

CHAPTER 150
SENATE BILL No. 553

AN ACT concerning land acquisition and conveyance by state agencies; prescribing certain procedures for purchasing and selling land by the department of wildlife and parks; authorizing the state historical society to convey property to Audubon of Kansas; authorizing the secretary of administration to transfer certain land and amending the property description of such land; authorizing the state board of regents to convey certain real estate; concerning the conveyance of certain real property located in Miami county to the city of Osawatomie by the secretary of social and rehabilitation services; amending K.S.A. 32-844 and K.S.A. 2005 Supp. 76-2135 and repealing the existing sections.

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

New Section 1. (a) Subject to the provisions of this section, the state historical society is hereby authorized to convey, without consideration, to Audubon of Kansas all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Wabaunsee county, Kansas: Approximately 30 acres of real estate starting at a point on the South section boundary line and running East 120 rods to the East boundary line, then North 80 rods along East boundary line, then West 40 rods, then West by Southwest in a straight line to point of beginning, in Section 28, Township 10 South, Range 10 East of the 6th Principal Meridian.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the historical society by the executive director of the historical society. The deed for such conveyance shall be by quitclaim deed.

(c) No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the executive director of the historical society until the deeds and conveyances have been reviewed and approved by the attorney general. The deed for the conveyance shall provide that on July 1, 2026, in the event that any portion of the above-described real estate is not being used for public recreation purposes, by Audubon of Kansas or if Audubon of Kansas ceases to exist, then all rights, title and interest in such portion of such real estate shall revert to the state historical society. The transfer of all rights, title and interest in the real estate conveyed by this section to Audubon of Kansas shall not include any right for Audubon of Kansas to convey any portion of the above described real estate.

(d) All costs related to the conveyance shall be paid by the Audubon of Kansas. The conveyance shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

New Sec. 2. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey, or exchange with the Kansas state university foundation for property of equal or greater value, all of the rights, title and interest in the following parcels in Pottawatomie county, Kansas:

A tract of land in Lot 2, Section 17, Township 10 South, Range 8 East of the 6th P.M. in Pottawatomie county, Kansas, described as follows: Beginning at a point on the centerline of McCall Road and the north line of the said Lot 2, that is N. 89°41'17" W. 669.97 feet from the northeast corner of the said Lot 2, said point marked by an "x" cut; thence S. 0°00'57" W. 40 feet to the point of beginning, marked by a ½" iron bar; thence S. 0°00'57" W. 520.00 feet to the southeast corner; thence N. 89°41'17" W. 360.01 feet to southwest corner; thence N. 0°00'17" E. 520.00 feet to the northwest corner, marked by a ½" iron bar; thence S. 89°41'17" E. 360.01 feet along a line parallel to the said centerline of McCall Road and the north line of the said Lot 2, Section 17, to the point of beginning, containing 4.297 acres, said tract to be known as North portion of lot one (1), Carlson Addition to the City of Manhattan, Pottawatomie County, Kansas; subject to easements and restrictions of record; and subject to zoning ordinances effecting the subject property.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and chief executive officer. If a sale is made, not an exchange, the proceeds thereof shall be deposited in the restricted fees account of Kansas state university. The provisions of K.S.A. 2005 Supp. 75-6609 and amendments thereto shall not be applicable to the real estate sale authorized by this section.

(c) In the event that the board of regents determines that the legal description of any parcel described by this section is incorrect, the board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

New Sec. 3. (a) The secretary of social and rehabilitation services shall convey, without consideration, to the city of Osawatometie, Kansas, the following described tracts of real estate located in Miami county, Kansas:

Tract I: A portion of the South Half of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:

All that part of the South Half of said Section 1, lying East of U.S. Highway 169 and North of W. 343rd Street and it's Westerly extension, except the North 660 feet and except that part in road way. Containing 127 acres more or less.

Tract II: A portion of the Northwest Quarter of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:

All that part of the West Half of the Northwest Quarter of said Section 1, lying North of County Road 279, except the West 450 feet more or less of the South Half of, said West Half, and the East 270 feet more or less of the South 280 feet more or less, of the West Half of the Northwest Quarter of said Section 1, and except that part in Osawatometie Road and W. 335th Street. Containing 65 acres more or less.

Tract III: A portion of the Southwest Quarter of Section 36, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:

All that part of the Southwest Quarter of the Southwest Quarter and the East Half of the Northwest Quarter of the Southwest Quarter of said Section 36, except that part in Osawatometie Road and W. 335th Street. Containing 59 acres more or less.

Tract IV: A portion of the Southeast Quarter of Section 35, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:

The South Half of the Southeast Quarter of said Section 35, except that part in Osawatometie Road and W. 335th Street. Containing 76 acres more or less.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services. The deed for the conveyance shall provide that on July 1, 2026, that in the event that any portion of the above-described real estate has not been used for economic development, then all right, title and interest in such portion of such real estate shall revert to the state of Kansas. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the attorney general in consultation with the secretary of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2005 Supp. 75-6609 or 75-6610, and amendments thereto.

