Approved: March 23, 2010
Date

MINUTES OF THE SENATE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on March 8, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:
Mike Heim, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Noell Memmott, Committee Assistant

Conferees appearing before the Committee:
Vince Wetta, Representative, 80th District
Pete DeGraff, Representative, 81st District
Whitney Damron, City of Topeka
Don Mohler, League of Kansas Municipalities
Eric Sartorius, City of Overland Park
Ann Mah, Representative, 53rd District
Kelly Parks

Others attending:
See attached list.

Senator Kultala moved to reconsider **HB 2472 - Kansas uniform common interest owners bill of rights act**. Senator Faust-Goudeau seconded the motion. Senator Huntington said there were issues to be addressed in **HB 2472** and that the bill would be looked at as a whole. One option would be to look at the amendments and possibly return to reflect the original language in the bill. The motion carried.

The hearing continued on **HB 2471 - Cities; annexation; strip annexation restricted**.Representative Vince Wetta spoke in favor of the bill (Attachment 1). He was followed by Representative Pete DeGraff, who was also a proponent of the bill (Attachment 2). Written testimony in favor of **HB 2471** was submitted by the following: Gus Collins City Manager, City of Wellington (Attachment 3); Graham Hamilton (Attachment 4); Kristy Sutherland (Attachment 5); Shawn Townson (Attachment 6);and Paul Sutherland (Attachment 7). Kathleen B. Sexton, City Manager, City of Derby, submitted testimony in opposition to the bill (Attachment 8). The hearing was closed.

March 8

The hearing opened on **HB 2478 - Cities; annexation; county approval of certain annexations**. Whitney Damron, City of Topeka (Attachment 9), Don Mohler, League of Kansas Municipalities (Attachment 10), and Eric Sartorius, City of Overland Park (Attachment 11), all spoke in opposition to the bill.

Written testimony in opposition of **HB 2478** was submitted by: Kathleen B. Sexton, City Manager, City of Derby (Attachment 12); Dale Goter, Government Relations Manager, City of Wichita (Attachment 13);Jennifer Brunning, Overland Park Chamber of Commerce (Attachment 14); and Robert W. Parnacott, Assistant County Counselor, Sedgwick County (Attachment 15).

Ann Mah, Representative, 53rd District (Attachment 16) and Kelly Parks (Attachment 17) spoke in favor of **HB 2478**.

Written testimony in favor **HB 2478** was submitted by:
Anthony Hensley, Representative 19th District (Attachment 18)
Edgar Peck, Treasure, Tecumseh Township (Attachment 19)
Robert and Diana Gay (Attachment 20)
John Deckert (Attachment 21)
John L Garretson II (Attachment 22)
Reverend Thomas R.Henstock (Attachment 23)
Gail E. Laughlin (Attachment 24)

Minutes of the Senate Local Government Committee at 9:30 a.m. on March 8, 2010, in Room 144-S of the Capitol.

Onis L. Lemon, Treasurer, Mission Township (Attachment 25)
Steve Christenberry (Attachment 26)
Cindy Schlink (Attachment 27)
Dennis F. Schwartz (Attachment 28)
Gene E. Wolfe (Attachment 29)
Chuck and Pam Tilson (Attachment 30)
Ann Albers (Attachment 31)
Delbert and Evelyn Tuttle (Attachment 32)
Donald E. Mathers (Attachment 33)
Mrs. Linda Noland-Criqui and Mr. Robert L. Criqui (Attachment 34)
Kelly A. Stites (Attachment 35)
Carol Trimble, Trustee for Topeka Township (Attachment 36)
Ken Daniels, Chairman, Midwest Wholesale (Attachment 37)
Terry Holdren, Kansas Farm Bureau Government Relations (Attachment 38)

The hearing was closed.

The next meeting is scheduled for March 9, 2010.

The meeting was adjourned at 10:30 a.m..

LOCAL GOVERNMENT
GUEST LIST

DATE: March 8, 2010

NAME	REPRESENTING
Norman Pishny	self & friends
Tony Musick	self
Cheryl Musick	self & neighbors
Rob Hutchison	Self
Chris L. Lemon	Mission Township SW Co.
Marilyn Wetta	self
Janie Ann Brown	No Annexation Coalition
Don Moler	LKM
Doug Mays	Olathe

continued

LOCAL GOVERNMENT
GUEST LIST

DATE: _____

NAME	REPRESENTING
Brad Harrelson	KFB
Whitney Damron	City of Topeka
ERIK SORTORIUS	City of Overland Park
Brad Smoot	No Annexation Coalition

State of Kansas
House of Representatives

Vince Wetta
80TH DISTRICT
STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7665

1204 N. POPLAR
WELLINGTON, KANSAS 67152
(620) 326-5205

COMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE AND NATURAL RESOURCES
ENERGY AND UTILITIES
TRANSPORTATION

Good Afternoon Chairman and Members of the Committee:

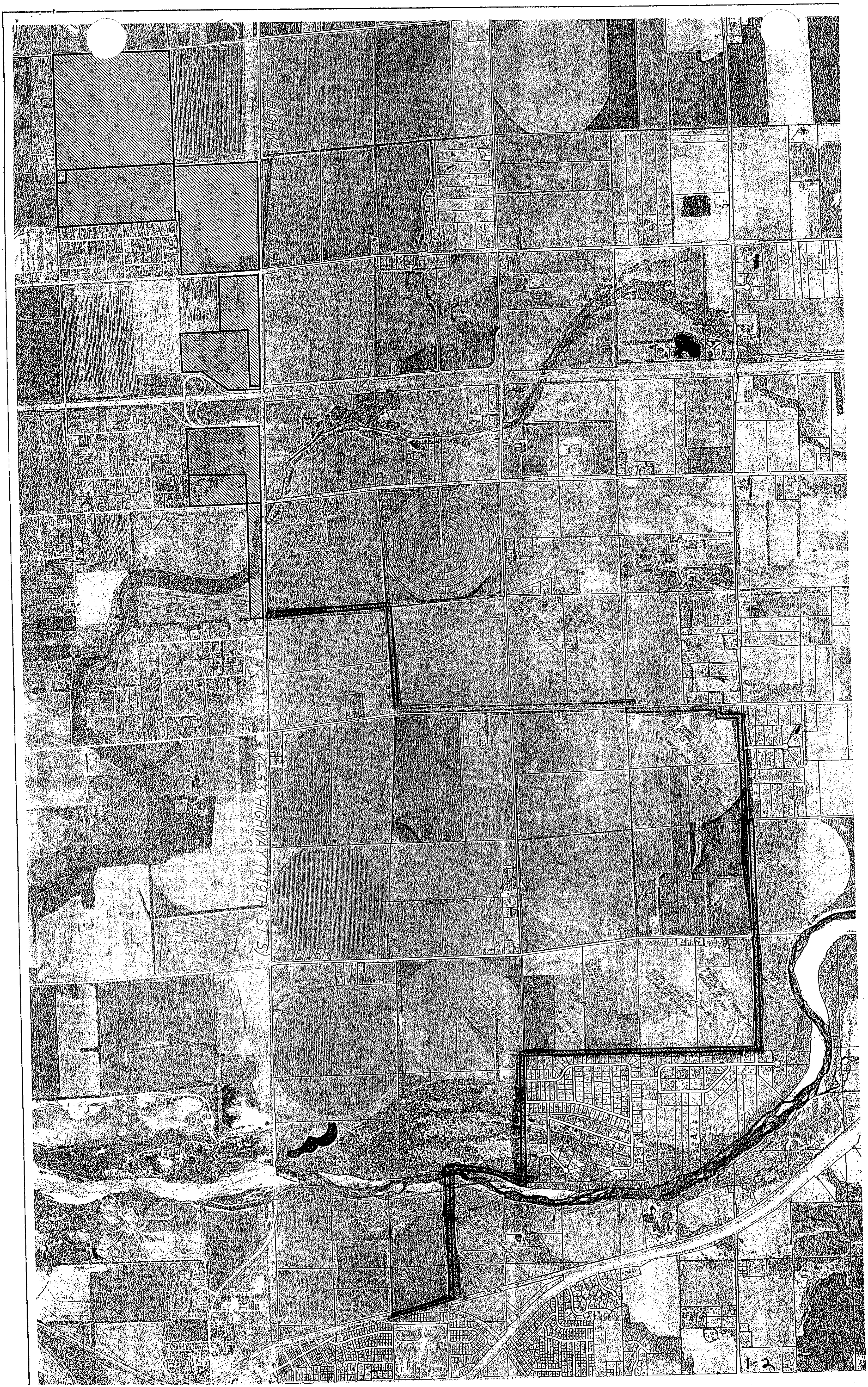
My name is Vince Wetta, State Representative from the 80th District, which includes most of Sumner and the southern half of Harper Counties. We are here today to ask you to pass this annexation bill H.B. 2471. This bill has nothing to do with Gaming and everything to do with Gaming. To understand how we got to this point, we have to discuss how this Gaming issue transpired in Sumner County. The South Central Zone contained in S.B. 66 includes Sedgwick and Sumner Counties. Sedgwick County voted against the casino issue and Sumner County voted for gaming. On the maps you have before you is Highway 53. This is the county line between Sedgwick and Sumner counties. Therefore, north of Highway 53 we cannot build a casino, and south of the highway we can.

In December of 2007, after hearing testimony from anyone wishing to speak, the Sumner county Commissioners endorsed two casino developers at Exit 19 on the Kansas Turnpike, which is the Wellington exit. There were two proposals at Exit 33, the Mulvane exit, which were not endorsed. The co-sponsor of this bill, Representative Peter Degraaf can testify as to why the commissioners only endorsed the proposals at Exit 19. On your maps you can see the Kansas Turnpike with the shaded area at Exit 33. That was the proposed gaming site. After the two proposals at Exit 33 were not endorsed, the city of Mulvane annexed the proposed casino site at the turnpike. This is approximately 5 miles from the city of Mulvane which sits on the county line. Approximately 82% of Mulvane sits in Sedgwick County and 18% sits in Sumner County. This annexation is a 100 foot strip of land entirely in Sedgwick County, which meanders as you can see on the map into Sedgwick County to connect to land in Sumner County at Exit 33. This annexation took place in a county and a House District which repeatedly voted against gaming. Obviously, you would expect an annexation to be a straight line to a location. It is not. We have a statute which would allow this annexation. It is called "island annexation". The island annexation statute should have been used in this instance but it also requires meetings to take input from citizens and needs approval of the county. The city of Mulvane used the wrong statute to circumvent the law, thereby removing the people in the area and the Sumner County Commissioners from the process.

