

Approved: March 17, 2009
Date

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:32 p.m. on February 17, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Mike Peterson - Excused
Representative Seiwert - Excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Carol Bertram, Committee Assistant

Conferees appearing before the committee:

Kay Pesnell, Douglas County Register of Deeds, Kansas Register of Deeds Association
Whitney Damron, City of Topeka
Randy Speaker, Deputy City Manager, City of Topeka

Others attending:

See attached list.

Representative Sharon Schwartz, Chair, opened the hearing on **HB 2125 - Requiring receipt for paid real estate tax before recording certain documents.**

Ken Wilke, Office of the Revisor of Statutes, presented background information and explained the reasons for the proposed changes.

Kay Pesnell, Douglas County Register of Deeds, and August Dettbarn, Douglas County Appraisal Manager II, appeared before the Committee on behalf of the Kansas Register of Deeds Association in support of **HB 2125 (Attachment 1)**. Ms. Pesnell stated the Register of Deeds Association has voted in favor of this bill and the bill will enhance protection of the consumer.

Questions and answers followed.

There being no further conferees to appear, Representative Schwartz, Chair, closed the hearing on **HB 2125.**

Representative Schwartz, Chair, opened the hearing on **HB 2155 - City of Topeka land bank.**

Ken Wilke, Office of the Revisor of Statutes, explained each section of **HB 2155.**

Questions and answers followed.

The Chair recognized Whitney Damron, City of Topeka, who presented testimony in support of **HB 2155 (Attachment 2)**. He stated **HB 2155** would allow the City of Topeka to establish a land bank similar to one created by Wyandotte County. Included in his testimony was a set of documents describing Wyandotte County's current land bank program.

Questions and answers followed.

Randy Speaker, Deputy City Manager, City of Topeka, presented testimony in support of **HB 2155 (Attachment 3)**. He stated given the current state of the economy, the City of Topeka needs to have all available tools to address the foreclosures and pending restructuring of residential debt.

Questions and answers followed.

There being no further conferees present to testify in regard to **HB 2155**, Chair Schwartz closed the hearing on **HB 2155.**

CONTINUATION SHEET

Minutes of the House Local Government Committee at 3:30 p.m. on February 17, 2009, in Room 446-N of the Capitol.

Chair Schwartz opened the hearing on **HB 2157 - Topeka/Shawnee County Riverfront Authority.**

Ken Wilke, Office of the Revisor of Statutes, gave an overview of **HB 2157** noting the change to current law that are in the bill.

Whitney Damron, City of Topeka, presented testimony in support of **HB 2157** (Attachment 4). He stated **HB 2157** would allow the Topeka/Shawnee County Riverfront Authority to transition to quarterly meetings as opposed to monthly meetings as currently required in the Act. Included in his testimony is a copy of the Executive Summary of the Kansas Riverfront Master Plan.

Since there were no other conferees present to speak to **HB 2157**, Chair Schwartz closed the hearing on **HB 2157**.

At this time, Chair Schwartz drew the committee's attention to **HB 2032 - An Act concerning cities; relating to annexation.** Ken Wilke presented a balloon amendment to **HB 2032** and noted the changes therein. Questions from the committee followed.

Representative Mah moved the committee adopt the balloon amendment for **HB 2032**, seconded by Representative Otto. The motion carried.

Representative Mah moved the committee recommend **HB 2032** as amended, favorably for passage, seconded by Representative Holmes. Motion carried with two opposing votes.

Chair Schwartz drew the committee's attention to **HB 2084 - Cities; annexation; strip annexations restricted.** Ken Wilke, staff, presented an overview of **HB 2084** and explained changes within the bill. Questions from the committee followed.

Representative Otto moved, seconded by Representative Slattery, to recommend **HB 2084** favorably for passage. Motion carried with one opposing vote.

Chair Schwartz drew the committee's attention to the three bills which had had a hearing today--**HB 2125, HB 2155, and HB 2157.**

It was moved by Representative Mah, seconded by Representative Garcia, to recommend **HB 2125** favorably for passage. The motion carried.

