mile area and who reside within the unincorporated area to serve on the city planning commission.

There were no opponents to the bill.

The Chairman closed the hearing on **HB 2204**.

**HB 2202      Land to be incorporated as, or added to cities**

Rep. Kassebaum made a motion for favorable passage of **HB 2202**. Rep. Thull seconded the motion. The motion carried.

**HB 2212      Cities; relating to annexation; time of publication before election**

Rep. Storm made a motion for favorable passage of **HB 2212** and asked that it be placed on the Consent Calendar. Rep. Reitz seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

**HB 2122      Abandoned property; rehabilitation thereof**

Rep. Rehorn testified as a proponent of the bill. He provided no written testimony. He stated that the bill amends the Kansas Abandoned Housing Act. He said the current law needed amendments to make it a workable tool to rehabilitate abandoned property. He distributed a copy of a balloon amendment (Attachment 6) and stated it is a compromise between the non-profit and landlord organizations.

Wendy Wilson, Executive Director, Rosedale Development Association, Inc. appeared as a proponent of the bill (Attachment 2). She explained that the bill will help to address those few very difficult properties that blight the surrounding neighborhoods. She testified that the removal of the low or moderate income housing

CONTINUATION SHEET

MINUTES OF THE AAA at TIME on February 20, 2003 in Room 519-S of the Capitol.

references is to promote a mixed income approach to community development and to encourage the highest quality of rehabilitation to the property.

Michael Snodgrass, representing CHWC, Inc., a not-for-profit community development corporation serving neighborhoods in the urban core of Kansas City, Kansas appeared as a proponent of the bill (Attachment 3). He said the proposed changes to the current statute are vital to making the statute a functional tool in the fight against blight and decay. He explained that the current statute requires the property to be vacant for a period of one year, while the proposed bill contains a much shorter period.

Written testimony in support of the bill was received from:

- Mary Jane Johnson, Liveable Neighborhoods, Inc. (Attachment 4)

There were no opponents appearing before the committee.

Sen. Haley provided neutral testimony on the bill (Attachment 5). He requested that the Committee expand the proposed rehabilitating party not only to "nonprofit organizations" but to any individual, meeting first time homeowner guidelines as established by income requirements prescribed by the department of housing and urban development who can produce evidence of capacity and resources necessary to complete rehabilitation of the property; upon a finding that neither said individual or any entity within the nonprofit organization holds or has held or can be shown to be affiliated with the delinquent owner of the property.

The Chairman closed the hearing on **HB 2122**.

**HB 2043**      **Annexation; powers and duties of cities and counties**

Copies of a balloon amendment (Attachment 7) were distributed to members of the committee. There was discussion concerning proposed changes to **HB 2043** but no action was taken.

The meeting was adjourned.

Next meeting is scheduled for February 25, 2003.



STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: APPROPRIATIONS

MELVIN MINOR  
REPRESENTATIVE, 114TH DISTRICT  
1338 N.E. 10TH ST.  
STAFFORD, KANSAS 67578  
(620) 234-5887  
FAX (620) 234-6867

TOPEKA OFFICE  
STATEHOUSE, RM. 273-W  
(785) 296-7648

February 13, 2003

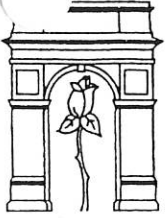
The request for HB 2204 was brought to me by a constituent. This constituent owns approximately 2,000 acres within the three mile area surrounding the city, but lives 400 feet outside the three mile area. His mail box appears to be inside the three mile area. Under current law, this property owner, taxpayer and resident of the county is not eligible to be a member of the planning commission.

HB 2204 would change this and make him eligible to become a member of the planning commission.

Thank you for your consideration of this item.

Melvin Minor  
State Representative  
District #114

House Local Government  
Date: 2-20-2003  
Attachment # 1



# Rosedale Development Association

1403 S.W. Boulevard, Kansas City, Kansas 66103  
(913) 677-5097 FAX (913) 677-3437

February, 20, 2003

Mr. Chairman and Committee Members,

The Rosedale Development Association, a non profit community organization, is in favor of House Bill 2122 that amends the state's unsafe and dangerous structures and abandoned property statute. Bill 2122 will help us to address those few very difficult properties in our city that bight the surrounding neighborhoods and have a negative impact on the property values and safety of the nearest property owners. The reasons for the suggested changes are as follows:

The need to shorten the time limit to be declared "abandoned property" from one year to 4 months and from two years tax delinquent to one year is to limit the possibility of the following: the property becoming a safe haven for criminals and vagrants who may cause serious damage to the property or cause havoc in the community, to limit the blight and reduced property values (thus reduced tax revenue) of the nearest neighbors who may wish to sell their homes or whose insurance rates increase due to a "vacant or abandoned property" being next door, also to get property that still has value rehabilitated and paying property tax. The longer a property remains abandoned the more likely it will deteriorate and necessitate demolition thus leaving another tax delinquent, weedy vacant lot.

