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February 14, 2023

Carolyn McGinn, Chair
Senate Local Government Committee
State Capitol, Room 142-S
Topeka, KS 66612

Re: Written and Oral Testimony in Support of SB 162

Dear Chair McGinn and Members of the Committee:

I'd like to begin by talking about "Property #1."

Property #1 is an uninhabited house which has been under construction by the same property owner since 2004. All 3 "Property #1" photos before you today show this house remains today unfinished after 18 years.

I have been in litigation in Riley County District Court on this property with the same owner since 2017. The Court entered judgment in Riley County's favor in 2021, finding the property violates Riley County's zoning and property maintenance codes. The court order required the owner to bring this property into compliance by December, 2021. That did not happen.

In May, 2022, the Court found the property owner in contempt for failing to resolve these violations.

In September, 2022, the property owner filed an appeal of the contempt order with the Kansas Court of Appeals. That appeal continues today, but the owner has not yet filed his brief. After 18 years, followed by almost 5 years of litigation, "Property #1" is today still in violation of multiple provisions of the Riley County zoning and property maintenance codes. And this is after a District Court Judge found both the violations have been proven and the property owner is in contempt of court.

We in Riley County believe SB 162 would have ended this dispute years ago. Riley County would have had the authority to simply enter this nuisance property, clear away all the obvious junk and trash, and assess the costs of such clean up against the property itself.

Next I'd like to talk briefly about "Property #2".

"Property #2" is located near the Manhattan Regional Airport. No court case is pending on this property. But that's because the owner of "Property #2" has managed to avoid service necessary to bring him within the jurisdiction of the district court. SB 162 solves this problem by including a fair process which allows counties to proceed with clean up of nuisance properties even in those circumstances where the nuisance property owner is purposely avoiding personal service of process. Had SB 162 been in place already, "Property #2" would have been cleaned up long ago.

Finally, I'd like to talk briefly about "Property #3." No court case is pending on this property. But it does have a long history of contact with Riley County's zoning and property maintenance officials regarding apparent violations. This property sits on Highway 177 and is part of the "gateway" entrance to the City of Manhattan. It's also in the unincorporated area of Riley County. The 3 different photos of "Property No. #3"

attached to the testimony of our conferees today are the best possible evidence of another property which should be subjected to enforcement under SB 162. "Property #3" is one of the first properties any visitor to the City of Manhattan sees when entering our community.

Thank you for allowing me to testify in support of SB 162.

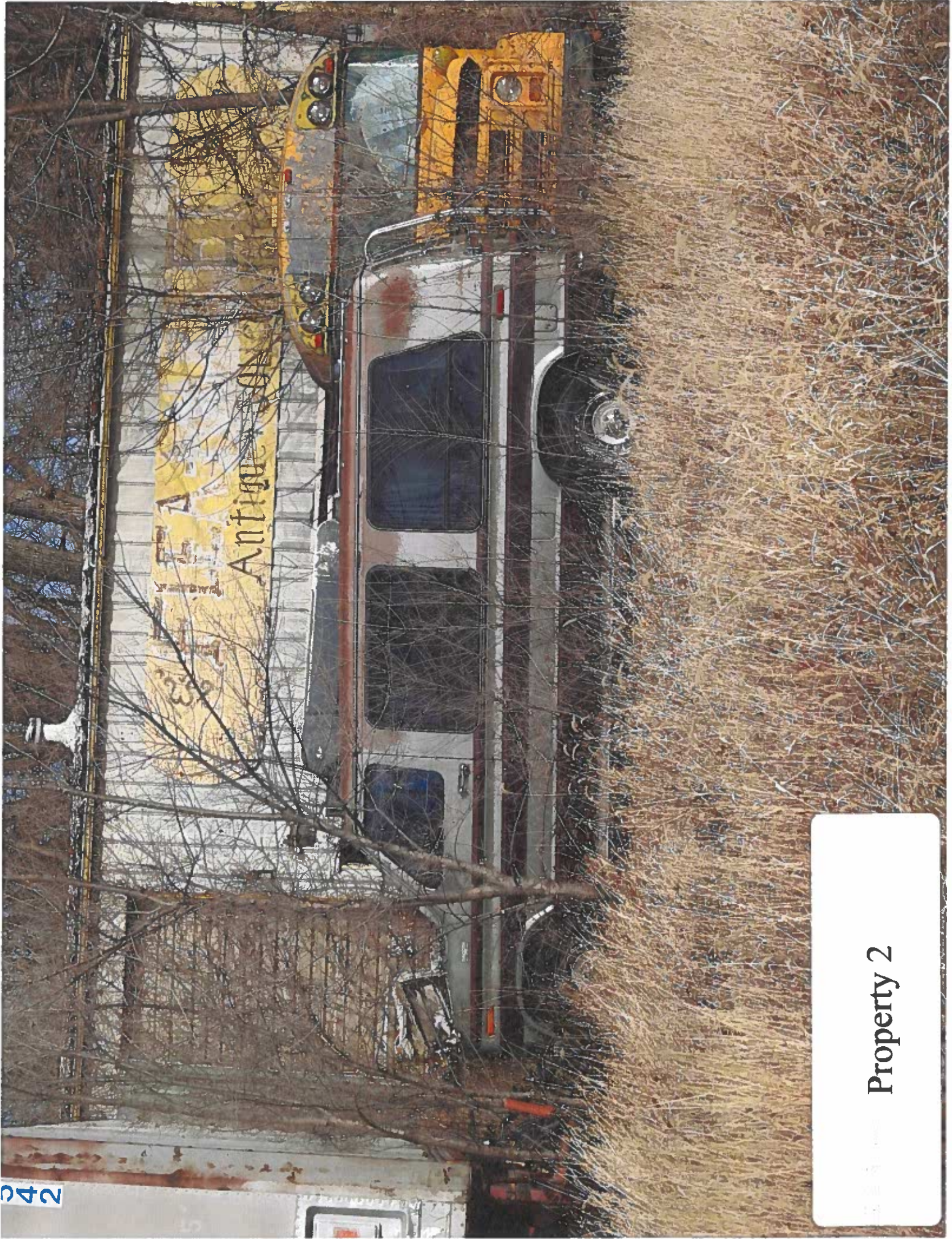
Sincerely,



Craig D. Cox
Deputy County Counselor



Property 1



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Property 2



Property 3