

2012 Kansas Statutes

74-8922. Same; preparation of redevelopment plan; submittal to board of county commissioners; responsibility for environmental remediation. (a) If the developer proposes to undertake a redevelopment project within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, at the federal enclave located in Johnson and Labette counties, the developer shall prepare a redevelopment plan. The redevelopment plan shall include:

- (1) A summary of the feasibility study required by K.S.A. 74-8921, and amendments thereto;
- (2) a reference to the redevelopment district established under K.S.A. 74-8921, and amendments thereto;
- (3) a comprehensive description of the project;
- (4) a description and map of the area to be redeveloped;
- (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area;
- (6) a plan for the financing of the redevelopment project; and
- (7) any other information the authority deems necessary to advise the public of the intent of the plan.

(b) A copy of the proposed redevelopment plan shall be delivered by the developer to the authority and to the board of county commissioners of the county in which the redevelopment district is located, and the board of county commissioners shall determine, within 30 days after receipt of the plan, whether the plan as proposed is consistent with the comprehensive development plan for the development of the property. If the proposed redevelopment plan is not consistent with the comprehensive development plan, the authority, shall deny the plan. If the redevelopment plan is consistent with the comprehensive development plan of the county, then the authority may adopt the redevelopment plan by a resolution passed by a majority of the board of directors of the authority. Any substantial changes to the plan as adopted shall be made in the same manner, with notice and approval of the board of county commissioners and adoption of a resolution by the authority. A redevelopment plan may be adopted by the authority, pursuant to these procedures, at the same time that the authority establishes the redevelopment district under K.S.A. 74-8921, and amendments thereto.

(c) (1) Under no circumstances shall the state of Kansas, any of its political subdivisions, the Kansas development finance authority or any unit of local government assume responsibility or otherwise be responsible for any environmental remediation, or any fees which may relate thereto, which may be required to be performed within the redevelopment district designated through any redevelopment plan, and any attorney fees incurred by the state of Kansas as a defendant in any litigation arising from any such environmental remediation or fees relating thereto, other than an action for enforcement of federal laws commenced by appropriate authorities of the federal government, shall be paid by the party or parties bringing the litigation or otherwise causing the state of Kansas to be a party to the litigation. At the time of transfer of any real property located within a federal enclave in Johnson and Labette counties from the United States to any subdivision of the state, including Johnson and Labette counties, if all remedial action necessary to protect human health and the environment has been taken, a covenant of transfer shall be made by the United States to this effect in compliance with the provisions of 42 U.S.C. § 9620 et seq., and amendments thereto. If at the time of transfer such property is still in the remediation process, the covenant of transfer may be deferred pending the completion of the remediation by the United States with a separate covenant of transfer covering the property to be provided at a future date stating that the site has been fully remediated as provided in 42 U.S.C. § 9620, and amendments thereto. Nothing in this section is intended and shall not be construed to relieve the United States, the federal government or any agency thereof from any duty, responsibility or liability for any contamination or remediation of the land as may be imposed or required under state or federal law.

Prior to taking title, possession or otherwise exercising control over land within the federal enclave located in Johnson and Labette counties or in any other way exposing the state to potential liability for environmental remediation of such property, the state or any instrumentality of the state shall obtain the written opinion of a competent attorney, specializing in environmental law and maintaining professional liability insurance, and the Kansas attorney general regarding the state's potential liability resulting from taking title, possession or otherwise exercising control over the land. Also prior to taking title, possession or otherwise exercising control over the land, Johnson county or Labette county, as appropriate, shall ensure that adequate environmental insurance is obtained and purchased to cover the property.

History: L. 1998, ch. 199, § 5; L. 1999, ch. 158, § 5; L. 2001, ch. 132, § 2; L. 2003, ch. 136, § 10; May 1.