

Approved: 3/22/07  
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on March 6, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department  
Matt Spurgin, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Dave Unruh - Chairman, Sedwick County  
Eric Sartorius - Overland Park Kansas  
Don Moler - Executive Director LKM  
Rod Barnes - City Manager Junction City  
Gary Anderson - Attorney Junction City

Others attending:

See attached list:

Ken Wilke from the Revisor of Statutes office gave summary on **HB 2267 Unilateral annexation; county owned lands excluded.**

Dave Unruh Chairman of Sedgwick County gave testimony in favor of **HB 2267 (Attachment 1).**

Questions.

Eric Sartorius from Overland Park, Kansas, offered an amendment to **HB 226 7 (Attachment 2).**

No questions.

Don Moler - Executive Director of Kansas League of Municipalities testified as opponent to **HB 2267 (Attachment 3).**

Hearing closed on **HB 2267.**

Ken Wilke gave summary on **HB 2280 Cities; relating to the financing of public improvements.**

Rodney Barnes, City Manager of Junction City gave testimony in favor of **HB 2280** with several amendments (**Attachment 4.**)

Gary Anderson, Attorney for Junction City testified on behalf of **HB 2280** with amendments as presented in (**Attachment 4.**)

Closed hearing on **HB 2280.**

Meeting adjourned.

Respectfully submitted,

Zoie Kern, Committee Secretary

# Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for March 6, 2007

Please print in BLACK ink.

Name	Representing
Robert Parnacott	Sedgewick County
DAVE LINDRILL	SEDEWICK COUNTY
Andy Schlapp	Sedgewick County
Stuart Little	Johnson County
Jim Edwards	KANSAS
BRYAN CASKEY	SEC OF STATE
Jon Moler	LKM
LARRY R BAER	LKM
Jay Roberts	DeSoto High School
Trisha Roberts	De Soto High School
Chesney Burgweyer	De Soto High School
Jessica Pennington	De Soto High School
Kristen Hanson	De Soto High School
Caleb Hanish	Arkansas City High School

**Senate Elections and Local Government Committee**

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for March 6, 2007

Please print in BLACK ink.

Name

Representing

GARY ANDERSON

GILMORE & BELL, P.C.

Erik SARTORIUS

CITY OF OVERLAND PARK



**DAVE UNRUH**  
**Chairman**  
**Commissioner - First District**

**BOARD OF COUNTY COMMISSIONERS**  
**SEDGWICK COUNTY, KANSAS**

COUNTY COURTHOUSE • SUITE 320 • 525 NORTH MAIN • WICHITA, KANSAS 67203-3759  
TELEPHONE (316) 660-9300 • FAX (316) 383-8275  
e-mail: [dunruh@sedgwick.gov](mailto:dunruh@sedgwick.gov)

**TESTIMONY**  
**HB 2267**  
**Senate Committee on Elections and Local Government**  
**March 6, 2007**

Chairman Huelskamp and members of the committee, my name is David Unruh and I am Chairman of the Board of County Commissioners of Sedgwick County. Thank you for the opportunity to testify in support of HB 2267. This is a bill that would prohibit cities from unilaterally annexing land owned by a County.

Current law provides for a number of prohibitions to keep a city from annexing property against the will of the landowner. A city cannot force annex property owned or held in trust for another city. Cities cannot force annex property within an improvement district created before 1987. Cities cannot force annex property over 21 acres used for agricultural purposes. Cities cannot force annex property that is part of a military reservation. And finally, cities cannot annex certain property owned by a county when such land ***“has a primary use as a county-owned and operated airport, or other aviation related activity or which has a primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility.”*** HB 2267 is intended to simplify the current restrictions to forced annexation of county property by providing all county property with the same protection against forced annexation that is currently given to city-owned property. There is no valid reason to treat cities differently than counties with respect to such forced annexations.

There are situations where county-owned property should be annexed into a city. County property may need to be developed in such a way that will require certain city services such as water and sewer. But such endeavors should be done in a spirit of cooperation and at the request of a county. What are the public policy reasons for a city to be able to annex the county's property without the county's consent?

Both cities and counties have home rule authority and can exercise broad police powers within their respective jurisdictions. Forced annexations between these levels of government can create unnecessary ill-will by giving one government the power to regulate the other government. This in fact has happened in Sedgwick County resulting in a lawsuit between the City of Park City and Sedgwick County. Unless we clear up the current ambiguity in the annexation laws, other cities in Sedgwick County could attempt to annex parts of the Sedgwick County Zoo or the Kansas Coliseum. While these properties are clearly owned by Sedgwick County, there could always be attempts to question whether the properties are exempt from annexation.