The last sentence of our bill states, "The corridor of land must have tangible value and purpose other than for enhancing future annexations of land by the city". This would not prohibit cities from doing a strip annexation that was legitimate. This annexation by Mulvane is not legitimate and is illegal. We hope this committee will pass H.B. 2471 and we can get on with the economic development in Sumner County. Regardless of what the business is. This type of annexation is just an attempt to circumvent the laws of the state of Kansas. Thank you and I will stand for questions at the appropriate time.

Senate Local Government
3-8-2010

Attachment 1-1

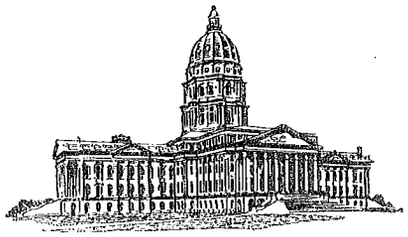

U.S. 81 (BROADWAY)
I-35 TURNPIKE
HYDRAULIC
HILLSIDE
K-53 HIGHWAY (119TH ST S)
OLIVER

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

Home:
1545 E. 119TH STREET
MULVANE, KS 67110-8039
316-613-1899 CELL PHONE
PeteDeGraaf@att.net

Topeka Mailing Address:
KANSAS STATE CAPITOL BUILDING
300 SW 10TH STREET
TOPEKA, KS 66612

Topeka Office:
DOCKING BLDG. 7TH FLOOR, L32
785-296-7653 (DURING SESSION)
Pete.DeGraaf@house.ks.gov



PETE DEGRAAF
81ST DISTRICT

COMMITTEE ASSIGNMENTS
APPROPRIATIONS
FINANCIAL INSTITUTIONS
GOVERNMENT BUDGET
INSURANCE
JOINT COMMITTEE ON CHILDREN'S ISSUES
SPECIAL COMMITTEE ON KTEC

Thursday, March 04, 2010

TO: Senator Reitz -Chairman, Senate Local Government Committee and other Committee Members

SUBJECT: Testimony in **SUPPORT of HB 2471** – Outlawing "Snaking" Annexation

Thank you for granting me an additional opportunity to stand before you representing the people of the 81st District.

To give you some history; **similar bills to this one have overwhelmingly passed the House several times**. If you recall HB 2084 was combined with two other annexation bills and passed by the Senate as a combined bill on the "last train out of the station" at about 2:00 am last session. It was reported that as Governor Parkinson vetoed the combined bill, he said that **he did not like snaking annexations** and if the Bill had come to his desk alone, he would have signed it.

One of the primary challenges of snaking annexation is that **adjacent property owners have no voice or legal recourse. Snaking annexations also bypass input from County Commissioners.** If annexations of this type are allowed the tangled webs and islands that could be created are unimaginable. Property tax computations, utilities, road maintenance, and public safety are just a few of the challenges. I believe it is the Legislature's duty to clarify that this kind of annexation was never our intent and should not be allowed.

You may not be aware but since this bill was last seen by the Senate, the Mulvane mayor and the city council were found guilty of **1st Amendment violations**. Due to the grievous nature in which this annexation was done, this bill should become law as soon as possible.

A lawsuit between the City of Mulvane and Sumner County continues. Judge McQuin's January 2009 opinion in Case Number 2008-CV-24 is insightful and worth the read. If you would like a copy I would be glad to email it to you.

I urge you to pass **HB 2471** out of Committee **unencumbered and favorable for passage.**

Respectfully,

Senate Local Government
3-8-2010

Attachment 2-1

CITY OF WELLINGTON

Memorandum

To: Senate Local Government Committee
From: Gus Collins, City Manager
Date: March 3, 2010
RE: HB 2471 ~ Testimony from City of Wellington, KS

The Governing Body of the City of Wellington appreciates the opportunity to testify in support of House Bill 2471, co-sponsored by Representatives Wetta and DeGraff. The City's position is unchanged from previous testimony of Senate Bill (HB2084 2009) for the following reasons.

Annexation is critical to all local units of Government to be able to grow and develop. Current annexation laws allow each municipality the ability to do this in a systematic manner and when following the intent of the law can be accomplished without any controversy. It is when municipalities begin to deviate from the intent of existing law that there are questions and the public trust in local units of Government deteriorates.

If this type "narrow corridor" of annexation is allowed to occur, this may have a negative impact on future growth for municipalities, which ultimately affects the State of Kansas. It could create a flurry of activity among cities to annex to where they absolutely have no governing authority to do so and could arguably hinder relationships amongst cities and counties. A Judge/Court of Law has determined this type of annexation is null and void. HB 2471 would just simply solidify that ruling.

This Bill would basically prevent future "shoestring annexation" similar to the occurrence in February 2008 that has absolutely no value to the landowners along the shoestring and/or flagpole. Bill 2471 is only specific to this type of annexation – does not affect or inhibit cities to proceed with annexation in the future. It will still allow cities to grow and annex as needed and as intended by State Law. Both Chambers passed similar legalization (By over 100 votes in the House) last year. I ask you, as Committee Members - seize this opportunity to correct a wrong. This technique has been often criticized and passage of this legislation will eliminate "gerrymandering" as a form of annexing which does not have any purpose in the annexation legislation. This Bill will assist in the clarification of this statute and prevent future abuse of this law.

As the City Council of the City of Wellington, we respectfully request that this Bill be approved for discussion by the Senate Chamber.

Thank you for your consideration.

Senate Local Government
3-8-2010

Attachment 3-1

March 04, 2010

Dear Honorable Senators,

In **support of HB 2471** - My wife and I, along with our six children, live in a house division, away from the city, but close to a "**shoestring**" or "**predatory"** annexation. We never dreamed our home would ever be in the center of such an awful mess. We had **no voice** in this annexation decision that will greatly affect our family, our neighborhood, and our property values. We were not annexed, but now find ourselves surrounded, by the city of Mulvane, on three sides of our subdivision and we have become an unrepresented island in a sea of Mulvane. Please, do not get me wrong I did not want to be annexed into Mulvane. I am happy living in the county, but with this annexation, the city of Mulvane, not Sumner County, will control the use of the land surrounding my home. This is America. **Everyone**, even small landholders, **should have a voice**. As a result of this type of predatory annexation, we live in a **NO-MANS-LAND** and feel we have no representation or voice. In this country, the public have a duty to be involved with their elected representatives, especially when it comes to events that affect their families. As a resident of Sumner County I had a voice, thus an ability to remind my commissioners of their accountability to me and other Northern Sumner County constituents. Our neighborhoods did that and Sumner county is fighting back, but unfortunately, we are now within Mulvane's three mile rule. We have no voice in Mulvane, a city five miles away, that initiated such a shameful land grab.

Without representation, I can not use my vote to remove those from office that will have a direct influence on the place where I have chosen to raise my family. In addition, further zoning shenanigans prevented my ability to legally protest additional zoning changes. It is common knowledge Mulvane chose this type of annexation to circumvent the need for annexation approval from the county or residents like myself. This land grab was not done to add additional houses to the Mulvane tax rolls it was done to allow Mulvane to endorse a casino proposal. It could easily have been any other type of controversial development - sewer plant, landfill, etc. No matter what the use of the land we, the residents of the four subdivisions adjacent to the annexation plot, will have no ability to hold the city representatives accountable.

A lack of representation effectively removes our voice from any decisions concerning our property. If it had not been for one city council member recommending that those in the school district be allowed to comment, we would not have been allowed to speak at any city zoning or endorsement hearings. When we made our comments, we were marginalized and in some instances called out of order. If this is any indication of how the city of Mulvane will choose to consider our needs, it only underscores the need for effective legislation that will address the rights of individuals caught in our situation.

What I implore you to do is:

1. Protect families and individuals from cities that use annexation to make land grabs without any regard for the residents adjacent to and most affected by the annexation.
2. Pass legislation that will encompass the Mulvane annexation of property surrounding my subdivision.

Graham A. Hamilton
1404 N. Estate Road
Peck, Kansas 67120
(316)522-7178

Senate Local Government
3-8-2010

Attachment 4-1

Kristy Sutherland
669 E. 140th Ave. N
Peck, KS 67120
316-524-1319

TO: Senator Reitz
and other Committee Members

FROM: Kristy Sutherland

DATE: Thursday, March 04, 2010

SUBJECT: Written Testimony in **SUPPORT of HB 2471** – Outlawing "Snaking" Annexation

Good afternoon Mr. Chairman and members of this Committee. Thank you for giving me a chance to offer the following written testimony. My name is Kristy Sutherland and I am strongly urging you to support HB 2471. You are probably aware of how the City of Mulvane annexed a narrow strip of land that snaked through the rural area to the proposed casino site. Please see the attached map. Highway 53 divides Sedgwick and Sumner County. Sedgwick County is on the north side of the highway and Sumner on the south side. They had to go deep into Sedgwick County to wind their way around. Harrah's and the City of Mulvane kept referring to the annexed area as "in Mulvane" as you can see by the map it was not in Mulvane. This type of annexation allows a City to get the tax benefits and revenues from businesses that they do not want inside their city proper because they are undesirable. They want the benefits without having to deal with the problems that are created. When a citizen voiced a concern at public meeting that the casino would bring in other "undesirable businesses" and how would the City prevent that, Mayor James Ford commented that there is a five mile buffer of land, railroad tracks, and a river between the proposed casino site and the city proper of Mulvane. We do not want to be the buffer for the documented increases in crime and drunk driving in areas surrounding casinos. Since we were not in the area annexed, the Mulvane police, at the new substation one mile away would not be able to respond to our call if we needed help. We would still rely on the sheriff's department who has only two officers on duty for the entire county, per shift. I do not believe the Mulvane city commissioners would support annexation and the casino if it were bordering their "city proper".

