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Sedgwick County

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Legislation Details (With Text)

File #: 18-416 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 5/7/2018 **In control:** Board of Sedgwick County Commissioners
On agenda: 5/23/2018 **Final action:** 5/23/2018
Title: PUBLIC HEARING TO CONSIDER PETITION FROM LANDOWNERS, PAUL J. AND DANI RAU, III, FOR THE EXCLUSION OF THEIR PROPERTY FROM THE BOUNDARIES OF SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.
Presented by: William F. Deer, 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. 2018 Resolution for Alt. of Boundaries - Exclusion - Rau.pdf

Date	Ver.	Action By	Action	Result
5/23/2018	1	Board of Sedgwick County Commissioners	Adopted	Pass

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Background:

Pursuant to the K.S.A 19-3604(b), the following landowners have petitioned for the exclusion of lands from the boundaries of the fire district:

Rau, III, Paul J. and Dani - 6011 N. 167th Street W., Colwich, KS 67030.

The petition, duly signed by the owners of at least ten percent of the area of the land seeking to alter the boundaries of the Sedgwick County Fire District Number One, was filed in the office of the County Clerk on March 27, 2018. A public hearing is necessary to determine the advisability of altering the boundaries of the fire district to exclude the lands pursuant to the petition.

Alternatives: N/A

Financial Considerations: Fire District tax impact: (\$507.75)

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. 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. The petitioners, Paul J. and Dani Rau, III, are inside the fringe area of the City of Colwich and the City of Maize. Therefore, a 3/4 majority 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 Derby Informer on April 25, 2018.

Policy Considerations: N/A

Outside Attendees: Unknown at this time

Multimedia Presentation: Yes