

PI-6

CITY OF OLATHE	Policy No.: PI-6
COUNCIL POLICY STATEMENT	Date Issued: 12-17-19 <u>XX-XX-24</u>
General Scope: Public Improvements	Effective Date: 1-1- 2024
Specific Subject: Annexation Policy	Cancellation Date: 12-31- 2429
	Supersedes No.: Listed Below

Purpose:

To set forth the general public policy objectives of the ~~city~~City Council as it relates to annexation.

Statement of Policy:

The statement of policy is hereby incorporated with Resolution No. ~~19-108224-XXXX~~. Previous annexation policy was established with Resolution Nos. ~~19-1082~~, 17-1090, 15-1086, 13-1087, 11-1077, 09-1028, 07-1126 and 90-1141.

RESOLUTION NO. ~~19-108224-XXXX~~

A RESOLUTION ESTABLISHING AN ANNEXATION POLICY FOR THE CITY OF OLATHE, KANSAS; AND REPEALING CERTAIN PRIOR RESOLUTIONS.

WHEREAS, the Governing Body of the City of Olathe (~~the "City"~~) recognizes that urban services are best provided by cities; and

WHEREAS, the City ~~of Olathe~~ has adopted a Comprehensive Plan which establishes goals and objectives for the future physical development of the City; and

WHEREAS, the Comprehensive Plan establishes a planning area which encompasses an area outside of the City's current boundaries (the "Future Growth Area"); and

WHEREAS, the current boundaries of the City have, in some areas, extended beyond the ultimate service areas of the City water and wastewater systems; and

WHEREAS, the ~~Governing Body of the City of Olathe has executed boundary agreements with the neighboring cities of Lenexa, Overland Park, Spring Hill, Gardner, and De Soto establishing the City's future growth area, but~~ has established no timetable in which to annex properties within the ~~City's f~~Future ~~g~~Growth ~~a~~Area, but desires to encourage the voluntary annexation of any property immediately adjacent to the corporate boundaries of the City prior to development of such property; and

WHEREAS, the Governing Body of the City of Olathe encourages voluntary annexation of properties within the City's ~~f~~Future ~~g~~Growth ~~a~~Area; and

WHEREAS, the Governing Body of the City of Olathe further recognizes that a prudent annexation policy will provide adequate land for the continued growth and balanced development of the City, maintain logical planning and governmental service units in accordance with the Comprehensive Plan, encourage quality development, integrate new growth into the existing urban fabric of the City, minimize negative fiscal impacts on existing residents, and equitably distribute the costs of local government services over the areas that enjoy the benefits of such services.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The City encourages landowners to submit voluntary annexation petitions when their land adjoins the corporate boundaries of the City pursuant to K.S.A. [12-520\(a\)\(7\)](#) as the preferred annexation method. The City may initiate the unilateral annexation of land where one or more of the conditions set forth in K.S.A. 12-520(a) 1-6 exist to encourage the harmonious development of such land with adjacent land already annexed into the City.

SECTION TWO: The City may initiate annexation of unincorporated areas within its future growth area upon the circulation of a petition for the formation of a City sanitary sewer improvement district, a County sanitary sewer improvement district, or filing of an application

for the subdivision and platting of land for the development of residential neighborhoods or other urban-intensity development within the future growth area.

SECTION THREE: The City recognizes that unincorporated property is subject to the codes and resolutions of Johnson County, Kansas. It is the City's intent that, in accordance with Resolution No. 09-1010, as unincorporated property that is rural in character is annexed into the City limits, the property will be subject to regulations that are similar to those in Johnson County until such time as the property develops to a more urban character.

SECTION FOUR: Annexation ~~shall be~~ required prior to extension of City utility services to property outside the corporate limits unless a benefit district is authorized by K.S.A. [12-693](#) and any amendments thereto. The development of all property annexed into the City ~~shall~~ must be in compliance with the City's Street Improvement Policy, Policy [PI-3](#), and requirements for dedication of right-of-way as provided in any applicable corridor and or transportation plans. In accordance with Section [18.30.040](#) of the Olathe Unified Development Ordinance, in order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of land in the particular area of the City, it is the policy of the City that no application for special use permit, preliminary or final development plan or preliminary or final plat ~~shall~~ will be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development.