It was moved by Representative Gordon, seconded by Representative Goico, to recommend **HB 2155** favorably for passage. The motion carried.

It was moved by Representative Holmes, seconded by Representative Gordon, to recommend **HB 2157** favorably for passage. The motion carried.

The next meeting is scheduled for February 26, 2009.

The meeting was adjourned at 4:40 p.m.



Representative Sharon Schwartz, Chair

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: 2-17-09

NAME	REPRESENTING
Ben Sciortino	City of Mulvane
Kelly DiRocco	Little Government Relations
KEITH PANGBURN	KEARNEY & ASSOC.
Panel Speaker	City of Topeka
Kevin M. Rooney	City of Topeka
Dave Holtwick	Overland Park Chamber.
ERIK SARTORIUS	City of OVERLAND PARK
Whitney James	City of Topeka

Please use black ink



DOUGLAS COUNTY REGISTER OF DEEDS

1100 Massachusetts Street
P.O. Box 747
Lawrence, KS 66044-0747
(785) 832-5282 Fax (785) 330-2807
www.douglas-county.com

Kay Pesnell
Registrar

February 17, 2009

**Testimony in Support of HB 2125
Submitted by Kay Pesnell, Douglas County Register of Deeds
And August Dettbarn, Douglas County Appraisal Manager II
On behalf of the Kansas Register of Deeds Association**

Chairperson Schwartz and members of the House Committee on Local Government,

I appreciate the opportunity to address the committee on this issue. My name is Kay Pesnell, Douglas County Register of Deeds and my colleague is August Dettbarn, Douglas County Appraisal Manager II. We are here today in support of HB 2125, which was adopted as a legislative priority of the Kansas Register of Deeds Association. HB 2125 proposes to:

1. Revise KSA 19-1207 (Record of plats and index; payment of fee, tax receipt required for recording) to **include** replats and plats of surveys for Condominiums and Townhouses.
2. The bill would provide a statutory basis for the Register of Deeds in each county to require proof (in the form of a paid tax receipt) that taxes were current before recording a plat, or replat or plats of surveys (for Condominiums and Townhouses).
3. The Register of Deeds Association has voted in favor of this bill.
4. This bill will enhance protection of the consumer.

We urge your support and favorable recommendation of HB 2125. We would be happy to answer any questions.

Local Government

Date: 2-17-09

Attachment # 1



TESTIMONY

**TO: The Honorable Sharon Schwartz, Chair
And Members of the House Local Government Committee**

**FROM: Whitney Damron
On Behalf of the City of Topeka**

**RE: HB 2155 - An Act concerning land banks; relating to the establishment
Of the City of Topeka land bank.**

DATE: February 17, 2009

Good afternoon madam chair Schwartz and Members of the House Local Government Committee. My name is Whitney Damron and I appear before you today on behalf of the City of Topeka in support of HB 2155, which would allow the City of Topeka to establish a land bank similar to one created by Kansas City, Kansas in the mid-1990's.

By way of background for the Committee, I was involved with the City of Kansas City, Kansas in 1996 when enabling legislation for a Wyandotte County Land Bank was adopted. Included with this cover page are a set of documents from the Unified Government's website that describes their current land bank program.

On the Unified Government's website, there is a detailed listing of the Land Bank's policies, an application form, frequently asked questions and a listing of available properties. I have not duplicated all of their site, but have included their home page and the frequently asked questions for your review.

With me today is Randy Speaker, Deputy City Manager for the City of Topeka who will talk in greater detail about HB 2155 and what the City hopes to accomplish through its passage.

With that, I will turn to Mr. Speaker for his remarks.