Removal of the low or moderate income housing references is to promote a mixed income approach to community development and to encourage the highest quality of rehabilitation to the property. We do not want to see just a cosmetic cover up to meet the minimum qualifications.

The addition of the requirement that the defendant show evidence of their capacity and resources necessary to complete rehabilitation of the property is to prevent the deteriorated condition of the property from continuing indefinitely and possibly necessitating the filing of subsequent petitions.

Changing references from the city to the court is to streamline the process and maintain consistency.

Removal of the five-year redemption period is critical to making this law a realistically useable document. The current policy leaves the property in limbo, limits its uses and makes it unmarketable. This is the main reason this statute has gone unused over the years.

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The final change "allowing conveyance by judicial deed that operates to extinguish all existing ownership interest in, liens on, and other interest in the property, except tax liens" is necessary to deliver a fairly clear title, encourage the title companies to issue title insurance, get the property into the hands of the new residents as quickly as possible and start property tax payments coming in to local and state governments.

With passage of these changes to the existing law it will assist communities in addressing those very difficult properties where no responsible party of interest can be located and the property remains a blighting influence. There will be very few properties that meet these guidelines and responsible owners who can be located need not worry that they will lose control over their properties under this law. It is very depressing to look out your front door day after day, month after month, and currently year after year and see an abandoned deteriorating property while praying for the day it burns down, falls down, is demolished by the city or is sold after 4 years (if anything of value remains) in a delinquent tax sale on the courthouse steps. It also has a very negative impact of property values in the area and can actually cause further neighborhood deterioration by eroding property values and the morale of neighbors.

We ask for your help to provide us this tool to continue the work of improving our neighborhoods for everyone.

Sincerely,



Wendy Wilson  
Executive Director  
Rosedale Development Association, Inc.

UNSAFE OR DANGEROUS STRUCTURES AND ABANDONED PROPERTY  
AMENDMENT

House Bill No. 2122

Ladies and Gentlemen:

Thank you for the opportunity to speak before you regarding House Bill 2122.

I represent CHWC, Inc., a not-for-profit community development corporation serving neighborhoods in the urban core of Kansas City, KS. Over the past year we have constructed 10 new single-family homes and acquired/rehabbed over 15 properties in the urban core of Kansas City, KS. In addition, I serve as President of the Community Development Association of Kansas City, KS, which represents 6 community development corporations which operate in both Wyandotte and Johnson County.

We, the residents of urban neighborhoods in Kansas City, Kansas are aware that there are many factors to consider when addressing the issues of decay and flight. However, we believe that House bill 2122 is one quality attempt to address these issues. Empowering urban advocates to have access to abandoned property in one year as opposed to two is an efficient accountability tool and should improve residents' morale when addressing neighborhood issues. Allowing the property to be rehabbed and sold to a person of low, moderate or high income creates an opportunity for true mixed income neighborhoods.

House Bill 2122 is an important piece in the fight against urban decay in our urban cores in Kansas. Our neighborhoods in the older parts of our cities struggle with many issues, from urban flight, drugs, high rental rates and other issues. The residents left in these neighborhoods are left with little or no hope in improving their neighborhoods. Many times, in these situations, homes will simply be abandoned which not only affects that immediate property, but the immediate neighbors, that block, and that neighborhood.

We have found that 1 single property can have a tremendous effect on an entire block and neighborhood. For example, when we purchase/rehab a problem house in a bad block, that more times than not the neighbors on either side will decide to invest in their homes as well. This new rehab, in turn, creates a positive ripple effect throughout the block and neighborhood, resulting increased property values and taxes for the local governing bodies.

The same is true for abandoned properties, only with a negative ripple effect.