We were not given any notice of the annexation. The majority of the families that live in this area were opposed to the proposed casino, with the exception of those that are selling their land. We attended the meeting held at the Mulvane High School and listened to the presentation and comments from citizens. According to several citizens that did attend the council meeting that addressed the annexation, the public was not allowed to speak at that meeting. My husband and I were not allowed to speak at the meeting at the Mulvane High School because we are not in the Mulvane School District. The Mulvane School District stops right across the road. We live a mile away and were not allowed to speak; while Mulvane residents that live five miles from the casino site and others that live in the school district, that live up to 12 miles away, were allowed to speak. I believe it is

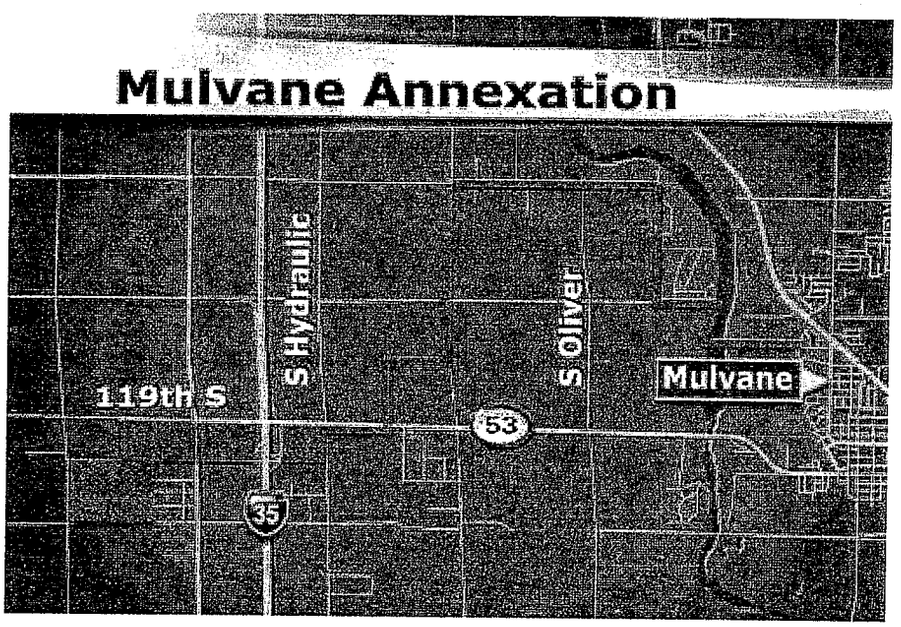
fair to say that this will impact my life, safety, and home value a lot more than it will affect theirs. It does not seem that school district boundaries were the proper way to determine who could speak. 82% of Mulvane is in Sedgwick County, 61% of Mulvane, Sedgwick County voted against having a casino. The City Council members were not listening to the residents of their city and would not listen to anyone in the area surrounding the annexed property. The City Council members abused their power when they annexed this area. The way the annexation was handled made my husband and I wonder if we were in America.

Please do not allow other families to be impacted so negatively by the greed of city officials that want the revenue, but not the problems. Cities can annex land adjacent to their city proper, take responsibility, and deal with the problems created by businesses they want to attract. I moved to this area 18 years ago to realize our families dream of living in the country in a rural atmosphere, that dream did not include a casino and large development.

I want to take this moment to thank you for serving and ask that you vote in **FAVOR of HB 2471.**

Thank you!

Kristy Sutherland



Shawn Townson
710 Erin Lane
Mulvane, Kansas, 67110
316-259-7382

TO: Senator Reitz
and other Committee Members

FROM: Shawn Townson

DATE: Thursday, March 04, 2010

SUBJECT: Written Testimony in **SUPPORT of HB 2471** – Outlawing "Snaking" Annexation

Mr. Chairman and members of this Committee, thank you for giving me the opportunity to offer the following testimony:

My name is Shawn Townson a 15 year resident of Mulvane and a member of the Mulvane City Council.

During early 2008 the Mulvane City council took action to strip annex portions of land in an effort to have access to a larger piece of property to be annexed and therefore endorse a casino in the South Central Gaming Zone of Kansas. I have consistently opposed this deed and do not agree that this was the best course of action for the City of Mulvane to take in its pursuit of this Casino. The strip annexing was done for the sole purpose of gaining access to the larger piece of land at the opposite end of the strip 5 miles away from the City. The legislation which allowed this to happen needs to be reviewed and/or amended to ensure that future annexations are truly for the betterment of the land to be incorporated and the city it is to be annexed into.

I want to take this moment to thank you for serving and ask that you vote in **FAVOR of HB 2471.**

Respectfully

Shawn Townson

Paul Sutherland
669 East 140th Ave N
Peck Kansas 67120
316-524-1319

Date: Thursday, March 04, 2010

To: Senator Reitz
and other Committee Members

Re: Written Testimony in **Support of HB 2471**- Outlawing snaking annexation

Dear Mr. Chairman and members of this Committee, thank you for giving me the chance to offer the following this written testimony. My name is Paul Sutherland, and my wife and I live approximately 1 mile from the site that was annexed by the city of Mulvane for the Harrah's Casino. In early January 2008, the City of Mulvane announced they would have a public hearing on the annexation and endorsement of Harrah's Casino. I was not allowed to speak or address the city council members of Mulvane, because I do not live in their school district. The City of Mulvane allowed citizens who lived 15-20 miles from the annexed site; this included residents that lived in Sedgwick or Butler County. If they were in the Mulvane School District they were allowed to speak at the public hearing.

I went to the City of Mulvane meeting believing in Democracy. I felt if the majority of the citizens wanted the annexation for Mulvane and a casino at exit 33, I would support their decision. I also believed if the majority of residents did not approve of the annexation and casino, the Mulvane City leaders would listen to their residents. I was wrong in my beliefs. The City of Mulvane leaders censored questions residents could ask. A lady was removed from this meeting for asking a question the commissioners did not want to answer. I felt I was in a third world country when the City of Mulvane discriminated on who was allowed to speak and the questions residents were allowed to ask. After this meeting I realized the City of Mulvane had no interest in annexation of property between the City of Mulvane and the Casino at exit 33. They were only interested in the end result at exit 33. Even Mulvane's Mayor Jim Ford said the land between the City of Mulvane and exit 33 would be a buffer zone to protect the city from crime that may come with a casino.

I felt no one was interested in listening to the residents who would be affected the most by our leaders decision, so I went door to door to the residents next to exit 33. I asked residents if they were interested in voicing their opinion yes or no if they wanted a casino at exit 33 by signing a survey. The results were 63 voted no, 19 voted yes, and one had no opinion.

In closing if House bill 2471 is not approved and cities like Mulvane are allowed to annex land the way they did; then what will stop cities from annexation of land along highways for commercial development only, to achieve the most revenue, and as far as they desire to achieve the most revenue. Cities will be allowed to snake annex like

Mulvane, cities will be allowed to collect taxes and police the annexed land only. They will put the burden of crime, drainage problems and other problems that comes with annexation and development on others. Cities will pass these burdens to county government or let residents outside the annexed area to fend for themselves.

House bill 2471 protects every homeowner from loopholes in current annexation laws. Mulvane annexation is the perfect example why this bill needs passed to protect homeowners.

I thank you for serving your state and ask that you vote in **favor of HB 2471**

Thank You

Paul Sutherland

2-4

Kathleen B. Sexton
City Manager

March 5, 2010

Senator Roger Reitz, Chair
Senate Local Government Committee
Capital Office Room 235-E
Topeka, KS 66612

Re: Three House Bills concerning Annexation of Territory by Cities

Dear Chairman Reitz and Committee Members:

Thank you for this opportunity to provide written testimony to the Local Government Committee in opposition to three annexation bills: HB 2471, HB 2478 and HB 2029. The ability of cities in Kansas to promote and plan for orderly growth is inherent to the ultimate success of our cities and therefore our state.

It is no secret that the vast majority of counties in Kansas are depopulating and that our state's population base is congregating in and around certain metropolitan and micropolitan areas. Economically, people need to live where they can find work. As people congregate, systems must be established to adequately and equitably pay for public services. Annexation is a necessary tool to ensure public services are paid for by those benefitting from them and can be provided well into the future.

HB 2471, perhaps instigated by the actions of one city, is not good reason to change well-established public policy. More importantly, because the primary purpose of annexation is to modify city boundaries, state policy should be clear as how requirements are to be met.

State laws governing annexation are adequate in defining the requirements of cities and the role of county commissions to oversee the annexation process when cities and neighboring property owners cannot come to terms independently. State laws are respectful of the rights of property owners as well as the benefits that cities provide such as safe drinking water systems, sanitary sewer systems, and other infrastructure to support modern-day living for denser populations than are possible in rural areas. **HB 2478** will change the annexation process from a carefully considered planning process that already includes a state-required service plan, into a purely political decision by the board of county commissioners.

City of Derby
City Manager's Office
611 N. Mulberry · Derby, Ks 67037-3533 · 316/788-3132 · Fax 316/788-6067
Homepage: www.derbyweb.com E-mail: KathySexton@derbyweb.com
Our mission is to create vibrant neighborhoods, nurture a strong business community, and preserve beautiful green spaces.

Senate Local Government
3-8-2010
Attachment 8-1

Property owners facing annexation understandably often focus on the increased taxes rather than the benefits they have received or will receive in the future from municipal services. As proposed in **HB 2029**, an election solely involving those on one side of the issue is not as democratic as it may sound on the surface. If a vote of the people were required, it should include a much larger contingent of those actually paying the bills for public services that are available to those not paying the bills.

Regardless, an election really should not be required because the elected county commission currently decides such matters and serves as a check against a city that may occasionally get overly rambunctious. County commissioners currently weigh all sides of the issue in an open, public setting and make a determination for the good of the entire community. Sometimes they tell cities "no" and sometimes they ask us probing questions, which ensures the check and balance that the legislature intended.

The state's current annexation policy works. In fact, Kansas should be proud of its annexation laws. Our system is better than that of many states.

Thank you for your consideration of rejecting all three annexation bills.

Highest regards,

Kathleen B. Sexton

Kathleen B. Sexton
City Manager

KBS/sk

TESTIMONY

TO: The Honorable Roger Reitz, Chair
And Members of the Senate Committee on Local Government

FROM: Whitney Damron
On behalf of the City of Topeka

RE: HB 2478– An Act concerning cities; relating to annexation.