WBD
Attachment



Wyandotte County

Kansas City, Kansas



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Property Management & Marketing Division

Land Bank

Chris Slaughter, Manager

2nd Floor, Courthouse

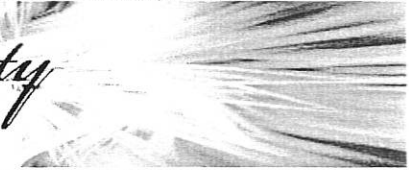
Phone: 913-573-8977

Email: cslaughter@wycokck.org

Office Hours: Monday thru Friday, 8:00 am to 5:00 pm

The Land Bank is a unit of the Property Management Division. The Land Bank contains more than 500 parcels throughout Wyandot County, primarily vacant lots obtained through judicial foreclosure, which can be used to build infill housing. The availability of this property is conveyed to the general public.

The Goal of the Wyandotte County Land Bank is to return tax delinquent property to productive use that benefits the community. When considering proposals to the Land Bank, preference will be given to projects that support home ownership, improve neighborhoods and otherwise advance the economic and social interests of Wyandotte County and its residents.



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Frequently Asked Questions



How does property get into the Wyandotte County Land Bank?

The Wyandotte County Land Bank acquires its property through tax foreclosure. The land bank also reserves the right to accept land through private donation that is deemed necessary or beneficial to Wyandotte County's community building efforts.

What types of property are in the Wyandotte County Land Bank?

The Land Bank is divided into three types of parcels, which are determined by the Unified Government Planning and Zoning Department.

Non-Buildable Parcels:

parcels where houses or other large buildings cannot be built, but garages, fencing, paving, or similar structures can be built.

Buildable Parcels:

Parcels of land without any free-standing structures before purchase where structures such as houses or other large buildings can be built.

Parcels with a Structure:

Parcels of land with structures already on them (including homes, garages, and businesses).

Who controls the property in the Land Bank, and what power do they have?

The Land Bank Manager operates the Land Bank and serves at the direction of the Land Bank Board of Trustees. Under state law (K.S.A. 19-26,109), the board assumes possession and control of any property it acquires and has the power to hold and administer such property. In the administration of property, the board is required to do the following:

- Manage, maintain and protect or temporarily use for a public purpose such property in the manner the board deems appropriate;
- Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
- Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
- Plan for and use the board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
- Establish and maintain records and accounts reflecting all transactions, expenditures and revenues relating to the bank's activities, including separate itemizations of all transactions, expenditures and revenues concerns each individual parcel of property acquired; and
- Thirty days prior to the sale of any property owned by the bank, publish a notice in the official county newspaper announcing such sale.



CITY OF TOPEKA

DEPUTY CITY MANAGER'S OFFICE

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www.topeka.org

TESTIMONY

TO: The Honorable Sharon Schwartz, Chair
And Members of the House Local Government Committee

FROM: Mr. Randy Speaker
Deputy City Manager
City of Topeka

RE: HB 2155 - An Act concerning land banks; relating to the establishment
of the City of Topeka land bank.

DATE: February 17, 2009

Good Afternoon madam chair Schwartz and Members of the House Local Government Committee. My name is Randy Speaker and I am the Deputy City Manager for the City of Topeka and I am pleased to be here today in support of HB 2155 that would allow the City of Topeka to establish a land bank similar to the authority granted to the City of Kansas City, Kansas in 1996 (now the Unified Government of Wyandotte County and Kansas City, Kansas).

Given the current state of the economy, the City of Topeka needs to have all available tools to address the foreclosures and pending restructuring of residential debt. This tool can be a major conduit for our current and future federal funds to ensure effective utilization. The Neighborhood Stabilization Program plan we have filed with the Kansas Department of Commerce and the Kansas Housing Resources Corporation include the creation and utilization of a land bank. In addition, any resource or tool that assists a municipality to stabilize and improve its tax base is a positive step in the right direction.

The City of Topeka would utilize the land bank authority to accomplish the following:

- Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
- Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
- Plan for and use the board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;

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Attachment # 3-1

- Provides opportunity to get abandoned, tax foreclosed property back on the tax rolls, some with improvements;
- Enhance the ability of the City of Topeka to oversee the demolition of blighted structures.

