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Commissioner - Fourth District

BOARD OF COUNTY COMMISSIONERS
SEDGWICK COUNTY, KANSAS

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WRITTEN TESTIMONY ONLY

**NEUTRAL TESTIMONY ON HB 2003 CONCERNING
CITY ANNEXATION OF NON-ADJOINING LAND
AND ISLAND ANNEXATIONS UNDER K.S.A. 12-520c**

HOUSE LOCAL GOVERNMENT COMMITTEE

Chair Steve Huebert, Vice-chair Tom Phillips, other members of the Committee:

I currently serve as Chairman of the Board of County Commissioners of Sedgwick County, Kansas, and have represented the Fourth District on the County Commission since 2011. In my individual capacity, I offer this neutral testimony on HB 2003, to provide some real world experience with island annexations. I have also included a map that shows the current island annexations in relation to city limits in Sedgwick County.

Comments regarding amendment of K.S.A. 12-520

In the 1990s, the City of Wichita was considering development of a new municipal solid waste landfill in Sedgwick County. The City acquired land in the Furley area, and annexed the land under the authority currently provided in K.S.A. 12-520(a)(2). After Sedgwick County took back control of the solid waste management plan, the county adopted a transfer station system, and the ability to use the Furley site as a landfill was eliminated. The city eventually de-annexed the Furley area and control of the area was returned to the County Commission.

The City of Wichita also elected to acquire land in the far southwest corner of Sedgwick County for a bomb disposal range site. The city also annexed this land under K.S.A. 12-520(a)(2) without any review by the County Commission. This site is over 15 miles, as the crow flies, from the nearest point on the city limits. I want to be clear, I am not expressing any concerns about this particular site; I only offer it as an example of what cities can do under the current annexation law.

Annexation of land owned by a city, not adjoining its city limits, is currently without review by the county commission under K.S.A. 12-520c as other island annexations are required to be. Without that review, cities are free to island annex and have complete regulatory control, including what land uses are to be allowed.

Sedgwick County ... working for you

I would also offer this note regarding the deletion of current subsection (e) which reads:

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

In the context of the present form of K.S.A. 12-519, et seq., this provides an important protection where cities have annexed land not adjoining their current city limits.

I understand that if this bill is adopted as is, this provision will no longer be needed for control of *future* annexations of this type, but it raises the question of whether the city can proceed to annex off of existing island annexations. In order to preserve this protection for existing island annexations, this substitute language might be considered:

~~Whenever any~~ *If a city has previously annexed* any land ~~under the authority of paragraph 2 of subsection (a)~~ which ~~does~~*id* not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

Comment regarding amendment of K.S.A. 12-520

Currently a simple majority of a county commission can approve an island annexation as long as they determine the proposed annexation will not hinder or prevent the proper growth and development of the area or of any other city in the county. Although the county commission is required to consider the impact on the area; it is not required to consider the impact on any individual landowners that may be adjoining, or near the land proposed for annexation.

The Kansas Court of Appeals has held the county commission, in making a finding whether the proposed annexation will hinder or prevent the proper growth and development of the area: “must examine those potential uses—or at least the most potentially deleterious uses—and determine whether those potentially deleterious uses would “hinder or prevent the proper growth and development of the area.” Baggett v. Bd. of Cnty. Comm'rs of Douglas Cnty., 46 Kan. App. 2d 580, 591, 266 P.3d 549, 557 (2011)

I note the bill does not define the term “manifest injury.” The Kansas Supreme Court has defined the term manifest injury, as used in the annexation act already (K.S.A. 12-521) as the: “imposition of material or substantial burdens upon the landowners without accompanying material or substantial compensating benefits.” City of Topeka v. Shawnee Cnty. Bd. of Cnty. Comm'rs, 252 Kan. 432, 447, 845 P.2d 663, 674 (1993).

In the experience of my Board, which has reviewed approximately 25 island annexation requests over the last 15 years, most island annexations are noncontroversial and are approved by unanimous vote anyway. The majority of island annexations should not be affected by requiring a unanimous vote of the commission.

Conclusion

I thank the committee for its service, and for its consideration of this matter and of my testimony.

A handwritten signature in black ink, reading "Richard Ranzau". The signature is written in a cursive style with a large, looping "R" at the beginning.