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**TESTIMONY - HB 2267**

**March 6, 2007**

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Furthermore, under current annexation law a county is required to hold a hearing in five years to determine if the city has provided services to the annexed property. So another absurdity that occurs under current law is that a county by statute would have to notify itself of a public hearing, invite itself to come to the public hearing, testify in front of itself at the public hearing, and then make findings concerning this testimony. Surely the legislature never intended this result when enacting the current annexation law.

In summary, Sedgwick County believes that fairness requires that counties be treated with the same accord and respect as cities when it comes to forced annexations. Laws should be enacted that encourage cooperation between cities and counties instead of providing for potential conflict and ill-will. For all of the above reasons we respectfully request that you support HB 2267.



8500 Santa Fe Drive  
Overland Park, Kansas 66212  
• Fax: 913-895-5003  
www.opkansas.org

Testimony Before The  
Senate Elections & Local Government Committee  
Regarding House Bill 2267  
Submitted by Erik Sartorius

March 6, 2007

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony on House Bill 2267.

The City does not have a position on the underlying purpose of HB 2267. However, as this legislation has progressed, the City has become aware of an unintended consequence of the bill. As a result, we wish to offer an amendment to the legislation.

As seen in K.S.A. 12-520, the statute the bill amends, cities may unilaterally annex land in seven specific situations. Much of the land that Overland Park has annexed over the years was annexed pursuant to the seventh situation listed in subsection (a) of the statute, namely, when the land adjoins the city and "a written petition for or consent to annexation is filed with the city by the owner."

Until it is annexed into a city, much public right-of-way is titled in the county. Subsection (f), which is referenced in our amendment, for many years, has allowed cities to annex public right-of-way if it adjoins the city or if it adjoins the land being annexed. In 2005, subsection (f) was amended to allow counties to notify a city of right-of-way that was not annexed by the city and require that city to begin a proceeding to annex the un-annexed right-of-way. This change certainly suggests that counties prefer cities to annex the intervening right-of-way when they annex.

For many years the City of Overland Park has annexed the intervening right-of-way titled in the county in the same proceeding in which it has annexed the adjoining privately-owned land. It has done so without objection from the county. HB 2267 creates a possible ambiguity as to whether the City of Overland Park may continue to do so, or whether hereafter it would need express permission to do so from the county.

The amendment offered by the City of Overland Park seeks to clarify that it may continue to annex adjoining right-of-way titled in the county at the same time as it annexes the privately-owned land that adjoins the city, without the extra hurdle of having to receive permission from the county to do so. We ask that this amendment be added to HB 2267 should the bill be considered further by this committee.

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**HOUSE BILL No. 2267**

By Committee on Elections and Governmental Organization

1-29

12 AN ACT concerning annexation of land by cities; amending K.S.A. 2006  
13 Supp. 12-520 and repealing the existing section.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2006 Supp. 12-520 is hereby amended to read as  
17 follows: 12-520. (a) Except as hereinafter provided, the governing body  
18 of any city, by ordinance, may annex land to such city if any one or more  
19 of the following conditions exist:

20 (1) The land is platted, and some part of the land adjoins the city.  
21 (2) The land is owned by or held in trust for the city or any agency  
22 thereof.

23 (3) The land adjoins the city and is owned by or held in trust for any  
24 governmental unit other than another city, ~~except that no city may annex~~  
25 ~~land owned by a county which has primary use as a county owned and~~  
26 ~~operated airport, or other aviation related activity or which has primary~~  
27 ~~use as a county owned and operated zoological facility, recreation park or~~  
28 ~~exhibition and sports facility without the express permission of the board~~  
29 ~~of county commissioners of the county~~ **except that no city may annex**  
30 **land owned by a county without the express permission of the**  
31 **board of county commissioners of the county.**

, other than as  
provided in  
subsection (f)  
of this section.

32 (4) The land lies within or mainly within the city and has a common  
33 perimeter with the city boundary line of more than 50%.

34 (5) The land if annexed will make the city boundary line straight or  
35 harmonious and some part thereof adjoins the city, except no land in  
36 excess of 21 acres shall be annexed for this purpose.

37 (6) The tract is so situated that 2/3 of any boundary line adjoins the  
38 city, except no tract in excess of 21 acres shall be annexed under this  
39 condition.

40 (7) The land adjoins the city and a written petition for or consent to  
41 annexation is filed with the city by the owner.

42 (b) No portion of any unplatted tract of land devoted to agricultural  
43 use of 21 acres or more shall be annexed by any city under the authority

1 of this section without the written consent of the owner thereof.

2 (c) No city may annex, pursuant to this section, any improvement  
3 district incorporated and organized pursuant to K.S.A. 19-2753 et seq.,  
4 and amendments thereto, or any land within such improvement district.  
5 The provisions of this subsection shall apply to such improvement districts  
6 for which the petition for incorporation and organization was presented  
7 on or before January 1, 1987.