We are in discussion with Shawnee County and other sources of vacant, abandoned, blighted and underperforming properties. We understand that this is a work in progress and are anxious for our other partners to join us in this effort.

In 1996, I provided testimony as the Undersecretary of Housing for the Department of Commerce and Housing in support of establishing a land bank for Kansas City, Kansas. I am pleased to see that the efforts in 1996 have been a positive approach to deal with housing issues for the Unified Government. Today, I respectfully request that you pass this bill forward so Topeka, too, can have an additional tool to stabilize its neighborhoods.

Also with me today is Kevin Rooney, the Deputy Director for Housing and Neighborhood Development for the City. Both of us are available to respond to any questions you might have at this time.

Thank you.

RS



TESTIMONY

**TO: The Honorable Sharon Schwartz, Chair
And Members of the House Local Government Committee**

**FROM: Whitney Damron
On Behalf of the City of Topeka**

**RE: HB 2157 - An Act concerning the Topeka/Shawnee County Riverfront
Authority.**

DATE: February 17, 2009

Good afternoon Madam Chair Schwartz and Members of the House Local Government Committee. I am Whitney Damron and I appear before you today on behalf of the City of Topeka in support of HB 2157 that would allow the Topeka/Shawnee County Riverfront Authority to transition to quarterly meetings as opposed to monthly meetings as currently required in the Act.

In 2006, the Kansas Legislature gave the City of Topeka and Shawnee County the authority to create a riverfront authority.

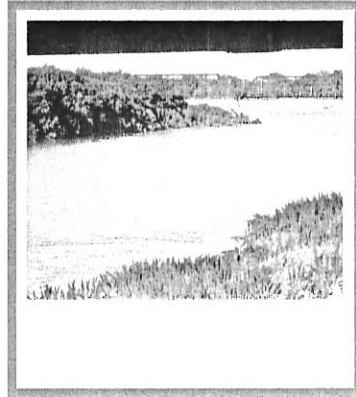
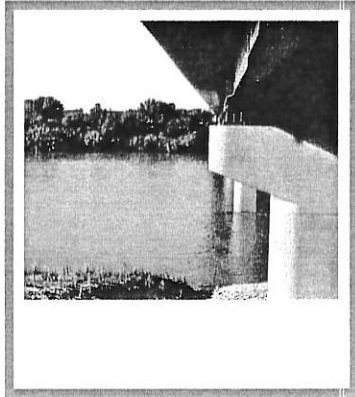
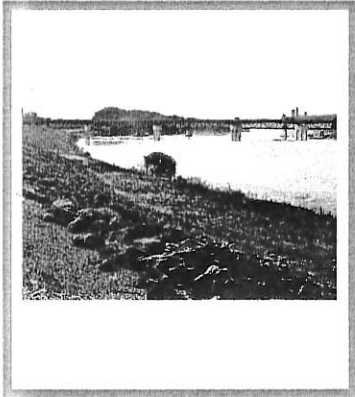
Since that time, the City and the County created an authority, made their respective appointments to the authority and much work has occurred leading up to the development of a Kansas Riverfront Master Plan, which was adopted by the Authority in October, 2008.

Under K.S.A. 12-5611 (g), the Authority is required to meet once each calendar month. At the present time, this is excessive, as much of the initial planning work has been completed and the Authority is working towards implementing the Master Plan, including seeking funding through various sources. Accordingly, we have proposed amending this statute to only require meetings to be held quarterly or more often if requested by the Chair.

For the committee's information, attached to our testimony is a copy of the Executive Summary of the Kansas Riverfront Master Plan.

