

TESTIMONY BEFORE THE HOUSE STANDING COMMITTEE ON LOCAL GOVERNMENT

February 2, 2012

HB 2546

HORTON ARMORY; AUTHORIZATION TO CONVEY TO CITY OF HORTON

Kevin M. Hill, Horton City Attorney

BACKGROUND ON THE HORTON ARMORY The 130th Field Artillery, 2nd Battalion was originally constituted in the State of Kansas in 1917. B Battery of the 130th Field Artillery, 2nd Battalion has been headquartered in the Browne Memorial Armory in Horton, Kansas since 1954. Unlike the majority of armories in the State of Kansas that are located on land donated by a municipality, the real property upon which the Horton Browne Memorial Armory was built was conveyed by a private citizen on June 22, 1953.

STATEWIDE CLOSURE OF ARMORIES As this Committee is aware, the State of Kansas closed several armories throughout the State of Kansas in 2010. Among the closures was the Browne Memorial Armory in Horton, Kansas. The deed originally conveying the Horton property to the Kansas Military Board was from a private individual and did not contain a reversionary clause wherein the property would revert to the City of Horton, Kansas if the armory ever ceased being used by the Kansas Military Board. Accordingly, title still resides with the Kansas Military Board, despite the fact that the Armory closed in 2010 and the Kansas Military Board has essentially abandoned the property.

CURRENT STATUS OF THE HORTON ARMORY Due to the lack of a reversionary clause in the deed that originally conveyed the Horton Armory property to the Kansas Military Board, the Kansas Military Board entered into a 99 year “no rent” lease with the City of Horton, Kansas on July 15, 2010. The lease provides that all repairs to the structure are the responsibility of the City of Horton, Kansas but that any improvements must have the written consent of the Kansas Military Board. Additionally, the City of Horton, Kansas is not authorized to sublease any portion of the building, including the gymnasium, to any group that is not a “qualified non-profit group.” The lease agreement further provides for the Kansas Military Board to “enter and inspect the premises” to insure compliance by the City of Horton with the terms of the lease.

WHY HB 2546 IS GOOD FOR THE STATE AND HORTON The current lease agreement between the City of Horton and the Military Board contains inspection and monitoring provisions on the part of the Kansas Military Board for a period of 99 years. As a January 27, 2010 letter from Major General Tod M. Bunting to the legislature made clear, the closure of armories was advanced to save money for the State. Said letter indicated that the Kansas Military Board intended for title of all of the closed armories to be transferred to the communities in which they were situated. Because of the uniqueness of the initial property conveyance for the Horton Armory being from a private individual instead of the City of Horton, no reversionary clause existed in the deed that would provide for an automatic transfer of title from the Kansas Military Board to the City of Horton, Kansas. As the Kansas Military Board lacks the legal authority to transfer real estate without the authorization of the legislature, this bill is necessary to carry out the wishes of both the Kansas Military Board to divest itself of all responsibility for the Horton Armory and the City of Horton, Kansas to obtain title to the same and free itself from the unnecessary restrictions inherent with a 99 year lease.