8 ~~(d) No city may annex land owned by or held in trust for a county or~~  
9 ~~any agency thereof. The provisions of this section shall be applicable to~~  
10 ~~any annexation proceedings commencing after September 1, 2006.~~

11 (d)(e)(d) Subject to the provisions of this section and subsection (e)  
12 of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant  
13 to this section, any fire district or any land within such fire district.

14 (e)(f)(e) Whenever any city annexes any land under the authority of  
15 paragraph 2 of subsection (a) which does not adjoin the city, tracts of land  
16 adjoining the land so annexed shall not be deemed to be adjoining the  
17 city for the purpose of annexation under the authority of this section until  
18 the adjoining land or the land so annexed adjoins the remainder of the  
19 city by reason of the annexation of the intervening territory.

20 (f)(g)(f) No city may annex the right-of-way of any highway under  
21 the authority of this section unless at the time of the annexation the  
22 abutting property upon one or both sides thereof is already within the  
23 city or is annexed to the city in the same proceeding. The board of county  
24 commissioners may notify the city of the existence of any highway which  
25 has not become part of the city by annexation and which has a common  
26 boundary with the city. The notification shall include a legal description  
27 and a map identifying the location of the highway. The governing body  
28 of the city shall certify by ordinance that the certification is correct and  
29 declare the highway, or portion of the highway extending to the center  
30 line where another city boundary line abuts the opposing side of the  
31 highway, annexed to the city as of the date of the publication of the  
32 ordinance.

33 (g)(h)(g) The governing body of any city by one ordinance may  
34 annex one or more separate tracts or lands each of which conforms to  
35 any one or more of the foregoing conditions. The invalidity of the annex-  
36 ation of any tract or land in one ordinance shall not affect the validity of  
37 the remaining tracts or lands which are annexed by the ordinance and  
38 which conform to any one or more of the foregoing conditions.

39 Sec. 2. K.S.A. 2006 Supp. 12-520 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its  
41 publication in the ~~statute book~~ [Kansas register].





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League of Kansas Municipalities

**To:** Senate Elections & Local Government Committee  
**From:** Don Moler, Executive Director  
**Date:** March 6, 2007  
**Re:** Comments Concerning HB 2267

First I would like to thank the Committee for allowing the League to comment today concerning HB 2267. In a nutshell, the League believes that this legislation is unnecessary. At its core it involves a dispute between one city and one county in the State of Kansas. As you know, there are 627 cities and 105 counties in Kansas. It seems unreasonable to suggest changing a state statute which applies to all cities and counties in the State simply because there is a dispute involving a single city and a single county.

Secondly I would point out that the unilateral annexation laws of Kansas, of which K.S.A. 12-520 is the central statute, were amended as recently as 2005. That amendment was the result of a compromise among numerous parties. We would urge the Committee not to further amend this statute as it continues to work well and was the result of a compromise agreement.

Finally, with the removal of the retroactive language, the purpose of this legislation has largely disappeared.

In conclusion we believe that the annexation laws of the State of Kansas continue to work well and that this legislation, as amended, is unnecessary. We would like to thank the committee for allowing the League to comment on HB 2267 today.

**Rodney D. Barnes**  
**City Manager**



P.O. Box 287  
Municipal Building  
Junction City, KS 66441  
(785) 238-3103 ext. 300

**CITY MANAGER'S OFFICE**

March 6, 2007

Senator Tim Huelskamp, Chairman  
Elections & Local Government Committee  
300 SW 10<sup>th</sup> Ave.  
Topeka, Kansas 66612

Senator Roger Reitz, Vice Chairman  
Elections & Local Government Committee  
300 SW 10<sup>th</sup> Ave.  
Topeka, Kansas 66612

Senator Donald Betts, Ranking Member  
Elections & Local Government Committee  
300 SW 10<sup>th</sup> Ave.  
Topeka, Kansas 66612

Members of the Elections and Local Government Committee:

Thank you for the opportunity to address you today. As many of you are aware, the City of Junction City is growing rapidly due to expansion of Fort Riley and the successful recruitment of new business and industry to the region. The growth provides a number of challenges in providing the necessary infrastructure to accommodate housing. The City currently has annexed over 1,400 acres and has 56 subdivisions being developed. This represents over 6,000 new housing units. Included with my testimony is a copy of the map indicating the various developments.

The City provides water, sewer and street financing using Kansas Statute 12-6a01. While the City does not provide assistance with the cost of these developments, the developers use the City's credit to back the financing of the subdivision improvements. This means that the infrastructure costs are financed using general obligation debt of the

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City, subject to the debt limit requirements contained in the statutes. All of this cost is repaid by special assessments assessed to each lot in the subdivision being constructed.

The City is using every tool available to insure enough housing is constructed to accommodate the growth. We are using the Kansas Rural Housing Incentive District Act and we are using general obligation debt. We would like to have one more tool that would eliminate debt burden on our local taxpayers and collect the revenue solely from the citizens purchasing the new homes. This amendment would provide this.