Richard Ranzau, Chairman
Fourth District Commissioner

Road Map

2015

Sedgwick County,
Kansas

Legend

- Major Roads
- Highways
- Railroads
- Airports
- Water Bodies
- Townships
- Sections

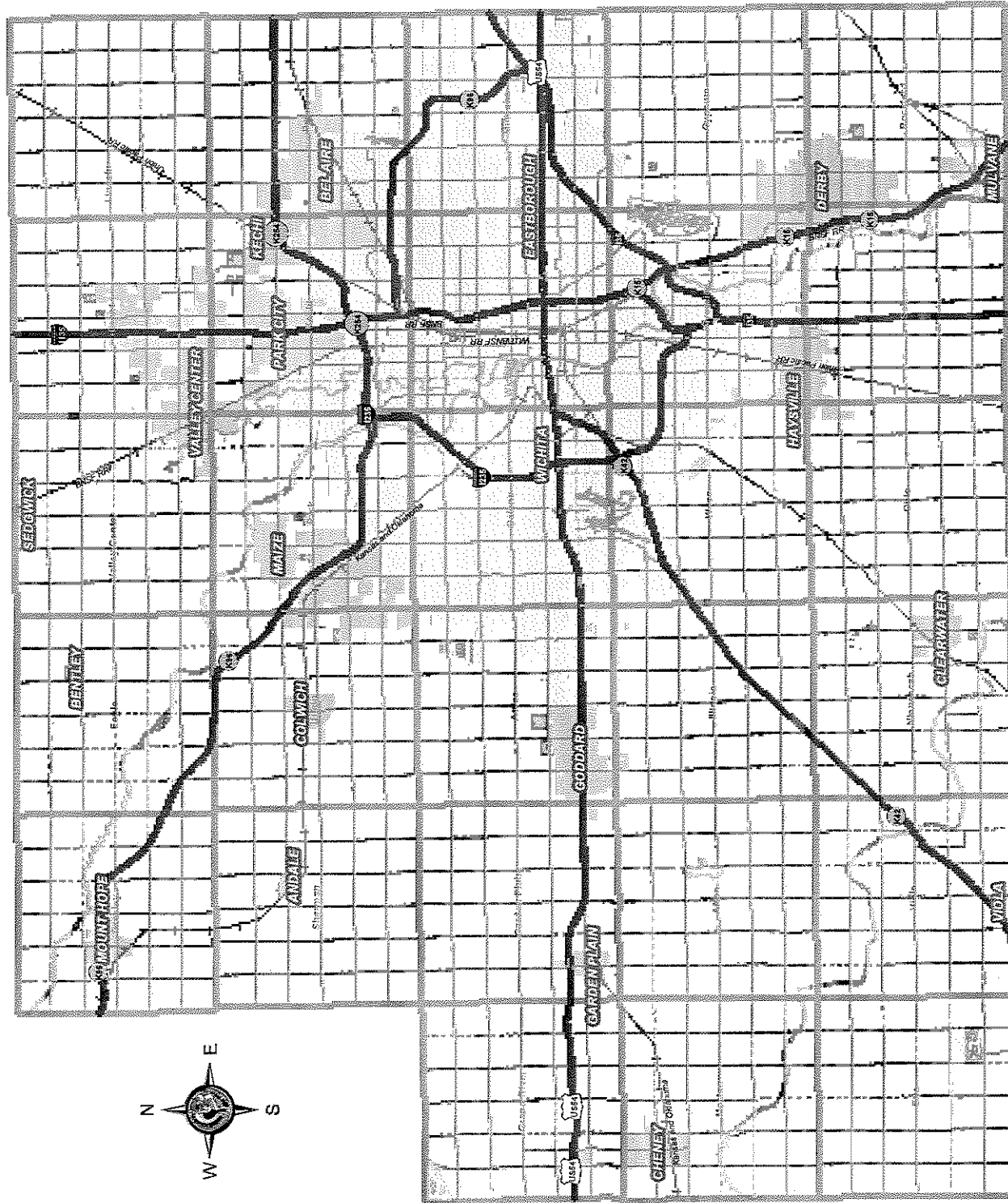


Date: 1/15/2015

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125th N
117th N
109th N
101st N
93rd N
85th N
77th N
69th N
61st N
53rd N
45th N
37th N
29th N
21st N
13th N
4th N
US54 Hwy
(Kellogg)
15th S
(Harry)
23rd S
(Pawnee)
31st S
33rd S
(MacArthur)
47th S
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63rd S
71st S
79th S
87th S
95th S
103rd S
111th S
119th S



159th E
143rd E
127th E
111th E
(Greenwich)
95th E
(Webb)
79th E
(Rock)
63rd E
(Woodlawn)
47th E
(Cohen)
31st E
(Hillside)
15th E
(Hydraulic)
2nd E
(Broadway)
10th W
(Seneca)
24th W
(Meridian)
38th W
(Floore)
55th W
(Ridge)
71st W
(Tyler)
87th W
(Maize)
103rd W
119th W
135th W
151st W
167th W
183rd W
199th W
215th W
231st W
247th W
263rd W
279th W
295th W
311th W
327th W
343rd W
359th W
375th W
391st W
407th W

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