

INSTRUCTIONS FOR PROTEST PETITION

Pursuant to K.S.A. 12-757(f), if a valid petition protesting the rezoning of real property is filed, the ordinance adopting the rezoning shall not be passed except by at least a three-fourths (3/4) vote of all of the members of the City Commission. This means, that in order to pass such an ordinance, at least four (4) City Commissioners must vote in favor of it, when a valid protest petition has been filed.

In order for a protest petition to be valid:

1. It must be signed by the owners of record of twenty percent (20%) or more of any real property proposed to be rezoned, or by the owners of record of twenty percent (20%) or more of the total real property within the area required to be notified of the proposed rezoning. The area to be notified is the area to be rezoned, and also the area that is located within two hundred feet (200') of the boundaries of the real property proposed to be rezoned, excluding streets and public ways. If the real property proposed to be rezoned is located adjacent to or outside the City's limits, the total area shall be extended to one thousand feet (1000') in the unincorporated area. If the proposed rezoning was requested, or consented to, by the owner of the property to be rezoned, that property is not included when calculating the percentage of the owners signing a protest petition.
2. **All owners of record of a property, whether joint or otherwise, must sign the petition in order for that property to be considered in determining the validity of the petition.** The name of each person signing the petition must be clearly printed beside the signature. In addition, the address of the property must be provided on the petition. If the owner of record is a corporation, partnership or other organization, the official name of such entity shall be set forth on the petition and also the capacity or the authority of the person signing on behalf of such entity must be indicated. The pages of each set of the petition shall be separately numbered and each set shall contain, at the end of the set, a verified statement by the circulator of such set, stating: "I am the circulator of this petition. I have personally witnessed the signing of the petition by each person whose name appears thereon."
3. All sets of the petition must be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing conducted by the Manhattan Urban Area Planning Board, regardless of whether or not the Planning Board recommends approval, disapproval, or fails to recommend the rezoning. Please submit the petition as soon as possible after the close of the public hearing in order for Staff to determine its validity.
4. **These instructions, and the attached protest petition form, are provided as a convenience to property owners concerned about rezoning matters. Nothing contained herein should be construed as legal advice concerning the filing of a protest. Each property owner is responsible for making sure that any action they take is in compliance with the law, and you should consider seeking independent legal advice as to your concerns.**

PlanDiv/MastercopiesInst-ProtestPetition