You have before you HB2280 that is amending the statute for a particular issue in Valley Center. The City of Junction City is asking you to amend HB2280 further in order to allow cities the ability to issue special obligation bonds that would be solely backed by the special assessments on the subdivision lots and not by the taxpayers of the community. Attached is the wording changes that are needed to allow this to happen.

There is no fiscal impact to the State of Kansas and the appropriate people that are benefiting from the improvements are paying for the cost of the improvements with this change. A representative from the City of Junction City's bond counsel, Gilmore and Bell is here today to also talk about this issue.

The second issue that has the potential to impact Junction City and other cities across Kansas developed recently. The Attorney General's office issued an opinion that has called into the question whether cities can issue bonds to purchase public improvements from a developer once they are completed. This practice happens across the State and in many instances can speed the process up for getting infrastructure constructed. This method also allows a City not to incur debt so early in the process since the developer finances the construction costs of the public improvements until completed. The method insures that the developer is assuming some of the risk of building out a subdivision. I have attached a copy of the opinion from the Attorney General's office. Mr. Anderson of Gilmore and Bell can speak to this issue further.

If you have any questions concerning the City of Junction City's request feel free to contact me at (785) 223-5112 or email me at [rod.barnes@jcks.com](mailto:rod.barnes@jcks.com) I appreciate the State's continued support of our region's growth initiatives. Particularly, the City appreciates Senator Reitz efforts to assist us with issues that arise during this process.

Sincerely,



Rod Barnes  
City Manager

Enc.

## 12-6a01

### Chapter 12.--CITIES AND MUNICIPALITIES

#### Article 6a.--GENERAL IMPROVEMENT AND ASSESSMENT LAW

**12-6a01. Procedures for certain improvements and for financing costs; definitions.** For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) "Improvement" means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) "To improve" means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) "Acquire" means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means, **including improvements authorized to be constructed under this act** and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

(d) "Cost" means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for the services rendered by the city in the administration and supervision of such improvement by its general officers, **any necessary reserves** and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

(e) "Consultant" means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) "Improvement district" means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) "Street" means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) "Newspaper" means the official designated newspaper of the city, or if

there is no newspaper published therein or no official newspaper, a newspaper of general circulation in the city authorized to publish legal notices.

(i) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite and actinolite.

(j) "Asbestos-containing material" means any material or product which contains more than 1% asbestos.

(k) "Asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal or encapsulation of asbestos-containing material;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(l) "Lead control project" means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(m) "Lead hazard" means any condition which causes exposure to lead that would result in adverse human health effects.

(n) "Bonds" mean general obligation bonds or special obligation bonds.

**History:** L. 1957, ch. 99, § 1; L. 1968, ch. 408, § 1; L. 1996, ch. 231, § 7; L. 2003, ch. 120, § 1; July 1.

# Geary County Subdivisions

Stoney Point Subdivision  
13 Lots Available  
Near Milford Lake Hwy. K-244  
3 Miles from Junction City

