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**Testimony of Representative John Carmichael
In Support of HB 2642**

February 16, 2016

Dear Chairman Huebert, Ranking Member Alcala, and Members of the Committee:

I offer HB 2642 as a starting place for a discussion of the notice requirements associated with the vacation or abandonment of streets. As importantly, I suggest a comprehensive look should be taken at the notice provided to adjoining property owners, not only in connection with the vacation of a street, but also re-platting, rezoning, zoning variances, and similar matters.

This legislation arose out of an unfortunate situation in Wichita where long-time friends and neighbors, one being a family and the other being a church seeking to expand its school, found themselves on opposite sides of a re-platting request which involved the abandonment of a street. Highly summarized, the family knew of the church's plans, but was unaware of the specifics of when the church's re-platting application was scheduled to be heard. As a result, they did not have an opportunity to be heard before the Metropolitan Area Planning Commission. The situation between the family and the church has now been amicably resolved and the church is moving forward with the construction of its new school.

This situation brought to light a seeming inconsistency either in the law, or the application of the law, regarding street abandonments. If the street is abandoned as a stand-alone application, notice to adjoining property owners is required. If the street is abandoned as a part of a re-platting application, no notice to adjoining property owners is required. Moreover, multiple other questions regarding notice to adjoin property owners arose in my conversations with property owners, builders, land surveyors, representatives of title companies and attorneys. Without detailing those circumstances here, I suggest the committee use this bill as an opportunity for the various stakeholders to confer with an eye towards comprehensive legislation regarding notice of platting and zoning actions.

While the change proposed in HB 2642 would provide consistency in the notice required for the abandonment of streets, I recommend that rather than taking a piecemeal approach to the various notice requirements, we instead allow the interested parties an opportunity to continue to confer with an eye toward offering a more comprehensive bill next year, if the circumstances warrant.

Thank you for your consideration of my remarks.

John Carmichael
Kansas State Representative
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