DATE: March 2, 2010

Good morning Chairman Reitz and Members of the Senate Committee on Local Government. I am Whitney Damron and I appear before you today on behalf of the City of Topeka in opposition to HB 2478 that would effectively prohibit the use of unilateral annexation authority by a city.

Annexation is intended to allow for the orderly growth of a city to meet the needs of both its citizens and those who are located in close proximity to the city. The state of Kansas has recognized the need for planning and growth by cities as they allow for cities to impose planning and zoning restrictions in a three mile area surrounding its city limits.

Most annexations occur in Kansas through consensual annexations between cities and property owners. In rare circumstances, an agreement on annexation between a city and a property owner cannot be reached and a city may seek to unilaterally annex a piece of property into the city limits under K.S.A. 12-520. This ultimate authority is necessary to resolve situations where annexation is appropriate given the geography or characteristics of a given piece of property, but where the property owner will not consent to annexation.

Unilateral annexation authority is allowed only under limited circumstances, including:

- The land to be annexed is platted and some part of the land adjoins the city;
- The land lies within or mainly within the city and has a common boundary with the city in excess of 50 percent;
- The land is 21 acres or less and if annexed, would make the city boundary line straight or otherwise harmonious; or,

919 South Kansas Avenue ■ Topeka, Kansas 66612-121
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www.wbdpa.com ■ wbdamron@aol.com

- The tract is 21 acres or less and is situated so that two-thirds of the boundary line adjoins the city.

In the case of the City of Topeka, since 1990 there have been more than 80 annexations made by the City and all have been consensual.

While the City recognizes a property owner's interest in remaining in the country, so to speak, the fact that their property is located in close proximity to a city necessarily serves notice to all property owners that they may someday be annexed into the city.

Under current law a city can utilize unilateral annexation authority only under certain circumstances based upon well-established criteria and statutory provisions. Under HB 2478, all of this authority and process is replaced with an arbitrary and undefined standard that the proposed annexation "will not have an adverse effect on such county."

The City of Topeka would submit that such a standard will be difficult to quantify, define or overcome.

The City of Topeka supports current law in regard to annexation laws and would respectfully request this legislation not be advanced out of committee.

Thank you.

Whitney Damron

LKM
League of Kansas Municipalities

300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

To: Senate Local Government Committee

From: Don Moler, Executive Director

Re: Opposition to HB 2478

Date: March 2, 2010

First I would like to thank the Committee for allowing the League to appear today in opposition to HB 2478. The history of the Kansas annexation statutes is long and storied. I will not bore the Committee with all of the details and nuances of its development today. Suffice it to say, the annexation laws, as they are currently structured, are the result of a major conflict and compromise which occurred in the mid-1980's. The League was a major player in this struggle and worked with many interested parties to reach the eventual compromise which led to the current statutes we see today. As far as the League knows, the annexation statutes have worked well over the past 23 years and we believe they continue to work well today.

The Committee should be aware that what is suggested by HB 2478 is a significant change in public policy and one which should not be undertaken lightly. There is always a natural tension involved between landowners and cities when cities are growing as a result of economic development, population changes, and the need for public services. We understand that landowners feel the need to be protected and that is why there are so many protections currently found in the Kansas annexation statutes. The simple reality is that to adopt the language found in HB 2478 would effectively obliterate the unilateral annexation statutes, and completely reverse many years of sound public policy in this state.

HB 2478 would effectively eliminate unilateral annexations in Kansas. It does this by requiring that the county commission approve any "unilateral" annexations under K.S.A. 12-520 (a)(1) "The land is platted, and some part of the land adjoins the city," (4) "The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%", (5) "The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose" and (6) "The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition." In effect, HB 2478 takes this decision away from the elected officials of the city and delegates it to the county commission. Thus, we can expect that this bill would signal the end of annexations in a number of counties in Kansas.

We would suggest that this bill is unwarranted and unnecessary. To undertake this type of significant change to an existing statute, which is working well, is not appropriate and we would strongly urge the Committee to reject this bill. I will be happy to answer any questions the Committee may have on this subject.

Senate Local Government
3-8-2010

Attachment 10-1

OVERLAND PARK
KANSAS

ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212

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Testimony Before The
Senate Local Government Committee
Regarding House Bill 2478
By Erik Sartorius

March 2, 2010

The City of Overland Park appreciates the opportunity to appear in opposition to House Bill 2478. HB 2478 proposes a drastic change in the state's unilateral annexation laws, and it will create significant hardships for cities, counties and the state as whole.

The conditions that permit unilateral annexation under K.S.A. 12-520 have been in Kansas law in one form or another for over a hundred years.[1] For most of that time, cities have been able to annex land under the conditions set out in 12-520 without the approval of any other government or government agency. The reason is apparent—the conditions that permit these unilateral annexations are extremely narrow and restrictive and only permit unilateral annexation where it is undeniable that the land proposed to be annexed has a direct and immediate impact upon the city and is essentially a part of the city in all but name.

HB 2478 would require unilateral annexations to be ultimately approved by the board of county commissioners when there has been no consent to annexation. Thus, the bill applies to conditions 1, 4, 5 and 6 of K.S.A. 12-520(a). However, in order for a city to unilaterally annex land under these conditions, in every case, the land must first adjoin the city. In addition, the land must already be platted into lots and blocks, or be surrounded by or lie mainly within the city and have a common boundary with the city of at least 50%, or, if it is a single tract, have a boundary line, two-thirds of which abuts the city, or its annexation will make the city's boundary line straight or harmonious. The last two conditions are limited to areas of 21 acres or less.

In addition to the legislature creating very narrow conditions for unilateral annexations, the legislature also has imposed substantial procedural restrictions on cities that attempt unilateral annexations. A city that chooses to unilaterally annex land under K.S.A. 12-520 must adopt a resolution of intent to annex, give notice to affected property owners, hold a public

[1] *See*, 1907 Session Laws of Kansas, Ch. 114, Sec. 8: "Whenever any land adjoining or touching the limits of any city has been subdivided into blocks and lots, or whenever any unplatted piece of land lies within (or mainly within) any city, or any tract not exceeding twenty acres is so situated that two-thirds of any line or boundary thereof lies upon or touches the boundary-line of such city, said lands, platted or unplatted, may be added to, taken into and made a part of such city by ordinance duly passed...."

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hearing, notify numerous area governments and then apply 16 criteria to determine if it should annex the land under consideration.

Beyond these requirements, the city must submit its proposed annexation to any planning commission that has jurisdiction over the area proposed to be annexed for a determination of the compatibility of the proposed annexation and land use plans for the area. The city also is required to prepare a service extension plan which forms the basis for the city's public hearing on the proposed annexation.

If a city works its way through these procedural requirements and annexes land under K.S.A. 12-520, any landowner who is annexed and certain cities may challenge the annexation in court. One wonders how we could make the unilateral annexation process any more difficult.

A year before the conditions for unilateral annexation were being incorporated into the 1967 annexation law that was applicable to all cities, the National League of Cities rejected the notion that the owners of land or residents on land in fringe areas of cities "should be given a veto power over the geographic, economic and governmental destiny of the city that is the source of the area's economy and whose proximity solely gives affected properties whatever tangible and intangible desirability they have as places of residence or economic activity."[2] Overland Park agrees with the National League of Cities. Under HB 2478, that veto power is given to the board of county commissioners even though the city has the greatest interest in whether the land is annexed or not.

The potential harm to cities from HB 2478 is great. First, cities can be significantly affected by the type of development that occurs on their doorstep. In nearly every case, a city has no power to limit what use is made of land that is outside of the city. Thus, where a county prohibits a unilateral annexation, there is a substantial likelihood of incompatible uses of land being established within or on the borders of the city. The potential for incompatible land uses can seriously stifle development within the city and affect the quality of life for city residents.

No one can seriously suggest that cities should not be able to expand their boundaries to accommodate increases in population and economic development. This is why Kansas cities have had the power to annex since the establishment of statehood. Cities provide the type of services that most citizens want from their governments, including police, fire, water, sewer, recreation and others. This is why 82 percent of Kansans live in cities.

The other obvious issue with HB 2478 is that it would promote tax inequities. A subdivision on the boundary of an existing city is functionally a part of that city, especially when it obtains water and/or sewer services from the city. The persons living in these subdivisions are virtually identical to persons living in the city except they do not pay city taxes. At the same time, these platted subdivisions impose costs upon county governments when they generally can be better served by city government.

The bill also would promote tax leakage. This occurs when businesses set up on the edges of cities and offer their products for sale without the need to collect the city sales tax. This can create a significant tax revenue loss. Of course, the city also loses the property tax revenue from the developed land.

HB 2478 would impose a significant burden on counties. In order to do its job under the bill, a board of county commissioners will need to review the record of the city's public hearing on the proposed annexation, the service extension plan and the determination of the relevant

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[2] *Adjusting Municipal Boundaries,* Department of Urban Studies, National League of Cities, p. 64 (December 1966).

planning commissions before it could render its determination. To do otherwise would be unlawful. This will create substantial work for counties, many without the staff to perform such a review. Moreover, all of the county's work needs to be done in 30 days.

HB 2478 has an additional significant flaw. The bill turns the annexation process into a purely political exercise. In 1974 and 1987, the legislature ensured that unilateral annexation decisions would be made based upon sound fiscal and land use planning by requiring the analysis of numerous criteria in the annexation approval process. HB 2478 abandons this important principle. Under HB 2478, the board of county commissioners may permit an annexation only if it determines "that the proposed annexation will not have an adverse effect on such county." Although the phrase is very vague, it appears that the board of county commissioners would consider how the proposed annexation affects the county, and it would not consider the interests of the city or the region taken as a whole. It is likely that the effect of HB 2478 would be to promote lawsuits against counties either by property owners who can now be annexed or by cities when annexations are denied.

HB 2478 is not needed. The current statute already imposes enormous burdens on cities that wish to annex under the statute. HB 2478 would turn the annexation process from a carefully considered planning decision into a purely political decision by the board of county commissioners.

Kathleen B. Sexton
City Manager

March 5, 2010

Senator Roger Reitz, Chair
Senate Local Government Committee
Capital Office Room 235-E
Topeka, KS 66612

Re: Three House Bills concerning Annexation of Territory by Cities

Dear Chairman Reitz and Committee Members:

Thank you for this opportunity to provide written testimony to the Local Government Committee in opposition to three annexation bills: HB 2471, HB 2478 and HB 2029. The ability of cities in Kansas to promote and plan for orderly growth is inherent to the ultimate success of our cities and therefore our state.