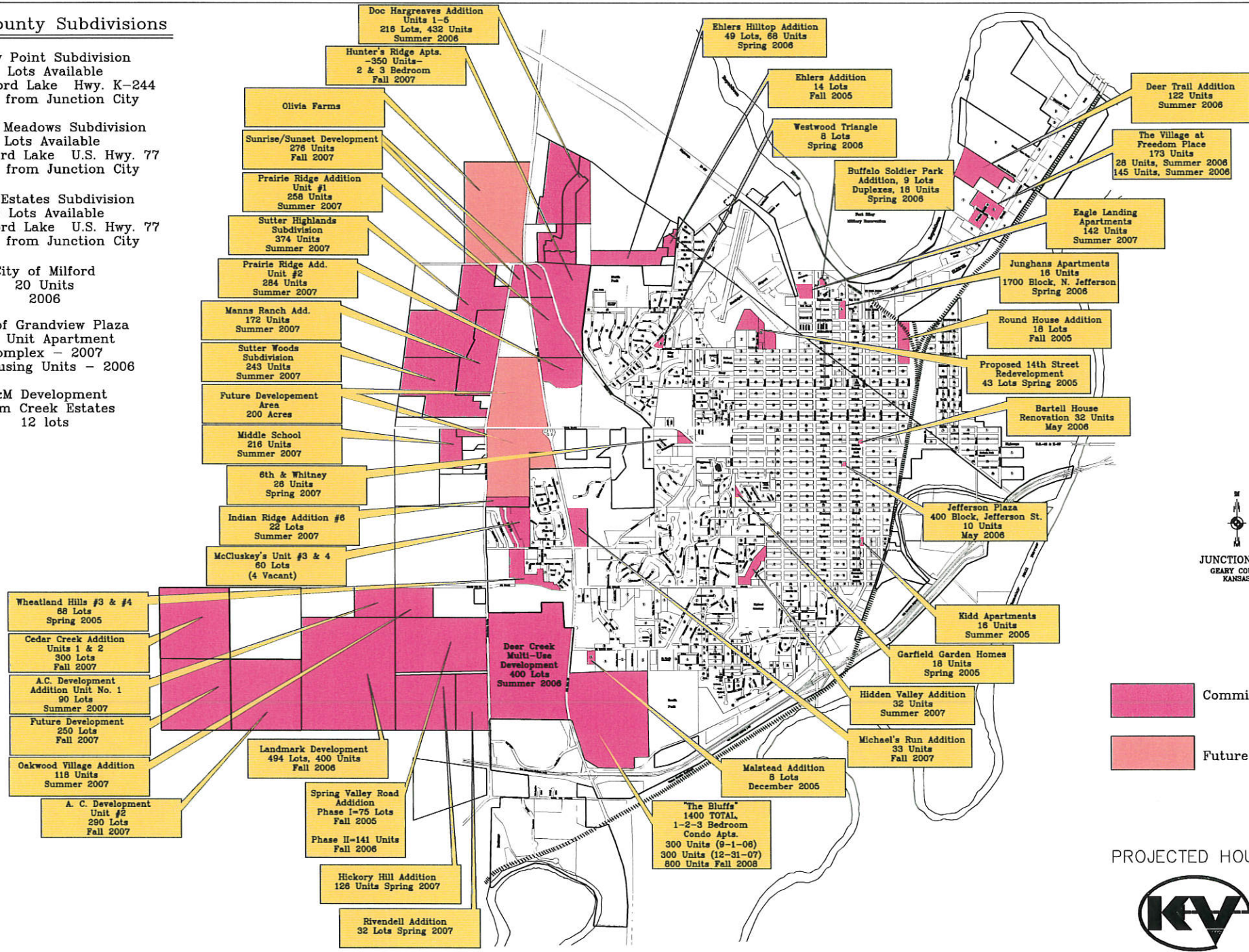
Country Meadows Subdivision  
5 Lots Available  
Near Milford Lake U.S. Hwy. 77  
4 Miles from Junction City

Cedar Estates Subdivision  
20 Lots Available  
Near Milford Lake U.S. Hwy. 77  
5 Miles from Junction City

City of Milford  
20 Units  
2006

City of Grandview Plaza  
280 Unit Apartment  
Complex - 2007  
48 Housing Units - 2006

M&M Development  
Farm Creek Estates  
12 lots



Committed Projects  
 Future Development Areas

## PROJECTED HOUSING DEVELOPMENT



P.O. BOX 1304  
 2319 NORTH JACKSON  
 JUNCTION CITY, KS 66441  
 785-762-5040  
 FAX 785-762-7744  
 E-MAIL [jc@kveng.com](mailto:jc@kveng.com)  
 KAW VALLEY ENGINEERING, INC. - CONSULTING ENGINEERS

**ADDITIONS READY FOR DWELLING CONSTRUCTION**

As Of: 2/13/07

Addition Name	Addition Acreage	No. Lots Addition	No. Lots SF	No. Lots Duplex	No. Lots RM	RM Living Units	Contract Date	No. Days Const.	Const. Start	Const. End
McCluskey's Hill Addition Unit No. 4	10.12	29	29				3/16/04	180	4/5/04	10/2/04
Wheatland Hills Addition Unit No. 3	11.20	34	34				6/21/04	150	7/9/04	12/6/04
Hunter's Ridge Addition Unit No. 1	20.19	17			17	146	9/9/04	247	10/2/04	6/6/05
Westwood Triangle Addition	1.37	8	8				5/20/05	60	5/30/05	7/29/05
Replat Lot 2, Block 2 Buffalo Soldier Park	2.75	9		9			5/23/05	100	6/13/05	9/21/05
14th Street Commons Addition	13.02	43	43				5/6/05	120	7/11/05	11/11/05
Wheatland Hills Addition Unit No. 4	11.33	34	34				6/7/05	165	6/14/05	11/27/05
Ehler's Addition	5.14	14	14				9/21/05	120	10/3/05	2/5/06
Village at Freedom Place Unit No. 1	4.70	1			1	28				2/28/06
Doc Hargreaves Hilltop Addition Unit No. 1	5.53	14		14			8/17/05	120	9/2/05	4/1/06
Spring Valley Addition Unit No. 1	29.34	75	75				8/22/05	120	9/1/05	4/1/06
Roundhouse Addition	4.86	18	18				11/8/05	180	11/21/05	5/20/06
The Bluffs Addition (Phase 1)	128.21	1			1	316		180	1/1/06	6/30/06
Ehler's Hilltop Addition	19.33	49	30	19			12/11/05	180	12/17/05	6/15/06
Garfield Garden Homes Addition	1.06	9		9						
Deer Trail Addition Unit No. 1	32.08	61		61			2/16/06	150	2/26/06	7/27/06
Doc Hargreaves Hilltop Addition Unit No. 2	19.99	59		59			2/16/06	140	2/26/06	7/16/06
Doc Hargreaves Hilltop Addition Unit No. 3	17.19	33		33			5/9/06	140	5/19/06	10/6/06
Doc Hargreaves Hilltop Addition Unit No. 4	2.71	7		7			6/29/06	90	7/9/06	10/7/06
Hickory Hill Addition	50.53	51		50	1	26	3/7/06	160	3/31/06	8/28/06
Country Club Townhomes	2.02	1			1	26				
Crossroads		4		4						
Deer Creek Addition Unit No. 1	45.58	115	115				4/12/06	170	4/22/06	10/9/06
Spring Valley Addition Unit No. 2	42.88	124	107	17			5/1/06	180	5/11/06	11/7/06
Prairie Ridge Addition Unit No. 1	27.14	73		8	65	258	4/10/06	180	4/20/06	10/17/06
Falcon Ridge Addition	2.95	8	8							12/31/06
<b>TOTAL</b>	<b>511.22</b>	<b>891</b>	<b>515</b>	<b>290</b>	<b>86</b>	<b>800</b>				

