

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2178

As Amended by Senate Committee on Local
Government

Brief*

HB 2178, as amended, would vacate lots in the City of Americus and amend law regarding the vacation of streets.

City of Americus

The bill would vacate lots dedicated for a college and a park in the original town plat of the City of Americus from that dedication. The bill would also confer fee simple titles to the lots to the City of Americus, of which the city's governing body could dispose of at its discretion.

Vacation of City Streets

Time Limit for Challenge of an Ordinance

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

Authorization

The bill would amend a statute to remove redundancy with continuing law and make conforming changes. Continuing laws (KSA 13-334, 14-423, and 15-427) provide

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

processes for local governments to request street vacations based on a city's classification.

The bill would authorize cities to utilize the process of the bill by following the notice and public hearing requirements established in the bill.

Public Hearing

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

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

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

Background

The bill was introduced by the House Committee on Local Government at the request of Representative Schreiber.

[*Note:* HB 2178 contains provisions identical to 2020 HB 2509, as recommended by the House Committee on Local Government. The Senate Committee added the amended contents of SB 88 as passed by the Senate.]

HB 2178 (City of Americus)

House Committee on Local Government

In the House Committee hearing, Representative Schreiber and a representative of the League of Kansas Municipalities (LKM) provided **proponent** testimony the bill. The proponents stated the bill was necessary to allow the City of Americus to use the land for other purposes.

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

Senate Committee on Local Government

In the Senate Committee hearing, Representative Schreiber and a representative of the LKM provided **proponent** testimony on the bill. Written-only proponent testimony was provided by the mayor of the City of Americus. The proponents stated the bill is necessary to allow the City of Americus to use the land for other purposes.

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

The Senate Committee amended the bill to add the amended contents of SB 88 as passed by the Senate with an amendment to authorize a city to initiate vacation of any public reservations by following the notice and hearing provisions in the bill.

SB 88 (Vacation of City Streets)

SB 88 was introduced by the Senate Committee on Local Government at the request of a representative of the LKM.

[*Note:* In sections 2 and 3, SB 88 as introduced contained provisions the same as those of 2020 HB 2583 as it passed the House, with the addition of authorization for cities to initiate and utilize the process in the bill.]

Senate Committee on Local Government

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the LKM. The proponent generally stated the purpose of the bill is to provide a statutory process easier for local elected officials and citizens to understand than the current processes in statute for each class of city.

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

House Committee on Financial Institutions and Rural Development

The House Committee amended SB 88 to remove its contents as introduced and insert the contents of HB 2429, regarding a city utility low-interest loan program. The House Committee recommended these contents as House Sub. for SB 88, which was enacted.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the HB 2178, as introduced, the LKM indicates enactment of the bill would have a fiscal effect only on the City of Americus.

According to the fiscal note on SB 88 as introduced, the Office of Judicial Administration states enactment of SB 88 could increase the number of district court cases and thus, the docket fees collected. However, an estimate of the additional revenues could not be estimated. The LKM stated the bill would have no fiscal impact on municipalities.

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

Local government; vacation; Americus; Kansas city plat; fee simple title