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March 11, 2024

Emil Bergquist, Chairman  
House Committee on Local Government  
State Capitol, Room 281-N  
Topeka, KS 66612

Re: Written and Oral Testimony in Support of SB 162

Dear Chairman Bergquist and Members of the Committee:

Let's discuss the same 3 Riley County "nuisance" properties Commissioner McKinley's written testimony today refers to.

I'd like to begin our conversation with "Property #1."

Property #1 is an uninhabited house which has been under construction by the same property owner since 2004. The 2022 "Property #1" aerial photo before you today, attached to my written testimony, shows this house remains today unfinished after more than 19 years.

Equally frustrating, Riley County has been in continuous litigation in Riley County District Court on this property, with the same owner, *since 2017*. The district court entered judgment in Riley County's favor in 2021, finding that "Property #1" violates Riley County's zoning and property maintenance codes. The district court's order required the owner of "Property #1" to bring this property into compliance by December, 2021. But that did not happen.

In May, 2022, the same district court found the property owner in contempt for failing to resolve his proven 2021 violations.

In September, 2022, the property owner filed an appeal of the Court's contempt order with the Kansas Court of Appeals. Riley County "won" that appeal. After over 19 years of construction, and more than 6 years of litigation, "Property #1" remains in violation of multiple provisions of the Riley County zoning and property maintenance codes. And we remain today in district court. Without SB 162, we have no more ability to remove the nuisance conditions of this property at the county's cost than we had in 2017.

We in Riley County believe SB 162 would have ended this dispute years ago. Riley County would have had the authority, **after first proving in district court that it is a public nuisance**, to clear away all the obvious junk and trash and assess the costs for such clean up against the property itself.

Next, let's talk about "Property #2."

"Property #2" is located near the Manhattan Regional Airport. Please take a look at the 2022 aerial of "Property #2" attached to my written testimony. No district court case is pending on this property. But that's because the owner of "Property #2" has managed to avoid service necessary to bring him within the jurisdiction of the district court. SB 162 solves this problem by including a fair process which allows

counties to proceed with clean up of nuisance properties **even in those circumstances where the nuisance property owner is purposely avoiding personal service of process.** Had SB 162 been in place already, we believe "Property #2" would also have been cleaned up long ago.

Finally, let's discuss "Property #3." The 2022 aerial attached to my written testimony will be helpful to this committee. No court case is pending on this property. But the owner of "Property #3" does have a long history of contact with Riley County's zoning and property maintenance officials regarding "Property #3's" obvious violations. This property sits on Highway 177 and is part of the "gateway" entrance to the City of Manhattan. It's also in the unincorporated area of Riley County. So "Property #3" is one of the first properties any visitor to the City of Manhattan sees when entering our community, and the more than 143 vehicles in various stages of disrepair sitting on it.

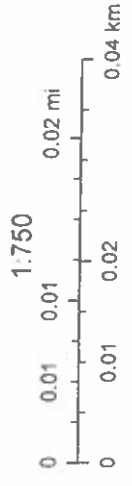
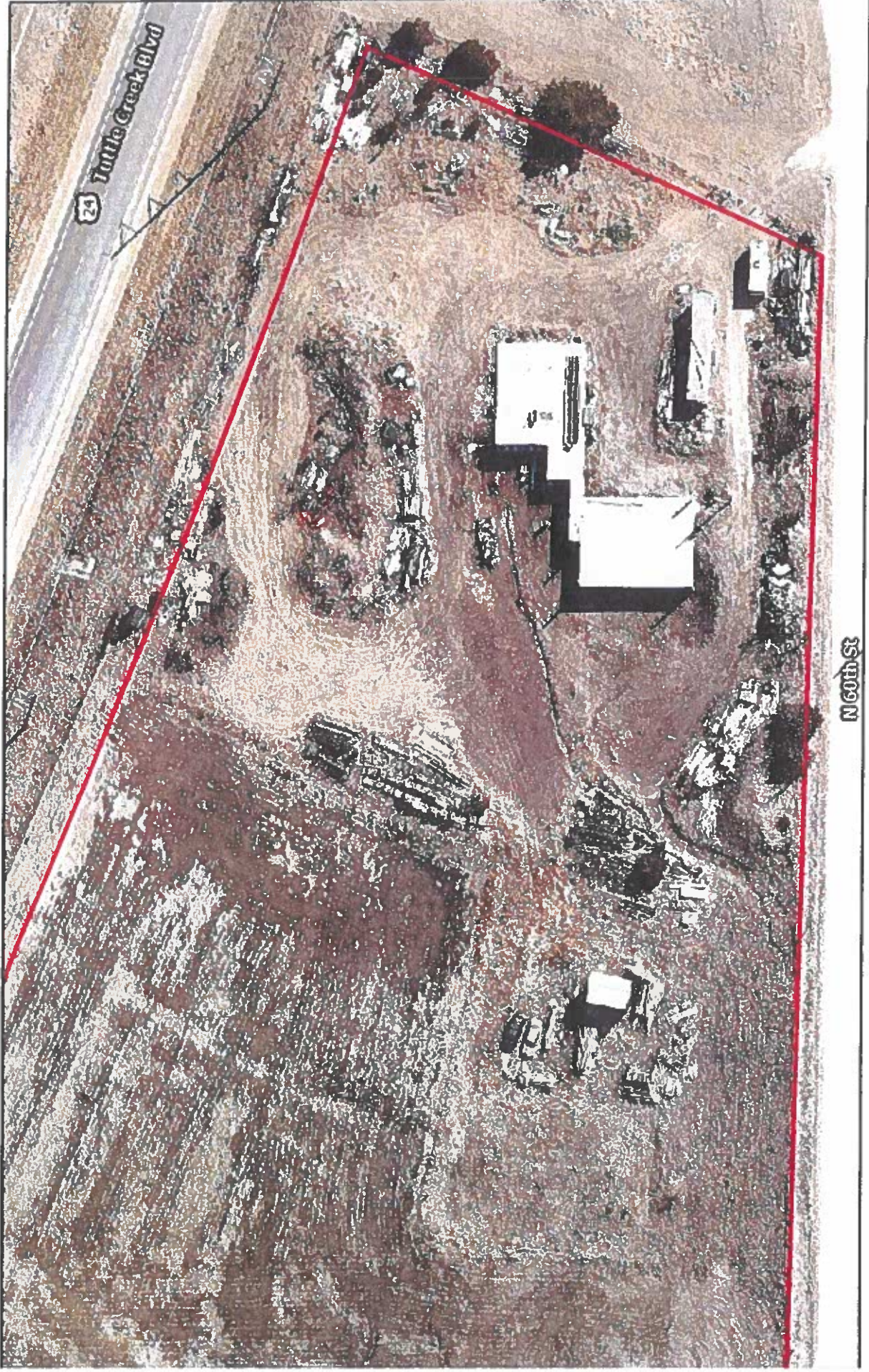
Thank you for allowing me to testify in support of SB 162, as it was amended in the Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "Clancy Holeman". The signature is fluid and cursive, written over a light blue horizontal line.

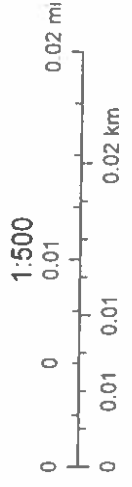
Clancy Holeman  
Riley County Counselor

2022



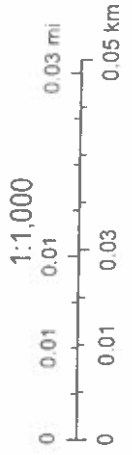
Property 1

2022



Property 2

2022



Property 3