The proposed changes in HB 2122 to the current statute are vital to making the statute a functional tool in the fight against blight and decay. Of significant importance is the change in definition of "abandoned property" in 12-1750(c). The current statute requires the property to be vacant for a period of one year, while the proposed bill contains a much shorter period. It is important that properties NOT sit for very long, otherwise they attract graffiti, and vandalism, and if left for a period of one year it is usually impossible, financially, to rehab. This does not even take into account the tremendous negative impact on the block and neighborhood.

This bill is not only about addressing abandoned properties it is about raising the bar in these older neglected neighborhoods. Raising the standards is sure to raise the standard of living for those residents willing to live and raise their children in the urban core.

By being able to address a vacant property quickly, the property should be able to be saved via rehab then resold to a person/family who will occupy the structure, maintain it, and pay taxes.

All other sections of HB 2122 further strengthen the current statute and will change a seldom-used statute into a real force for neighborhood revitalization.

Michael Snodgrass  
CHWC, Inc.

House Local Government  
Date: 2-20-2003  
Attachment # 3



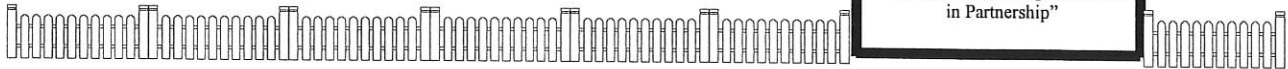
1328 Ann – Kansas City, KS  
Vacant for approximately 2 years



Bishop  
Ward  
High  
School  
Football  
Field

1328 Ann – 2<sup>nd</sup> view  
Shows proximity to Bishop Ward High School Football Field  
The balance of this block has deteriorated significantly since being vacated





4601 State Ave. - Kansas City, KS 66102  
Phone: 913-573-8737 Fax: 913-573-8733

**Liveable Neighborhoods  
Board of Directors**

Feb. 20, 2003

Melissa Bynum, Pres.  
Patty Dysart, Vice Pres.  
Joyce Williams, Sec.  
Kirk Suther, Treas.

Mr. Chairman and Committee Members,

Neighborhood Representatives

Melissa Bynum  
Patty Dysart  
Joyce Williams  
Faydell Grayson  
Bert Howard  
Bill Scholl  
Dale Nightwine  
Steve Craddock  
Bill Boster  
Anthony Ross  
Mary Starks  
Sue Drew  
Wendy Wilson  
Jackie Heard  
Jeff Fendorf  
Paul Soptick  
Sharon Cormack  
Lynn Frenick

The Liveable Neighborhoods board has voted unanimously to endorse H.B. 2122. The board is comprised of neighborhood leaders appointed by the Unified Government Commission representing the 125 organized neighborhood groups throughout the city. Liveable Neighborhoods is known for its research and study of laws and ordinances from various cities and states that provide tools for successful neighborhood improvement.

House Bill 2122 could streamline the process that would assist successful housing efforts currently underway by our local Community Development Corporations i.e. Rosedale Development Association, City Vision Ministries and Catholic Housing. These agencies are making positive strides in rebuilding some of our most blighted areas but are running up against a law that is restricting progressive steps that could lead to rehabilitation and neighborhood pride.

These few changes can make a huge difference block by block for our community. Please consider the recommendations offered by the proponents of the legislation.

Gov't/Professional Reps

Meredith Schraeder  
Capt. Henry Horn  
Greg Talkin  
Kathy Moore  
Joe Dick  
Brenda Shivers  
Chuck Henry  
Kirk Suther

Sincerely,

Mary Jane Johnson  
Executive Director

House Local Government  
Date: 2-20-2003  
Attachment # 4

Mary Jane Johnson  
Executive Director  
Mjohnson@wycokck.org

# STATE OF KANSAS

OFFICE  
STATE CAPITOL BUILDING  
ROOM 140-N  
TOPEKA, KANSAS 66612-1504  
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(785) 296-0103/FAX

DISTRICT  
CIVIC CENTER STATION  
POST OFFICE BOX 171110  
KANSAS CITY, KANSAS 66117  
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SENATE CHAMBER

**DAVID B. HALEY**

SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

February 20, 2003

## **RE: HB2122 Concerning abandoned property; Relating to the rehabilitation thereof**

Chairman Vickrey; Ranking Member Gilbert...Esteemed Colleagues of the House Local Government Committee:

Thank you for allowing me to provide a brief perspective on HB 2122 before you this afternoon. I consider myself and my testimony "Neutral" on the bill. I favor (as many of you might personally attest) any streamlining effort that delivers title to abandoned real property to a responsible owner committed to renovation. However, I oppose government intervention which might too rapidly deprive a real property owner, who might be attempting to preserve an empty family or second house, from title and might empower local government to harass the property owner in favor of a "nonprofit" corporation.