It is no secret that the vast majority of counties in Kansas are depopulating and that our state's population base is congregating in and around certain metropolitan and micropolitan areas. Economically, people need to live where they can find work. As people congregate, systems must be established to adequately and equitably pay for public services. Annexation is a necessary tool to ensure public services are paid for by those benefitting from them and can be provided well into the future.

HB 2471, perhaps instigated by the actions of one city, is not good reason to change well-established public policy. More importantly, because the primary purpose of annexation is to modify city boundaries, state policy should be clear as how requirements are to be met.

State laws governing annexation are adequate in defining the requirements of cities and the role of county commissions to oversee the annexation process when cities and neighboring property owners cannot come to terms independently. State laws are respectful of the rights of property owners as well as the benefits that cities provide such as safe drinking water systems, sanitary sewer systems, and other infrastructure to support modern-day living for denser populations than are possible in rural areas. HB 2478 will change the annexation process from a carefully considered planning process that already includes a state-required service plan, into a purely political decision by the board of county commissioners.

City of Derby
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Our mission is to create vibrant neighborhoods, nurture a strong business community and preserve beautiful green spaces.

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3-8-2010

Attachment 12-1

Property owners facing annexation understandably often focus on the increased taxes rather than the benefits they have received or will receive in the future from municipal services. As proposed in **HB 2029**, an election solely involving those on one side of the issue is not as democratic as it may sound on the surface. If a vote of the people were required, it should include a much larger contingent of those actually paying the bills for public services that are available to those not paying the bills.

Regardless, an election really should not be required because the elected county commission currently decides such matters and serves as a check against a city that may occasionally get overly rambunctious. County commissioners currently weigh all sides of the issue in an open, public setting and make a determination for the good of the entire community. Sometimes they tell cities "no" and sometimes they ask us probing questions, which ensures the check and balance that the legislature intended.

The state's current annexation policy works. In fact, Kansas should be proud of its annexation laws. Our system is better than that of many states.

Thank you for your consideration of rejecting all three annexation bills.

Highest regards,

Kathleen B. Sexton

Kathleen B. Sexton
City Manager

KBS/sk

TESTIMONY

CITY OF WICHITA

Dale Goter
Government Relations Manager

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455 N Main, Wichita, KS. 67202
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Kansas Senate Committee on Local Government

Opposition testimony on HB2478

9:30 a.m. March 4, 2010

Chairman Reitz and members of the Senate Local Government Committee. Thank you for this opportunity to register the opposition of the City of Wichita to HB2478.

Current annexation laws are the product of years of debate and compromise. As such, they have served the City of Wichita well for the past several decades and continue to provide a mechanism for the orderly growth of our community.

The changes prescribed in HB2478 would undermine the current process for annexation that has served our community well during the notable growth that has taken place in recent years. Annexation will always generate some degree of controversy, and current law provides adequate safeguards to balance the interests of private landowners and local governments.

Any significant change in state statute, as would be the case with HB2478, should be prefaced by a comprehensive evaluation of all annexation issues. A strategy of "fixing" annexation with legislation that takes a piecemeal approach will only result in more harm than good to the public's interest.

The City of Wichita echoes the concerns voiced by the League of Kansas Municipalities and our fellow communities around the state. HB2478 would do more harm than good and should be rejected.

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3-8-2010

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Overland Park
Chamber of Commerce

Testimony in opposition to HB 2478

Submitted by Jennifer Bruning
On behalf of the Overland Park Chamber of Commerce

Senate Local Government Committee
Tuesday, March 2, 2010

Chairman Reitz and Committee Members:

My name is Jennifer Bruning, and I am Vice President of Government Affairs with the Overland Park Chamber of Commerce. I am submitting written testimony today in opposition to House Bill 2478 on behalf of our board of directors and our nearly 1,000 member companies.

One of the standing priorities of the Overland Park Chamber is to oppose changes to statutes further restricting a city's ability to annex unincorporated land needed for growth. Our chamber has witnessed the successful growth of Overland Park for many years, and we believe it is due in large part to the city's willingness and ability to plan strategically to accommodate the growth.

Throughout our history of development and growth, annexation has been a tool used by area cities to successfully allow our area to grow. Planning for growth is a fundamental responsibility of cities, and we believe HB 2478 will severely impact that ability by drastically changing our state's unilateral annexation laws which have been in place for over 100 years. We feel the statute as it currently reads already has the appropriate checks and balances in place to ensure proper utilization of unilateral annexation by a city.

This bill would require an extra unit of government (the board of county commissioners) to approve a unilateral annexation when, even after the city has met thorough criteria including having public hearings and creating a service extension plan. However, under current statute, any landowner who is annexed under the thorough conditions and restrictions of this statute can still challenge the annexation in court. We disagree with the proposed provision in this bill under which veto power of a proposed annexation is given to the county board of commissioners when it is the city that has the greatest interest in whether the land is annexed or not. This type of law can stifle development in our city and greatly affect the quality of life of our citizens.

The Overland Park Chamber feels that the current unilateral annexation statute already has the necessary conditions and restrictions in place to ensure that a city is making a sound decision when it moves forward with the annexation process. This bill politicizes this process by allowing a county to nix a proposed annexation if they determine that it will have "an adverse effect on the county," without even potentially

9001 W. 110th Street • Suite 150

considering the interests of the City or the region as a whole. HB 2478 presents numerous other challenges as well, including the promotion of tax inequities and promotion of tax leakage.

We believe the proposals in this bill are not sound policy, and we feel that HB 2478 hinders our city's ability to effectively manage and control the growth that is occurring in our area. We urge you to oppose HB 2478. Thank you.

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Robert W. Parnacott
Assistant County Counselor

TESTIMONY HB 2478
Senate Committee on Local Government
March 2, 2010

Chairperson Reitz and members of the committee, my name is Robert W. Parnacott, Assistant County Counselor for Sedgwick County. Thank you for the opportunity to provide this testimony.

Sedgwick County supports legislation that provides for the proper growth and orderly development of cities, while also respecting the rights of landowners in the unincorporated area to receive services from the city, if annexed, at or better than the level of services offered before annexation, particularly in light of the increase in property taxes that almost always follows annexation. Sedgwick County also supports protections for any local government units, including townships, fire districts and rural water districts that can often be negatively impacted by annexation.

Many of our cities in our county have grown in a proper and orderly manner, and have worked with landowners in the unincorporated area to bring them into the city as willing residents. Other cities in our county, unfortunately, have not acted appropriately, leading to litigation and of course, support for legislative changes like what we are discussing today.

Sedgwick County does not support legislation that would significantly increase the role counties have in the annexation process, particularly where the changes result in unfunded mandates, or which undermines the ability of counties and cities to work together on local concerns.

Thank you again, Chairperson Reitz for this opportunity to present testimony.

STATE OF KANSAS

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
EDUCATION
HIGHER EDUCATION
LOCAL GOVERNMENT

SENATE COMMITTEE ON LOCAL GOVERNMENT
CHAIRMAN – SEN. REITZ
TESTIMONY – HB 2478

This testimony is to support a change in the law regarding unilateral annexation. Unilateral annexation has been an issue of contention in Kansas for a very long time. Over 70% of my constituents live in townships, largely because they do not want to be part of a city. Under subsections (a) (1), (4), (5), and (6) of KSA 12-520, once a city touches boundaries with a landowner's property, the city may annex that property without the consent of the landowner using a simple city ordinance. (See attachment) This is an intrusion on property rights. It is taxation without representation. It is wrong, and Kansas is only one of a dozen or so states that allow the taking of land in this way.

CHANGING THE RULES

HB 2478 changes the procedure so that a proposed unilateral annexation is reviewed by the county commission. The county commission has 30 days to approve the annexation, disapprove it, or just do nothing and allow it to become law. In this way, the annexation plan is reviewed by the landowners' elected commissioners, who are also in a good position to consider the impact on the townships. It gives the landowners a voice in the process. This is a fair approach and is less costly than previous proposals for a vote of those being annexed or an annexation study commission.

WHAT DOESN'T CHANGE

This bill does not impact annexations that are done at the request of a landowner or developer. It does not impact annexations like the recent ones by Overland Park that are done under K.S.A. 12-1521. Large area annexations that include land not bordering the city and "island" annexations already require review by county commissions.

WE'VE BEEN HERE BEFORE

Over twenty years ago the Legislature recommended a boundary commission process to give landowners a voice in unilateral annexation situations, but no bill was passed. Finally, bills passed in 2003 and 2004 attempted in different ways to limit unilateral annexation. Those were both vetoed by the Governor because they included only one or two counties and did not apply statewide. However, their passage demonstrates that the Legislature supported the idea of giving the people a voice in the annexation process. In 2005 and 2006 we were successful in

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getting some additional requirements added to city annexation plans, but did not get any substantive changes to the process itself. All of the decisions on unilateral annexation are still made by one party – the city. It's time to finish what the legislature started twenty years ago.

ACTION DURING RECENT SESSIONS

In the 2008 session, the House passed HB 2978 on a vote of 90 to 35. This bill required county commission approval of unilateral annexations and changed guidelines on county commission review of annexations once passed. The bill was not heard in the Senate. In the 2009 session, the House passed the same concept as HB 2478 under two different numbers – HB 2032 and House Substitute for SB 204. The Senate did a "gut and go" on HB 2032. SB 204 is sitting in the Senate Federal and State Affairs Committee. HB 2478 passed the House this year with a vote of 94 to 28, even garnering votes from Johnson County representatives. We are appreciative of this hearing and hopeful the Senate will agree it is time to protect property rights.

ANNEXATION – AS BIG AS YOU THINK

I sensed last session that some legislators felt unilateral annexations were not a big deal and should be left alone. In reality, unilateral annexations can be quite extensive in scope. A copy of a unilateral annexation map proposed in Topeka in 2004 is attached. The City of Topeka's annexation plans were the driver for much of the annexation legislation in recent years. The city tried unsuccessfully in 2002 to annex 54 acres in southeast Shawnee County with about 3,000 residents. In 2004 another plan was developed to annex about 21,000 acres and about 18,000 residents. It is possible to unilaterally annex such a large area because KSA 12-520 (g) allows for consolidated annexations. A city can consolidate into one ordinance a number of what otherwise might be individual annexations. They start with the area that borders the city. Then when that is annexed they annex the area that borders the area just annexed. The City of Topeka's 2004 plan was such a "consolidated" annexation. That annexation proposal was put on hold in 2005, but it was bigger than any bilateral annexation proposed in Johnson County in recent years. Unilateral annexations are a big deal. They're a big deal even if there is only one property being taken – and it's your property.