SECTION FIVE: In accordance with the City's Benefit District Policy, Policy [PI-5](#), property inside a proposed improvement district that is outside the corporate limits of the City will sign such petition pursuant to K.S.A. 12-693, and will also petition for annexation and detachment from the applicable fire district prior to the time the governing body of the City considers approval of the improvement district. ~~annexed into the City shall not be required to join any existing benefit districts upon annexation.~~ In accordance with K.S.A. [12-6a19](#), the owners of property which benefits from a water, stormwater or sanitary sewer improvement but which was not included within the original improvement district will be required to pay a benefit fee at the time the owners of such property ~~—and Chapter 13.20 of the Olathe Municipal Code, such property may only be subject to benefit fees for arterial street, water or sewer improvements at such time as a property owner requests,~~ by petition, to be served by such improvements. Whenever the construction of a portion of any Main Trafficway (as identified in Section 10.10.010 of the Olathe Municipal Code) is initiated by petition pursuant to K.S.A. 12-6a04, and amendments thereto, the City will require the owners of property, which benefits from such

Main Trafficway improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, to construct a new street or improve an existing street that will be or is connected to such Main Trafficway improvement and thereby benefited by such Main Trafficway improvement

SECTION SIX: The City may initiate annexation of areas that the Governing Body determines will promote the general welfare of the community. The City shall use annexation as a tool to join incorporated islands and eliminate unincorporated enclaves. The City ~~shall~~will endeavor to avoid creating any new enclaves of County property within the City through new annexations. The City considers new enclaves to be areas that are surrounded completely by the City, other incorporated cities, and/or public parks. The City ~~shall~~will also ~~endeavor to~~ avoid creating incorporated islands of City property surrounded completely by unincorporated property.

SECTION SEVEN: The Governing Body discourages the use of annexation agreements authorized by K.S.A. [12-534](#) unless such agreements provide for significant benefits to the City that might otherwise be unattainable. In the event a petitioner requesting to voluntarily annex into the City also requests that the City enter into an annexation agreement pursuant to K.S.A. [12-534](#), the petitioner shall meet with staff to discuss the potential annexation and the reasonably foreseeable infrastructure needs of the property and negotiate the terms of such agreement prior to the Governing Body considering the petition for annexation.

SECTION EIGHT: All annexations considered by the City shall be in conformance with the Comprehensive Plan, ~~shall respect annexation agreements with other municipalities,~~ and be in compliance with Kansas annexation statutes.

SECTION NINE: The Planning Division will periodically review this Annexation Policy and make recommendations for the continued implementation of this policy as needed. This policy shall automatically expire on December 31, ~~2024-2029~~ unless it is readopted for an additional term. No annexation shall be considered by the Governing Body following such expiration, unless this policy is readopted.

SECTION TEN: The Governing Body reserves the right to deviate from any policy, but not any procedure, set forth in this Resolution when it considers such action to be of exceptional benefit to the City or extraordinary circumstances prevail that are in the best interests of the City.

SECTION ELEVEN: Resolution No. ~~17-1090~~19-1082 is hereby repealed.

SECTION TWELVE: This Resolution shall take effect on January 1, 202~~0~~5.

ADOPTED by the Council this ~~17th day of December, 2019~~ _____, 2024.

SIGNED by the Mayor this ~~17th day of December, 2019~~ _____, 2024.

~~/s/ Michael E. Copeland~~ John W. Bacon

Mayor

ATTEST:

~~/s/ Emily Vincent~~ Brenda D. Swearingian

City Clerk

(SEAL)

APPROVED AS TO FORM:

~~/s/ Ronald R. Shaver~~

City Attorney

Disclaimer: The City Clerk's Office has the official version of the Olathe City Council Policies. Users should contact the City Clerk's Office for resolutions passed subsequent to the resolution cited here.

[City Website: www.olatheks.org](http://www.olatheks.org)

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