

## 2012 Kansas Statutes

**19-3623f. Same; annexation of district property by cities; procedure; agreements; notice; hearing; outstanding obligations.** (a) If any land included in a fire district created under the provisions of K.S.A. 19-3613, and amendments thereto, is thereafter annexed by any city, other than the city of Overland Park, such land shall continue to be within and a part of the fire district unless approved for detachment and exclusion from the boundaries of such district by the board of county commissioners. Within 60 days following annexation of land located within a fire district the governing bodies of the city and fire district shall negotiate an agreement providing for the transfer of such land to the city. Such negotiations also shall include the transfer of other property of the fire district and the payment of compensation therefor. Any such agreement shall be submitted to and approved by the board of county commissioners.

(b) If the city and fire district are unable to reach an agreement pursuant to subsection (a), the governing body of the city or fire district shall present a petition to the board requesting the board to detach such land and provide for the transfer of any property. Upon receipt of such petition, the board shall call and hold a hearing thereon. Notice of such hearing shall be published in a newspaper of general circulation in the county once each week for two consecutive weeks. The final notice shall be published not less than one week and not more than two weeks before the date fixed for the hearing. A copy of the notice also shall be mailed by certified mail to the residents and governing bodies of the fire district and city affected by the detachment. The cost of providing notice required by this subsection shall be paid by the city.

(c) On the day set for the hearing, the board shall hear testimony as to the advisability of the detachment of land from the fire district and the transfer of any property. The action of the board shall be quasi-judicial in nature. The board shall consider the impact of approving or disapproving the detachment of such land and transfer of any property. The board shall make specific written findings of fact and conclusions determining whether such detachment or the detachment of a lesser amount of such area and the transfer of property causes manifest injury to the fire district, or to the city if the detachment and transfer is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the detachment and transfer, the board's considerations shall include, but not be limited to, the:

- (1) Response time of the city and the fire district to the area proposed to be detached;
- (2) impact on the fire district from the decrease in its tax base if detachment is approved;
- (3) impact on the city's provision of fire service if the detachment is disapproved;
- (4) impact on the residents of the area;
- (5) loss of sales tax revenue to the city if detachment is disapproved; and
- (6) impact on the remainder of the fire district if the detachment is approved.

(d) The board shall make its decision within 120 days after the date of the conclusion of the hearing. The board may continue the hearing beyond the time specified without further publication of notice. If a majority of the board concludes the proposed detachment or any part thereof should be granted and the transfer of any property, the board shall so find; and thereupon such land shall be detached from the fire district and any other property shall be transferred to the city. If aggrieved by the decision of the board, the fire district or the city may appeal such decision to the district court of the county.

(e) When the land annexed to such city is detached and excluded from such district the governing body of the district shall redefine the new boundaries of the district to exclude the land so detached. All general obligation bonds issued for the acquisition or construction of fire stations or buildings, the acquisition of sites therefor and the purchase of fire fighting equipment by a fire district which are issued prior to the detachment of such land shall continue as an obligation of the property subject to taxation for the payment thereof at the time such bonds were issued.

**History:** L. 1991, ch. 82, § 2; July 1.