

HOUSE BILL No. 2349

By Committee on Governmental Organization and Elections

2-8

9 AN ACT concerning cities; relating to annexation; amending K.S.A. 12-
10 519 and repealing the existing section.

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

13 Section 1. K.S.A. 12-519 is hereby amended to read as follows: 12-
14 519. As used in this act: (a) "Tract" means a single unit of real property
15 under one ownership, outside the corporate limits of a city, which may
16 be platted or unplatted, title to which is publicly or privately held by an
17 owner as defined by subsection (c).

18 (b) "Land" means a part of a tract or one or more tracts.

19 (c) "Owner" means the one who has record title to a tract. In the
20 event two or more persons have record title to a tract, "owner" shall be
21 defined as follows:

22 (1) If joint tenants, "owner" means a majority of the number of joint
23 tenants; (2) if tenants in common, "owner" means both a majority of the
24 number of tenants in common and the holders of a majority of the un-
25 divided interests in the tract; (3) if the tract is held by a life tenant and a
26 remainderman, "owner" means the life tenant; (4) if the tract is held, *in*
27 *whole or in part*, by a tenant under a recorded lease ~~providing~~ *including*
28 *a mineral lease, which provides* for a lease term of 10 years or longer ~~and~~
29 ~~a remainderman~~, "owner" means both ~~such tenant and remainderman~~
30 *the tenant and the lessor*; (5) if one holds title to the surface and another
31 holds title to the minerals, "owner" means the surface title holder.

32 (d) "Adjoins" means to lie upon or touch (1) the city boundary line;
33 or (2) a highway, railway or watercourse which lies upon the city boundary
34 line and separates such city and the land sought to be annexed by only
35 the width of such highway, railway or watercourse.

36 (e) "Platted" means a tract or tracts mapped or drawn to scale, show-
37 ing a division or divisions thereof, which map or drawing is filed in the
38 office of the register of deeds by the owner of such tract.

39 (f) "Land devoted to agricultural use" means land which is devoted
40 to the production of plants, animals or horticultural products, including
41 but not limited to: Forages; grains and feed crops; dairy animals and dairy
42 products; poultry and poultry products; beef cattle, sheep, swine and
43 horses; bees and apiary products; trees and forest products; fruits, nuts

1 and berries; vegetables; or nursery, floral, ornamental and greenhouse
2 products. Land devoted to agricultural use shall not include those lands
3 which are used for recreational purposes, suburban residential acreages,
4 rural home sites or farm home sites and yard plots whose primary function
5 is for residential or recreational purposes even though such properties
6 may produce or maintain some of those plants or animals listed in the
7 foregoing definition.

8 (g) "Watercourse" means a natural or manmade course where water
9 may flow on a regular or intermittent basis; a watercourse shall not include
10 a natural or manmade lake, pond or other impoundment of five or more
11 acres of surface area.

12 Sec. 2. K.S.A. 12-519 is hereby repealed.

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