On behalf of the City of Topeka, we thank the Committee for its consideration of this request and respectfully ask for your favorable consideration of HB 2157

WBD
Attachment

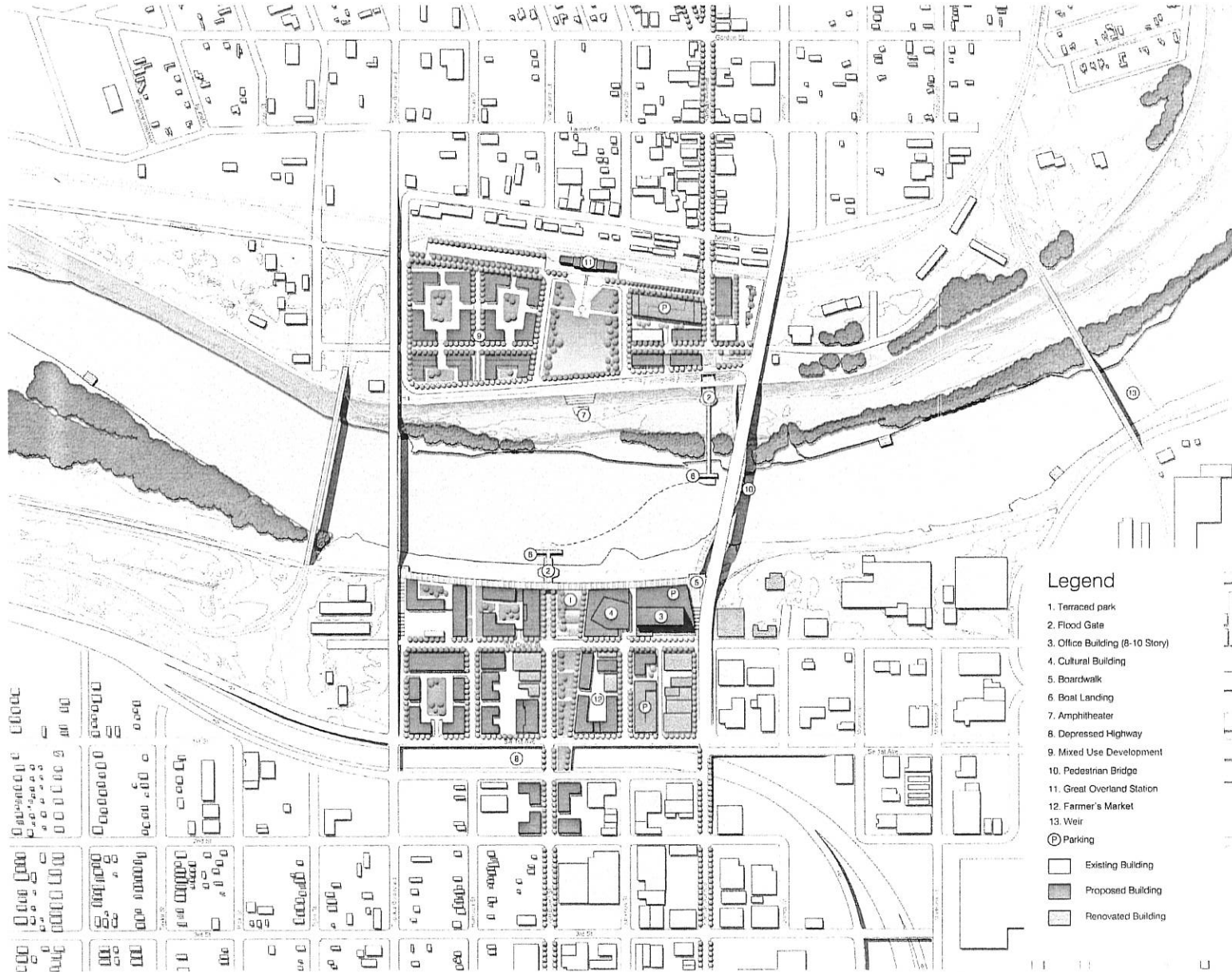


KANSAS RIVERFRONT MASTER PLAN

Executive Summary

In collaboration with Bartlett & West Engineers, Inc. Camp Dresser & McKee, Inc. Schwerdt Design Group

