



ABOVE AND BEYOND. BY DESIGN.

City Hall

8500 Santa Fe Drive

Overland Park, Kansas 66212

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Date: February 12, 2020

To: Chair Kent Thompson and the House Committee on Local Government

From: City of Overland Park

Re: Written Testimony in Opposition to HB 2580

Thank you for allowing the City of Overland Park to submit testimony in opposition to HB 2580. This bill seeks to eliminate the majority of the current options in which a city can annex land adjoining the city.

The City opposes HB 2580 because it: (1) significantly reduces a city's power of annexation; (2) prohibits thoughtful growth and could potentially cause an increase in service costs to both city and county taxpayers; (3) creates confusion and disorder along city and county boundaries; and (4) fosters unnecessary duplication of government services.

Despite the intent of HB 2580, growth will still naturally occur in the areas adjoining cities as property owners seek to develop, improve, and add value to their properties. If cities are unable to annex these areas of future development, it will put the burden upon counties to manage the land use development, building plan review and permitting for the same. Most Kansas counties are not as well equipped, funded, or staffed as the adjoining cities to administer these types of duties. Furthermore, it will also put upon the counties the burden to increase services and to build necessary infrastructure to accommodate growth and development. Again, cities are better equipped and staffed to handle these demands. If counties are forced to bear the brunt of the cost to administer this development and to build the necessary infrastructure, these costs will result in an unfair disparity to the taxpayers responsible for paying for the same.

The adoption of HB 2580 will create confusion, disorder and unnecessary duplication of services. Often there is no cogent or thoughtful process to convert land in areas that are clearly growing and converting. Instead, individual property owners make independent decisions whether to develop their properties. This can lead to a patchwork and hodgepodge of development that is solely subjugated to the whims of individuals as opposed to the greater public good. City annexation is a proven method to carefully address these problems in a thoughtful and orderly manner. If HB 2580 is approved, cities will be unable to address these disparities, leading to multiple problems, inconsistent land use, and public service inefficiencies.

Because boundary lines become uneven through voluntary annexations, there becomes a variety of city and county services that frequently become duplicated, creating inefficient government and an unnecessary use of taxpayer dollars. Examples include, but are not limited to, street construction and maintenance, police and fire services, public infrastructure, parks and recreational amenities, and snow plowing. Further, these uneven borders can create situations where unincorporated properties within or immediately adjacent to a city's border rely upon and receive city services but do not contribute to the tax base paying for those services. This duplication or erroneous transfer of services ultimately leads to both a higher costs for taxpayers and a patchwork of regulations.

Uneven boundary lines can often create confusion for the public, and it is not always clear to the individual citizen who the jurisdiction of record is, as a different jurisdiction may be responsible for different portions of the same development. Likewise, even the jurisdictions and their staff can become confused when the boundary lines are not logical with respect to the development. This

disorder can create scenarios of confusion, inefficiencies or even failure to respond or to provide service to property owners in these areas. In such cases, city annexation is a useful tool to mitigate this confusion and inefficiencies.

Confusion, disorder and duplication of services burden our communities, taxpayers and jurisdictions; it fosters wasteful costs and inconsistent and disjointed development. In contrast, a thoughtful and planned progression of development and distribution of duties allows for thoughtful investment in public services that are part of a developing city. It further allows for consistent financial planning with a thoughtful approach as opposed to reacting to the isolated desires of individual property owners.

It is noted that K.S.A. 12-520 was recently amended in 2015 to address concerns about large city annexations. At that time, the Legislature carefully crafted the current provisions to address those concerns (e.g., by limiting annexations to 21 acres) but to still allow for limited and careful city annexation to address the issues discussed above. HB 2580 would undo those provisions and have a detrimental impact on growing communities. It should also be noted that the limited annexation currently allowed does not create negative impacts. Individual property owners are not forced to change simply because of annexation. An annexation by a city does not require an agricultural use to be eliminated and there can be accommodations made to existing uses. Further, the Board of County Commissioners acts as a safeguard to ensure that cities do not annex irresponsibly.

HB 2580 appears to oppose the natural progression of development. The real and practical market realities do not suggest that cities are impacting the issue. In fact, the opposite is true. Property owners are affecting the investment in their land resource, and they are in control of their decision to develop. The market and value of land on the edge of cities suggests this pressure. As such, cities should maintain the current ability to address development and growth on their borders so that it can be done in an efficient and cost-effective manner.

Thank you for allowing the City to submit testimony on this legislation. We respectfully request that the Committee not approve HB 2580.