

TESTIMONY

HOUSE LOCAL GOVERNMENT COMMITTEE

HB 2580 - An Act concerning cities; relating to annexation of territory.

**City of Topeka
Opposition Testimony
February 12, 2020**

Chairman Thompson and Members of the Committee:

Hb 2580 proposes to eliminate the use of unilateral annexation by a city, thus removing longstanding statutes allowing for orderly growth of cities in Kansas.

Unilateral annexation statutes have been the cause of significant debate and angst between urban and rural citizens over the years, but through negotiation and the legislative hearing process, the statutes in place under K.S.A. 15-520 et. seq. are working as intended.

Most annexations are agreed-upon by a landowner and a city or perhaps a developer and a city. Perhaps a landowner just outside the city limits would like city services (e.g., water and sewer) or a developer would like to plat land for a new housing development. In these instances, negotiations between a city and a landowner result in an agreed-upon annexation process (petition for annexation or consent annexation).

In limited occasions, a city has grown to a point where it makes sense for the delivery of services, whether it be utilities, emergency management or geographical sense, the unilateral annexation authority is appropriately utilized by a city. Sometimes these instances result in gridlock and debate at the local level that rises to the statehouse and we see legislation to repeal city's authority for unilateral annexation. By and large, these issues can and should be resolved locally, rather than make statewide policy to address a local isolated matter.

The stricken language in HB 2580 outline limited circumstances where unilateral annexation may be the only way a city can manage its borders and allow for orderly growth patterns.

The State has long recognized a city's right to grow and provided certain rights to planning and zoning within a three-mile area outside a city. Those residing within such a proximity are aware as a matter of law they could one day find their property annexed into the city near where they live.

In Topeka, the City has adopted a 3-mile ETJ Zone (Extra Territorial Jurisdiction), as allowed under state law. However, the City continues to partner with Shawnee County on planning and zoning issues, including annexation.

Removing unilateral annexation authority for cities will have a harmful effect on growth and lead to challenges for cities and their ability to provide needed and necessary services for their residents.

We would ask the Committee to not advance HB 2580. Thank you.

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