



DATE: Tuesday, December 17, 2024
TO: Mayor and City Council
FROM: City Attorney
SUBJECT: Annexation of Certain Roads Right-of-Way Requested by the Sedgwick County Board of Commissioners

Background: On October 23, 2024, the Sedgwick County Board of County Commissioners passed resolutions requesting Andale, Bel Aire, Cheney, Clearwater, Derby, Garden Plain, Goddard, Haysville, Maize, Mount Hope, and Valley Center to annex certain roads right-of-way. Sedgwick County's Resolution 223-2024, requests the City of Bel Aire to annex certain highways, that have a common boundary with the city limits of the City of Bel Aire. A copy of the resolution and a copy of a map showing where the highways are located, are attached. An ordinance that annexes the highways described in Resolution 223-2024, into the City of Bel Aire city limits, is attached as well.

K.S.A. 12-520(e) requires cities to annex highways into its city limits when a county passes a resolution that requires a city to annex highways into the city limits of a city, which have a common boundary with the city. There is no legal basis to contest this County action. It is a statutory obligation. The County could seek relief in mandamus (K.S.A. 60-801 et seq) if necessary, to obtain compliance.

Discussion: The statute is uniformly applicable to all cities, and was created by the state legislature in response to an obligation derived from a constitutional amendment passed by a state-wide referendum in 1960. It is part of a change to annexation laws that was of broad scope, enacted to create for the first time in Kansas, an even-handed system for City annexation. In passing this law, the legislature demonstrated a desire that the law enforcement and maintenance obligations for any road right-of-way adjoining an incorporated municipal jurisdiction, be handled by that proximate jurisdiction.

Financial Considerations: At the Bel Air City Council meeting on November 14, 2024, some council members shared concerns, regarding the additional costs of road maintenance and whether Sedgwick County would enter into a shared road maintenance agreement.

Legal Considerations: The City Attorney has drafted the proposed ordinance. It is approved as to form and requires a majority vote for approval.

Recommendation/Action: It is recommended that City Council adopt the ordinance.

Attachments:

Ordinance with Exhibits A and B

Exhibit A: Letter from the Sedgwick County Board of County Commissioners requesting Annexation of Certain Roads Right-of-Way and Sedgwick County Resolution 223-2024

Exhibit B: Map of (3) tracts of land