As the proud author of changes to K.S.A. 12-1756a-f, et seq., in the 1996 Legislative Session, I get a little concerned when any drastic change is proposed. HB 2122, as drafted, offers several; none that could not be remedied by simple amendments if the bill is worked.

Primarily, the legislative reasoning for taking real property rights from average income property owners (who were behind in paying their taxes and/or had left their property vacant for awhile) and "giving" these property rights to a non-profit organization was to specifically increase the availability of low or moderate income housing; especially low or moderate income home ownership. The nonprofit organization is the beneficiary of a streamlined judicial sale only in order to empower those chronically exposed to marginal rental or ownership housing opportunity. Why in Sec. 1; Subsection h), on Page 1 at Line 35 of HB 2122 would the long standing and highly regarded definition of "low or moderate income housing; be struck as material to K.S.A. 12-1750?

Mr. Chairman and Members of the Committee, currently Wyandotte Co. (for example) allows a two (2) year tax delinquency prior to instituting a judicial (a.k.a. "sheriff's") sale against the delinquent owner's title. Why shorten the two (2) year statutory period to one (1) year to solely benefit some corporation to the probable detriment of an average income owner?

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Attachment # 5

COMMITTEE ASSIGNMENTS  
ASSESSMENT & TAXATION  
JUDICIARY REAPPORTIONMENT  
PUBLIC HEALTH & WELFARE

haley@senate.state.ks.us

JOINT COMMITTEE ASSIGNMENTS  
STATE TRIBAL RELATIONS  
CORRECTIONS & JUVENILE JUSTICE  
HEALTH CARE REFORM OVERSIGHT

And shortening to only thirty (30) days from one (1) year the definition of occupancy could mean a rental house, for example, vacant for only one (1) month and behind on taxes could spell major trouble for it's owner if the local government in conjunction with a "nonprofit organization" wants the house. Similarly, ninety (90) days to pay all delinquent taxes might simply be impossible for many people to achieve.

Finally, if HB 2122 is work by this Committee, I would respectfully request that the Committee include what I, as this concept's author, should have done in the beginning: Expand the proposed rehabilitating party not only to "nonprofit organizations" but to any individual, meeting first time homeowner guidelines as established by income requirements prescribed by the department of housing and urban development who can produce evidence of capacity and resources necessary to complete rehabilitation of the property; upon a finding that neither said individual or any entity within the nonprofit organization holds or has held or can be shown to be affiliated with the delinquent owner of the property.

On your advice Mr. Chair, if this bill is ever worked by this Committee, I will request "balloon" amendments appropriate to these comments and respectfully request each of your reflective consideration.

Thank you. I am pleased to stand for any question(s).

Distributed by  
Rep. Rehorn

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HOUSE BILL No. 2122

By Committee on Judiciary

1-29

AN ACT concerning abandoned property; relating to the rehabilitation thereof; amending K.S.A. 12-1750, 12-1756a, 12-1756b and 12-1756c and repealing the existing sections.

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

Section 1. K.S.A. 12-1750 is hereby amended to read as follows: 12-1750. As used in this act:

- (a) "Structure" means any building, wall or other structure.
- (b) "Enforcing officer" means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act.
- (c) "Abandoned property" means any residential real estate for which taxes are delinquent for the preceding ~~two years~~ *one year* and which has been unoccupied continuously by persons legally in possession for the preceding ~~one year~~ *365 days*.
- (d) "Organization" means any nonprofit corporation organized under the laws of this state and which has among its purposes the improvement of housing.
- (e) "Rehabilitation" means the process of improving the property, including but not limited to, bringing property into compliance with applicable fire, housing and building codes.
- (f) "Parties in interest" means any owner or owners of record, judgment creditor, tax purchaser or other party having any legal or equitable title or interest in the property.
- (g) "Last known address" includes the address where the property is located, or the address as listed in the tax records.
- (h) ~~"Low or moderate income housing" means housing for persons and families with incomes within the income limitations prescribed by the department of housing and urban development pursuant to section 5 of the federal housing and community development act of 1937, as amended.~~

120

Sec. 2. K.S.A. 12-1756a is hereby amended to read as follows: 12-1756a. (a) An organization may file a petition with the district court for an order for temporary possession of property if:  
(1) The property has been declared abandoned pursuant to K.S.A.