TWENTY YEARS IS ENOUGH TO DELIBERATE

It was suggested last year that we are moving too fast on this issue. I contend we could not drag it out longer if we tried. There is nothing more basic than property rights. If you look at other corresponding processes – like consolidation, incorporation, or expansion of city codes – a vote or protest process is provided. Yet Kansas continues to be one of the few states that clings to the unilateral annexation process for "growing" its cities.

Others say that we should not fix something that isn't broken – that the process works. Yes, it works well for cities that don't want to be bothered with those pesky landowners who would like something more than a tax increase and a list of services they will no longer receive once annexed. But it doesn't work worth a hoot for those landowners. In fact, the only folks I've met who were angrier about unilateral annexation than those about to be annexed are those who have already been annexed and are still waiting for services. You can visit with the residents of Highland Park in east Topeka who are still waiting after 50 years.

THE MYTHS ABOUT CITY GROWTH

Cities need a plan for orderly growth. However, many times citizens being annexed feel as though their concerns are not heard. They have concerns about fire and police protection, road maintenance, their water districts, the future of their townships, and the ability of the city to deliver services in a timely manner. And why should cities listen? They hold all the cards in this rigged game. When cities learn to look for partners rather than prisoners, they will face less opposition and learn to grow with, not in spite of, township residents.

I'm sure when opponents testify, they will contend HB 2748 will be the "end of city growth". That is a myth. If that were true, then cities in most other states would be in trouble. What this bill does mean is that the playing field will be leveled. Cities will have to more thoughtfully consider the full impact of the proposal, because annexation can be a double-edged sword. In fact, the last time the City of Topeka tried to annex my neighborhood, the fiscal note showed that it would cost the city more than it would gain in new tax revenues. If I were a Topeka city resident, I would be upset that the city would opt to spend money to annex a new area when it cannot take care of the space it has.

A REASONABLE SAFEGUARD

Last year there was a comprehensive annexation bill involving the kinds of annexations found in 12-521. That bill was vetoed by the Governor, but in his veto statement, he said, "the current requirement for a county commission to approve a city's proposed annexation of property in the unincorporated county provides a safeguard for unreasonable annexation attempts." Now is the time to extend that reasonable safeguard to unilateral annexations as well.

CONCLUSION

You have before you a number of letters from residents and officials supporting this bill. They contain radical notions like concerns for rights of the governed, property rights, and taxation without representation – issues as old as the nation itself. It's time to pay attention to the rights of the minority living in townships. That is our job in a representative republic.

When you have lived outside a city for 20, 30, or 40 years, it is unconscionable to allow a city to take your home inside its boundaries without your permission. Cities can learn to be partners with township residents, but today they have no reason to do so. Allowing review by the county commission gives the people a voice in the process.

I am asking the Committee to support the concepts of HB 2478 as passed by the House three times already. It is a common sense solution to a problem that has continued far too long.

Kansas Legislature

12-520

Chapter 12.--CITIES AND MUNICIPALITIES
Article 5.--ADDITIONS, VACATION AND LOT FRONTAGE

12-520. Conditions which permit annexation; ordinance; severability of ordinance where annexation invalid. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) 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.

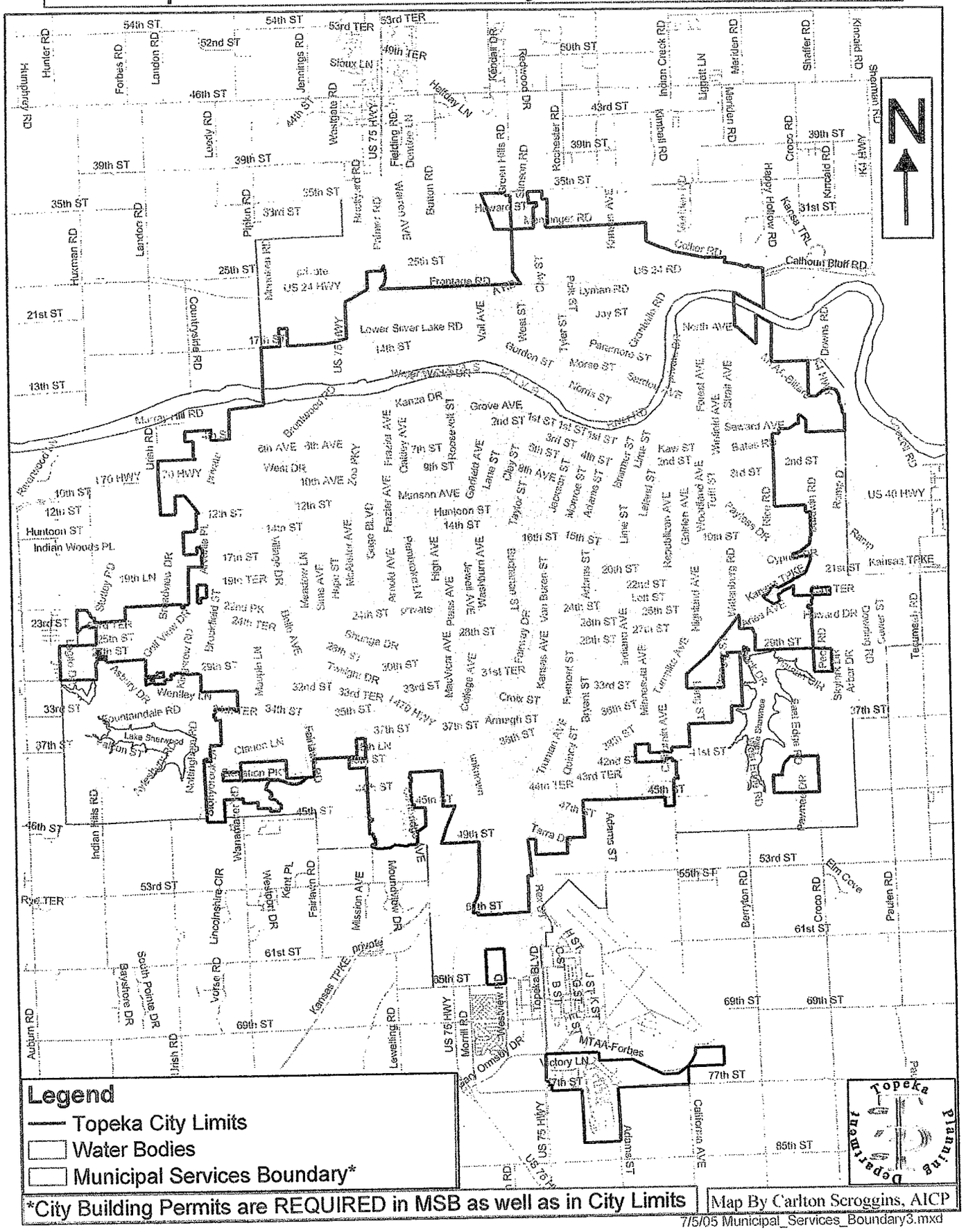
(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides

thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

History: L. 1967, ch. 98, § 2; L. 1974, ch. 56, § 4; L. 1980, ch. 62, § 1; L. 1986, ch. 70, § 2; L. 1987, ch. 66, § 2; L. 1993, ch. 147, § 1; L. 2005, ch. 166, § 11; L. 2005, ch. 186, § 6; L. 2007, ch. 142, § 1; April 26.

Municipal Services Boundary & Topeka City Limits



H.B. 2478

Time: 4 minutes
Presenter: Kelly Parks **Home Phone: (316) 755-2757**
Address: 8005 N. Hoover
West Valley (Unincorporated) 67147

Thank you for allowing me to address your committee today. Some of you may remember me from the last two years, for those of you that do not, I'm Kelly Parks. My occupation happens to be a County Commissioner from Sedgwick County, HOWEVER, I am not here today representing that body. I have been asked to speak for about 300 inhabitants from the area just to the West of Valley Center, being the community of West Valley, whose attempt to become a City of the third class last year was denied by the SGCO Board of County Commissioners on a 2 to 3 vote. As you may assume, and rightfully so, there was unilateral annexation planned by the City of Valley Center to wit: the residents in our area came out in numbers against.

I come today that his has a chance to finally get to the floor for a vote. I am testifying as a proponent of this bill only as it could be a first step in burying this outdated and archaic law that only two states in the nation have left in state law. Lawmakers in 48 states have seen the terrible injustice in forced annexation, and have enacted laws to protect those people who have no other elected voice than their state legislature. Many of you would look to this bill and say that the county commission could be their voice. However, as we both know, many times opponents of such a bill come from City councils, and those city council members frequently run for state representative positions as well as county commission seats. Therein lies the problem. The sheer numbers and power positions are often overlooked with the victims of forced annexation with very little projection afforded. When I was here 2 years ago, I saw quite a pony show from Overland Park. Their community had a service plan that was about 30 pages in length. I show you one from Valley Center that is one sheet front and back. APPENDIX A.
Those people in this area will get a hearing this year on what? One page that is a disgrace for service. One landowner checked to see what it would cost for sewer and water to be provided across a natural boundary of a river, and was told $800,000 for water One mission for sewer. I have seen a copy of that letter. Please stop this injustice in our state law now, by passing a COMPREHENSIVE annexation law that protects the right to own property by rural citizens.

I stand for any questions and feel free to contact me at the numbers or addresses provided. Kelly Parks

State of Kansas
Senate Chamber

ANTHONY HENSLEY
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE, DOUGLAS & OSAGE COUNTIES

HOME ADDRESS:
2226 S.E. VIRGINIA AVENUE
TOPEKA, KANSAS 66605-1357
(785) 232-1944—HOME

E-MAIL
ANTHONY.HENSLEY@SENATE.KS.GOV

Office of Democratic Leader
STATE CAPITOL, ROOM 345-S
TOPEKA, KANSAS 66612
(785) 296-3245
FAX (785) 296-0103

COMMITTEE ASSIGNMENTS
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INTERSTATE COOPERATION
MEMBER: LABOR EDUCATION CENTER ADVISORY COUNCIL
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LEGISLATIVE HOTLINES
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TTY (785) 296-8430

STATEMENT IN SUPPORT OF HB 2478
By Senator Anthony Hensley
March 8, 2010

Chairman Reitz and Committee Members:

I would like to voice my strong support for House Bill 2478, which would require a city to get the board of county commission's approval if the city wishes to annex land pursuant to certain circumstances provided by K.S.A. 12-520.