	SF	Duplex	RM	All Units
<b>TOTAL LIVING UNITS</b>	515	580	800	1895

ADDITIONS UNDER DESIGN OR PLANNING

As Of: 2/13/07

Addition Name	Addition Acreage	No. Lots Addition	No. Lots SF	No. Lots Duplex	No. Lots RM	RM Living Units	Developer	Status
Landmark Properties Addition Unit No. 1	13.08	38	38				American Communities Development, LLC	Design
Landmark Properties Addition Unit No. 2	53.71	166	166				American Communities Development, LLC	Design
Olivia Farms Addition	77.47	221	111		100	348	Fort Development, LLC	Design
Cedar Creek Addition	160.46	332	332				Castle Estates, LLC	Design
Replat Michael's Run Addition	15.11	33	33				Schoenrock Investments, Inc.	Design
Hunter's Ridge Addition Unit No. 2		2			2	136	Hunter's Ridge, LLC	Design
Swede Addition	3.50	2	2				Karl Gustavson	Design
The Bluffs (Phase 2)		1			1	650	D.J. Christie	Planning
Deer Creek Addition Unit No. 3	37.77	97	97				JCTD Proerties, LLC	Design
Quarry Addition (Munson)	79.49	140		140			Western Frontier Developers, LLC	Planning
14th Street		10	10					Planning
Indian Ridge Addition Unit No. 7							R & R Investments, Inc.	Planning
Smoky Hill Trail Addition							Western Frontier Developers, LLC	Planning
Hunter's Ridge Addition Unit No. 3							Hunter's Ridge, LLC	Planning
Landmark Properties West	81.13	231	231				American Communities Development, LLC	Planning
Malone Development	60.68	181	181				Malone Construction	Design
<b>TOTAL</b>	<b>582.40</b>	<b>1454</b>	<b>1201</b>	<b>140</b>	<b>103</b>	<b>1134</b>		