House Local Government  
Date: 2-20-2003  
Attachment # 6

6-2

1 ~~12-1753~~ meets the definition of abandoned as set forth in K.S.A. 12-1750,  
2 and amendments thereto;

3 (2) the organization intends to rehabilitate the property and use the  
4 property as housing for low and moderate income persons and families;  
5 and

6 (3) the organization has sent notice to the enforcing officer and the  
7 parties in interest of the property, by certified or registered mail, mailed  
8 to their last known address and posted on the property at least ~~90~~ <sup>20</sup> days  
9 but not more than 60 days before the date the petition is filed, of the  
10 organization's intent to file a petition for possession under K.S.A. 12-1750  
11 through 12-1756c, and amendments thereto.

20

12 (b) The proceeding shall be commenced by filing a verified petition  
13 in the district court in the county in which the property is located. The  
14 petition shall state that the conditions specified in subsection (a) exist. All  
15 parties in interest of the property shall be named as defendants in the  
16 petition. Summons shall be issued and service shall be made pursuant to  
17 K.S.A. 60-303, and amendments thereto. Service may be made by pub-  
18 lication if the organization with due diligence is unable to make service  
19 of summons upon a defendant pursuant to subsection (a)(3) of K.S.A. 60-  
20 307, and amendments thereto.

21 (c) Any defendant may file as part of such defendant's answer, as an  
22 affirmative defense, a plan for the rehabilitation of the property and ev-  
23 idence of capacity and resources necessary to complete rehabilitation of  
24 the property. The court shall grant the defendant 90 days to bring the  
25 property into compliance with applicable fire, housing and building codes  
26 and to pay all delinquent ad valorem property tax. ~~The court, for good  
27 cause shown, may extend the ninety-day compliance period. If the prop-  
28 erty is brought into such compliance within the ninety-day period or ex-  
29 tension of time thereof, the petition shall be dismissed. If the defendant  
30 fails to bring the property into such compliance within the ninety-day  
31 period or extension of time thereof, or if the defendant's plan is otherwise  
32 insufficient, the defendant's affirmative defense shall be stricken.~~

For good cause shown, the court may extend the ninety-day compliance period. If the property is brought into such compliance within the ninety-day period or extension of time thereof, the petition shall be dismissed.

33 (d) At the hearing on the organization's petition, the organization  
34 shall submit to the court a plan for the rehabilitation of the property and  
35 present evidence that the organization has adequate resources to rehab-  
36 ilitate and thereafter manage the property. For the purpose of devel-  
37 oping such a plan, representatives of the organization may be permitted  
38 entry onto the property by the court at such times and on such terms as  
39 the court may deem appropriate.

, or extension of time thereof,

40 (e) The court shall make its own determination as to whether the  
41 property is in fact abandoned consistent with the terms of K.S.A. 12-1750  
42 through 12-1756c, and amendments thereto.

43 (f) If the court approves the petition, the court shall enter an order

1 approving the rehabilitation plan and granting temporary possession of  
2 the property to the organization. The organization, subject to court ap-  
3 proval, may enter into leases or other agreements in relation to the prop-  
4 erty. Whether the court approves or denies the petition, the organization  
5 shall provide the governing body a copy of the order within ~~40~~ 30 days  
6 of the organization's receipt or knowledge of such order.

7 Sec. 3. K.S.A. 12-1756b is hereby amended to read as follows: 12-  
8 1756b. An organization which has possession of property pursuant to  
9 K.S.A. 12-1756a and amendments thereto, shall file an annual report with  
10 the ~~city court~~ *city court* concerning the rehabilitation and  
11 use of the property. The ~~city court~~ *city court* shall require reports and status dates  
12 to be filed as it deems appropriate under the circumstances but no less  
13 frequently than once a year. The report shall include statements of all  
14 expenditures made by the organization including, but not limited to, pay-  
15 ments for the rehabilitation, operation and maintenance of and repairs to  
16 the property, and for real estate taxes, and payments to mortgagees and  
17 lienholders during the preceding year and shall include statements of all  
18 income and receipts from the property for the preceding year.

