

Bond Case Briefs

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ANNEXATION - KANSAS

Stueckemann v. City of Basehor

Supreme Court of Kansas - April 24, 2015 - P.3d - 2015 WL 1874513

After city unilaterally annexed platted subdivision adjoining city, affected landowners and association for subdivision sued city, seeking to invalidate annexation. The District Court upheld annexation. Landowners and association appealed. The Court of Appeals affirmed. Landowners and association petitioned for review, which was granted.

The Supreme Court of Kansas held that:

- City's description and depictions of land subject to annexation substantially complied with annexation statutes;
- City's correction of erroneous legal description of land substantially complied with annexation statutes;
- City's service plan substantially complied with annexation statutes;
- Adoption of statute permitting landowner to challenge annexation decision did not codify prior annexation caselaw; and
- City's unilateral annexation decision was reasonable.

City's description and depictions of land subject to annexation substantially complied with annexation statutes, such that city's description of land was adequate, despite contention that no one was able to read annexation plan and determine what city was trying to annex. City included a legal description of land to be annexed with its annexation resolutions, city provided sketches delineating area it proposed to annex to affected landowners, and even though there were errors in initial identification of land subject to annexation, affected landowners were able to determine what area city sought to annex.

City's correction of erroneous legal description of land to be annexed in annexation resolution before publication of annexation ordinance substantially complied with annexation statutes, despite contention that city's attempt to correct mistaken legal description violated public hearing provisions of statutes. City gave affected landowners renewed opportunity to voice their opposition to annexation after they were publicly informed of the correction of legal description.

City's service plan for police protection and for street and infrastructure maintenance applicable to land subject to annexation substantially complied with annexation statutes, such that city's plan was adequate, since plan was submitted in a good faith effort to honestly extend and implement municipal services. Plan satisfied statutory requirement of supplying sufficient detail to provide reasonable person with full and complete understanding of intentions of the city, and plan addressed factors required by statute detailing requirements of service plan, including estimated cost of providing services, method by which city planned to finance extension of services, and explanation of how city would provide better service than that currently provided.

Adoption of statute permitting landowner to challenge whether city's unilateral annexation decision was reasonable did not codify prior annexation caselaw addressing reasonableness, but rather,

statute expanded grounds on which landowner was permitted to challenge annexation decision to include a challenge for substantive reasonableness. Statute's departure from its predecessors was significant and reflected legislative declaration that original law did not embrace statute.

City's unilateral decision to annex platted subdivision adjoining city was reasonable. Residents of property subject to annexation benefited from their property adjoining city, and annexation provided value to residents by providing them with police protection, street infrastructure and maintenance, trash service, and wastewater treatment services.