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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Details (With Text)

File #: 16-269 **Version:** 1 **Name:** Alteration of Fire District Boundaries - Exclusion
Type: Resolution **Status:** Passed
File created: 4/21/2016 **In control:** Board of Sedgwick County Commissioners
On agenda: 5/18/2016 **Final action:** 5/18/2016

Title: PUBLIC HEARING TO CONSIDER THE PETITION FROM LANDOWNER, DOUGLAS M. WENINGER, FOR THE EXCLUSION OF HIS PROPERTY FROM THE BOUNDARIES OF THE SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.
Presented by: Tyler J. Roush, Assistant County Counselor.

RECOMMENDED ACTION:

Open the public hearing, accept comments, close the public hearing, adopt the resolution, and instruct the County Clerk to publish the same according to law.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution - exclusion - final, 2. Exhibit A - Property Address & Legal Description 4-1-16, 3. Exhibit B - Map (2016_13360_W_53rd_St_N)

Date	Ver.	Action By	Action	Result
5/18/2016	1	Board of Sedgwick County Commissioners	Adopted	Pass

PUBLIC HEARING TO CONSIDER THE PETITION FROM LANDOWNER, DOUGLAS M. WENINGER, FOR THE EXCLUSION OF HIS PROPERTY FROM THE BOUNDARIES OF THE SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.

Presented by: Tyler J. Roush, Assistant County Counselor.

RECOMMENDED ACTION:

Open the public hearing, accept comments, close the public hearing, adopt the resolution, and instruct the County Clerk to publish the same according to law.

Background:

The following landowner has petitioned for the exclusion of land from the boundaries of the fire district:

Weninger, Douglas M. - 13360 W. 53rd St. North, Maize, Kansas 67101

The petition, duly signed by an owner of at least ten percent of the area of the land seeking to alter the boundaries of the Sedgwick County Fire District Number One, has been filed in the office of the County Clerk. A public hearing is necessary to determine the advisability of altering the boundaries of the fire district to exclude the land pursuant to the petition.

Alternatives: None

Financial Considerations: Based on the 2016 property value and current mill levy rate, anticipated

impact to the District is \$389.80 in 2017.

Legal Considerations:

K.S.A. 19-3604(b) requires that a public hearing be called and held in compliance with K.S.A. 19-270 (b) on the proposed alteration of the Fire District Number One. If the proposed alteration is within the fringe area of a city, then at least a 3/4 majority vote of the Board of County Commissioners is required to approve the alteration of the boundaries. In this case, the petitioner, Mr. Douglas Weninger, is inside the fringe area of the City of Colwich, the City of Maize and the City of Wichita. Therefore, a 3/4 vote of the Board of County Commissioners is needed. Pursuant to K.S.A. 19-3606, such alteration must be completed by July 1 to be effective for the upcoming tax year.

K.S.A. 19-270(b) provides as follows:

That the board receives testimony from the city, township, county or regional planning commission having jurisdiction over any of the affected land area. Such testimony shall address any incompatibilities between the creation or expansion of the district within such fringe area and any adopted land use or comprehensive plans. The governing body of the city may present testimony of any proposed annexation of the affected land area. Any interested person may present testimony before the board.

K.S.A. 19-270(b) also provides:

As a guide in determining the advisability of authorizing the creation or change in boundaries of a special benefit district within the fringe area of a city, the board's considerations shall include, but not be limited to, any testimony offered at the public hearing concerning: (1) the size and population of such city; (2) the city's growth in population, business, and industry during the past 10 years; (3) the extension of its boundaries during the past 10 years; (4) the probability of its growth toward the territory during the ensuing 10 years, taking into consideration natural barriers and other reasons which might influence growth toward the territory; (5) the willingness of the city to annex the territory and its ability to provide city services in case of annexation; and (6) the general effect upon the entire community, all of these and other considerations having to do with the overall orderly and economic development of the area and to prevent an unreasonable multiplicity of independent municipal and special district governments. The board shall approve or disapprove the creation or change in boundaries of the special benefit district within 30 days of the hearing.

In compliance with notice requirements of K.S.A. 19-270(b), a Notice of Public Hearing was published in the Wichita Eagle on April 18, 2016.

Policy Considerations: None

Outside Attendees: Uncertain

Multimedia Presentation: Yes