	SF	Duplex	RM	All Units
<b>TOTAL LIVING UNITS</b>	1201	280	1134	2615



ADDITIONS WITH INFRASTRUCTURE CONSTRUCTION

As Of: 2/13/07

Addition Name (Residential)	No. Lots Addition	No. Lots SF	No. Lots Duplex	No. Lots RM	RM Living Units	Developer	Contractor	Cont. Date	#Days Const.	Const. Start	Const. End	Const. Day No.	Const. Days Left	Days Over Contract *	Liquidate Damages	Penalty Fees	Constrctn Status
Eagle Landing	1			1	142	Eagle Landing Partners, LLC	Coonrod										75%
Village at Freedom Place 2	1			1	145	American Dream Developers, LLC	Burton										60%
Doc Hargreaves Hilltop Unit No. 5	103		103			C.S.B., Inc.	J & K	9/6/06	200	10/2/06	4/20/07	135	65	0	\$400.00	0.00	75%
Russell J. Johnson	17		17			Russell J. Johnson	J & K	9/6/06	200	10/2/06	4/20/07	135	65	0	\$400.00	0.00	75%
Mann's Ranch Unit No. 1	81	81				Alexander Real Estate	J & K							0			60%
Indian Ridge Addition Unit No. 6	22	22				R & R Investments, Inc.	J & K	10/5/06	150	10/21/06	3/20/07	116	34	0	\$300.00	0.00	50%
Hidden Valley Addition	32	32				JC Land & Cattle Co.	Midlands	9/29/06	200	10/9/06	4/17/07	128	72	0	\$300.00	0.00	50%
Prairie Ridge Addition Unit No. 2	61			61	265	Western Frontier Developers, LLC	J & K	7/17/06	224	8/11/06	3/23/07	187	37	0	\$350.00	0.00	50%
Sutter Woods Addition	243	243				Big D Development, LLC	Larkin							0			50%
Sutter Highlands Addition	296	218	78			Big D Development, LLC	Larkin							0			40%
Deer Creek Addition Unit No. 2	96	51	45			JCTD Properties, LLC	Midlands	8/23/06	200	9/7/06	3/26/07	158	42	0	\$350.00	0.00	40%
A.C. Development Unit No. 1	90	90				American Communities Development, LLC	Emerson	10/30/06	200	11/11/06	5/30/07	96	104	0	\$450.00	0.00	35%
Oakwood Village	90	62	28			Western Frontier Developers, LLC	Emerson	10/30/06	200	11/11/06	5/30/07	96	104	0	\$450.00	0.00	35%
Rivendell Addition	32	32				Ron Strauss	J & K	10/19/06	150	11/12/06	4/11/07	95	55	0	\$300.00	0.00	30%
Replat Junction City Middle School Addition	1			1	88		J & K		150	1/13/07	6/12/07	32	118	0		0.00	5%
Mann's Ranch Unit No.2	82	82				Alexander Real Estate	J & K							0			5%
Replat Lot 1, Block 5 Hickory Hill Addition	38		38		76	Big D Development, LLC	Ebert		120								0%
Replat Turkey Hollow Addition	1			1	144	Big D Development, LLC											
Replat Turkey Ridge Addition	1			1	132	Big D Development, LLC											
<b>TOTAL</b>	<b>1288</b>	<b>913</b>	<b>309</b>	<b>66</b>	<b>992</b>									<b>0</b>			

	SF	DUPLEX	RM	ALL UNITS
<b>TOTAL LIVING UNITS</b>	<b>913</b>	<b>618</b>	<b>992</b>	<b>2523</b>

\* Does not take in account authorized project shutdown days or weather days.

The primary purpose of this status sheet is to show the current status of *infrastructure* construction for improvements of *housing additions* that have a current infrastructure construction contract. Additions that have the infrastructure completed and are ready for dwelling construction and those additions that have no infrastructure improvement contract are not shown on this status sheet.

3.6.07

HOUSE BILL No. 2280

By Committee on Elections and Governmental Organization

1-30

9 AN ACT concerning cities; relating to the financing of certain public  
10 improvements; amending K.S.A. 12-6a19 and repealing the existing  
11 section.  
12

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

14 Section 1. K.S.A. 12-6a19 is hereby amended to read as follows: 12-  
15 6a19. (a) Whenever the construction of any water or sanitary sewer im-  
16 provement is initiated by petition pursuant to subsection (2) of K.S.A. 12-  
17 6a04, and amendments thereto, the governing body of the city may  
18 require the owners of property, which benefits from such *water, storm-*  
19 *water or sanitary sewer* improvement but which was not included within  
20 the original improvement district, to pay a benefit fee at the time the  
21 owners of such property request, by petition, to be served by such  
22 improvement.

23 The amount of such benefit fee shall not exceed the amount of the  
24 assessment, including principal and interest, which would have been lev-  
25 ied against the property had it been included in the original improvement  
26 district. The benefit fee shall be assessed only against the property de-  
27 scribed in the petition requesting service by the *water, stormwater or*  
28 *sanitary sewer* improvement. Unless otherwise provided by the city, such  
29 benefit fee shall be due and payable at the time the property begins being  
30 served by the *water, stormwater or sanitary sewer* improvement, and  
31 shall be subject to the same interest, as assessments against property  
32 originally included in the improvement district for such *water, storm-*  
33 *water or sanitary sewer* improvement. Any benefit fees paid hereunder  
34 shall be applied: (a) (1) To the remaining principal and outstanding in-  
35 terest on the bonds issued to finance the *water, stormwater or sanitary*  
36 *water* improvement, with a resulting pro rata reduction of the assessments  
37 against property originally included in the improvement district for such  
38 *water, stormwater or sanitary sewer* improvement; or (b) (2) the city  
39 general bond and interest fund if any of the cost of the *water, stormwater*  
40 *or sanitary sewer* improvement was paid by the city at large.