OCTOBER 2008



- Legend**
- 1. Terraced park
 - 2. Flood Gate
 - 3. Office Building (6-10 Story)
 - 4. Cultural Building
 - 5. Boardwalk
 - 6. Boat Landing
 - 7. Amphitheater
 - 8. Depressed Highway
 - 9. Mixed Use Development
 - 10. Pedestrian Bridge
 - 11. Great Overland Station
 - 12. Farmer's Market
 - 13. Weir
 - (P) Parking
 - [White Outline] Existing Building
 - [Shaded Grey] Proposed Building
 - [Stippled] Renovated Building

FIGURE 1. ILLUSTRATIVE RIVERFRONT MASTER PLAN

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KANSAS RIVERFRONT MASTER PLAN

The Topeka – Shawnee County Riverfront Authority commissioned the Kansas Riverfront Master Plan to create a vision for the riverfront that would help overcome the obstacles to redeveloping along the river. The vision for the future of the Kansas Riverfront is a mixed-use district on both sides of the river with connections to North Topeka and Downtown Topeka as well as trails and access points up and down the Kansas River. The goals of the master plan are to overcome the physical barriers to the riverfront created by the highway, railroad and levee system; connect both Downtown Topeka and North Topeka to the riverfront; enhance the river quality and habitat; activate the riverfront with diverse uses; identify opportunity sites for development; and build the public realm with a combination of civic parks and plazas and a network of trails. Through both public and private investment, the objective is to develop the underutilized area along the River between the Topeka Boulevard and Kansas Avenue Bridges and to celebrate and maximize the potential of existing facilities exemplified by The Great Overland Station.

The focus of the project is between the Kansas Avenue Bridge, Interstate 70, the Topeka Boulevard Bridge, and the railroad tracks on the north, while the extent of our study area along the riverfront is from Urish Road to Seward Avenue. The focus area is an exceptional site made up of many parcels of land owned by government entities that are severely underutilized from a waterfront standpoint. Underdeveloped land of this magnitude in a strategic location along a beautiful riverfront in the heart of a capitol city is rare. Its exceptional location is an untapped asset waiting to be explored and transformed into a district with generous access to the water as an expression of Downtown on the River. The proposed mixed use development will positively influence the area and will spur future economic development activity within Downtown and along Kansas Avenue in North Topeka. The master plan calls for transformation of the south side into a mixed use district, with uses on the north side that complement historic Great Overland Station. Development is coordinated with public improvements including a well-connected network of multi-use trails, the proposed linear Van Buren Park, and new transportation options at ferry landing and water taxi stops. Infrastructure improvements will enable greater accessibility and recreational opportunities at the river, and include strategically located floodgates and a new weir that serves to pool and deepen the river to expand the range of water activities and enhance its scenic qualities. The master plan is the first step towards the reclamation of the riverfront for the community and its future residents, workers, and visitors (figure 1).

Implementing this project over the next two decades will raise the image of the Downtown within the City and the region and will put Downtown Topeka on the regional map for quality of life, real estate land values and civic pride. The Riverfront Authority's dedication and the community's passion for this extraordinary riverfront site will have a remarkable effect on transforming the image of Topeka and its riverfront into a vibrant diverse neighborhood district and destination. The Riverfront Master Plan implementation strategy addresses the roles and responsibilities of key entities to ensure that each organization is focusing on its primary mission and effectively deploying its resources and capacity. The strategy incorporates establishment of a management entity, Zoning Code revisions, active recruitment of key businesses, infrastructure changes, potential funding techniques, and has gained consensus among the Riverfront Authority for priorities within the phasing strategy.

A coordinated implementation strategy is required to ensure that all organizations are working in a complementary manner. This will necessarily involve a geographically focused entity that can actively facilitate and negotiate real estate development. This new Riverfront Management Entity could be either a wholly new entity or an enhanced existing entity with the dedicated mission of furthering economic development and recreational objectives along the Riverfront. The organization would have the advantage of being able to receive funding from the City and County and other outside public and private sources, with membership that is representative of prominent downtown and regional Board members. The Riverfront Management Entity would be responsible for a wide range of ongoing tasks related to implementation of the Riverfront vision including targeting and recruiting appropriate businesses, courting private and institutional sector money, managing design processes, coordinating with both the City and County, and working with the range of downtown stakeholders and residents. While independent of the City and all other existing economic development entities, the Riverfront Management Entity would continue to complement other efforts rather than duplicate them. Ultimately, the new entity must be able to serve as both champion and advocate for the riverfront. Through personal outreach as well as more effective marketing, area leaders must become aware of the importance of the Riverfront to Downtown Topeka and to Shawnee County's economic development potential.