Currently, Shawnee County has no control over unilateral annexations, which take place without the consent of county commissioners or affected landowners living near the city of Topeka.

As a lifelong resident of Topeka, and legislator for 34 years, I know that these kind of involuntary annexations too often divide a community and involve significant tax increases for those property owners being annexed. Homeowners have absolutely no say in the process. If this is not taxation without representation, I don't know what is.

In plain words, unilateral annexation allows a few to decide what is best for thousands. As a state, we must change our system so that the voices of landowners are heard and their rights are considered the highest priority.

To ensure responsible practices are followed, the legislature must require the county commission's approval of any annexation.

While we must continue to promote economic growth in our state, we must first and foremost respect the important rights of property owners. I urge you to support House Bill 2748.

Senate Local Government
3-8-2010

Attachment 1B-1

Ann Mah

SENATE COMMITTEE ON LOCAL GOVERNMENT

AS TREASURER FOR TECUMSEH TWP I CAN TELL YOU THAT WE HAVE BEEN ABLE TO HOLD OUR MILL LEVY THE SAME FOR THE PAST 10 YEARS I HAVE BEEN ON THE BOARD WITH ONE EXCEPTION OF SMALL INCREASE BACK 4 YEARS AGO.THIS IS POSSIBLE BECAUSE OF THE BROAD SPREAD OF TAX BASE WITH A LARGE AMOUNT COMING FROM OUR SUBDIVISIONS AND COST CONTAINMENT OF EXPENSES.OUR ROAD CREW DOES AN EXCEPTONAL JOB OF MAINTAINING OUR STREETS AND ROADS AND ESPECIALLY CLEARING THEM OF SNOW.WE PROVIDE SERVICE THAT THE CITY WOULD NOT BE CAPLE OR ABLE TO DO.OUR COUNTY COMMISSIONERS ARE ABLE TO SEE WHAT OUR TOWNSHIP IS DOING AND WOULD BE ABLE TO RENDER SOUND JUDGMENT IF ANNEXATION WOULD BE BENEFICAL TO COUNTY CITIZENS.I ENCOURAGE THE PASSAGE OF HB 2478 FOR THE PROTECTION OF THE RIGHTS OF OUR CITIZENS.THANK YOU.

EDGAR PECK,TREASURER,TECUMSEH TOWNSHIP.

Senate Local Government
3-8-2010

Attachment 19-1

To: Senate Local Government Committee
Re: HB2478-Annexation Bill
From: Robert and Diana Gay
3812 SE 23rd Terr.
Topeka, Kansas 66605

Dear Committee:
We have been a home owner in the Bellhaze Subdivision since 1975. My wife and I taught in the Shawnee Heights school district USD 450 since 1973.

We enjoyed living in the county for a number of various reasons.
One major difference we see in the county is the care of the roads and streets. Our streets are cleared before we get up in the morning, making the drive to work not only possible but safer. Our granddaughter lives in the city and had to miss work this past winter because her streets were not cleared for several days. When we have a pothole in the street, it seems that county maintenance is there fixing it almost before we call it to their attention. The services in the county far excel those in the city.

I was raised in the Oakland community and I saw first hand how the east side of town seemed to get second rate service, a primary reason for moving out of the city limits.
It is so important to have a voice in the annexation process because the elected officials are there for the people. We would come to the meeting but we are out of state at present.
Thank you for your consideration and the opportunity to voice our opinion.

Robert M. Gay Sr.
Diana R. Gay Sr.

Ann Mah

To: John Deckert
Subject: RE: Annexation

SENATE COMMITTEE ON LOCAL GOVERNMENT

TESTIMONY HB 2478

From: John Deckert [mailto:jdeckert@cox.net]
Sent: Thursday, March 04, 2010 8:51 AM
To: Ann Mah
Subject: Annexation

Thank you for proposing Legislation that protects our rights to choose where we want to live. As you know, people don't make decisions on purchasing a home lightly. For most of us, it's the most costly commitment we'll ever make.

Many factors go into choosing a home, but the realtors are correct, in the end it comes down to location, location, location. Obviously if we wanted our location to be within city limits and receive city services, we'd choose that. If we are willing to forgo city services to live in the county, we choose that as well.

Therefore, it hardly seems fair or appropriate for cities to get to "take us over" when we've become valuable to them. Just because it turns out Denver would have been a plus for our tax base, having lost the opportunity to include it in our state's borders, we can't decide that we need to annex it now - because Kansas needs more money. Cities should not be allowed to expand their borders without the consent of people living or owning property getting to make that choice.

I think it comes down to a fundamental American principal - respecting the consent of the governed.

Carla Deckert

Senate Local Government
3-8-2010

Attachment 21-1

To whom it may concern

I am writing this letter in favor of the HB 2478.

As a resident of the county I have been faced with the situations where the City was trying to fast track annexation, while there were some very passionate meetings for residents to express concerns over the loss of services, we were never given the opportunity for our voices or those of our County Commissioners to be taken into consideration in such plans.

I believe there could be advantages to annexation, (although I could not enumerate them now), in the future but I also believe that it should be an event that takes the voices and concerns responded to from those affected, and that it was I believe the intent of this bill is.

Again please accept this correspondence as a letter of support for the bill.

Thank you for your time.

Sincerely,

John L Garretson II
3421 SE Peck Rd
Topeka Ks 66605

Ann Mah

SENATE COMMITTEE ON LOCAL GOVERNMENT

I believe that we the citizens of Kansas including tax paying propterty owners within District 53 have the constitutional right to be included in any changes of our property taxes. We must have representation. The county taxpayers do pay taxes now to support the county jail also used by the city, the county health department also used by the city, the county-city public library and the Washburn University, along with other amenities. Our sales taxes in the county are used both city improvements. I urge your approval of HB2478.

Respectfully,

Reverend Thomas R. Henstock
honorably retired

4341 s.e. 26th Terrace
66605-2025.
in District 53

Senate Local Government
3-8-2010

Attachment 23-1

March 4, 2010

To: The Senate Local Government committee,

Due to uncontrolled circumstances I am unable to attend the hearing on HB 2478 in person.

I think the passing of HB 2478 is very important. It gives the people or sub-divisions a voice in the process. It is also of my opinion that any annexation should have approval of the board of County Commissioners' representing the people being annexed. This gives people involved a voice in the annexation process.

Pass HB 2478

Thank You,

Gail E. Laughlin
3100 SE Burton
Topeka, KS 66605

SENATE COMMITTEE ON LOCAL GOVERNMENT
TESTIMONY ON HB 2478

I'm Onis L. Lemon Treasurer of Mission township here in Shawnee county Kansas. I would like to speak in favor of H. B. 2478 that gives the County commissioner's the power to weigh in on unilateral annexation issues. This would provide a review of weather the annexation is necessary by the City. Most people who are being annexed feel that they have no representation in going up against the big city government. By letting the County commissioner's have a say in the procedure would add credence to what ever the outcome would be. At least with this bill the people facing annexation would have someone who would listen to their reasons for not wanting to be a part of the City. I would hope you can and will support H. B. 2478. Thank You.

Onis L. Lemon
Treasurer, Mission Township
Shawnee County Kansas.

Senate Local Government
3-8-2010

Attachment 25-1

March 4, 2010

Steve Christenberry
8501 SE Shawnee Heights Road
Berryton, Kansas 66409

Senate Local Government Committee
State Capitol

RE: HB 2478

Dear Senators:

I understand that the Committee is hearing HB 2478, a bill relating to annexation of property by cities, on Monday, March 8th. I am a property owner in Shawnee County, as is my father, who lives just east of Lake Shawnee on 29th Street, and I have been concerned for several years about the city of Topeka's ability to unilaterally annex property outside the existing city limits. This bill would require the Board of County Commissioners to either approve or veto an annexation resolution.

I support this bill, and urge you to support it as well.

Sincerely,

Steve Christenberry

SENATE COMMITTEE ON LOCAL GOVERNMENT
TESTIMONY HB 2478

Dear Legislators:

I am in favor of and would appreciate your support and vote for House Bill 2478, the annexation bill presented by Ann Mah. This bill allows the county commission to review city plans to do unilateral annexation. The county commission would have 30 days to approve or veto the annexation. I feel that the county commission would represent the interests of Shawnee County residents, such as myself and my neighbors, who do not currently have a voice in annexations that the city proposes for county residents.

It is important and a basic right that county residents have a say in this process.

Thank you for your consideration.

Sincerely,

Cindy Schlink
5240 SE Dupont Road
Berryton, KS 66409

Senate Local Government
3-8-2010

Attachment 27-1

Dennis F. Schwartz
5441 SE 45th Street, Tecumseh, KS 66542

COMMENTS IN SUPPORT OF HOUSE BILL 2478

Honorable Chairman and Members of the Committee:

The annexation of lands by a city has significant effect on many landowners as well as other local governmental entities. By it's very nature unilateral annexation requires a decision only by the annexing body and may be totally without regard for the interests of those landowners or other units of local government.

It is apparent by the significant amount of time that this issue has demanded of the Kansas Legislature that there is notable dissatisfaction with the law as it currently stands.

It is most logical that there should be at least some oversight by elected officials representing affected landowners and local governmental units.

Please consider giving favorable consideration to the advancement of House Bill 2478.

Respectfully submitted,
ss Dennis F. Schwartz

Senate Local Government
3-8-2010

Attachment 28-1

2731 SE Peck Road
Topeka, Kansas 66605

March 4, 2010

Dear Representative Ann Mah:

I am writing regarding HB 2478 concerning unilateral annexation. Those of us in the areas affected by the bill have important concerns if it fails to pass.