41 (b) *Whenever the construction of any arterial street improvement is*  
42 *initiated by petition pursuant to subsection (2) of K.S.A. 12-6a04, and*  
43 *amendments thereto, the governing body of the city may require the own-*

INSERT  
ATTACHED

3

1 *ers of property, which benefits from such arterial street improvement but*  
 2 *which was not included within the original improvement district, to pay*  
 3 *a benefit fee at the time the owners of such property request, by petition,*  
 4 *to construct a new street or improve an existing street that will be or is*  
 5 *connected to such arterial street improvement and thereby benefited by*  
 6 *such arterial street improvement. The amount of such benefit fee shall not*  
 7 *exceed the amount of assessment, including principal and interest, which*  
 8 *would have been levied against the property had it been included in the*  
 9 *original improvement district. The benefit fee shall be assessed only*  
 10 *against the property described in the petition requesting the construction*  
 11 *of streets that will be connected to such arterial street improvement. Un-*  
 12 *less otherwise provided by the city, such benefit fee shall be due and*  
 13 *payable at the conclusion of construction of the street improvement de-*  
 14 *scribed in the petition, and shall be subject to the same interest, as as-*  
 15 *essments against property originally included in the improvement district*  
 16 *for such arterial street improvement.*

17 *Any benefit fees paid hereunder shall be applied: (1) To the remaining*  
 18 *principal and outstanding interest on the bonds issued to finance the ar-*  
 19 *terial street improvement, with a resulting pro rata reduction of the as-*  
 20 *essments against property originally included in the improvement district*  
 21 *for such arterial street improvement; or (2) the city general bond and*  
 22 *interest fund if any of the cost of the arterial street improvement was paid*  
 23 *by the city at large.*

24 *For purposes of this section, the term "arterial street" shall mean a*  
 25 *street, boulevard, avenue or part thereof within the city or extending not*  
 26 *more than three miles from the boundaries of the city, the primary func-*  
 27 *tion of which is, or shall be, the movement of through traffic between*  
 28 *areas of concentrated activity within or without the city or the connection*  
 29 *of one or more existing or proposed subdivisions within or without the*  
 30 *city to other streets within the city.*

31 *The governing body of the city may designate, by resolution, all or any*  
 32 *portion of a street or proposed governing body of the city designate, by*  
 33 *resolution, all or any portion of a street or proposed street as an arterial*  
 34 *street; such determination to be final and conclusive.*

35 *(c) The provisions of this act shall be supplemental to any legal au-*  
 36 *thority cities may exercise in imposing hookup or connection fees or other*  
 37 *user or regulatory charges for water, stormwater or sanitary sewer service.*  
 38 *The amount of any hookup or connection fee imposed pursuant to this*  
 39 *section shall not exceed the actual cost of connecting the property to the*  
 40 *water, stormwater or sanitary sewer.*

41 ~~Sec. 2. K.S.A. 12-6a19 is hereby repealed.~~ *are*

42 ~~Sec. 3. This act shall take effect and be in force from and after its~~  
 43 ~~publication in the statute book.~~

4  
5  
Kansas Register

12-6a01, 12-6a14 and

Section 1. K.S.A. 12-6a01 is amended to read as follows:

**12-6a01. Procedures for certain improvements and for financing costs; definitions.** For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) "Improvement" means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) "To improve" means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) "Acquire" means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means, **including improvements authorized to be constructed under this act** and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

(d) "Cost" means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for the services rendered by the city in the administration and supervision of such improvement by its general officers, **any necessary reserves** and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

(e) "Consultant" means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) "Improvement district" means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) "Street" means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) "Newspaper" means the official designated newspaper of the city, or if there is no newspaper published therein or no official newspaper, a newspaper of

general circulation in the city authorized to publish legal notices.

(i) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite and actinolite.

(j) "Asbestos-containing material" means any material or product which contains more than 1% asbestos.

(k) "Asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal or encapsulation of asbestos-containing material;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(l) "Lead control project" means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(m) "Lead hazard" means any condition which causes exposure to lead that would result in adverse human health effects.

(n) "**Bonds**" mean **general obligation bonds or special obligation bonds**.

Section 2. K.S.A. 12-6a14 is amended to read as follows:

**12-6a14. Same; cost of improvements, how paid; limitations.** The total cost of any improvement made under the authority of this act shall be paid as follows:

(a) All costs made payable by the city at large which may be paid from general funds legally available for such purposes or from other general improvement funds available for such purposes may be paid from such funds.

(b) Costs payable by special assessments which have been paid in full prior to the date set by the governing body as provided in K.S.A. 12-6a10 shall be paid from assessments so collected.

(c) Costs payable by special assessments, to be paid in installments, and costs made payable by the city at large and not payable from available general funds, or other general improvement funds available to the governing body for such purpose, shall be paid by the issuance and sale of bonds of the city as provided by law.

(d) During the progress of any improvement the governing body may issue temporary notes of the city as provided by law **or may issue special obligation temporary notes of the city** to pay such costs; upon completion of the work, **bonds** of the city shall be issued and sold as provided hereinbefore.

(e) The costs of more than one (1) improvement may be paid from a single issue and sale of bonds without other consolidation of the proceedings prior to the bond issue.

(f) The amount of any such general obligation bonds outstanding at any one time shall not exceed the bonded debt limitations of such city under the provisions of any law applicable thereto.

**(g) Any city may also issue special obligation bonds to refund any bonds previously issued under this act.**