

To: House Local Government

From: Amanda L. Stanley, General Counsel

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RE: Opposition Testimony for HB 2580

I want to thank Chairman Thompson and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in opposition to HB 2580. HB 2580 eliminates a city's power of unilateral annexation. This bill is extremely broad with far reaching consequences.

Unilateral annexation is most often used by cities that have grown in a way that leaves a pocket between land inside the city limits on three sides. Without unilateral annexation, these pockets would remain surrounded by the city limits but without any of the obligations of living in the city. The residents will benefit from city services while avoiding most of the cost of providing those services. These necessary services include the roads surrounding the property and emergency service costs for fire, police and EMS. Without unilateral annexation, a single property owner, completely surrounded by city on all sides, could refuse to be annexed "just because." This creates an unsustainable system. Officers will have to know which random houses are not inside the city where they have no jurisdiction to respond to calls. When selling houses, real estate agents will have to make clear to their clients if a neighbor's house is "outside the city" so buyers can take that into account when evaluating homes. Buyers should know that their neighbor is under no obligation to follow noise ordinances, animal ordinances, or even the same rules for fireworks--or that the neighbor pays no city property tax but takes advantage of all the city services paid for by his fellow neighbors.

Unilateral annexation helps prevent the purposely planned new development of major subdivisions immediately attached to the city limits made up of individuals who want all the benefits of living in the city but do not want to contribute towards the services in the form of property taxes.

There are already significant limitations and guardrails preventing the abuse of unilateral annexation. Unilateral annexation is limited to 21 acres and can only be used on certain types of land these include platted land which adjoins the city, city owned land, land that lies within the city and that has a common perimeter of more than 50%, and land not to exceed 21 acres which

will make a city's boundary line straight or harmonious. There are valid public purposes to each of these types of land. Other types of land such as certain agricultural land, improvement districts, highway right-of-way land and narrow corridors of land to gain access to noncontiguous corridors of land are specifically excluded from being unilaterally annexed.

A city must show it can extend services to the area proposed to be annexed. Following the preparation of the service extension plan, the city must determine the advisability of the annexation at a public hearing held at a time convenient for the greatest number of interested persons. Individualized notice must be mailed to each of the property owners to be affected by the annexation. In considering the advisability of the annexation, the city must consider 16 separate factors including (1) Extent to which any of the area is land devoted to agricultural use; (2) area of platted land relative to unplatted land; (3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed; (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries; (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed; (6) extent of business, commercial and industrial development in the area; (7) present cost, methods and adequacy of governmental services and regulatory controls in the area; (8) proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services; (9) tax impact upon property in the city and the area; (10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources; (11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts; (12) existing petitions for incorporation of the area as a new city or for the creation of a special district; (13) likelihood of significant growth in the area and in adjacent areas during the next five years; (14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan; (15) economic impact on the area; and (16) wasteful duplication of services.

It is only after consideration of all 16 factors, that a city can proceed with the annexation.

Unilateral annexation is being responsibly used as cities expand. It is a complicated process that is not entered lightly. Even if this power is eliminated, growth will continue to naturally occur in the areas adjoining cities. This will result in confusion and duplication of services between the city and the county.

For these reasons, the League asks this Committee not recommend HB 2580 favorably for passage.