In order for development to proceed in the desired pattern along the riverfront, the existing zoning and guidelines must be amended so that, like the north side, the south side of the river is zoned for mixed use rather than its existing industrial zoning. This change will enable uses that are appropriate to a destination for cultural, entertainment, community and residential uses, while still allowing retention of businesses and residents; adaptive reuse of existing buildings; infill development of underutilized properties ; and high quality development and urban design standards.

The implementation mechanisms are driven by the goals of attracting new uses to the riverfront that would transform the development and create a hub of activity that serves as an extension of downtown Topeka. Recruitment efforts should focus on attracting a headquarters office or a university presence that would bring significant vitality and new users to the riverfront. Both uses could contribute to the overall health of the City, and a university presence will bring regional standing and nurture a knowledge-based economy. The proper mix of additional retail and restaurant uses should be evaluated in a further market study for the Downtown and the Riverfront that describes the demand and future opportunities.

A number of infrastructure improvements must be made to lay the foundation for the Riverfront Master Plan's successful execution. Through this planning process, the Riverfront Authority identified two major infrastructure items as high priorities: the realignment of I-70 and the creation of an impoundment structure on the river. Other priority infrastructure initiatives include levee treatment and street level improvements necessary with the initial development effort on the south side. Inherent in all discussions of infrastructure improvement is the need to consider the quality of the river and the river ecology, particularly with the master plan's enhanced system of trails and recreation along the river.

Implementation of the master plan vision is estimated to take 12-15 years to complete. While community needs and economic considerations will vary over time, the Riverfront Authority agreed on a phasing strategy for five top priorities: impoundment methods to control river levels; Interstate 70 realignment; development on both sides of the river; trail connections along the river corridor; and formation of a management entity. Continuing design and planning efforts, including associated studies, are imagined to run for the first six years with construction commencing in year five. Components of the phasing strategy are flexible and allow for priorities to change, while still maintaining the overall framework.

Funding of the master plan will draw on multiple sources, with infrastructure projects relying extensively on federal dollars. Specific Corps of Engineers programs and FHWA funding, as well as federal earmarks, are available for the levee modifications, impoundment structure and the Polk-Quincy realignment project. Mechanisms such as a TIF or Transportation Development District can be utilized to fund design and construction activities related to relocation, street and landscape improvements, and site development. All projects will require some local match, which may come from property taxes, sales tax, or one of the three local utilities.

The Riverfront Master Plan illustrates the potential of Topeka and Shawnee County to reposition itself for the future, pushing the Kansas Riverfront to become a mixed-use district and a destination for the city and the region that serves multiple roles as a business location, urban neighborhood, and cultural and recreational destination.

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The Topeka-Shawnee County Riverfront Authority members wish to thank the sponsors who made this master plan possible.

AT&T
BRB Contractors
Capital City Bank
Capitol Federal
Capitol Federal Foundation
City of Topeka
Community National Bank
Core First Bank & Trust
Downtown Topeka, Inc.
FHLBank Topeka
Greater Topeka Chamber of Commerce Foundation
Hill's Pet Nutrition, Inc.

Jayhawk File Express, LLC
Kansas Department of Commerce
Kansas Department of Parks and Wildlife
Kansas Department of Transportation
KBS Constructors, Inc.
LindySpring Systems Distributing
North Topeka Business Alliance (NTBA)
North Topeka on the Move Association (NATOMA)
Railroad Heritage, Inc.
Security Benefit
Shawnee County
UMB