Sec. 4. K.S.A. 2005 Supp. 76-2135 is hereby amended to read as follows: 76-2135. (a) The secretary of the department of administration is hereby authorized and empowered, for and on behalf of the juvenile justice authority, to convey, without consideration, to the helping hands humane society, inc., all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Shawnee county, Kansas: Approximately 4.9 acres of real estate located in the northeast quarter of section 18, township 11 south, range 16 ~~west~~ east; such 4.9 acres of real estate being located near or adjacent to the Topeka juvenile correctional facility and the Kansas juvenile correctional complex and near or adjacent to the property owned or used by the helping hands humane society, inc., as an animal shelter.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the department of administration executed by the secretary of administration. The deed for such conveyance shall be by quitclaim deed.

(c) No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the secretary of administration until the deeds and conveyances have been reviewed and approved by the attorney general.

(d) All costs in any way related to the conveyance shall be paid by the helping hands humane society, inc. The conveyance of real property au-

thorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

New Sec. 5. (a) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807, and amendments thereto, or any other provisions of law to the contrary, the secretary of wildlife and parks shall not purchase any land unless:

(A) The secretary of wildlife and parks has certified that the land proposed to be purchased is in compliance with the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, concerning control and management of noxious weeds after consultation with the county weed supervisor and has developed a written plan for controlling and managing noxious weeds on the land to be purchased;

(B) the secretary of wildlife and parks shall agree to make payment of moneys in lieu of taxes comparable to the ad valorem tax payments of surrounding lands for any land purchased which is exempt from the payment of ad valorem taxes under the laws of the state of Kansas; and

(C) the secretary of wildlife and parks has developed a management plan for the property proposed to be purchased.

(2) In addition to the requirements prescribed by this section and otherwise by law, any proposed purchase of a tract or tracts of land which are greater than 640 acres in the aggregate shall be subject to approval by act of the legislature, either as a provision in an appropriation act pertaining to the specific property to be purchased or by any other act of the legislature that approves the acquisition of the specific property proposed to be purchased.

(3) The provisions of this subsection shall not apply to any purchase of land owned by a private individual by the secretary if such purchase price is an amount which is less than such land's appraised valuation.

(b) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807, and amendments thereto, or any other provisions of law to the contrary, the secretary of wildlife and parks shall adopt guidelines and procedures prescribing public notice requirements that the secretary shall comply with before the selling of any land which shall include, but not be limited to, the following:

(A) A written notice shall be posted in a conspicuous location on such land stating the time and date of the sale, or the date after which the land will be offered for sale, and a name and telephone number of a person who may be contacted concerning the sale of such land;

(B) the secretary shall cause to be published in a newspaper of general circulation in the county the land is located once a week for three consecutive weeks, the secretary's intent to sell the land which shall include a legal description of the land to be sold, the time and date of the sale or the date after which the land will be offered for sale, the general terms and conditions of such sale, and a name and telephone number of a person who may be contacted concerning the sale of such land; and

(C) the secretary shall publish in the Kansas register public notice of the secretary's intent to sell the land which shall include a legal description of the land to be sold, the time and date of the sale or the date after which the land will be offered for sale, the place of the sale, the general terms and conditions of such sale, and a name and telephone number of a person who may be contacted concerning the sale of such land.

(2) The secretary shall have the land appraised by three disinterested persons. In no case shall such land be sold for less than the average of its appraised value as determined by such disinterested persons.

(3) The secretary shall list such land with a real estate agent who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act, and who shall publicly advertise that such land is for sale.

(4) Prior to closing the transaction on a contract for the sale of such land, the secretary shall cause a survey to be conducted by a licensed land surveyor. Such survey shall establish the precise legal description of such land and shall be a condition precedent to the final closing on such sale.

(c) Any disposition of land by the secretary shall be in the best interest of the state.

Sec. 6. K.S.A. 32-844 is hereby amended to read as follows: 32-844. (a) The secretary of wildlife and parks shall submit a report to the legislature at the beginning of each regular session detailing all real estate transactions which are proposed or agreements which have been entered

into between the department of wildlife and parks and any other party, other than another state agency, which relate to any acquisition *or disposition* of any real estate, or interest in real estate, by the department of wildlife and parks or any such contracting party.

(b) (1) With regard to executed agreements, the report required by this section shall include for each such acquisition to be reported: (A) The legal description of the real estate or interest acquired; (B) the purchase price; (C) if appropriation of state moneys is required for the acquisition, the appraised value of the real estate or interest acquired; and (D) if the real estate or interest therein will remain subject to ad valorem property taxation.

(2) With regard to proposed real estate transactions, the report required by this section shall include for each such proposed transaction to be reported: (A) The legal description of the real estate or interest acquired; (B) if appropriation of state moneys is required for the proposed transaction, the appraised value of the real estate or interest proposed to be acquired; and (C) if the real estate or interest therein will remain subject to ad valorem property taxation.

(c) The reporting requirements of this section shall not apply to real estate or interest therein acquired under the wildtrust program until such time as the deeds are filed for record.

(d) Agreements which have been entered into and are required to be reported pursuant to this section shall be published in the Kansas register within 30 days of the execution of any such agreement.

New Sec. 7. Prior to the state of Kansas or any agency thereof disposing of any land, by deed, mortgage, gift or other means of conveyance, transfer or exchange, and prior to closing the transaction for such conveyance of such land, the agency head shall cause a survey to be conducted by a licensed land surveyor. Such survey shall establish the precise legal description of such land and shall be a condition precedent to the final closing on such conveyance.

Sec. 8. K.S.A. 32-844 and K.S.A. 2005 Supp. 76-2135 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 19, 2006.

Published in the *Kansas Register* April 27, 2006.
