

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 319

By Joint Committee on Economic Development

12-28

10 AN ACT regarding eminent domain; concerning excess land; amending
11 K.S.A. 2005 Supp. 12-1773 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 12-1773 is hereby amended to read as
15 follows: 12-1773. (a) Any city which has adopted a redevelopment project
16 plan in accordance with the provisions of this act may purchase or oth-
17 erwise acquire real property in connection with such project plan. Upon
18 a $\frac{2}{3}$ vote of the members of the governing body thereof a city may acquire
19 by condemnation any interest in real property, including a fee simple title
20 thereto, which it deems necessary for or in connection with any project
21 plan of an area located within the redevelopment district. Prior to the
22 exercise of such eminent domain power, the city shall offer to the owner
23 of any property which will be subject to condemnation with respect to
24 any redevelopment project, other than one which includes an auto race
25 track facility or a special bond project, compensation in an amount equal
26 to the highest appraised valuation amount determined for property tax
27 purposes by the county appraiser for any of the three most recent years
28 next preceding the year of condemnation, except that, if in the year next
29 preceding the year of condemnation any such property had been damaged
30 or destroyed by fire, flood, tornado, lightning, explosion or other cata-
31 strophic event, the amount offered should be equal to the appraised val-
32 uation of the property which would have been determined taking into
33 account such damage or destruction unless such property has been re-
34 stored, renovated or otherwise improved. However no city shall exercise
35 such eminent domain power to acquire real property in a conservation
36 area. Any such city may exercise the power of eminent domain in the
37 manner provided by K.S.A. 26-501 et seq., and amendments thereto. In
38 addition to the compensation or damage amount finally awarded there-
39 under with respect to any property subject to proceedings thereunder as
40 a result of the construction of an auto race track facility or a special bond
41 project, such city shall provide for the payment of an amount equal to
42 25% of such compensation or damage amount. In addition to any com-
43 pensation or damages allowed under the eminent domain procedure act,

1 such city shall also provide for the payment of relocation assistance as
2 provided in K.S.A. 12-1777, and amendments thereto.

3 (b) Any *real* property acquired by a city under the provisions of this
4 ~~act~~ **section** may be sold, transferred or leased to a developer, in accord-
5 ance with the redevelopment project plan and under such other condi-
6 tions as may be agreed upon. *Any real property sold, transferred or leased*
7 *to a redevelopment project developer for a specific redevelopment project*
8 *shall be sold, transferred or leased to such developer on the condition that*
9 *such property shall be used only for that specific approved redevelopment*
10 *project. If the developer does not utilize the entire tract of the real prop-*
11 *erty sold, transferred or leased, that portion of property not used shall*
12 *not be sold, transferred or leased by the developer to another developer*
13 *or party, but shall be deeded back to the city. If the developer paid the*
14 *city for the land, a percentage of the ~~amount~~ **original purchase price***
15 *paid to the city which represents the percentage of the entire tract being*
16 *deeded back to the city shall be reimbursed to the developer upon the*
17 *deeding of the property back to the city.*

18 (c) ~~Should the redevelopment project developer, in violation of sub-~~
19 ~~section (b), sell the excess unused real property to another developer, the~~
20 ~~total dollar amount received for the excess real property by the redevel-~~
21 ~~opment project developer shall be turned over to the city as a civil penalty~~
22 ~~for such violation. **Any transfer by the redevelopment project devel-**~~
23 ~~**oper of real property acquired pursuant to this section shall be valid**~~
24 ~~**only if approved by a 2/3 majority vote of the members-elect of the**~~
25 ~~**governing body.**~~

26 Sec. 2. K.S.A. 2005 Supp. 12-1773 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.