A classic example is the Topeka's attempt to unilaterally annex a selected portion of the Shawnee Heights area. It was defeated by concerted citizen action. The reasons are patently obvious. It was plain for all to see that the City gerrymandered the area to select only the heavily populated residential portion. This was purposeful in order to acquire the most tax revenue, without committing to the expense of serving the remainder.

When the City attempted that unilateral action, its legally required cost estimate, allotted **ONLY** seven hundred dollars for a full year of snow removal. That included Croco Road from 25th street up to, and including 29th street, and all of the cross streets. This is proof the City **HAD NO INTENTION OF PROVIDING ADEQUATE SNOW REMOVAL**. That is also borne out by the City's own miserable snow removal record. They make no attempt at clearing the side streets, with bus routes being the exception. An example of the problem for citizens is the Aquarian Acres area. When heavy snow occurs delivery companies will not serve the area.

Unless, and until, an annexing unit such as the City of Topeka **can and does provide at least minimally adequate services within its own boundaries it should be prohibited** from gobbling up others without their approval.

Respectfully yours

Gene E. Wolfe

Senate Local Government
3-8-2010

Attachment 29-1

CITY STREETS

City streets in such disrepair
Potholes almost everywhere
'Tis the condition we fear
At this time every year

So many challenges to face
Looking for an even place
To get through without a jar
That will shake our car

Constantly dodging to and fro
Avoiding at least the potholes that show
Concentrating with so much force
Driving through every obstacle course

Challenges seem to mount a lot
Looking for that illusive even spot
Hoping to avoid frustrating care
Just to get from here to there

Constant repairs are being made
To fix the holes in the grade
It always seems to overwhelm
The crews and those at the helm

We fight the annual battle
Hoping our cars won't rattle
If next year isn't better for us
We'll all be riding the city bus

Gene Wolfe

Hello Ann,
I am just one of thousands who have been annexed without any rights, representation or recourse. As you know only Kansas and Nebraska allow local governments to annex without the property owners approval and I hope you understand that is borderline unconstitutional..... We are currently paying high taxes and getting nothing for it. No services. Our Sedgwick County Commission recently found the city of Haysville delinquent for not providing services according to their Service Plan.

We even petitioned the city, got the city council to de-annex us for all the reasons listed above and the Mayor, Bruce Armstrong at that time vetoed the council's decision. This is outragous.

Please help folks like us. If you need more specifics, I would be glad to visit with you.

Thank you...

Chuck and Pam Tilson
6940 S. Broadway
Haysville, Ks 67060
Home - 316-522-6976
Cell - 316-304-5346

SENATE COMMITTEE ON LOCAL GOVERNMENT
TESTIMONY HB 2478

Much thought and energy is expended by everyone who purchases a home. It is, for most of us, the most expensive purchase we make. If one chooses to purchase outside of a city, the city should not be able to annex that property, unless the residents agree to be annexed. If people want to live in the city they would have purchased within the city limits.

One of the principles upon which our country was founded was 'consent of the governed' If people consented to be governed by a city they would have purchased their home in that city. The state should not allow any city to unilaterally annex.

Thank you,
Ann C Albers
Topeka, KS

From: Delbert R Tuttle
04 Mar 10
Subject: HB 2478 - Annexation Bill
To: The Senate Local Government Committee

Sirs.

I appreciate my State Representative Ann Mah for submitting a Bill to allow Shawnee County authorities to review and receive public comments on all future annexation proposals.

My wife and I are deeply opposed to any annexation of our Tecumseh neighborhood to the city of Topeka Ks. We feel that our state and city of Topeka taxes are adequate to support our use of Topeka streets and their facilities.

Tecumseh has an excellent street program that maintains the roads during both summer and winter months. This service is superior to anything that Topeka could or does offer. Our roads are kept passable while Topeka's streets remained covered and nearly impassable until the snow melts. Topeka is known as the Pot Hole Capital that is a disgrace to itself and the entire surrounding community.

Furthermore, we have Sheriffs - Fire departments that response to all situations without delay.

We have no desire to have a change from the privileges that we now have and enjoy

Topeka needs to get their own house in order without imposing on surrounding community's for their assistance.

Thanks and Regards:

Signed

Delbert and Evelyn Tuttle

2445 SE Cuvier St.

Tecumseh Ks.

66542

Senate Local Government
3-8-2010

Attachment 32 - 1

Larry Ann Mah

Representative Ann Mah
State Capitol
Topeka, Kansas

Dear Representative Mah, it is my understanding that there will be a Senate Local Government committee hearing on your unilateral annexation bill, HB 2478 on Monday, March 8, 2010.

After reviewing the content and purpose of this bill, I wholeheartedly endorse the passage of this bill, and hope you will be able to relay to the Chairman of the Senate Local Government Committee, not only my feelings, but the overwhelming support within our neighborhood for this bill.

Without a say in our government, we have no government, only tyranny.

Donald E. Mathers
2930 SE Skylark
Topeka, KS 66605-2178
(785) 267-2645

Senate Local Government
3-8-2010

Attachment 33-1

March 4, 2010

To The Senate Local Government Committee:

We are writing to support HB 2478 because it is very important to give citizens a say in the process concerning annexation.

Having lived in both Southeast Topeka and Southeast Shawnee County for 53 years and in observing previous approaches by government to annex sections without giving citizens input, I've observed that this has created ill will and dissatisfaction. Our understanding of this HB 2478 is that it provides people with a say in the process.

We support HB 2478!

Mrs. Linda Noland-Criqui and Mr. Robert L. Criqui

Ann Mah

To Whom It May Concern:

My name is Kelly Stites and I live in Auburn, KS. I would like to express to you my views about unilateral annexation. I believe it is in everyone's best interest to allow the county and the people affected by an annexation have a say about whether it is "best". It will allow everyone the opportunity to look over the proposal and make an informed decision.

It is my hope you will consider this bill carefully. As constituents, we look to you to make decisions that will be in our best interests. We also expect to have our opinions considered as well because the decisions you make directly and sometimes indirectly affect our daily lives. I thank you for the opportunity to have my voice heard and look forward to your decision.

Respectfully,
Kelly A. Stites

Senate Local Government
3-8-2010

Attachment 35-1

Ann Mah

SENATE COMMITTEE ON LOCAL GOVERNMENT
TESTIMONY HB 2478

Ann- I think it would have an enermous impact if county was not able to consider such action, as townships are in county and we
rely on them to oversee such things. Our townships do a good job of keeping roads up and etc. and this is very important to the
people who live in county. I will watch this very closely to see how this bill turns out as it has a very important effect on our township
and all other townships. Thank You.

Carol Trimble, Trustee for Topeka Township.

Senate Local Government
3-8-2010

Attachment 36-1

Midway Sales & Distributing, Inc. d/b/a
MIDWAY WHOLESALE
Topeka • Salina • Lawrence • Manhattan • Elwood • Kansas City • Wichita

March 8, 2010
TESTIMONY TO SENATE LOCAL GOVERNMENTCOMMITTEE
ON HOUSE BILL 2478

By Ken Daniel
Chairman, Midway Wholesale
Director of Governmental Affairs, Topeka Independent Business Assn.

Kenneth L. Daniel is an unpaid volunteer lobbyist who advocates for Kansas small businesses. He is publisher of KsSmallBiz.com, a small business e-newsletter and website. He is Chairman of the Board of Midway Wholesale, a business he founded in 1970.

Mr. Chairman and Members of the Committee:

We would like to speak in support of House Bill 2478. Midway is not opposed to annexation, but we are concerned when citizens can have their property rights or property confiscated without their consent.

Since 1970, all population growth in Shawnee County has been outside the city limits of Topeka. Our company needs to sell building materials to survive, and needs residential development both inside and outside the city to thrive.

Our preference would be that a consent election be held in the area of the proposed annexation. In lieu of such an election, the approval of the county commission at least gives the property owners in the area of the proposed annexation a fighting chance if they oppose the annexation.

Many of the areas outside the cities have a substantial investment in the townships in which they are located. The annexation of a portion of one of these townships can have a significant detrimental affect on the remaining property owners or even destroy the ability of the township to survive.

Please vote to enact House Bill 2478.

KANSAS FARM BUREAU
The Voice of Agriculture

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785-587-6000 • Fax 785-587-6914 • www.kfb.org
800 SW Jackson St., Suite 1300, Topeka, Kansas 66612-1219 • 785-234-4535 • Fax 785-234-0278

PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON LOCAL GOVERNMENT

RE: HB 2471 & 2478; Restrictions on annexation

March 2, 2010

Submitted by:
Terry Holdren
KFB Government Relations

Chairman Reitz and members of the Senate Committee on Local Government, thank you for the opportunity to share the policy developed and adopted by our members. I am Terry Holdren, National Director – Government Relations at Kansas Farm Bureau. As you know KFB represents farmers, ranchers and rural residents totaling more than 110,000 who live and work in each of the states 105 counties.

KFB members continually express a great deal of concern regarding the practices of cities seeking to annex surrounding lands. These practices have numerous negative consequences for agricultural operations and rural landowners, including but certainly not limited to financial impacts on land values and homeowners who will undoubtedly face higher tax bills for services they may not receive benefits from.

Annexation has significant impacts on rural water districts, fire districts, electric cooperatives and townships, many of whom have developed, and bonded, infrastructure projects to provide services to the residents living within their boundaries. It's these units of government that will face extreme hardship in continuing to serve their remaining populations and in meeting their financial commitments for infrastructure improvements.

Our member adopted policy favors annexation only after a majority vote of the residents of the area to be annexed. Our policy also supports the current law requiring cities to follow additional procedures and submit to a review of the reasonableness of their action. We also strongly support the prospect of ending the misguided practice of strip or snake

annexation, used primarily to allow cities to "reach" desirable or high-value properties and to add those parcels to their tax roles.

We would submit that there are reasonable restrictions that can be placed on cities to ensure that rural residents and service providers are protected in the annexation process. The proposal before you today in HB 2478 requiring County Commission review of some types of annexations provides an opportunity to strike that kind of balance and we also support that measure.

Thank you once again for the opportunity to comment on this issue. We respectfully ask for your favorable consideration of both of the bills before you today and stand ready to assist as you seek solutions for all Kansans.

For more information please contact:

Terry Holdren
Kansas Farm Bureau
800 SW Jackson, Suite 1300
Topeka, KS 66612
785.234.4535
holdrent@kfb.og

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.