

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2176**

As Amended by House Committee on Local  
Government

**Brief\***

HB 2176, as amended, would amend law regarding the vacation of streets.

*Time Limit for Challenge of an Ordinance*

The bill would allow any landowner aggrieved by the decision of a city governing body to vacate certain property to bring action in a district court challenging the reasonableness of such decision within 30 days following publication of the vacation ordinance.

*Authorization*

The bill would amend a statute to remove redundancy with continuing law and make conforming changes. Continuing laws (KSA 13-334, 14-423, and 15-427) provide processes for local governments to request street vacations based on a city's classification.

The bill would authorize cities to utilize the process of the bill by following the notice and public hearing requirements established in the bill, including as an alternative to any other vacation process in law.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### *Public Hearing*

The bill would clarify that, when a resident makes a petition to vacate a street, the governing body must give public notice of the request and, in the notice, specify whether the hearing on the petition will be conducted by the governing body or the planning commission. The bill would require all interested persons to be given an opportunity to be heard on the petition.

If a city chooses to use the same process to deannex land or vacate any public reservation, the bill would require the hearing to be held before the city governing body.

The bill would require the city governing body to enact an ordinance containing an order to vacate if, at the hearing, it was determined the request of the petitioner should be granted.

### **Background**

The bill was introduced by the House Committee on Local Government at the request of a representative of the League of Kansas Municipalities (LKM).

### ***House Committee on Local Government***

In the House Committee hearing, **proponent** testimony was provided by a representative of the LKM. The **proponent** stated the purpose of the bill is to update statutory language to be more easily understood.

No neutral or **opponent** testimony was provided.

The House Committee amended the bill to include clarifying language stating a city may utilize this process as an alternative to other vacation processes established by law.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration indicates enactment of the bill could increase docket fees from additional cases being filed in district court but cannot estimate the fiscal impact. The LKM states enactment of the bill would have no fiscal impact on cities.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Local government; cities; street vacation; deannexation