



Sedgwick County...
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Sedgwick County
Government

FACTS & details

about Sedgwick County Government

July 2010

Post-Annexation Hearing

What is annexation?

Annexation is how cities grow - by bringing additional property into their city limits. This usually is done with the consent of the landowner, but sometimes cities can annex property without consent. If the landowner does not consent, the city must prepare a plan for the extension of municipal services to the property being annexed. An annexation is effective upon publication of an annexation ordinance in the official city newspaper.

What does a service plan contain?

The service plan must include a sketch showing the land to be annexed, the adjacent city limits, the present and proposed boundaries of the city, and the general land use pattern in the area to be annexed. The plan must also state:

- *The intentions of the city regarding the extension of major municipal services to the area being annexed;
- *The estimated cost of providing those services, including the cost impact both to the landowners being annexed and to the residents of the city at large;
- *How the city plans to pay for the added expense of providing the services;
- *A timetable showing when the services will be provided to the landowners being annexed, for example, either immediately or after the formation of a benefit district;
- *How the level of service will remain constant or improve, after the annexation.

Where can I obtain a copy of the service plan?

A copy of the service plan should be available upon request from the city clerk. A copy also may be obtained by contacting the county counselor's office at (316) 660-9340.

What role does the county commission play in city annexations?

In the event that an annexation came without the consent of the landowner, and a service plan was prepared, the county commission is required by statute to hold a public hearing five years after the effective date of the annexation (if there were any court proceedings, five years after the conclusion of the litigation).

What is the purpose of the hearing?

The purpose of the hearing is to consider whether the city has provided the services as set out in the service plan. The county commission must hear testimony from both the city and any landowners who had been annexed regarding whether the services have been provided by the city in accordance with the service plan schedule.

What happens after the hearing?

After the county commission has heard all testimony, the commission must decide whether the city has provided services as described in the service plan. If the commission decides the city has not provided any or all of the services, the commission must notify the city and landowners that the property may be de-annexed/ removed from the city limits and returned to the unincorporated area if the services are not provided within 2 ½ years of the commission's decision.



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What happens during those 2 ½ years?

The land is still considered part of the city and there is no change in taxation rates. The city has 2 ½ years to provide the services. If, at the end of that period, a landowner believes he/she are still not receiving the services, the landowner may petition the county commission to hold another hearing on whether the services have been provided.

If I receive a notice of hearing, do I have to attend?

No. You do not have to attend the hearing. You also may submit any comments in writing by delivering, mailing or faxing the comments to the county counselor's office prior to the date of the hearing. The fax number is (316) 383-7007, and the address is:

Office of the County Counselor
Sedgwick County Courthouse
525 N. Main, Suite #359
Wichita, KS 67203.

Please mark any comments "Attention: Post-Annexation hearings."

I have comments I want to make about matters other than the services covered by the service plan; May I also provide those comments to the county commission?

The purpose of the hearing is only to determine whether the city has provided the services set out in the service plan. Any decision made by the county commission will be based on comments related to the service plan. You may bring up other issues at the hearing, but those may be better handled by contacting the appropriate persons at the city.

If I need more information, or have additional questions, whom may I contact?

You may call the office of the county counselor at (316) 660-9340, or mail any requests to the address provided.