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Sedgwick County

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Legislation Details (With Text)

File #: 17-760 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 8/18/2017 **In control:** Board of Sedgwick County Commissioners
On agenda: 9/13/2017 **Final action:** 9/13/2017
Title: RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT TO ENACT LEGISLATION TO LIFT RESTRICTIONS REGARDING THE USE AND TRANSFER OF LAKE AFTON PARK PROPERTY.
Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Approve the resolution.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution to Lift Federal Restrictions at Lake Afton Park 9-13-2017

Date	Ver.	Action By	Action	Result
9/13/2017	1	Board of Sedgwick County Commissioners	Approved	Pass

RESOLUTION TO REQUEST THE FEDERAL GOVERNMENT TO ENACT LEGISLATION TO LIFT RESTRICTIONS REGARDING THE USE AND TRANSFER OF LAKE AFTON PARK PROPERTY.
Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Approve the resolution.

Section 6(f) of the Land and Water Conservation Fund ("LWCF") Act provides that, "[n]o property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses." The only authorized exception would be if the Secretary would be the "substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

This statutory requirement and a 1966 grant agreement Sedgwick County entered into with the State of Kansas for \$7,122.50 for half of the construction costs for a "comfort station" have resulted in the determination by the National Park Service and the Kansas State Parks Director that all of Lake Afton Park is encumbered by the Section 6(f) restrictions.

The resolution requests the federal legislators to enact legislative changes that would remove the Section 6(f) restrictions from the Lake Afton Park property. As noted within the resolution, there are unique circumstances that could justify the legislative change. In particular, the result of a grant agreement 51 years ago for roughly one-half of the construction costs of a comfort station (amounting to \$7,122.50) imposing use and transfer restrictions on a roughly 800 acre park into perpetuity seems disproportionate.

Alternatives: (1) Approve the resolution; (2) do not approve the resolution; or (3) approve a modified version of the resolution.

Financial Considerations: N/A

Legal Considerations: The authority for this resolution is K.S.A. 19-101 et seq. Approval is by simple majority vote.

Policy Considerations: N/A

Outside Attendees: Unknown

Multimedia Presentation: None