19 Sec. 4. K.S.A. 12-1756c is hereby amended to read as follows: 12-  
20 1756c. If an owner of property of which temporary possession has been  
21 transferred to an organization pursuant to K.S.A. 12-1756a, and amend-  
22 ments thereto, takes no action to regain possession of the property in the  
23 ~~five year period following the granting of temporary possession of the~~  
24 ~~property to the organization prior to the organization completing reha-~~  
25 ~~ilitation of the property, the organization may file a petition for judicial~~  
26 ~~deed to the property and upon due notice to the named defendants and~~  
27 ~~an order may be entered granting a quit-claim judicial deed to the or-~~  
28 ~~ganization providing that the property shall be used for low and moderate~~  
29 ~~income housing for at least a 10-year period after the deed is granted. A~~  
30 ~~conveyance by judicial deed shall operate to extinguish all existing own-~~  
31 ~~ership interests in, liens on, and other interest in the property, except tax~~  
32 ~~liens.~~

33 Sec. 5. K.S.A. 12-1750, 12-1756a, 12-1756b and 12-1756c are hereby  
34 repealed.

35 Sec. 6. This act shall take effect and be in force from and after its  
36 publication in the statute book.  
37

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**HOUSE BILL No. 2043**

By Representative Toelkes

1-22

9 AN ACT concerning annexation; relating to the powers and duties of  
10 cities and counties; amending K.S.A. 12-519, 12-521, 12-527, 12-530,  
11 12-531, 12-532, 12-534 and 12-535 and repealing the existing sections  
12 ~~also repealing K.S.A. 12-520, 12-520a, 12-520b, 12-526, 12-536 and~~  
13 ~~12-537.~~ ✓  
14 ✓

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

16 Section 1. K.S.A. 12-519 is hereby amended to read as follows: 12-  
17 519. As used in this ~~act~~ section and K.S.A. 12-521 through 12-535 and  
18 ~~section 9, and amendments thereto:~~

19 (a) "Tract" means a single unit of real property under one ownership,  
20 outside the corporate limits of a city, which may be platted or unplatted,  
21 title to which is publicly or privately held by an owner as defined by  
22 subsection (c).

23 (b) "Land" means a part of a tract or one or more tracts.

24 (c) "Owner" means the one who has record title to a tract. ~~In the~~  
25 ~~event~~ If two or more persons have record title to a tract, "owner" shall  
26 be defined as follows:

27 (1) If joint tenants, "owner" means a majority of the number of joint  
28 tenants; (2) if tenants in common, "owner" means both a majority of the  
29 number of tenants in common and the holders of a majority of the un-  
30 divided interests in the tract; (3) if the tract is held by a life tenant and a  
31 remainderman, "owner" means the life tenant; (4) if the tract is held by  
32 a tenant under a recorded lease providing for a lease term of 10 years or  
33 longer and a remainderman, "owner" means both such tenant and re-  
34 mainderman; (5) if one holds title to the surface and another holds title  
35 to the minerals, "owner" means the surface title holder.

36 (d) "Adjoins" means to lie upon or touch (1) the city boundary line;  
37 or (2) a highway, railway or watercourse which lies upon the city boundary  
38 line and separates such city and the land sought to be annexed by only  
39 the width of such highway, railway or watercourse.

40 (e) "Platted" means a tract or tracts mapped or drawn to scale, show-  
41 ing a division or divisions thereof, which map or drawing is filed in the  
42 office of the register of deeds by the owner of such tract.

43 (f) "Land devoted to agricultural use" means land which is devoted

House Local Government  
Date: 2-20-2003  
Attachment # 7

to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apitary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

(g) "Watercourse" means a natural or manmade course where water may flow on a regular or intermittent basis; a watercourse shall not include a natural or manmade lake, pond or other impoundment of five or more acres of surface area.

Sec. 2. K.S.A. 12-521 is hereby amended to read as follows: 12-521. (a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section, the governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto;

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the esti-

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New Sec. 2. (a) Except as provided by this section, the governing body of any city in a county in which there is located any improvement district incorporated and organized pursuant to K.S.A. 19-2753 et seq., and amendments thereto, shall not annex any land pursuant to K.S.A. 12-520, and amendments thereto.

(b) The provisions of subsection (a) shall not apply to:

(1) Land which is owned by or held in trust for the city or any agency thereof; or

(2) land which adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(c) As used in this section, "improvement district" means an improvement district for which the petition for incorporation and organization was presented on or before January 1, 1987.